

Commerce Committee

Tuesday, April 22, 2025
8:00 AM - 12:00 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 22, 2025
8:00 am – 12:00 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 435 Telecommunications Access System Act of 1991 by Economic Infrastructure Subcommittee, Tant

CS/HB 535 Public Lodging and Public Food Service Establishments by Industries & Professional Activities Subcommittee, Johnson

CS/CS/HB 561 Manufacturing by Transportation & Economic Development Budget Subcommittee, Housing, Agriculture & Tourism Subcommittee, Cobb, Redondo

CS/HB 563 Fees/Florida Manufacturing Promotional Campaign by Housing, Agriculture & Tourism Subcommittee, Cobb

CS/CS/HB 567 Transportation by Transportation & Economic Development Budget Subcommittee, Economic Infrastructure Subcommittee, McFarland

CS/HB 743 Social Media Use by Minors by Industries & Professional Activities Subcommittee, Salzman, Sirois

CS/CS/HB 943 Real Property and Land Use and Development by Intergovernmental Affairs Subcommittee, Housing, Agriculture & Tourism Subcommittee, Lopez, V.

HB 6033 Labor Pool Act by Abbott

CS/HB 7029 Taxation of Hemp Consumable THC Products by Budget Committee, Housing, Agriculture & Tourism Subcommittee, Salzman

Consideration of the following proposed committee substitute(s):

PCS for CS/CS/HB 247 -- Housing

PCS for CS/HB 579 -- Land Use and Development

PCS for CS/HB 643 – Insurance

PCS for CS/HB 991 -- Community and Economic Development

PCS for CS/CS/HB 1225 – Employment

PCS for HB 1239 -- Energy Infrastructure Investment

PCS for CS/HJR 1257 -- Property Tax Benefits for Residential Properties

PCS for CS/HB 1259 -- Property Tax Benefits for Residential Properties

PCS for CS/HB 1433 -- Hurricane Mitigation Grants and Insurers' Regulations

PCS for HB 7027 -- Hemp Consumable THC Products

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 435	**COMPANION BILL:** CS/CS/SB 344 (Rodriguez)
TITLE: Telecommunications Access System Act of 1991	**LINKED BILLS:** None
SPONSOR(S): Tant	**RELATED BILLS:** None

Committee References

Economic Infrastructure
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Commerce

SUMMARY

Effect of the Bill:

The bill revises the Telecommunications Access System Act of 1991 (TASA) to reflect modern advances in communications technology by expanding the types of communications equipment that may be provided to persons with hearing loss or speech impairment or who are deafblind to allow these persons to access telecommunications services. Additionally, the bill:

- Establishes income qualifications for recipients of specialized communications technology;
- Decreases the maximum surcharge that the Public Service Commission (PSC) may set to fund TASA services;
- Freezes the current surcharge until reserve funds are depleted;
- Revises the composition of the TASA Advisory Committee; and
- Updates terminology referencing persons with specific disabilities.

Fiscal or Economic Impact:

The bill will have a negative impact on state government expenditures by expanding authorized expenditures from the TASA reserve fund.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

Purchase and Distribution of Specialized Telecommunications Devices

The bill provides that the telecommunications access system administered under TASA must provide for the purchase and distribution of "specialized communications technology," which include:

- Mobile devices;
- Tablet computers;
- Software; and
- Other applications that can be used to provide communications services to a hearing impaired, speech impaired, or deafblind person. (Section 3).

The bill requires the Public Service Commission (PSC), in implementing TASA, to establish eligibility requirements for distribution of such technology based on income and participation in other state or federal programs based on income. To qualify for this specialized communications technology under TASA, income must be no less than double, but no more than triple, the federal poverty level. Eligibility requirements may not prohibit the administrator from providing access to specialized communications technology if such access has a de minimis value. The income eligibility requirements do not apply to specialized telecommunications devices[1] that use standard telephone lines. (Section 3).

[1] Under the bill, "specialized telecommunications device" is defined as a telecommunication device for the deaf (TDD), a volume control handset, a ring signaling device, or *any* equipment that can be used to provide access to communications services for a person with hearing loss or speech impairment or who is deafblind. Specialized telecommunications device is

Local Exchange Telecommunications Companies
The bill decreases the maximum surcharge that the PSC may set for local exchange telecommunication customers from $0.25 per line per month to $0.15 per line per month for purposes of funding services required by TASA. The bill also provides that the current surcharge, set at $0.08 per line per month, may not be increased until reserve funds are depleted.

The bill deletes a provision that the PSC shall require all local exchange telecommunications companies[2] to assess and collect a five cent surcharge per access line per month. (Section 3).

Administration of the Telecommunications Access System
The bill requires the TASA administrator to license specialized telecommunications technology, and conforms the types of equipment available under TASA with the bill's earlier provisions. (Section 4).

Certification
The bill includes regional distribution center directors in the list of permissible certifiers of persons with hearing loss or speech impairment or who are deafblind. (Section 4).

TASA Advisory Committee
The bill revises the composition of the TASA Advisory Committee to specify that committee members shall include persons recommended by organizations representing the following groups:

- The deaf,
- Persons with hearing loss,
- The deafblind, persons with speech impairment,
- The elderly,
- Telecommunication relay service distribution centers, and
- Communications service providers. (Section 5).

Findings, Purpose, and Legislative Intent of TASA
The bill amends legislative findings and intent related to TASA to conform to the modernization provisions of the bill.

The bill adds that it is the intent of the legislature for TASA to provide access to new, specialized communications technology to persons with hearing loss, speech impairment, or who are deafblind. The bill also provides for access to future technologies not yet contemplated. (Section 1).

Definitions Under TASA
The bill:

- Revises the definition of "administrator" to replace its administration to the telecommunications access system, instead of administration to the telecommunications relay service system and the distribution of specialized telecommunications devices.
- Adds a definition for "commercial mobile radio service" (CMRS), which are mobile radio communications services interconnected to the public switched network available to the public or effectively available to a substantial portion of the public. CMRS do not include services that do not provide access to 911 service, communication channels suitable only for data transmission, wireless roaming services or other nonlocal radio access lines, or private telecommunications systems.
- Adds a definition for "communications service" to mean service provided to subscribers through wireline telecommunications equipment, interconnected VoIP, or CMRS.
- Revises terminology relating to persons with specific hearing or visual impairment.

currently defined as equipment that is designed or used to provide *basic* access to telecommunications services. S. 427.703, F.S.

[2] "Local exchange telecommunications company" means a telecommunications company certificated by the commission to provide telecommunications services within a specific geographic area. S. 427.703(7), F.S.

- Adds a definition for "deaf service center" to mean a center that serves, within a defined region, individuals with hearing loss or speech impairment or who are deafblind, by distributing equipment and providing services on behalf of the administrator.
- Adds a definition for "deaf service center director" to mean an individual who serves as the director for a deaf service center and is responsible for ensuring that individuals with hearing loss or speech impairment or who are deafblind are qualified to receive equipment or services based on their impairment by attesting to such impairment as provided for in the procedures developed by the administrator.
- Adds a definition for "regional distribution center" to mean an entity, including, but not limited to, a deaf service center or a provider of audiology services, which has contracted with the administrator to distribute equipment and provide services to qualified individuals with hearing loss or speech impairment or who are deafblind.
- Adds a definition for "regional distribution center director" to mean an individual qualified by the administrator who serves as the director for a regional distribution center and meets the standards for ensuring that individuals with hearing loss or speech impairment or who are deafblind are qualified to receive equipment or services by attesting to such impairment as provided for in the procedures developed by the administrator.
- Adds a definition for "interconnected voice over Internet protocol" (interconnected VoIP) to mean a service that does all of the following:
    - Enables subscribers to have real-time, two-way voice communications.
    - Requires a broadband connection.
    - Requires equipment compatible with Internet protocol.
    - Allows subscribers to receive and place calls to the public switched telephone network.
- Adds a definition for "telecommunications access system" to mean the system administered under TASA, the administration of the telecommunications relay service system and distribution of specialized telecommunications devices and specialized communications technologies, and the rules and regulations established by the PSC.
- Revises the definition for "telecommunications device for the deaf" (TDD)[3] to expand the equipment contemplated under it. (Section 2).

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

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The bill will have a negative impact on state government expenditures by expanding authorized expenditures from the TASA reserve fund.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Florida Public Service Commission (PSC)

The Florida Public Service Commission (PSC) is an arm of the legislative branch of government.[4] The role of the PSC is to ensure Florida's consumers receive utility services, including electric, natural gas, telephone, water, and wastewater, in a safe and reliable manner and at fair prices.[5] In order to do so, the PSC exercises authority over

[3] Currently, "telecommunications device for the deaf," or TDD, is a mechanism which is connected to a standard telephone line and used to transmit or receive signals through telephone lines. S. 427.703(14), F.S.
[4] S. 350.001, F.S.
[5] Florida Public Service Commission, *About the PSC*, https://www.psc.state.fl.us/about#MissionAndGoals (last visited Mar. 28, 2025).

utilities in one or more of the following areas: rate base or economic regulation; competitive market oversight; and monitoring of safety, reliability, and service issues.[6]

Telecommunications carriers in Florida are subject to only limited PSC regulation.[7] During the 2011 legislative session, the "Regulatory Reform Act" (Act) was passed and signed into law by the Governor, effective July 1, 2011.[8] Under the Act, the Legislature eliminated most of the PSC's jurisdiction over telecommunications service. However, the PSC still:

- Maintains the authority to ensure that incumbent local exchange carriers meet their obligation to provide unbundled access, interconnection, and resale to competitive local exchange companies in a nondiscriminatory manner;
- Administers the system to provide Telecommunications Relay Services pursuant to TASA; and
- Oversees the Federal Lifeline Assistance program for Florida.[9]

Telecommunications Access System Act of 1991 (TASA)

TASA was established to comply with the Federal Communications Commission (FCC) implementation of Title IV of the Americans with Disabilities Act (ADA).[10] The ADA mandated the creation of services that allow individuals with a hearing or speech disability to communicate by telephone or other telecommunications device. TASA was intended to provide individuals with such disabilities a means of accessing communications services using the predominant medium at the time, the landline network.[11]

The PSC is required to oversee the administration of the statewide telecommunications access system to provide access to telecommunications relay service (relay service).[12] To fulfill its duty, the PSC selects a provider of relay service through a competitive bidding process. The current provider of relay service is T-Mobile USA, Inc.[13]

The PSC is also directed to designate an administrator of the relay service which must be a not-for-profit corporation organized for such purposes.[14] Pursuant to this requirement, the PSC in May 1991 directed Florida's local exchange telecommunications companies to form Florida Telecommunications Relay, Inc. (FTRI) to administer the distribution of the specialized telecommunications equipment and to provide outreach services.[15]

As a part of the PSC's oversight responsibilities for TASA, the PSC is required to file an annual report on the system to be available on the PSC's website. The report, prepared in consultation with FTRI, must, at a minimum, briefly outline:

- The status of developments in the telecommunications access system;
- The number of persons served, call volume, revenues, and expenditures;
- The allocation of the revenues and expenditures between provision of specialized telecommunications devices to individuals and operation of statewide relay service;
- Other major policy or operational issues; and
- Proposals for improvements or changes to the telecommunications access system.[16]

Florida Telecommunications Relay

[6] Florida Public Service Commission, *About the PSC*, *supra* note 5.
[7] S. 364.011, F.S.
[8] Ch. 2011-36, Laws of Florida.
[9] Florida Public Service Commission, *About the PSC*, *supra* note 5.
[10] S. 427.702, F.S.
[11] Florida Public Service Commission, *The Status of the Telecommunications Access System Act of 1991*, pg. 1, Dec. 2024, available at https://www.floridapsc.com/pscfiles/website-files/PDF/Publications/Reports/Telecommunication/TelecommunicationAccess/2024.pdf (last visited Mar. 28, 2025).
[12] S. 427.704, F.S.
[13] Florida Public Service Commission, *The Status of the Telecommunications Access System Act of 1991*, *supra* note 11, pg. 1.
[14] S. 427.704, F.S..
[15] *In re: Telecommunications Access System Act of 1991*, Docket No. 19910496-TP, Order No. 24462 (F.P.S.C. May 1, 1991).
[16] S. 427.704, F.S.

The FTRI's relay service—branded as "Florida Relay"—provides 24-hour, 365-day per year, services to Florida residents who are deaf, hard of hearing, deaf/blind, and speech disabled to connect them to standard (i.e. voice) telephone users. The relay services provided by Florida Relay include the following: [17]

- Text telephone (TTY) and ASCII[18]: Persons who are deaf, hard-of-hearing, deaf-blind, or speech-disabled use a TTY to type their conversation to a relay operator. This operator then reads this conversation to the hearing person being called.
- Voice carry over (VCO): Persons who are deaf or hard of hearing use their voice to speak directly to the hearing person being called. When the person being called speaks back, the operator types out what is said on a TTY or text display.
- Speech to Speech (STS): This technology allows speech-disabled persons to voice their conversation. Then, a specially trained relay operator repeats that speech-disabled person's dialogue to the called party.
- Relay conference capturing (RCC): Service for persons who are deaf or hard of hearing to engage in a group conversation setting in either a video conference or conference call.
- CapTel: CapTel is a captioned telephone device that displays what the called party says using speech recognition software.[19]
- Voice: Allows standard telephone users to initiate calls to TTY users. The operator types the hearing person's spoken words to the TTY user and then reads back the replies.
- Hearing Carry-Over (HCO): Persons who can hear, but unable to speak directly into a phone due to speech disabilities, can listen to the called party. Then, the HCO user types back a response which is then relayed, via voice, by the relay operator to the called party, who then can speak back.
- Enhanced Speech to Speech: These features provide users with the ability to set up call times, contacts, and faster call set up.

Florida Relay also provides services in Spanish and French.[20]

TASA Advisory Committee

The PSC must appoint an advisory committee to provide advice regarding the operation of telecommunications relay service in the state. The committee must be composed of no more than 10 persons and include, to the extent practicable:

- Two deaf persons recommended by the Florida Association of the Deaf.
- One hearing impaired person recommended by Self-Help for the Hard of Hearing.
- One deaf and blind person recommended by the Coalition for Persons with Dual Sensory Disabilities.
- One speech impaired person recommended by the Florida Language Speech and Hearing Association.
- Two representatives of telecommunications companies.
- One person with experience in providing relay services recommended by the Deaf Service Center Association.
- One person recommended by the Advocacy Center for Persons with Disabilities, Inc.
- One person recommended by the Florida League of Seniors.[21]

The committee meets twice per year in formal meetings organized and conducted by PSC staff. According to the PSC, not every organization listed to appoint individuals to the committee is still active in Florida. Currently, there are only three persons who have been appointed by the specified organizations. [22]

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[17] Florida Telecommunications Relay, Inc., *Florida Relay*, https://www.ftri.org/relay (last visited Mar. 28, 2025).
[18] American Standard Code for Information Interchange (ASCII) is a 7-bit character code where each individual bit represents a unique character. ASCII codes are used to assist with text-based communication and computing to ensure compatibility and consistency across different systems and applications. *ASCII Table*, ASCII – Code.com, https://www.ascii-code.com/ (last visited Mar. 28, 2025).
[19] Hamilton Relay, *CapTel (Captioned Telephone),* https://hamiltonrelay.com/how-it-works/captel-captioned-telephone.html (last visited Mar. 28, 2025).
[20] Florida Telecommunications Relay, Inc., *Florida Relay, supra* note 17.
[21] S. 427.706, F.S.
[22] Florida Public Service Commission, *Status of the Telecommunications Access System Act of 1991*, pg. 10, Dec. 2024, available at https://www.floridapsc.com/pscfiles/website-files/PDF/Publications/Reports/Telecommunication/TelecommunicationAccess/2024.pdf (last visited Mar. 28, 2025).

Funding TASA Services

TASA is funded through a monthly surcharge on basic telecommunications access lines (i.e. landlines). The surcharge is imposed on all local exchange telecommunications company subscribers by their local exchange telecommunications company as part of their regular bill and is capped at $0.25 per month, per access line, up to a total of 25 total access lines per customer.[23] The amount, subject to these statutory limitations, is set by the PSC in order to fund FTRI's operations. For the year 2024-2025, the TASA surcharge per customer line is $0.08 per month.[24]

Any funding surplus is deposited in a reserve account.[25] For the year 2024-2025, the reserve account had a balance of approximately $20 million.[26]

Recommendations from the PSC's TASA Annual Report

The PSC posted its most recent TASA annual report in December 2024 (2024 Report). The report made several recommendations regarding the TASA program. Specifically, the report states that Florida Relay "is facing a number of challenges in terms of technological changes that affects both the demand for equipment and the viability of the program's long-term funding." Furthermore, the PSC "believes that modernization of TASA is needed for the program to meet the evolving needs and preferences of consumers served by the program."

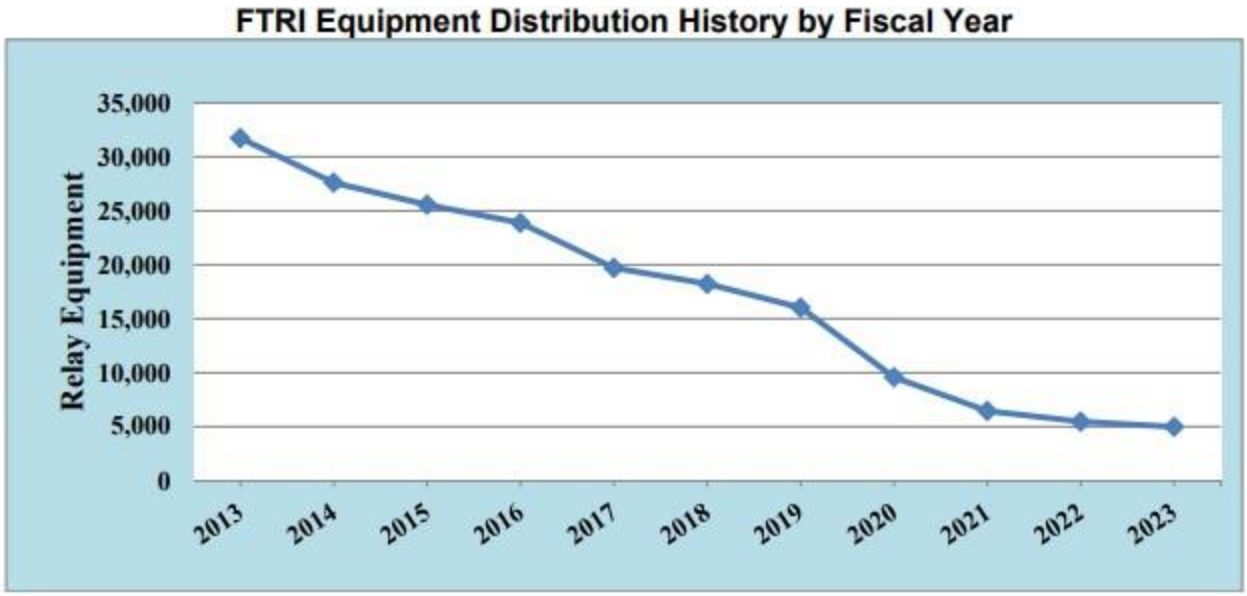
The 2024 Report also recommends broadening the eligibility of membership on the TASA Advisory Committee to better represent the deaf and hard of hearing community.[27]

Technology Changes

In the 2024 Report, the PSC notes that the telecommunications market and technologies have changed significantly since TASA was passed in 1991. In 2001, switched access lines[28] numbered 12,030,592 in Florida.[29] As of 2023, that number has dropped to 763,866—a decline of approximately 94 percent—and this number is expected to continue to decline.[30] The first voice-over-internet protocol (VoIP) was not released until 1995,[31] four years after TASA passed. Today, wireless and VoIP comprise the majority of the communications marketplace connecting consumers to the public switched network. However, neither of these technologies were contemplated in TASA.

The PSC also notes in its 2024 Report that participation in TASA services has continued to decline over the last decade. The chart below shows the total equipment distributed by FTRI each fiscal year from 2013 through 2023:[32]

[23] Section 427.704(4)(a)-(b).
[24] Florida Public Service Commission, *The Status of the Telecommunications Access System Act of 1991, supra* note 11, pg. 9.
[25] Florida Public Service Commission, *The Status of the Telecommunications Access System Act of 1991, supra* note 11, pg. 3.
[26] *In re: Commission approval of Florida Telecommunications Relay, Inc.'s fiscal year 2024-2025 proposed budget*, Docket No. 20240056-TP, Order No. PSC-2024-0200-PAA-TP (F.P.S.C. June 20, 2024).
[27] Florida Public Service Commission, *The Status of the Telecommunications Access System Act of 1991, supra* note 11, pg. 11.
[28] "Switched access lines" are how traditional telephones (i.e. landlines) connect to a local exchange carrier's switch. *See* Federal Communications Commission Office of Economics and Analysis, *Voice Telephone Services: Status as of June 30, 2022*, pg. 16, *available at* https://docs.fcc.gov/public/attachments/DOC-396138A1.pdf (last visited Mar. 28, 2025). A reduction in these lines indicates a reduction in landline subscribers.
[29] Florida Public Service Commission, *The Status of the Telecommunications Access System Act of 1991*, pg. 21, Jun. 2002, available at https://www.floridapsc.com/pscfiles/website-files/PDF/Publications/Reports/Telecommunication/TelecommunicationIndustry/2002.pdf (last visited Mar. 28, 2025).
[30] Florida Public Service Commission, *The Status of the Telecommunications Access System Act of 1991, supra* note 11, pg. 11-12.
[31] Jeremy Norman's History of Information, *VocalTec Releases "Internet Phone," the First Internet VoIP Application*, https://www.historyofinformation.com/detail.php?id=1111 (last visited Mar. 28, 2025).
[32] Florida Public Service Commission, *The Status of the Telecommunications Access System Act of 1991, supra* note 11, pg. 4.



The PSC also notes that there has been an "eighty-seven percent decline in new clients served and a seventy-seven percent decline in customer calls over the past ten years."[33]

Funding Challenges

As stated, TASA services are funded only through a surcharge on landline telecommunications. Wireless and VoIP users are not required to contribute. Thus, as fewer customers use landline telecommunications, potential revenue sources for TASA services will likely decline.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Economic Infrastructure Subcommittee	16 Y, 0 N, As CS	3/31/0225	Keating	Garcia
THE CHANGES ADOPTED BY THE COMMITTEE:	• Decreased the maximum surcharge that the PSC may set for local exchange telecommunication customers from $0.25 per line per month to $0.15 per line per month for purposes of funding services required by TASA. • Froze the current surcharge, set at $0.08 per line per month, until reserve funds are depleted. • Provided definitions for previously undefined terms used in TASA. • Removed an unnecessary provision.			
Commerce Committee			Hamon	Garcia

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

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[33] Florida Public Service Commission, *The Status of the Telecommunications Access System Act of 1991, supra* note 11, pg. 6.

A bill to be entitled

An act relating to the Telecommunications Access System Act of 1991; amending s. 427.702, F.S.; revising the legislative findings, purpose, and intent of the Telecommunications Access System Act of 1991; amending s. 427.703, F.S.; defining and redefining terms; amending s. 427.704, F.S.; revising the powers and duties of the Florida Public Service Commission in overseeing the administration of the telecommunications access system; amending s. 427.705, F.S.; revising the duties of the system's administrator; revising the procedures required for the distribution of specialized telecommunications devices; requiring the administrator to assume responsibility for the distribution of specialized communications technologies; amending s. 427.706, F.S.; revising the composition of the advisory committee appointed to assist the commission with implementing the act; providing an effective date.

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

Section 1. Present paragraphs (e) through (i) of subsection (3) of section 427.702, Florida Statutes, are redesignated as paragraphs (f) through (j), respectively, a new

paragraph (e) is added to that subsection, and subsections (1) and (2) and paragraphs (a) and (d) and present paragraphs (g) and (h) of subsection (3) of that section are amended, to read:

427.702 Findings, purpose, and legislative intent.—

(1) The Legislature finds and declares that:

(a) ~~Telecommunications services provide a rapid and essential communications link among the general public and with essential offices and organizations such as police, fire, and medical facilities.~~

~~(b) All persons should have basic telecommunications services available to them at reasonable and affordable costs.~~

~~(c) A significant portion of Florida's hearing impaired and speech impaired populations has profound disabilities, including dual sensory impairments, which render normal telephone equipment useless without additional specialized telecommunications devices, many of which cost several hundred dollars.~~

~~(d) The telecommunications system is intended to provide access to a basic communications network between all persons, and that many persons who have a hearing impairment or speech impairment currently have no access to the basic telecommunications system.~~

~~(e) Persons who do not have a hearing impairment or speech impairment are generally excluded from access to the basic telecommunications system to communicate with persons who have a~~

~~hearing impairment or speech impairment without the use of specialized telecommunications devices.~~

~~(f) There exists a need for a telecommunications relay system whereby the cost for access to basic telecommunications services for persons who have a hearing impairment or speech impairment is no greater than the amount paid by other telecommunications customers.~~

~~(g)~~ The Federal Government, in order to carry out the purposes established by Title II of the Communications Act of 1934, as amended, by the enactment of the Americans with Disabilities Act, endeavored to ensure that interstate and intrastate telecommunications relay services are available, to the extent possible and in the most efficient manner, to persons with hearing loss or speech impairment ~~hearing impaired and speech impaired persons~~ in the United States.

(b) ~~(h)~~ Title IV of the Americans with Disabilities Act mandates that the telecommunications companies providing telephone services within the state shall provide telecommunications relay services on or before July 25, 1993, to persons with hearing loss or speech impairment ~~who are hearing impaired or speech impaired~~ within their certificated territories in a manner that meets or exceeds the requirements of regulations to be prescribed by the Federal Communications Commission.

(2) ~~It is~~ The ~~declared~~ purpose of this part is to

establish a system whereby the residents ~~citizens~~ of this state with hearing loss or speech impairment or who are deafblind ~~Florida who are hearing impaired, speech impaired, or dual sensory impaired~~ have access to ~~basic~~ telecommunications services at a cost no greater than that paid by other telecommunications services customers, and whereby the cost of both the specialized telecommunications equipment necessary to ensure that such residents ~~citizens who are hearing impaired, speech impaired, or dual sensory impaired~~ have such access to ~~basic~~ telecommunications services and the provision of telecommunications relay service is borne by all ~~the~~ telecommunications customers in this ~~of the~~ state.

(3) It is the intent of the Legislature:

(a) That a telecommunications access system be established to provide equitable ~~basic~~ access to the telecommunications network for persons with hearing loss or ~~who are hearing impaired,~~ speech impairment ~~impaired,~~ or who are deafblind ~~dual sensory impaired~~.

(d) That the telecommunications access system includes the distribution of specialized telecommunications devices necessary for persons with hearing loss or ~~hearing impaired,~~ speech impairment ~~impaired,~~ or who are deafblind ~~dual sensory impaired persons~~ to access ~~basic~~ telecommunications services.

(e) That the telecommunications access system provides access to specialized communications technology capable of using

existing or future devices or equipment necessary for persons with hearing loss or speech impairment or who are deafblind to access telecommunications services.

(h) ~~(g)~~ That the telecommunications access system uses state-of-the-art technology for specialized telecommunications devices, specialized communications technology, and the telecommunications relay service and encourages the incorporation of new developments in technology, to the extent that it has demonstrated benefits consistent with the intent of this act and is in the best interest of the residents ~~citizens~~ of this state.

(i) ~~(h)~~ That the value of the involvement of persons with hearing loss ~~who have hearing~~ or speech impairment, or who are deafblind ~~impairments~~, and organizations representing or serving those persons, be recognized and such persons and organizations be involved throughout the development, establishment, and implementation of the telecommunications access system through participation on the advisory committee as provided in s. 427.706.

Section 2. Present subsections (2), (3) and (4), (5) and (6), (7) and (8), (9), (10), (11), (12), and (13) through (17) of section 427.703, Florida Statutes, are redesignated as subsections (3), (5) and (6), (9) and (10), (12) and (13), (16), (19), (18), (20), and (22) through (26), respectively, new subsections (2), (4), (7), (8), (11), (14), (15), (17), and (21)

are added to that section, and subsection (1) and present subsections (4), (6), (10), (11), (12), (14), and (16) of that section are amended, to read:

427.703 Definitions.—As used in this part:

(1) "Administrator" means a corporation not for profit incorporated pursuant to ~~the provisions of~~ chapter 617 and designated by the Florida Public Service Commission to administer the telecommunications access system ~~relay service system and the distribution of specialized telecommunications devices~~ pursuant to ~~the provisions of~~ this act and rules and regulations established by the commission.

(2) "Commercial mobile radio service" or "CMRS" means a mobile radio communications service, provided for profit, which is interconnected to the public switched network and is available to the public or to such classes of eligible users as to be effectively available to a substantial portion of the public. The term does not include services that do not provide access to 911 service, communication channels suitable only for data transmission, wireless roaming services or other nonlocal radio access line services, or private telecommunications systems.

(4) "Communications service" means a service provided to subscribers through wireline telecommunications equipment, interconnected VoIP, or CMRS.

(6)~~(4)~~ "Deafblind" ~~"Dual sensory impaired"~~ means having

both a permanent hearing impairment and a permanent visual impairment and includes dual sensory impairment ~~deaf/blindness~~.

(7) "Deaf service center" means a center that serves, within a defined region, individuals with hearing loss or speech impairment or who are deafblind, by distributing equipment and providing services on behalf of the administrator.

(8) "Deaf service center director" means an individual who serves as the director for a deaf service center and is responsible for ensuring that individuals with hearing loss or speech impairment or who are deafblind are qualified to receive equipment or services in accordance with ss. 427.701-427.708, based on their impairment by attesting to such impairment as provided for in the procedures developed by the administrator.

(10) ~~(6)~~ "Hearing loss ~~impaired~~" or "having a hearing impairment" means deaf, late-deafened, or hard of hearing ~~and, for purposes of this part, includes being dual sensory impaired~~.

(11) "Interconnected voice-over-Internet protocol" or "interconnected VoIP" means a service that does all of the following:

(a) Enables subscribers to have real-time, two-way voice communications.

(b) Requires a broadband connection.

(c) Requires customer equipment compatible with Internet protocol.

(d) Allows subscribers to receive calls from and place

calls to a public switched telephone network. The term does not include services that do not provide access to 911 service or private telecommunications systems.

(14) "Regional distribution center" means an entity, including, but not limited to, a deaf service center or a provider of audiology services, which has contracted with the administrator to distribute equipment and provide services to qualified individuals with hearing loss or speech impairment or who are deafblind.

(15) "Regional distribution center director" means an individual qualified by the administrator who serves as the director for a regional distribution center and meets the standards for ensuring that individuals with hearing loss or speech impairment or who are deafblind are qualified to receive equipment or services in accordance ss. 427.701-427.708 on their impairment by attesting to such impairment as provided for in the procedures developed by the administrator.

(17) "Specialized communications technology" means mobile devices, tablet computers, software, or applications that can be used to provide communications services to a hearing impaired, speech impaired, or deafblind person.

(19)~~(10)~~ "Speech impaired" or "~~having a~~ speech impairment" means having a permanent loss of verbal communication ability that ~~which~~ prohibits normal usage of a standard telephone handset.

(18)~~(11)~~ "Specialized telecommunications device" means a TDD, a volume control handset, a ring signaling device, or any ~~other customer premises telecommunications~~ equipment that can be ~~specifically designed or~~ used to provide ~~basic~~ access to communications ~~telecommunications~~ services for a person with hearing loss or speech impairment or who is deafblind ~~hearing impaired, speech impaired, or dual sensory impaired person~~.

(20)~~(12)~~ "Surcharge" means an additional charge ~~which is to be~~ paid by local exchange telecommunications company subscribers pursuant to the cost recovery mechanism established under s. 427.704(4) in order to implement the system described herein.

(21) "Telecommunications access system" means the system administered pursuant to this section, and includes the administration of the telecommunications relay service system and the distribution of specialized telecommunications devices and specialized communications technologies pursuant to ss. 427.701-427.708 and rules and regulations established by the commission.

(23)~~(14)~~ "Telecommunications device for the deaf," ~~or~~ "TDD," or "text device" means a mechanism that ~~which~~ is connected to a communications network ~~standard telephone line~~, operated by means of a keyboard, and used to transmit or receive signals through telephone lines or other communications service facilities.

(25)~~(16)~~ "Telecommunications relay service" means any telecommunications transmission service that allows a person with hearing loss ~~who is hearing impaired~~ or speech impairment ~~speech impaired~~ to communicate by wire or radio in a manner that is functionally equivalent to the ability of a person who does not have hearing loss or speech impairment ~~is not hearing impaired or speech impaired~~. Such term includes any service that enables two-way communication between a person who uses a telecommunications device or other nonvoice terminal device and a person who does not use such a device.

Section 3. Subsection (1), paragraph (a) of subsection (3), paragraphs (a), (b), and (e) of subsection (4), and subsections (5) through (9) of section 427.704, Florida Statutes, are amended to read:

427.704 Powers and duties of the commission.—

(1) The commission shall establish, implement, promote, and oversee the administration of a statewide telecommunications access system to provide access to telecommunications relay services by persons with hearing loss or speech impairment or who are deafblind ~~who are hearing impaired or speech impaired~~, or others who communicate with them. The telecommunications access system must ~~shall~~ provide for the purchase and distribution of specialized telecommunications devices, equipment, specialized communications technology, and the establishment of a statewide single provider telecommunications

relay service system that ~~which~~ operates continuously. To provide telecommunications relay services and distribute specialized telecommunication devices, equipment, and specialized communications technology to persons with hearing loss or speech impairment or who are deafblind ~~who are hearing impaired or speech impaired~~, at a reasonable cost the commission shall:

(a) Investigate, conduct public hearings, and solicit the advice and counsel of the advisory committee established pursuant to s. 427.706 to determine the most cost-effective method for providing telecommunications relay service and distributing specialized telecommunications devices, equipment, and specialized communications technology.

(b) Ensure that users of the telecommunications relay service system pay rates no greater than the rates paid for functionally equivalent voice communication services with respect to such factors as duration of the call, time of day, and distance from the point of origination to the point of termination.

(c) Ensure that the telecommunications access system protects the privacy of persons to whom services are provided and that all operators maintain the confidentiality of all relay service messages.

(d) Ensure that the telecommunications relay service system complies with regulations adopted by the Federal

Communications Commission to implement Title IV of the Americans with Disabilities Act.

(e) Set eligibility requirements for the distribution of specialized communications technology based on income qualifications or participation in other state or federal programs based on income, which requirements must be set at no less than double but no more than triple the federal poverty level. Eligibility requirements may not prohibit the administrator from providing access to specialized communications technologies if such access has a de minimis value. This paragraph does not apply to specialized telecommunications devices using standard telephone lines.

(3)(a) The commission shall select a ~~the~~ provider of ~~the~~ telecommunications relay service pursuant to procedures established by the commission. In selecting a ~~the~~ service provider, the commission shall take into consideration the cost of providing ~~the~~ relay service and the interests of the hearing loss, speech impairment, and deafblind ~~impaired and speech impaired~~ community in having access to a high-quality and technologically advanced telecommunications system. The commission shall award the contract to the bidder whose proposal is the most advantageous to the state, taking into consideration the following:

1. The appropriateness and accessibility of the proposed telecommunications relay service for the residents ~~citizens~~ of

this ~~the~~ state, including persons with hearing loss or speech impairment or who are deafblind ~~who are hearing impaired or speech impaired~~.

2. The overall quality of the proposed telecommunications relay service.

3. The charges for the proposed telecommunications relay service system.

4. The ability and qualifications of the bidder to provide the proposed telecommunications relay service as outlined in the request for proposals.

5. Any proposed service enhancements and technological enhancements which improve service without significantly increasing cost.

6. Any proposed inclusion of provision of assistance to deaf persons with special needs to access the ~~basic~~ telecommunications system.

7. The ability to meet the proposed commencement date for the telecommunications relay service.

8. All other factors listed in the request for proposals.

(4)(a) The commission shall establish a mechanism to recover the costs of implementing and maintaining the services required pursuant to this part which must ~~shall~~ be applied to each basic telecommunications access line. In establishing the recovery mechanism, the commission shall:

1. Require all local exchange telecommunications companies

to impose a monthly surcharge on all local exchange telecommunications company subscribers on an individual access line basis, except that such surcharge may ~~shall~~ not be imposed upon more than 25 basic telecommunications access lines per account bill rendered.

2. Require all local exchange telecommunications companies to include the surcharge as a part of the local service charge that appears on the customer's bill, except that the local exchange telecommunications company shall specify the surcharge on the initial bill to the subscriber and itemize it at least once annually.

3. Allow the local exchange telecommunications company to deduct and retain 1 percent of the total surcharge amount collected each month to recover the billing, collecting, remitting, and administrative costs attributed to the surcharge.

(b) The commission shall determine the amount of the surcharge based upon the amount of funding necessary to accomplish the purposes of this act and provide the services on an ongoing basis; however, in no case shall the amount exceed 15 ~~25~~ cents per line per month.

(e) From the date of implementing the surcharge, the commission shall review the amount of the surcharge at least annually and shall order changes in the amount of the surcharge as necessary to assure available funds for the provision of the telecommunications access system established herein. Where the

review of the surcharge determines that excess funds are available, the commission may order the suspension of the surcharge for a period that ~~which~~ the commission deems appropriate. The commission may not increase the surcharge when excess funds are available.

(5) ~~The commission shall require each local exchange telecommunications company to begin assessing and collecting the surcharge in the amount of 5 cents per access line per month on bills rendered on or after July 1, 1991, for remission to the administrator for deposit in the operational fund.~~ Each local exchange telecommunications company shall remit moneys collected to the administrator~~. On August 15, 1991, each local exchange telecommunications company shall begin remitting the moneys collected to the administrator~~ on a monthly basis and in a manner as prescribed by the commission. The administrator shall use such moneys to administer the telecommunications access to cover costs incurred during the development of the telecommunications relay services and to establish and administer the specialized telecommunications devices system.

(6) ~~The commission shall establish a schedule for completion of specific stages of the telecommunications relay service development and implementation except that the statewide telecommunications relay service shall commence on or before June 1, 1992.~~

~~(7)~~ The commission shall require the administrator to

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

submit financial statements for the distribution of specialized telecommunications devices and for specialized communications technology and for the telecommunications relay service to the commission quarterly, in the manner prescribed by the commission.

(7)~~(8)~~ The commission shall adopt rules and may take any other action necessary to implement ~~the provisions of~~ this act.

(8)~~(9)~~ The commission shall prepare an annual report on the operation of the telecommunications access system and~~, which~~ shall make such report ~~be~~ available on the commission's ~~Internet~~ website. Reports must be prepared in consultation with the administrator and the advisory committee appointed pursuant to s. 427.706. The reports must, at a minimum, briefly outline the status of developments in the telecommunications access system, the number of persons served, the call volume, revenues and expenditures, the allocation of the revenues and expenditures between provision of specialized telecommunications devices and specialized communications technologies to individuals and operation of statewide relay service, other major policy or operational issues, and proposals for improvements or changes to the telecommunications access system.

Section 4. Paragraphs (a) and (c) of subsection (1), subsection (4), paragraphs (a) and (b) of subsection (5), and subsection (7) of section 427.705, Florida Statutes, are amended to read:

427.705 Administration of the telecommunications access system.—

(1) Consistent with the provisions of this act and rules and regulations established by the commission, the administrator shall:

(a) Purchase, license, store, distribute, and maintain specialized telecommunications devices, equipment, and specialized communications technology, either directly or through contract with third parties, or a combination thereof.

(c) Administer training services for recipients of specialized telecommunications devices, equipment, and specialized communications technology and for telecommunications relay service users as directed by the commission through contract with third parties.

(4) In contracting for the provision of distribution of specialized telecommunications devices, outreach services, and training of recipients, the administrator shall consider contracting with organizations that provide services to persons with hearing loss or speech impairment or who are deafblind ~~who are hearing impaired or speech impaired~~.

(5) The administrator shall provide for the distribution of specialized telecommunications devices to persons qualified to receive such equipment in accordance with the provisions of this act. The administrator shall establish procedures for the distribution of specialized telecommunications devices and shall

solicit the advice and counsel and consider the recommendations of the advisory committee in establishing such procedures. The procedures shall:

(a) Provide for certification of persons with hearing loss or speech impairment or who are deafblind ~~as hearing impaired, speech impaired, or dual sensory impaired~~. Such certification process must ~~shall~~ include a statement attesting to such impairment by a licensed physician, audiologist, speech-language pathologist, hearing aid specialist, ~~or~~ deaf service center director, or regional distribution center director; by a state-certified teacher of the hearing impaired; by a state-certified teacher of the visually impaired; or by an appropriate state or federal agency. The licensed physician, audiologist, speech-language pathologist, hearing aid specialist, state-certified teacher of the hearing impaired, or state-certified teacher of the visually impaired providing statements which attest to such impairments shall work within their individual scopes of practice according to their education and training. The deaf service center directors, regional distribution center directors, and appropriate state and federal agencies shall attest to such impairments as provided for in the procedures developed by the administrator.

(b) Establish characteristics and performance standards for specialized telecommunications devices and specialized communications technologies determined to be necessary, and for

the selection of equipment to be purchased for distribution to qualified recipients. The characteristics and standards must ~~shall~~ be modified as advances in equipment technology render such standards inapplicable.

(7) The administrator shall assume responsibility for distribution of specialized telecommunications devices and specialized communications technologies.

Section 5. Subsections (1) and (2) of section 427.706, Florida Statutes, are amended to read:

427.706 Advisory committee.—

(1) The commission shall appoint an advisory committee to assist the commission with implementing ~~the implementation of the provisions of~~ this part. The committee shall be composed of no more than 10 persons and shall include, to the extent practicable, persons recommended by organizations representing~~,~~ the following groups:

(a) The ~~Two~~ deaf ~~persons recommended by the Florida Association of the Deaf~~.

(b) Persons with hearing loss ~~One hearing impaired person recommended by Self-Help for the Hard of Hearing~~.

(c) The deafblind ~~One deaf and blind person recommended by the Coalition for Persons with Dual Sensory Disabilities~~.

(d) Persons with speech impairment ~~One speech impaired person recommended by the Florida Language Speech and Hearing Association~~.

(e) The elderly ~~Two representatives of telecommunications companies~~.

(f) ~~One person with experience in providing~~ Telecommunication relay service distribution centers ~~services recommended by the Deaf Service Center Association~~.

(g) Communications service providers ~~One person recommended by the Advocacy Center for Persons with Disabilities, Inc~~.

~~(h) One person recommended by the Florida League of Seniors.~~

(2) The advisory committee shall provide the expertise, experience, and perspective of persons with hearing loss or speech impairment or who are deafblind ~~who are hearing impaired or speech impaired~~ to the commission and to the administrator during all phases of the development and operation of the telecommunications access system. The advisory committee shall advise the commission and the administrator on the quality and cost-effectiveness of the telecommunications relay service and the specialized telecommunications devices, equipment, and specialized communications technologies distribution system. The advisory committee may submit material for inclusion in the annual report prepared pursuant to s. 427.704.

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

CS/HB 535

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 535	**COMPANION BILL:** SB 606 (Leek)
TITLE: Public Lodging and Public Food Service Establishments	**LINKED BILLS:** None
SPONSOR(S): Johnson	**RELATED BILLS:** None

Committee References

Industries & Professional Activities	➤	Criminal Justice	➤	Commerce
14 Y, 3 N, As CS		11 Y, 6 N		

SUMMARY

Effect of the Bill:

The bill redefines "transient occupancy" and "nontransient occupancy" in the context of public lodging establishments. The bill removes the intention of the parties and the rebuttable presumptions, and defines "transient occupancy" as an occupancy that is temporary and "nontransient occupancy" as an occupancy that is not temporary. The bill redefines "transient establishment" and "nontransient establishment" by removing the intention of the operator.

The bill provides that:

- An operator of a public lodging establishment may remove a guest for failing to make payment or check out before the time specified by the establishment instead of the time agreed upon by both parties.
- A public lodging or public food establishment's written or oral notice to a guest to leave is effective upon delivery whether delivery is in person, telephone, email, or delivered to the guest's unit.

The bill removes the requirement for a law enforcement officer to arrest a guest who refuses to leave an establishment in the officer's presence and instead requires the officer to remove the guest from the establishment.

The bill prohibits public food service establishments from including automatic gratuity or service charges as part of the price for food or beverages for certain parties. The bill requires public food service establishments to provide specific notices with specific requirements when including automatic gratuity or service charges.

Fiscal or Economic Impact:

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

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

Transient and Nontransient Occupancy

The bill redefines "transient occupancy" and "nontransient occupancy" in the context of public lodging establishments. The bill removes the intention of the parties and the rebuttable presumptions from the definitions. "Transient occupancy" is defined as an occupancy that is temporary, and "nontransient occupancy" as an occupancy that is not temporary. (Section 1)

The bill provides that transient and nontransient occupancies include hotels, motels, vacation rentals, bed and breakfast inns, or timeshare projects. However, hotels, motels, vacation rentals, bed and breakfast inns, or timeshare projects may **only** be considered nontransient occupancies **if** there is a written rental or lease agreement stating the unit is the sole residence of the guest. (Section 1)

The bill redefines "transient establishment" and "nontransient establishment" by removing the intention of the operator. The bill also amends the rental time period to determine whether an establishment is transient or nontransient from "30 days or one calendar month" to "**30 consecutive days**."
(Section 1)

Refusal of Admission and Ejection of Undesirable Guests

The bill provides that:

- An operator of a public lodging establishment may remove a guest for failing to make payment or check out at or before the **time specified in writing by the public lodging establishment** instead of the time agreed upon by both parties.
- A public lodging or public food service establishment's written or oral notice to a guest to leave is effective upon delivery whether notice is provided in person, telephone, email, or delivered to the guest's unit if the establishment is a public lodging establishment.
    - If a public lodging establishment notifies a guest to leave because they failed to checkout or pay for their unit by the check-out time, the **notice must be in writing** which may be via text, email, or printed paper. (Section 2)

The bill removes the requirement for a law enforcement officer to arrest a guest who refuses to leave an establishment in the presence of the officer. Instead, an officer is only required to remove the guest from the establishment. The law enforcement officer may still arrest the guest, but is not required to do so unless a warrant has been issued. (Section 2)

Automatic Gratuity or Service Charges

The bill **prohibits** public food service establishments from including automatic gratuity or service charges in the price of food or beverages for parties of less than six (6) guests. (Section 3)

The bill defines "gratuity" and "service charge" as any type of charge or required payment other than the price of the food or beverages. (Section 3)

Under the bill, public food service establishments **may include** automatic gratuity or service charges in the price of food or beverages for parties of six (6) or more guests. (Section 3)

If a public food service establishment includes an automatic gratuity or service charge, notice of the automatic charge must be on the face of every item and receipt required to be signed by a guest, in addition to being on the food menu which is required by current law. The notice must list the person or business entity receiving the gratuity or service charge and the percentage they are receiving. (Section 3)

A public food service establishment **may not** require a guest to pay an automatic gratuity or service charge if the guest requests not to pay such gratuity or service charge. (Section 3)

The bill also provides that if a public food establishment bases an automatic or suggested gratuity or service charge on the price of food or beverages, the gratuity or service charge must be based on the price of the food or beverages before taxes. (Section 3)

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

FISCAL OR ECONOMIC IMPACT:

PRIVATE SECTOR:

The bill may have a positive fiscal impact on transient public lodging establishments by reducing the need to remove guests through the landlord eviction process.

The bill may also have an indeterminate negative fiscal impact on public food service establishments by prohibiting such establishments from including automatic gratuity or service charges on bills for parties of fewer than six guests. Additionally, the bill may have an indeterminate negative fiscal impact on such establishments to the extent that costs are incurred to comply with the expanded notice requirements of the bill related to automatic gratuity and service charges.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Public Lodging Establishments

The Division of Hotels and Restaurants within the Department of Business and Professional Regulation is the state agency with regulatory authority of public lodging establishments and public food service establishments for the purpose of protecting the public health, safety, and welfare.[1]

The term "public lodging establishment" includes transient and non-transient public lodging establishments.[2] The principal differences between transient and non-transient public lodging establishments are the number of times that the establishments are rented in a calendar year and the duration of the rentals.

A public lodging establishment is classified as a hotel, motel, vacation rental, non-transient apartment, transient apartment, bed and breakfast inn, or timeshare project if the establishment satisfies specified criteria.[3]

Transient and Nontransient Occupancy

A "transient public lodging establishment" is defined in s. 509.013(4)(a)1., F.S., as:

> Any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests more than three times in a calendar year for **periods of less than 30 days or 1 calendar month**, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests.

A "non-transient public lodging establishment" is defined in s. 509.013(4)(a)2., F.S., as:

> Any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests for **periods of at least 30 days or 1 calendar month**, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests for periods of at least 30 days or 1 calendar month.

Under current law, occupancy status considers the intent of the parties; however, how this intent is determined, is not specified:[4]

> "Transient occupancy" means occupancy when it is the intention of the parties that the occupancy will be temporary. There is a rebuttable presumption that, when the dwelling unit occupied is not the sole residence of the guest, the occupancy is transient.
>
> "Nontransient occupancy" means occupancy when it is the intention of the parties that the occupancy will not be temporary. There is a **rebuttable presumption** that, when the dwelling unit occupied is the sole residence of the guest, the occupancy is nontransient.

[1] S. 509.032(1), F.S.
[2] S. 509.013(4)(a), F.S.
[3] S. 509.242(1), F.S.
[4] S. 509.013, F.S.

Refusal of Admission and Ejection of Undesirable Guests

An operator of a public lodging or public food establishment may remove a guest or have a guest removed while on the premises of the establishment for:[5]

- illegally possessing or dealing in controlled substances;
- being intoxicated, profane, lewd, or brawling;
- indulging in any language or conduct which disturbs the peace and comfort of other guests or which injures the reputation, dignity, or standing of the establishment;
- failing to pay rent at the **agreed-upon** rental rate by the **agreed-upon** checkout time;
- failing to check out by the time **agreed upon in writing by the guest and public lodging establishment** at check-in unless an extension of time is agreed to by the public lodging establishment and guest prior to checkout;
- failing to make payment for food, beverages, or services; or
- being, in the opinion of the operator, detrimental to the establishment.

Section 509.141, F.S., provides that an operator of a public lodging or public food establishment may remove a guest by notifying the guest that the establishment no longer desires to entertain him or her and the guest must depart immediately. Notice may be given orally or in writing. If the notice is in writing it must state:[6]

> "You are hereby notified that this establishment no longer desires to entertain you as its guest, and you are requested to leave at once. To remain after receipt of this notice is a misdemeanor under the laws of this state."

Current law does not state when notice is considered delivered.

Requirement for Law Enforcement Officers to Make Arrests

Any guest who remains or attempts to remain at an establishment after being noticed to leave is guilty of a second-degree misdemeanor. An operator may request law enforcement for assistance to remove a guest. At the request of an operator, a law enforcement officer **must arrest** any guest who refuses to depart in the presence of the officer.[7]

In 2015, HomeSuiteHome, an extended-stay public lodging establishment, brought a complaint against the Osceola County Sheriff's Office for failing to arrest guests who refused to depart in the presence of the sheriff's officers.

The court ruled in favor of the Sheriff because the Sheriff did not refuse to arrest guests who refused to leave. Instead, the Sheriff required his officers to determine if guests are transient before making an arrest.[8]

The Court ruled that ch. 509, F.S., does not set forth "concrete boundaries (such as length of stay or receipt of mail)" that can be used to determine whether a guest is 'transient' or 'nontransient.'" The Court further stated that the rebuttable presumption that the occupancy is **transient** when the guest's unit is not their sole residence, and the rebuttable presumption that a guest is **non-transient** when the unit is their sole residence, by their nature require a weighing of the evidence which defeats the argument that police officers do not have discretion to determine whether a guest is transient before making an arrest and removing a guest.[9]

The Court further ruled that HomeSuiteHome's agreements requiring guests to promise not to use units as their permanent residence was not enough to rebut this presumption, and it would be improper for the Sheriff's officers to make arrests solely by referring to the agreements.[10]

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[5] S. 509.141(1), F.S.
[6] S. 509.141(2), F.S.
[7] S. 509.141(3) and (4), F.S.
[8] *HSH Eastgate, LLC v. Sheriff of Osceola County, Florida*, 2015 WL 3465795 (M.D. Fla. 2015)
[9] *Id.* at 3-4.
[10] *Id.*

If a guest is considered "nontransient" instead of "transient" then the establishment will have to go through the Florida Residential Landlord and Tenant Act to remove the guest.[11]

Florida Residential Landlord and Tenant Act
The Residential Landlord and Tenant Act (Act), codified in part II of ch. 83, F.S., governs the rental of a dwelling unit in Florida. In Florida, landlords can evict tenants for reasons such as non-payment of rent, lease violations, or illegal activities. The eviction process involves providing written notice, filing a lawsuit, and obtaining a writ of possession. The process includes the following processes:[12]

- Notice:
  - Landlords must provide written notice to the tenant.
  - The notice must specify the reason for eviction and the timeframe for compliance.
  - The notice time period depends on the reason for eviction.
- Eviction lawsuit:
  - If the tenant does not comply with the notice, the landlord can file an eviction lawsuit in court.[13]
  - The court will schedule a trial where both parties can present evidence and testimony.[14]
  - If the landlord prevails, the clerk of court will issue a writ of possession.[15]
- Writ of possession:
  - The writ of possession orders the sheriff to remove the tenant from the property.
  - The tenant has 24 hours to vacate before the sheriff returns to remove them.[16]

Public Food Service Establishments
In addition to regulating public lodging establishments, the Division is also responsible for enforcing laws relating to the inspection and regulation of public food service establishments for the purpose of protecting the public health, safety and welfare.[17]

A "public food service establishment" is 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.[18]

Current law provides that if a public food service establishment assesses an automatic gratuity or service charge, they must include notice of the gratuity or charge on their food menu and on the face of the bill provided to the customer.[19]

OTHER RESOURCES:

Florida Bar Journal, What Are You: A Hotel Guest, Tenant, or Transient Occupant?

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[11] Miguel J. Chamorro, *What Are You: A Hotel Guest, Tenant, or Transient Occupant?*, The Florida Bar (October 2018) https://www.floridabar.org/the-florida-bar-journal/what-are-you-a-hotel-guest-tenant-or-transient-occupant/ (last visited March 27, 2025).
[12] S. 83.56, F.S.
[13] S. 83.59, F.S.
[14] S. 51.011, F.S.
[15] S. 83.62, F.S.
[16] *Id.*
[17] S. 509.032(1), F.S.
[18] S. 509.013(5)(a), F.S.
[19] S. 509.214, F.S.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Industries & Professional Activities Subcommittee	14 Y, 3 N, As CS	3/12/2025	Anstead	Brackett
THE CHANGES ADOPTED BY THE COMMITTEE:	• Clarified that a hotel, motel, vacation rental, bed & breakfast, or timeshare project is not considered a nontransient occupancy unless there is a written agreement indicating such. • Provided that a public lodging establishment's specified checkout time for a guest must be in writing. • Provided that a public lodging's notice to a guest to immediately depart must be in writing if it's because the guest failed to timely checkout or pay for their unit. • Provided that public food service establishments may charge automatic gratuities or service charges to parties of six or more guests. The automatic gratuities or service charges must: o Be provided on every bill given to a guest and on every item or receipt required to be signed by a guest. o List who is receiving the gratuity or service charge and the percentage they are receiving. o Be based on the price of food or beverages before taxes if the charge is based on the price of the food or beverages. • Provided that a guest may not be required to pay an automatic gratuity or service charge if he or she requests not to. • Prohibited public food service establishments from charging automatic gratuities or service charges to parties of less than six guests.			
Criminal Justice Subcommittee	11 Y, 6 N	4/1/2025	Hall	Leshko
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 public lodging and public food service establishments; amending s. 509.013, F.S.; revising definitions; amending s. 509.141, F.S.; revising notification requirements for removing guests from public lodging and public food service establishments; revising penalty provisions; amending s. 509.214, F.S.; authorizing public food service establishments to include an automatic gratuity or service charge in certain circumstances; requiring such establishments to provide specified notice; providing an exception; prohibiting automatic gratuity or service charges in certain circumstances; providing for the computation of automatic or suggested gratuity or service charges; providing construction; providing an effective date.

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

Section 1. Paragraph (a) of subsection (4) and subsections (11), (12), (14), and (15) of section 509.013, Florida Statutes, are amended to read:

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

(4)(a) "Public lodging establishment" includes a transient public lodging establishment as defined in subparagraph 1. and a

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

nontransient public lodging establishment as defined in subparagraph 2.

1. "Transient public lodging establishment" means any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests more than three times in a calendar year for periods of less than 30 consecutive days ~~or 1 calendar month, whichever is less,~~ or which is advertised or held out to the public as a place regularly rented to guests for periods of less than 30 consecutive days.

2. "Nontransient public lodging establishment" means any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests for periods of at least 30 consecutive days ~~or 1 calendar month, whichever is less,~~ or which is advertised or held out to the public as a place regularly rented to guests for periods of at least 30 consecutive days ~~or 1 calendar month~~.

License classifications of public lodging establishments, and the definitions therefor, are set out in s. 509.242. For the purpose of licensure, the term does not include condominium common elements as defined in s. 718.103.

(11) "Transient establishment" means any public lodging establishment that is rented or leased to guests by an operator for transient occupancy ~~whose intention is that such guests'~~

~~occupancy will be temporary~~.

(12) "Transient occupancy" means occupancy that is ~~when it is the intention of the parties that the occupancy will be~~ temporary. The term includes the occupancy of a dwelling unit at a hotel, motel, vacation rental, bed and breakfast inn, or timeshare project, as defined in s. 509.242, unless a written rental or lease agreement expressly states that the dwelling unit is the sole residence of the guest ~~There is a rebuttable presumption that, when the dwelling unit occupied is not the sole residence of the guest, the occupancy is transient~~.

(14) "Nontransient establishment" means any public lodging establishment that is rented or leased to guests by an operator for nontransient occupancy ~~whose intention is that the dwelling unit occupied will be the sole residence of the guest~~.

(15) "Nontransient occupancy" means occupancy that is not ~~when it is the intention of the parties that the occupancy will not be~~ temporary. The term does not include the occupancy of a dwelling unit at a hotel, motel, vacation rental, bed and breakfast inn, or timeshare project, as defined in s. 509.242, unless a written rental or lease agreement expressly states that the dwelling unit is the sole residence of the guest ~~There is a rebuttable presumption that, when the dwelling unit occupied is the sole residence of the guest, the occupancy is nontransient~~.

Section 2. Section 509.141, Florida Statutes, is amended to read:

509.141 Refusal of admission and ejection of undesirable guests; notice; procedure; penalties for refusal to leave.—

(1) The operator of a ~~any~~ public lodging establishment or public food service establishment may remove or cause to be removed from such establishment, in the manner ~~hereinafter~~ provided for in this section, any guest of the establishment who:

(a) ~~who,~~ While on the premises of the establishment, illegally possesses or deals in controlled substances as defined in chapter 893 or is intoxicated, profane, lewd, or brawling;

(b) ~~who~~ Indulges in any language or conduct which disturbs the peace and comfort of other guests or which injures the reputation, dignity, or standing of the establishment;

(c) ~~who,~~ In the case of a public lodging establishment, fails to make payment of rent at the agreed-upon rental rate by the ~~agreed-upon~~ checkout time specified in writing by the public lodging establishment;

(d) ~~who,~~ In the case of a public lodging establishment, fails to check out by the time specified in writing by the ~~agreed upon in writing by the guest and~~ public lodging establishment at check-in, unless an extension of time is agreed to by the public lodging establishment and guest before ~~prior to~~ checkout;

(e) ~~who,~~ In the case of a public food service establishment, fails to make payment for food, beverages, or

services; or

(f) ~~who,~~ In the opinion of the operator, is a person the continued entertainment of whom would be detrimental to such establishment.

The admission to, or the removal from, such establishment shall not be based upon race, creed, color, sex, physical disability, or national origin.

(2) The operator of a ~~any~~ public lodging establishment or public food service establishment shall notify the ~~such~~ guest that the establishment no longer desires to entertain the guest and shall request that the ~~such~~ guest immediately depart from the establishment. The ~~such~~ notice may be given orally or in writing. An operator of a public lodging establishment that requests that a guest immediately depart due to the guest's failure to check out or pay for the dwelling unit by check-out time must provide the notice in writing via e-mail, text message, or printed paper. The notice is effective upon delivery, whether notice is provided in person or by telephone or e-mail, using the contact information provided by the guest, or, with respect to a public lodging establishment, upon delivery to the guest's dwelling unit. If the notice is in writing, it shall be as follows:

"You are hereby notified that this establishment no longer desires to entertain you as its guest, and you are requested to

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

leave at once. To remain after receipt of this notice is a misdemeanor under the laws of this state."

If the ~~such~~ guest has paid in advance, the establishment shall, at the time the ~~such~~ notice is given, tender to the ~~such~~ guest the unused portion of the advance payment; however, the establishment may withhold payment for each full day that the guest has been entertained at the establishment for any portion of the 24-hour period of the ~~such~~ day.

(3) A ~~Any~~ guest who remains or attempts to remain in any such establishment after a request by the operator to depart under subsection (2) commits ~~being requested to leave is guilty of~~ a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(4) If a guest remains ~~any person is illegally~~ on the premises of a ~~any~~ public lodging establishment or public food service establishment after a request by the operator to depart under subsection (2), the operator of such establishment may call upon a ~~any~~ law enforcement officer of this state for assistance. It is the duty of the ~~such~~ law enforcement officer, upon the request of the ~~such~~ operator, to remove a ~~place under arrest and take into custody for violation of this section any~~ guest who remains on the premises of such an establishment after a request by the operator to depart under subsection (2).

(5) A law enforcement officer may place under arrest and take into custody a guest who violates subsection (3) ~~in the~~

~~presence of the officer~~. If a warrant has been issued by the proper judicial officer for the arrest of a ~~any~~ violator of subsection (3), the officer shall serve the warrant, arrest the person, and take the person into custody. Upon arrest, with or without warrant, the guest is ~~will be~~ deemed to have given up any right to occupancy or to have abandoned such right of occupancy of the premises, and the operator of the establishment may then make such premises available to other guests. However, the operator of the establishment shall employ all reasonable and proper means to care for any personal property which may be left on the premises by the ~~such~~ guest and shall refund any unused portion of moneys paid by the ~~such~~ guest for the occupancy of the ~~such~~ premises.

Section 3. Section 509.214, Florida Statutes, is amended to read:

509.214 ~~Notification of~~ Automatic gratuity or service charge.—

(1)(a) A ~~Every~~ public food service establishment may include ~~which includes~~ an automatic gratuity or service charge in the price of food or beverages for parties of six or more guests. ~~the meal~~

(b) A public food service establishment shall include on the food menu, ~~and~~ on the face of every bill provided to a guest, and on the face of every item or receipt required to be signed by a guest ~~the bill provided to the customer~~ notice that

an automatic gratuity or service charge is included. The notice must list the recipient of the gratuity or service charge and the percentage the person or business entity is receiving.

(c) A guest is not required to pay an automatic gratuity or service charge pursuant to this subsection if the guest requests not to pay such gratuity or service charge.

(2) A public food service establishment may not include an automatic gratuity or service charge in the price of food or beverages for parties of fewer than six guests.

(3) If an automatic or suggested gratuity or service charge is based on the price of the food or beverages purchased by a guest, it must be based on the price of the food or beverages before taxes.

(4) For purposes of this section, the terms "gratuity" and "service charge" include any type of charge or required payment other than the price of food or beverages.

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

COMMERCE COMMITTEE

CS/HB 535 by Rep. Johnson
Public Lodging and Public Food Service Establishments

AMENDMENT SUMMARY
April 22, 2025

Amendment 1, by Rep. Esposito (lines 164-192):

- Renames a charge for "automatic gratuity or service charge" an "operations charge."
- Requires establishments to include notice of an operations charge on the:
  - Food menu;
  - Written contract; and
  - Website or mobile app where orders are placed.
- Requires the notice to:
  - include the amount or percentage of the charge, the purpose of the charge, and requires the notice to be in a certain size font.
  - clearly appear on the menu board or sign by the register if the establishment does not have menus, table service, or certain written contracts.
  - be on the face of the customer's bill, and clearly state the percentage or amount of the charge.
- Requires copies of the receipt to have separate lines for:
  - gratuity,
  - operations charges, and
  - sales tax.
- Requires an operations charge that is an automatic gratuity, to be separately stated on the receipt.
- Specifies that it does not create a private cause of action related to compliance with the notice and listing of operations charges.

Amendment to Amendment 1, by Rep. Esposito (line 37):

- Prohibits a public food service establishment from charging an automatic gratuity if it charges an operations charge that is used to compensate employees.

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)

Remove lines 164-192 and insert:

Section 3. Effective July 1, 2026, section 509.214, Florida Statutes, is amended to read:

509.214 Notification of automatic operations ~~gratuity~~ charge.—

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

(a) "Gratuity" or "tip" means a sum presented by a customer as a gift or contribution in recognition of service performed, the payment and amount of which is at the discretion of the customer.

(b) "Operations charge" means an automatic charge imposed on a customer in addition to the cost of the food and beverage

purchased. If it is a fee or charge, other than a government-imposed tax, that the customer is required to pay in addition to the cost of the food and beverage purchased, it is an operations charge. The term may include, but is not limited to, service charges, automatic gratuities, credit card surcharges, and delivery fees.

(2) Every public food service establishment which charges an operations charge ~~includes an automatic gratuity or service charge in the price of the meal~~ shall include a notice on the food menu, written contract, and on the website or mobile application where food and beverage orders are placed, as applicable, that includes the amount or percentage of the operations charge and the purpose of the operations charge. Such notice must appear in a font that is equal to or greater than the font used for menu item descriptions or the general provisions of the written contract. If the public food service establishment does not provide menus; table service; or written contracts for banquet, catering, or event services, the operations charge notice must appear in an obvious and clearly readable manner on the menu board or on an obvious and clearly readable sign by the register where the customer pays.

(3) There must be a notice ~~and~~ on the face of the bill provided to the customer that an operations charge ~~notice that an automatic gratuity~~ is included. The notice must clearly state the percentage or amount of the operations charge.

(4) Every copy of the receipt the customer receives must have separate lines for gratuity, operations charges, and sales tax so that it is clear to the customer what is being charged. If the operations charge is an automatic gratuity, it must be separately stated on the receipt.

(5) This section does not create a private cause of action related to compliance with the requirements of this section.

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 lines 9-15 and insert:

s. 509.214, F.S.; providing definitions; authorizing public food service establishments to include an operations charge in certain circumstances; requiring such establishments to provide specified notice; requiring receipts to contain certain information; specifying that this section does not create a private cause of action; 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 Esposito offered the following:

Amendment to Amendment (754219) by Representative Esposito

Remove line 37 of the amendment and insert:

readable sign by the register where the customer pays. However, a public food service establishment that charges an operations charge that is used to compensate employees cannot also charge an automatic gratuity.

CS/CS/HB 561

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 561	**COMPANION BILL:** CS/SB 600 (Truenow)
TITLE: Manufacturing	**LINKED BILLS:** CS/HB 563 Cobb
SPONSOR(S): Cobb, Redondo	**RELATED BILLS:** None

Committee References

Housing, Agriculture & Tourism 14 Y, 0 N, As CS	➤ Transportation & Economic Development Budget 10 Y, 0 N, As CS	➤ Commerce

SUMMARY

Effect of the Bill:

The bill:

- Designates the Chief Manufacturing Officer among the Department of Commerce senior leadership to support, promote, and coordinate manufacturing statewide; and
- Creates the voluntary Florida Manufacturing Promotional Campaign to increase consumer awareness of manufacturing activities in Florida and expand market exposure for products and goods manufactured in Florida.

Fiscal or Economic Impact:

The bill appears to have an indeterminate impact on state expenditures. However, the Department of Commerce should be able to manage these new responsibilities within existing resources.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill expands the Department of Commerce's (Department) responsibilities to encourage and oversee manufacturing in the state in coordination with the Chief Manufacturing Officer (CMO). The CMO serves at the pleasure of the Secretary of the Department. Duties of the CMO include:

- Serving as the subject-matter expert on manufacturing;
- Promoting and coordinating manufacturing efforts in the state and identifying gaps across state-supported activities;
- Provide strategic direction for interagency and cross-disciplinary activities to support manufacturing;
- Working with federal, state, regional, and local governmental entities and nongovernmental entities to align manufacturing priorities; and
- Engaging with state agencies and water management districts to innovate processes, programs, decision frameworks, and reporting mechanisms intended to support manufacturing in the state. (Section 1).

The bill requires all state and local governmental entities to assist the CMO to the extent is consistent with law and with budgetary constraints. (Section 1).

The bill requires that the Department must prepare a report on manufacturing efforts in the state, and submit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 15, 2026, and every two years thereafter. (Section 1).

Florida Manufacturing Promotional Campaign (Campaign)
The Legislature finds that there is a need for the Campaign to:

- Increase consumer awareness of manufacturing;

- Expand market exposure for manufactured products and goods; and
- Inspire future generations of entrepreneurs, fabricators, and skilled workers to build and grow domestic businesses and manufacturing operations. (Section 3).

The Legislature also finds that the Campaign is a partnership between industry and the state to promote and advertise such products efficiently. (Section 3).

The bill defines the following terms:
- Campaign;
- Department;
- Manufactured product; and
- Person. (Section 4).

The bill establishes the Campaign within the Department, under the Officer's supervision and in coordination with the state Manufacturing Extension Partnership. The Campaign serves as a voluntary marketing program to promote manufacturing products and businesses in Florida, including:
- Developing logos for the campaign and authorize the use of such logos as provided by rule;
- Registering campaign participants;
- Collecting rental receipts for industry promotions;
- Developing in-kind advertising programs; and
- Contracting with media representatives to disperse promotional materials. (Section 5).

The bill establishes that the Campaign's participants must register annually with the Department in a form and manner as prescribed by the Department. (Section 6).

The bill authorizes the Department to adopt rules to adopt any other necessary rules to ensure compliance with the provision, including, but not limited to, logos, rules governing participant registration, registration renewal, membership classes, application forms, and other forms and enforcement measures. (Section 7).

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

RULEMAKING:

The bill provides the Department of Commerce with rulemaking authority to implement and administer the Florida Manufacturing Promotional Campaign.

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 designates a Chief Manufacturing Officer among the Department senior leadership to promote manufacturing statewide. According to the Department, they would require two full-time equivalent positions to administer the responsibilities under the bill. However, the Department currently has approximately 237 vacant positions and should be able to manage this workload within existing resources.

The Campaign created by this bill is funded by a fee authorized in CS/SB 602, a linked bill.

PRIVATE SECTOR:

The fiscal impact to the private sector is indeterminate. Manufacturing businesses may benefit from participating in the Manufacturing Promotional Campaign.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Manufacturing

Florida has over 422,000 manufacturing jobs and ranks as the nation's 10th largest manufacturing employer.[1] Since 2014, Florida has increased manufacturing employment by 23.3 percent, which outpaced the other 11 states in the top 12 for manufacturing.[2] Manufacturing jobs generally pay higher wages than those in other industries. In 2022, the average annual wage for manufacturing jobs was over $74,000, a 6.6 percent increase from 2021.[3]

The North American Industry Classification System (NAICS) is the standard used by federal statistical agencies to classify businesses by industry type for the purpose of statistical data collection and analysis related to the U.S. economy.[4] NAICS Sector Codes 311-339 include unique manufacturing industries in Florida that have outpaced the nation in job growth, which include, but are not limited to, the following:[5]

- Food manufacturing
- Beverage and tobacco product manufacturing
- Textile mills and textile product mills
- Apparel manufacturing
- Leather and allied product manufacturing
- Wood product and paper manufacturing
- Printing and related support activities
- Petroleum and coal products manufacturing
- Chemical manufacturing
- Plastics and rubber products manufacturing
- Nonmetallic mineral product manufacturing
- Primary metal manufacturing
- Fabricated metal product manufacturing
- Machinery manufacturing
- Computer and electronic product manufacturing
- Electrical equipment and appliances
- Transportation equipment manufacturing
- Furniture and related product manufacturing
- Miscellaneous manufacturing

Additionally, manufacturing sectors with a high value-added component, such as aviation and aerospace, defense, microelectronics, medical devices and equipment, marine, fabricated metal products, and industrial machinery, have helped Florida's small and mid-size manufacturers grow quickly.[6]

Under the Local Manufacturing Development Program, a local government may adopt an ordinance establishing a local manufacturing development program through which the local government may grant master development approval for developing or expanding sites operated by manufacturers.[7] Local governments may establish procedures for a manufacturing development program that allows manufacturers to submit and, upon approval of a master development plan, proceed with development without requiring additional local approvals, except for

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[1] Department of Commerce, *2023 Florida Manufacturing,* https://www.floridajobs.org/docs/default-source/communicationsfiles/2023-florida-manufacturing-report.pdf (last visited Apr. 7, 2025).
[2] *Id.* at 2.
[3] *Id.* at 10.
[4] United States Census Bureau, *North American Industry Classification System (NAICS)*, https://www.census.gov/naics/ (last visited Apr. 7, 2025).
[5] Department of Commerce, *2023 Florida Manufacturing,* https://www.floridajobs.org/docs/default-source/communicationsfiles/2023-florida-manufacturing-report.pdf (last visited Apr. 7, 2025).
[6] *Id.* at 47
[7] S. 163.3252, F.S.

building permits.[8] The approval process must be coordinated with the Department.[9] Additionally, the Department has developed a model local manufacturing development program ordinance to guide local governments that intend to establish a local manufacturing development program.[10] Currently, only Manatee and Volusia County have adopted an ordinance.[11]

Workforce Training Programs

CareerSource Florida, a not-for-profit corporation administratively housed within the Department,[12] is the statewide workforce policy and investment board comprised of business and government leaders that helps Floridians enter, remain in, and advance in the workplace so that they may become more highly skilled and successful. The program also connects employers with qualified and skilled employees.[13] Workforce training is administered through the 21 local workforce development boards.[14]

The Florida Job Growth Grant Fund is an economic development program that improves public infrastructure and workforce training across the state.[15] Proposals are reviewed by the Department and chosen by the Governor to meet the demand for workforce or infrastructure needs in the communities they are awarded to.[16]

Manufacturing Extension Partnership (MEP)

The MEP National Network is a public-private partnership that delivers comprehensive solutions to U.S. manufacturers, fueling growth and advancing U.S. manufacturing.[17] MEP is part of the U.S. Department of Commerce's National Institute of Standards and Technology (NIST).[18] The MEP National Network, the mission of which is to strengthen and empower U.S. manufacturers, is comprised of NIST's Manufacturing Extension Partnership (NIST MEP), the 51 MEP Centers located in all 50 states and Puerto Rico, the MEP Advisory Board, MEP Center boards, and the Foundation for Manufacturing Excellence, as well as over 1,440 trusted advisors and experts at approximately 460 MEP service locations, providing any U.S. manufacturer with access to resources they need to succeed.[19] FloridaMakes is the official representative of the MEP National Network and NIST MEP in the state of Florida.[20]

The Department collaborates with FloridaMakes to promote and support the growth of Florida's manufacturing sector by providing resources, data, and partnership opportunities to manufacturers, often highlighting the industry's economic impact through initiatives like the "Florida Manufacturing Report" which is developed jointly by both entities.[21]

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[8] S. 163.3252(3), F.S.
[9] S. 163.3253, F.S.
[10] S. 163.3252, F.S.
[11] Department of Commerce, *Manufacturing Competitiveness Act Development Approval Program,* available at https://floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/manufacturing-competitiveness-act-development-approval-program (last visited Apr. 7, 2025).
[12] S. 445.004(1), F.S.
[13] *See* CareerSource Florida, *About Us,* available at https://careersourceflorida.com/ (last visited Apr. 7, 2025).
[14] Florida Commerce, *Local Workforce Development Boards,* https://www.floridajobs.org/local-workforce-development-board-resources/workforce-development-boards/local-workforce-development-boards (last visited Apr. 7, 2025).
[15] S. 288.101(1), F.S.
[16] *See* s. 288.101(2), F.S.
[17] National Institute of Standards and Technology (NIST), *MEP National Network,* https://www.nist.gov/mep/mep-national-network (last visited Apr. 7, 2025).
[18] *Id.*
[19] *Id.*
[20] FloridaMakes, *About us,* https://www.floridamakes.com/about-us/how-we-help (last visited Apr. 7, 2025).
[21] FloridaMakes, *News, Blogs & Events,* https://www.floridamakes.com/blogs/frances-nevill/2024/06/04/spotlight-on-floridas-inaugural-manfucturing-repor (last visited Apr. 7, 2025).

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Housing, Agriculture & Tourism Subcommittee	14 Y, 0 N, As CS	4/1/2025	Curtin	Rodriguez
THE CHANGES ADOPTED BY THE COMMITTEE:	The PCS: • Removed the provision that created the Statewide Office of Manufacturing. • Clarified that participation in the Florida Manufacturing Promotional Campaign is voluntary.			
Transportation & Economic Development Budget Subcommittee	10 Y, 0 N, As CS	4/10/2025	Davis	McAuliffe
THE CHANGES ADOPTED BY THE COMMITTEE:	The amendment removed the Florida Manufacturer's Workforce Development Grant Program from the bill.			
Commerce Committee			Hamon	Rodriguez

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

A bill to be entitled

An act relating to manufacturing; amending s. 20.60, F.S.; revising the duties of the Department of Commerce; creating s. 20.6051, F.S.; establishing the Chief Manufacturing Officer among the senior leadership of the department; providing that the Chief Manufacturing Officer is appointed by and serves at the pleasure of the Secretary of Commerce; providing responsibilities for the Chief Manufacturing Officer; directing all state and local governmental entities to assist the Chief Manufacturing Officer; requiring the department to prepare a report regarding manufacturing efforts in this state; requiring the department to submit its report on a specified date and biennially thereafter to the Governor and the Legislature; requiring that the report include certain information; creating s. 288.1031, F.S.; providing legislative findings; creating s. 288.1032, F.S.; providing definitions; creating s. 288.1033, F.S.; creating the Florida Manufacturing Promotional Campaign within the department; providing the purpose of the campaign; requiring the department to take certain actions in promoting the campaign; creating s. 288.1034, F.S.; requiring persons that participate in the campaign to register annually with the department; creating s.

288.1036, F.S.; authorizing the department to adopt rules; authorizing the department to establish, by rule, the logos or product identifiers to be depicted for use in the campaign; providing an effective date.

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

Section 1. Paragraph (m) is added to subsection (4) of section 20.60, Florida Statutes, to read:

20.60 Department of Commerce; creation; powers and duties.—

(4) The purpose of the department is to assist the Governor in working with the Legislature, state agencies, business leaders, and economic development professionals to formulate and implement coherent and consistent policies and strategies designed to promote economic opportunities for all Floridians. The department is the state's chief agency for business recruitment and expansion and economic development. To accomplish such purposes, the department shall:

(m) Encourage and oversee manufacturing in this state in coordination with the Chief Manufacturing Officer.

Section 2. Section 20.6051, Florida Statutes, is created to read:

20.6051 Chief Manufacturing Officer.—

(1) There shall be designated among the senior leadership

of the Department of Commerce a Chief Manufacturing Officer for the purpose of supporting the manufacturing ecosystem statewide. The Chief Manufacturing Officer is appointed by and serves at the pleasure of the Secretary of Commerce.

(2) The Chief Manufacturing Officer shall:

(a) Serve as a subject-matter expert for the state on issues related to manufacturing.

(b) Be responsible for promoting and coordinating manufacturing efforts in this state and identifying gaps across state-supported activities.

(c) Provide strategic direction for interagency and cross-disciplinary initiatives to promote and support manufacturing in this state.

(d) Work with federal, state, regional, and local governmental entities and nongovernmental entities to align manufacturing priorities in this state.

(e) Engage with state agencies and water management districts to innovate processes, programs, decision frameworks, and reporting mechanisms intended to support manufacturing in this state.

(3) All state and local governmental entities shall assist the Chief Manufacturing Officer to the extent such assistance is consistent with law and with budgetary constraints.

(4) The department shall prepare a report, in consultation with the Chief Manufacturing Officer and the state Manufacturing

Extension Partnership, regarding manufacturing efforts in this state. The department shall submit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 15, 2026, and every 2 years thereafter. The report must include information regarding the strength and economic importance of the manufacturing industry in this state.

Section 3. Section 288.1031, Florida Statutes, is created to read:

288.1031 Legislative findings.—The Legislature finds that there is a need for the Florida Manufacturing Promotional Campaign, established in s. 288.1033, to increase consumer awareness of manufacturing activities in this state, to expand market exposure for manufactured products and goods in this state, and to inspire future generations of entrepreneurs, fabricators, and skilled workers to build and grow domestic businesses and manufacturing operations in this state. The Legislature further finds that a campaign that creates a partnership between industry and this state is necessary to promote and advertise such products efficiently.

Section 4. Section 288.1032, Florida Statutes, is created to read:

288.1032 Definitions.—As used in ss. 288.1031-288.1036, the term:

(1) "Campaign" means the Florida Manufacturing Promotional

Campaign.

(2) "Department" means the Department of Commerce.

(3) "Manufactured product" means any tangible personal property that has been fabricated or produced, often through industrial or mechanical processes. The term includes items sold or leased to consumers.

(4) "Person" means an individual, a firm, a partnership, a corporation, an association, a business, a trust, a legal representative, or any other business unit.

Section 5. Section 288.1033, Florida Statutes, is created to read:

288.1033 Florida Manufacturing Promotional Campaign; purpose; duties of the department.—There is created within the department, under the supervision of the Chief Manufacturing Officer and in coordination with the state Manufacturing Extension Partnership, the Florida Manufacturing Promotional Campaign. The purpose of the campaign is to serve as a voluntary marketing program to promote manufacturing products and businesses in this state. In promoting the campaign, the department shall do all of the following:

(1) Develop logos for the campaign and authorize the use of such logos as provided by rule.

(2) Register campaign participants.

(3) Collect rental receipts for industry promotions.

(4) Develop in-kind advertising programs.

(5) Contract with media representatives for the purpose of dispersing promotional materials.

Section 6. Section 288.1034, Florida Statutes, is created to read:

288.1034 Registration.—A person that participates in the Florida Manufacturing Promotional Campaign must register annually with the department in a form and manner as prescribed by the department.

Section 7. Section 288.1036, Florida Statutes, is created to read:

288.1036 Rulemaking authority.—The department may adopt rules to implement and administer the Florida Manufacturing Promotional Campaign. By rule, the department may establish the logos or product identifiers to be depicted for use in the campaign for advertising, publicizing, and promoting the sale of manufactured products in this state. The department may also adopt any other rules deemed necessary to ensure compliance with the Florida Manufacturing Promotional Campaign, including, but not limited to, rules governing participant registration, renewal of registration, classes of membership, application forms, and other forms and enforcement measures.

Section 8. 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 563 **TITLE:** Fees/Florida Manufacturing Promotional Campaign **SPONSOR(S):** Cobb	**COMPANION BILL:** CS/SB 602 (Truenow) **LINKED BILLS:** CS/CS/HB 561 Cobb, Redondo **RELATED BILLS:** None

Committee References

Housing, Agriculture & Tourism	➤	Transportation & Economic Development Budget	➤	Commerce
14 Y, 0 N, As CS		10 Y, 0 N		

SUMMARY

Effect of the Bill:

Requires the Department of Commerce to assess an annual fee, not exceeding $100, from those who register to participate in the voluntary Florida Manufacturing Promotional Campaign; fees must be deposited into the Economic Development Trust Fund and used solely for administering the campaign.

Fiscal or Economic Impact:

The bill appears to have a net zero fiscal impact on state revenues and expenditures.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill requires the Department of Commerce (Department) to assess and collect an annual fee not to exceed $100 per registrant to fund the costs of administering the voluntary Florida Manufacturing Promotional Campaign (Campaign). The fees must be deposited into the Economic Development Trust Fund to be used solely for administering the campaign. (Section 1).

The bill shall take effect on the same date as CS/HB 561 or similar legislation, if adopted in the same legislative session or an extension thereof. (Section 2).

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The bill appears to have a net zero fiscal impact on state revenues and expenditures. There could be an indeterminate, positive fiscal impact on state revenues deposited in the Economic Development Trust Fund from private sector business participants. State expenditures to administer the Florida Manufacturing Promotional Campaign, however, should meet but not exceed such collections.

PRIVATE SECTOR:

Those businesses who register to participate in the Florida Manufacturing Promotional Campaign may experience increased market exposure and additional business. These registrants will also pay an annual fee not to exceed $100 to support the Campaign.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Manufacturing

Florida has over 422,000 manufacturing jobs and ranks as the nation's 10th largest manufacturing employer.[1] Since 2014, Florida has increased manufacturing employment by 23.3 percent, which outpaced the other 11 states in the top 12 for manufacturing.[2] Manufacturing jobs generally pay higher wages than those in other industries. In 2022, the average annual wage for manufacturing jobs was over $74,000, a 6.6 percent increase from 2021.[3]

The North American Industry Classification System (NAICS) is the standard used by federal statistical agencies to classify businesses by industry type for the purpose of statistical data collection and analysis related to the U.S. economy.[4] NAICS Sector Codes 311-339 include unique manufacturing industries in Florida that have outpaced the nation in job growth, which include, but are not limited to, the following:[5]

- Food manufacturing
- Beverage and tobacco product manufacturing
- Textile mills and textile product mills
- Apparel manufacturing
- Leather and allied product manufacturing
- Wood product and paper manufacturing
- Printing and related support activities
- Petroleum and coal products manufacturing
- Chemical manufacturing
- Plastics and rubber products manufacturing
- Nonmetallic mineral product manufacturing
- Primary metal manufacturing
- Fabricated metal product manufacturing
- Machinery manufacturing
- Computer and electronic product manufacturing
- Electrical equipment and appliances
- Transportation equipment manufacturing
- Furniture and related product manufacturing
- Miscellaneous manufacturing

Additionally, manufacturing sectors with a high value-added component, such as aviation and aerospace, defense, microelectronics, medical devices and equipment, marine, fabricated metal products, and industrial machinery, have helped Florida's small and mid-size manufacturers grow quickly.[6]

Under the Local Manufacturing Development Program, a local government may adopt an ordinance establishing a local manufacturing development program through which the local government may grant master development approval for developing or expanding sites operated by manufacturers.[7] Local governments may establish procedures for a manufacturing development program that allows manufacturers to submit and, upon approval of a master development plan, proceed with development without requiring additional local approvals, except for

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[1] Department of Commerce, *2023 Florida Manufacturing,* https://www.floridajobs.org/docs/default-source/communicationsfiles/2023-florida-manufacturing-report.pdf (last visited Apr. 7, 2025).
[2] *Id.* at 2.
[3] *Id.* at 10.
[4] United States Census Bureau, *North American Industry Classification System (NAICS)*, https://www.census.gov/naics/ (last visited Apr. 7, 2025).
[5] Department of Commerce, *2023 Florida Manufacturing,* https://www.floridajobs.org/docs/default-source/communicationsfiles/2023-florida-manufacturing-report.pdf (last visited Apr. 7, 2025).
[6] *Id.* at 47
[7] S. 163.3252, F.S.

building permits.[8] The approval process must be coordinated with the Department.[9] Additionally, the Department has developed a model local manufacturing development program ordinance to guide local governments that intend to establish a local manufacturing development program.[10] Currently, only Manatee and Volusia County have adopted an ordinance.[11]

Workforce Training Programs

CareerSource Florida, a not-for-profit corporation administratively housed within the Department,[12] is the statewide workforce policy and investment board comprised of business and government leaders that helps Floridians enter, remain in, and advance in the workplace so that they may become more highly skilled and successful. The program also connects employers with qualified and skilled employees.[13] Workforce training is administered through the 21 local workforce development boards.[14]

The Florida Job Growth Grant Fund is an economic development program that improves public infrastructure and workforce training across the state.[15] Proposals are reviewed by the Department and chosen by the Governor to meet the demand for workforce or infrastructure needs in the communities they are awarded to.[16]

Manufacturing Extension Partnership (MEP)

The MEP National Network is a public-private partnership that delivers comprehensive solutions to U.S. manufacturers, fueling growth and advancing U.S. manufacturing.[17] MEP is part of the U.S. Department of Commerce's National Institute of Standards and Technology (NIST).[18] The MEP National Network, the mission of which is to strengthen and empower U.S. manufacturers, is comprised of NIST's Manufacturing Extension Partnership (NIST MEP), the 51 MEP Centers located in all 50 states and Puerto Rico, the MEP Advisory Board, MEP Center boards, and the Foundation for Manufacturing Excellence, as well as over 1,440 trusted advisors and experts at approximately 460 MEP service locations, providing any U.S. manufacturer with access to resources they need to succeed.[19] FloridaMakes is the official representative of the MEP National Network and NIST MEP in the state of Florida.[20]

The Department collaborates with FloridaMakes to promote and support the growth of Florida's manufacturing sector by providing resources, data, and partnership opportunities to manufacturers, often highlighting the industry's economic impact through initiatives like the "Florida Manufacturing Report" which is developed jointly by both entities.[21]

State Constitution

Section 19 of Article VII of the State Constitution requires a "state tax or fee imposed, authorized, or raised under this section must be contained in a separate bill that contains no other subject." A "fee" is defined by the Florida Constitution to mean "any charge or payment required by law, including any fee for service, fee or cost for licenses,

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[8] S. 163.3252(3), F.S.
[9] S. 163.3253, F.S.
[10] S. 163.3252, F.S.
[11] Department of Commerce, *Manufacturing Competitiveness Act Development Approval Program,* available at https://floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/manufacturing-competitiveness-act-development-approval-program (last visited Apr. 7, 2025).
[12] S. 445.004(1), F.S.
[13] *See* CareerSource Florida, *About Us,* available at https://careersourceflorida.com/ (last visited Apr. 7, 2025).
[14] Florida Commerce, *Local Workforce Development Boards,* https://www.floridajobs.org/local-workforce-development-board-resources/workforce-development-boards/local-workforce-development-boards? (last visited Apr. 7, 2025).
[15] S. 288.101(1), F.S.
[16] *See* s. 288.101(2), F.S.
[17] National Institute of Standards and Technology (NIST), *MEP National Network,* https://www.nist.gov/mep/mep-national-network? (last visited Apr. 7, 2025).
[18] *Id.*
[19] *Id.*
[20] FloridaMakes, *About us,* https://www.floridamakes.com/about-us/how-we-help (last visited Apr. 7, 2025).
[21] FloridaMakes, *News, Blogs & Events,* https://www.floridamakes.com/blogs/frances-nevill/2024/06/04/spotlight-on-floridas-inaugural-manfucturing-repor (last visited Apr. 7, 2025).

and charge for service."[22] Section 19 of Article VII of the State Constitution also requires that a tax or fee raised by the Legislature must be approved by two-thirds of the membership of each house of the Legislature.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Housing, Agriculture & Tourism Subcommittee	14 Y, 0 N, As CS	4/1/2025	Curtin	Rodriguez
THE CHANGES ADOPTED BY THE COMMITTEE:	The PCS: • Removed rulemaking authority from the Department to establish registration and renewal fees to fund the cost of administering the Florida Manufacturing Promotional Campaign. • Established that the Department shall assess and collect an annual registration fee not exceeding $100 per registrant, which will be used to fund the costs associated with administering the voluntary Florida Manufacturing Promotional Campaign.			
Transportation & Economic Development Budget Subcommittee	10 Y, 0 N	4/10/2025	Davis	McAuliffe
Commerce Committee			Hamon	Rodriguez

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

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[22] FLA. CONST. art. VII, s. 19(d)(1).

A bill to be entitled

An act relating to fees; creating s. 288.1035, F.S.; requiring the Department of Commerce to assess and collect a specified annual fee sufficient to fund the costs of administering the voluntary Florida Manufacturing Promotional Campaign; requiring that such fees be deposited into the Economic Development Trust Fund for a specified purpose; providing a contingent effective date.

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

Section 1. Section 288.1035, Florida Statutes, is created to read:

288.1035 Fees.—

(1) The department shall assess and collect an annual registration fee not to exceed $100 per registrant to fund the costs of administering the voluntary Florida Manufacturing Promotional Campaign.

(2) Fees must be deposited into the Economic Development Trust Fund established in s. 288.095 to be used solely for administering the campaign.

Section 2. This act shall take effect on the same date that HB 561 or other similar legislation takes effect, if such legislation is adopted in the same legislative session or an

extension thereof and becomes a law.

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

FLORIDA HOUSE OF REPRESENTATIVES
BILL ANALYSIS

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

BILL #: CS/CS/HB 567	**COMPANION BILL:** CS/CS/CS/SB 462 (DiCeglie)
TITLE: Transportation	**LINKED BILLS:** None
SPONSOR(S): McFarland	**RELATED BILLS:** None

Committee References

Economic Infrastructure 16 Y, 0 N, As CS	➤ Transportation & Economic Development Budget 10 Y, 0 N, As CS	➤ Commerce

SUMMARY

Effect of the Bill:

The bill addresses several matters related to the Florida Department of Transportation (DOT) and state transportation policy, including:

- DOT contracting authority and practices,
- Metropolitan Planning Organizations,
- Traffic signal modernization,
- Speed limits,
- DOT district boundaries,
- Funding for educational heavy equipment simulators,
- Widening of I-4 segments,
- The Sarasota Manatee Airport Authority,
- The Greater Miami Expressway Agency,
- Expectant mother parking permits, and
- Local regulation of electric bicycles and motorized scooters.

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

Fiscal or Economic Impact:

The bill creates new responsibilities and requirements for DOT, however, the fiscal impact of these provisions is indeterminate. This bill contains no appropriations, and it is anticipated that any workload or need for increased expenditures will be absorbed within existing Work Program or other operational resources.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill addresses numerous changes related to the Florida Department of Transportation (DOT) and Florida transportation policy.

County Transportation Project Data (Section 1)

The bill requires each county to annually provide the Office of Economic and Demographic Research (EDR) the following information for revenues received from the Charter County and Regional Transportation System Surtax:

- The total proceeds from the surtax received by the county.
- The amount allocated by the county for road and bridge projects.
- The total expenditures for road and bridge projects.
- The unexpended balances of funds allocated to road and bridge projects by category.
- A list of current road and bridge projects, including the project cost, location, and scope.

- The amount allocated by the county to all other authorized uses of the proceeds from the surtax, excluding road and bridge projects and the payment or pledge of bonds for the construction of roads and bridges.

The bill requires EDR, in consultation with the Department of Transportation (DOT), to establish and define broad categories for reporting this information, including, but not limited to, widening, repair and rehabilitation, sidewalks, or payment or pledge of bonds for the construction of roads and bridges.

Each county must report the information required in the format specified by EDR and EDR must compile the information from each county into a report and submit the report to the President of the Senate, the Speaker of the House of Representatives, and DOT.

Traffic Signal Modernization Program (Section 20)

The bill directs DOT to implement the Next-generation Traffic Signal Modernization Program (Next-gen Program). Under the bill, the Next-gen Program will consist of:

- Retrofitting existing traffic signals and controllers, and
- Providing a communication backbone for remote operations and management of such signals on the State Highway System and nonstate highway system.

The bill requires DOT to prioritize such signal upgrades based on average annual daily traffic and the impact of adding to an existing interconnected system.

Under the bill, the program must consist of an advanced traffic management platform that uses state-of-the-art technology to deliver accurate detection in all weather conditions, offering fully integrated stop bar and advance detection, alongside dilemma zone and pedestrian protection.

In addition to supporting time-of-day signal timing plans, the program must provide real-time traffic optimization to improve flow and enhance safety.

The bill requires the program to be compliant with leading cybersecurity standards, such as SOC 2 and ISO 27001, in order to ensure robust data protection.

Speed Limits (Sections 3 and 4)

The bill authorizes DOT to determine the safe and available minimum speed limit on all highways that are a part of the National System of Interstate and Defense Highways and have at least four lanes.

The bill increases the maximum allowable speed limit as follows:

- The maximum allowable speed limit on limited access highways is 75 miles per hour.
- The maximum allowable speed limit on any other highway that is outside of an urban area and has at least four lanes divided by a median strip is 70 miles per hour.
- DOT may set the maximum speed limit for travel over other roadways not to exceed a maximum speed limit of 65 miles per hour.

The bill also provides that a person may not create an excessive wake while operating a motor vehicle, vessel, or other conveyance on a flooded street or highway. (Section 7)

Electric Bicycles, Motorized Scooters, and Mircomobility Devices (Sections 5 and 6)

The bill further specifies the authority of local governments over electric bicycles, motorized scooters, and micromobility devices to expressly include the authority to:

- Adopt an ordinance providing one or more minimum age requirements for such devices.
- Adopt an ordinance requiring an operator of such devices to possess a government-issued photographic identification.

- Provide training on safe operation of such devices and compliance with the traffic laws of this state which are applicable to such devices.

Expectant Mother Parking (Section 8)

Under the bill, the Florida Department of Highway Safety and Motor Vehicles (DHSMV) must issue expectant mother parking permit placards or decals to an expectant mother who submits an application. Such placards and decals are valid for 1 year after the date of issuance.

The bill provides that DHSMV must, by rule, provide for the design, size, color, and placement of the expectant mother parking permit placard or decal. DHSMV must ensure that the placard or decal conspicuously displays the expiration date.

Under the bill, the application for an expectant mother parking permit must include, but is not limited to:
- Certification by a licensed physician that the applicant is an expectant mother.
- The certifying physician's certification number.
- The following statement in bold letters: "An expectant mother parking permit may be issued only to an expectant mother and is valid for up to 1 year after the date of issuance."
- The signatures of the certifying physician, the applicant, and the employee of DHSMV processing the application.

The bill provides that notwithstanding any other provision of law, an expectant mother who is issued a permit under this section may park a motor vehicle in a parking space designated for persons who have disabilities as provided in s. 553.5041, F.S.

Eminent Domain Authority (Section 10)

The bill restates DOT's ability to purchase property or property rights in advance to preserve a corridor for future proposed improvements.

Center for Urban Transportation Research (Section 1111)

The bill removes statutory language requiring the Center for Urban Transportation Research (CUTR) to be administered by the Board of Governors of the State University System and alters the composition of the advisory board for CUTR. The bill adds the following members to the advisory board.
- A member appointed by the President of the Senate,
- A member appointed by the Speaker of the House of Representatives,
- The Secretary of Transportation or his or her designee, and
- The Secretary of Commerce or his or her designee.

The bill also limits the number of remaining members nominated by the University of South Florida to four and removes a requirement that these remaining members must be reviewed and approved by the Florida Transportation Commission and confirmed by the Board of Governors of the State University System .

Project Concept Studies (Section 12)

Under the bill, all project concept studies and project development and environmental studies for capacity improvement projects on limited-access facilities[1] must include the evaluation of alternatives that provide transportation capacity using elevated roadways above existing lanes. Additionally, project development and environmental studies for new alignment projects and new capacity improvement projects must be completed to the maximum extent possible within 18 months after commencement.

[1] Section 338.01, F.S., allows DOT to establish limited-access facilities, the primary function of which is to allow high-speed and high-volume traffic movements within the state.

DOT Contracting

Awarding Contracts (Section 13)

The bill provides that if DOT intends to reject all bids on any project after announcing, but before posting, official notice of its intent, the bill requires DOT to provide to the lowest responsive, responsible bidder the opportunity to negotiate the scope of work, with a corresponding reduction in price, to provide its best and final offer without filing a protest or posting a bond. Upon reaching a decision regarding the lowest bidder's best and final offer, DOT must post notice of final agency action to either reject all bids or accept the best and final offer.

This does not prohibit any bidder from filing a protest or alter the statutory deadlines related to bid protests found in s. 120.57(3), F.S.

The bill provides that notwithstanding s. 120.57(3)(c), F.S., relating to bid protests, and s. 287.057(25), F.S., relating to a disclosure on the procurement of solicitations, upon receipt of a timely-filed formal written protest, DOT may continue the process for awarding contracts with a DOT estimate of $100 million or less, but it may not take final agency action as to the lowest responsive and responsible bidder except as part its final agency action in the protest or upon the protesting party's dismissal of the protest.

Phased Design-Build Contracts (Section 13)

The bill states that for design-build contracts, DOT must receive at least three letters of interest. From those letters of interest, DOT must request proposals from no fewer than three of the design-build firms submitting such letters. If a design-build firm withdraws from consideration after DOT requests proposals, DOT may continue if at least two proposals are received.

For phased design-build projects, the bill requires DOT to competitively award the contract to a qualified firm, provided that DOT receives at least three statements of qualification from qualified firms. If during phase one of a project, DOT elects, based upon qualifications, to enter into contracts with more than one design-build firm, DOT must competitively select the phase-two contract to a single design-build firm. For phase two, the design-build firm may independently perform portions of the work and shall competitively bid construction trade subcontractor packages. Based upon the design-build firm's estimates of its independently performed work and these bids, it may negotiate with DOT a guaranteed maximum price that meets the project's previously advertised budget and scope.

Marine General Liability Insurance (Section 13)

The bill requires for a contract let by DOT on or after July 1, 2025, work requiring a contractor to have marine general liability insurance, must include protection and indemnity coverage. The contractor may receive this additional coverage by an endorsement on its marine general liability insurance policy or from a separate insurance policy.

Applications for Qualification (Section 14)

The bill authorizes DOT to waive its prequalification requirements for a push-button contract or task work order contract of $1 million or less.

Contractor Certification (Section 14)

The bill increases the maximum contract amount for which DOT may waive bond requirements from $150,000 to $250,000.

Maintenance Contracts (Section 14)

The bill requires a contractor seeking to bid on a maintenance contract for which the majority of the work includes repair and replacement of safety appurtenances, including, but not limited to, guardrails, attenuators, traffic

signals, and striping, to possess the prescribed qualifications, equipment, record, and experience to perform such repair and replacement.

State Arbitration Board (Section 15)

The bill states that a contractor may submit a claim between $250,000 to $2 million per contract, or if agreed upon by the parties, a claim greater than $2 million per contract to be arbitrated by the State Arbitration Board. Additionally, the bill states that at a subsequent de novo trial, only sworn testimony in connection with an arbitration hearing may be used for any purpose otherwise permitted by the Florida evidence code.

Under the bill, an arbitration request may not be made to the Board before final acceptance but must be made to the Board within 360 days after written notice by DOT of a claim related to a written warranty or defect after final acceptance.

Suits By and Against DOT (Section 16)

The bill provides that suits may be commenced within 360 days after written notice by DOT of a claim related to a written warranty or defect after final acceptance.

Metropolitan Planning Organizations (Sections 9 and 17)

The bill removes the duty of Space Florida[2] to partner with the Metropolitan Planning Organization Advisory Council to coordinate and specify how aerospace planning and programming will be part of the state's cooperative transportation planning process.

The bill modifies the legislative intent related to the establishment of Metropolitan Planning Organizations (M.P.O.s) to emphasize:

- The development of multimodal transportation systems, instead of surface transportation systems; and
- Serving the mobility needs of people and freight and fostering economic growth and development within and through urbanized areas of this state while balancing conservation of natural resources.

Under the bill, no additional M.P.O.'s may be designated after July 1, 2025, except in urbanized areas, as defined by the United States Bureau of the Census, where the urbanized area boundary is not contiguous to an urbanized area designated before the 2020 census. The bill removes requirements that new M.P.O.s designated within an existing urbanized area must meet.

The bill revises the items that each M.P.O. must consider when developing its long-range transportation plan (LRTP) and Transportation Improvement Program (TIP) to include projects and strategies that will conserve natural resources and reduce traffic and congestion where feasible.

The bill eliminates an obsolete provision that required by December 31, 2023, the M.P.O.'s serving Hillsborough, Pasco, and Pinellas Counties to submit a report on the feasibility of consolidation into a single M.P.O.

The bill requires DOT, at least annually, to convene M.P.O.s of similar size for the purpose of exchanging best practices and allows M.P.O.s to develop committees or working groups as needed to accomplish this purpose. This replaces the provision of law that allows M.O.O.s the discretion and flexibility to coordinate as they see fit with other M.P.O.s and political subdivisions.

The bill provides that training for new M.P.O. governing board members must be provided by DOT and by either CUTR or by the Implementing Solutions from Transportation Research and Evaluation of Emerging Technologies Program (I-STREET).

[2] 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.

The bill revises the requirements for an M.P.O.'s LRTP by:

- Removing the provision that requires the Metropolitan Planning Organization Advisory Council to review the LRTPs of certain M.P.O.s.
- Allowing, in the financial plan requirement, public-private partnerships to be included as an innovative financing technique to be used to fund needed projects and programs.
- Revising the list of proposed transportation enhancement activities that an M.P.O. must indicate, as appropriate, to include integration of advanced air mobility and integration of autonomous, electric, and alternative-fuel vehicles, electric bicycles, and motorized scooters used for freight, commuter, or micromobility purposes. The list of such activities is no longer required to indicate historic preservation, mitigation of water pollution due to highway runoff, and control of outdoor advertising.

The bill creates the following M.P.O. accountability and transparency provisions:

- Allows each M.P.O. to execute a written agreement with DOT, which must be reviewed and updated as necessary every 5 years, which clearly establishes the cooperative relationship essential to accomplish the transportation planning requirements of state and federal law. Roles, responsibilities, and expectations for accomplishing consistency with federal and state requirements and priorities must be described and formalized in the agreement. The agreement must describe and formalize the M.P.O.'s responsibility, in collaboration with DOT, to identify, prioritize, and present to DOT a complete list of multimodal transportation projects consistent with the needs of the metropolitan planning area. It is DOT's responsibility to program projects in the Statewide Transportation Improvement Program (STIP) in collaboration with the M.P.O.'s.
- Requires DOT to establish, in collaboration with the M.P.O.'s, quality performance metrics such as safety, infrastructure condition, congestion relief, and mobility. Each M.P.O. must, as part of its LRTP, in direct coordination with DOT, develop targets for each performance measure within the metropolitan planning area boundary. The performance targets must support efficient and safe movement of people and goods both within the metropolitan planning area and between regions. Each M.P.O. must report progress toward establishing performance targets for each measure annually in its TIP. DOT must evaluate and post on its website whether each M.P.O. has made significant progress toward its target for the applicable reporting period.

The bill repeals the Metropolitan Planning Organization Advisory Council (MPOAC).

Strategic Intermodal System Highway Corridors (Section 18)

The bill requires DOT, in its Strategic Intermodal System (SIS) highway corridors plan of projects, to prioritize projects addressing gaps in a corridor so that the corridor becomes contiguous.

Funding for Florida College System Equipment Simulators (Section 19)

The bill authorizes DOT in the fiscal years 2025-2026 through 2029-2030 to expend up to $5 million per fiscal year for grants to Florida College System institutions and high schools for the purchase of equipment simulators with authentic original equipment manufacturer controls.

Under the bill, each grant recipient must offer an elective course in heavy civil construction, the curriculum of which is specifically designed to use the simulator and other instructional aides to, at a minimum, provide the student with OSHA 10 Construction certification and an equipment simulator certification.

The bill requires that in awarding such grants, DOT must give priority to Florida College System institutions and high schools in rural communities.[3]

Widening of Interstate 4 (Section 22)

[3] The term "rural communities" is defined in s. 288.0656(2), F.S.

The bill states that the Legislature finds that the widening of the portion of Interstate 4 (I-4) between U.S. Highway 27 in Polk County and Interstate 75 in Hillsborough County is in the public and strategic interest of the region to improve the movement of people and goods.

The bill directs DOT to develop a report that includes, but is not limited to, detailed costs for project development and environmental studies, design, acquisition of rights-of-way, and construction and a schedule to complete the widening as expeditiously as possible. The bill requires the report to identify funding shortfalls and strategies to address such shortfalls, including but not limited to, using express lane toll revenues generated on the I-4 corridor and other available DOT funds for public-private partnerships.

Under the bill, DOT must submit the report by December 31, 2025, to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

DOT District Boundaries (Section 23)

The bill directs DOT to submit a report to the Governor, President of the Senate, and Speaker of the House of Representatives by October 31, 2025, that provides a comprehensive review of the boundaries of each of DOT's districts and whether any district's boundaries need to be redrawn as a result of population growth and increased urban density.

Sarasota Manatee Airport Authority (Section 24)

The bill establishes a pilot program at the Sarasota Manatee Airport Authority (SMAA) in order to determine long-term feasibility of alternative airport permitting procedures.

The bill directs DOT to adopt rules as necessary to implement the program.

Under the bill, DOT must submit recommendations to the President of the Senate and the Speaker of the House of Representatives about how to expand the pilot program to additional airports, amend the pilot program to increase effectiveness, or terminate the pilot program.

The bill provides a repeal date for the SMAA pilot program of June 30, 2028, unless reviewed and reenacted by the Legislature.

Greater Miami Expressway Agency (Section 25)

The bill provides that the two members of the Greater Miami Expressway Agency appointed by the board of county commissioners of Miami-Dade County must be residents of an unincorporated portion of the county and reside within 15 miles of an agency toll road.

The bill updates cross references in accordance with the provisions of the bill. (Section 21)

The bill provides an effective date of July 1, 2025. (Section 26)

RULEMAKING:

The bill authorizes DHSMV to provide, by rule, for the design, size, color, and placement of the expectant mother parking permit placard or decal.

The bill authorizes DOT to adopt rules necessary to implement the SMAA pilot program.

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 creates new responsibilities and requirements for DOT, however, the fiscal impact of these provisions is indeterminate.

The bill authorizes, but does not necessarily require, additional funding within the Work Program or other existing department operational resources. The bill uses permissive language allowing DOT to expend up to $5 million per fiscal year for grants to Florida College System institutions and high schools for the purchase of equipment simulators.

The bill requires DOT to implement the Next-generation Traffic Signal Modernization Program which would require DOT to retrofit all existing traffic signals and controllers on the State Highway System and nonstate highway system. The fiscal impact of this provision on the department is indeterminant but likely significant. However, there is no completion date established in the bill so it is likely the DOT can make these improvements through the Work Program gradually, thus leveling out expenditures over a period of time. The DOT will also incur indeterminate costs to develop a report regarding the widening of I-4 as required by the bill. The bill establishes a pilot program regarding alternative permitting procedures at the Sarasota Manatee Airport Authority and requires DOT to adopt rules to implement the program and submit recommendations to the Legislature. This bill contains no appropriations and it is anticipated that any workload or need for increased expenditures will be absorbed within existing Work Program or other operational resources.

The bill requires EDR to collect certain fiscal information from counties and report their findings to the Legislature and DOT.

The DOT has not provided a fiscal impact or policy analysis for this bill.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

County Transportation Project Data

Annually, each county and municipality must provide DOT with uniform program data. Uniform program data must include, but is not limited to, details on transportation receipts and expenditures, and on the number of miles of road under the local governmental entity's jurisdiction. DOT must compile this data and, upon request, furnish its compilation to any interested person.[4]

Traffic Signals

DOT is required by Florida law to adopt a uniform system of traffic control devices for use on the streets and highways of the state.[5] To meet this requirement, it has adopted the U.S. Department of Transportation, Federal Highway Administration's Manual on Uniform Traffic Control Devices (MUTCD).[6] The MUTCD is a compilation of national standards for all traffic control devices, including road markings, highway signs, and traffic signals. The 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.

Section 316.075, F.S., details the guidelines for traffic signal control devices.

Speed Limits

[4] S. 218.322, F.S.
[5] S. 316.0745(1), F.S.
[6] R. 14-15.010, F.A.C.

Florida law prohibits a person from driving a vehicle on a highway at a speed greater than what is reasonable and prudent under current conditions and with regard to actual and potential hazard.[7]

Florida law also establishes minimum speed limits. On all highways on the National System of Interstate and Defense that have four or more lanes, the minimum speed is 40 miles per hour, except that when the posted speed limit is 70 miles per hour, then the minimum speed is 50 miles per hour.[8] Current law establishes the following maximum allowable speed limits:

- On limited access highways - 70 miles per hour.[9]
- On divided highways outside an urban area of 5,000 or more persons, with at least four lanes - 65 miles per hour.[10]
- On other DOT roadways - as DOT deems safe and advisable, but not to exceed 60 miles per hour.[11]

Speeding violations are noncriminal traffic infractions, punishable as moving violations.[12] The statutory fines, based on the miles per hour above the speed limit are as follows:

- 1-5 mph -Warning
- 6-9 mph - $25
- 10-14 mph - $100
- 15-19 mph - $150
- 20-29 mph - $175
- 30 mph and above - $250[13]

Electric Bicycles, Motorized Scooters, and Micromobility Devices

Under Florida law, the operator of an electric bicycle or motorized scooter has all of the rights, privileges, and duties applicable to the rider of a bicycle.[14] These devices are defined in Florida law as follows:

- Electric bicycle:[15] A bicycle or tricycle equipped with fully operable pedals, a seat or saddle for the use of the rider, and an electric motor of less than 750 watts which meets the requirements of one of the following three classifications:
  - "Class 1 electric bicycle" means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the electric bicycle reaches the speed of 20 miles per hour.
  - "Class 2 electric bicycle" means an electric bicycle equipped with a motor that may be used exclusively to propel the electric bicycle and that ceases to provide assistance when the electric bicycle reaches the speed of 20 miles per hour.
  - "Class 3 electric bicycle" means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the electric bicycle reaches the speed of 28 miles per hour.
- Motorized scooter:[16] Any vehicle or micromobility device that is powered by a motor with or without a seat or saddle for the use of the rider, which is designed to travel on not more than three wheels, and which is not capable of propelling the vehicle at a speed greater than 20 miles per hour on level ground. The term does not include an electric bicycle.
- Micromobility device:[17] Any motorized transportation device made available for private use by reservation through an online application, website, or software for point-to-point trips and which is not

[7] S. 316.183(1), F.S.
[8] S. 316.183(2), F.S.
[9] S. 316.187(2)(a), F.S.
[10] S. 316.187(2)(b), F.S.
[11] S. 316.187(2)(c), F.S.
[12] S. 316.183(7) and 316.187(3), F.S., Penalties are as provided in ch. 318, F.S.
[13] S. 318.18(3)(b), F.S. In addition to these penalties, there Florida law imposes or authorizes additional fees and surcharges.
[14] Ss. 316.20655 and 316.2128, F.S.
[15] S. 316.003(23), F.S.
[16] S. 316.003(48), F.S.
[17] S. 316.003(41), F.S.

capable of traveling at a speed greater than 20 miles per hour on level ground. This term includes motorized scooters and bicycles as defined in ch. 316, F.S.

An electric bicycle must operate in a manner so that the electric motor is disengaged or ceases to function when the rider stops pedaling or when the brakes are applied.[18]

An operator of an electric bicycle, motorized scooter, or micromobility device is not required to register the device with the Department of Highway Safety and Motor Vehicles (DHSMV), carry minimum insurance, or have a driver license to operate a motorized scooter.[19] Helmets are required for operators under the age of 16.[20]

Local governments have authority to regulate electric bicycles, motorized scooters and micromobility devices, including authority to:

- Enact an ordinance to permit, control, or regulate the operation of electric bicycles and motorized scooters on sidewalks or sidewalk areas when such use is permissible under federal law.[21] The ordinance must restrict such vehicles or devices to a maximum speed of 15 miles per hour in such areas.[22]
- Adopt an ordinance governing the operation of electric bicycles on streets, highways, sidewalks, and sidewalk areas under the local government's jurisdiction; to prevent a municipality, county, or agency of the state having jurisdiction over a bicycle path, multiuse path, or trail network from restricting or prohibiting the operation of an electric bicycle on a bicycle path, multiuse path, or trail network; or to prevent a municipality, county, or agency of the state having jurisdiction over a beach or a dune from restricting or prohibiting the operation of an electric bicycle on such beach or dune.[23]
- Adopt an ordinance governing the operation of motorized scooters on streets, highways, sidewalks, and sidewalk areas under the local government's jurisdiction.[24]

Expectant Mother Parking

Section 320.0848, F.S. authorizes DHSMV and its agents to issue disabled parking permits to persons with impaired mobility. Upon application and receipt of the fee,[25] a person with a long-term mobility impairment is issued a disabled parking permit for a period of up to four years. Similarly, a person with a temporary mobility impairment is issued a temporary disabled parking permit for a period of up to six months.[26]

A certificate of disability is required for a disabled parking permit and must be provided by a licensed physician, podiatrist, optometrist, advanced registered nurse practitioner, physician's assistant, or a similarly licensed physician from another state.[27]

While current law does not explicitly contemplate whether an expectant mother would qualify for a temporary disabled parking permit, there are circumstances under which an expectant mother with temporary mobility issues could qualify so long as the expectant mother presents certification of disability from a physician as required by law.[28]

Eminent Domain Authority

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[18] S. 316.20655(6), F.S.
[19] Ss. 316.20655(2) and 316.2128(2)&(3), F.S.
[20] S. 316.2065(3)(d), F.S.
[21] S. 316.008(7)(a), F.S.
[22] *Id*.
[23] S. 316.2128(1), F.S.
[24] S. 316.2128(1), F.S.
[25] There is no charge for a "permanent" disabled parking permit. A temporary parking permit is $15; however, no person will be required to pay a fee for a disabled parking permit more than once in a 12-month period. S. 320.0848(1)(a), F.S.
[26] S. 320.0848(1)(a), F.S.
[27] S. 320.0848(1)(b), F.S.
[28] Email from Jonas Marquez, Director of Legislative Affairs, Department of Highway Safety and Motor Vehicles, RE: Question on HB 567 (Mar. 20, 2025).

Eminent domain refers to the government's power to take private property and convert it into public use.[29] The Fifth Amendment of the United States Constitution provides that the government taking of property under the power of eminent domain must include just compensation for property owners.[30]

Similarly, Article X, section 6(a) of the Florida Constitution provides that "[n]o private property shall be taken except for a public purpose and with full compensation therefor paid to each owner or secured by deposit in the registry of the court and available to the owner."[31]

DOT may acquire, by eminent domain, all property or property rights, whether public or private, which it determines necessary to perform its duties or execute its powers.[32]

DOT has the statutory authority to condemn all necessary lands and property, whether public or private, for the purpose of securing and utilizing transportation rights-of-way, including a DOT-designated transportation corridor.[33] Florida's statutory definition of the term "transportation corridor" includes all property or property interests necessary for future transportation facilities for the purpose of securing and utilizing future transportation rights-of-way.[34]

Center for Urban Transportation Research

Florida law establishes the Florida Center for Urban Transportation Research (CUTR) at the University of South Florida, to be administered by the Board of Governors of the State University System.[35] CUTR is responsible for conducting and facilitating research on issues related to urban transportation problems in this state and serving as an information exchange and depository for the most current information pertaining to urban transportation and related issues.[36] Additionally, CUTR is responsible for the promotion of intercampus transportation and related research activities among Florida's universities in order to enhance the ability of these universities to attract federal and private sector funding for transportation and related research.[37]

Under Florida law, an advisory board is created to periodically and objectively review and advise CUTR concerning its research program. The membership of the board must consist of nine experts in transportation-related areas, including the secretaries of the DOT, the Department of Environmental Protection, and the Department Commerce, or their designees, and a member of the Florida Transportation Commission (FTC). The nomination of the remaining members of the board must be made to the President of the University of South Florida by the College of Engineering at the University of South Florida, and the appointment of these members must be reviewed and approved by the FTC and confirmed by the Board of Governors.[38]

Project Concept Studies

The term "project concept study" is not defined in federal or state law.

DOT conducts Project Development and Environment (PD&E) studies to meet federal National Environmental Policy Act[39] requirements. During these studies, DOT determines the location and conceptual design of feasible build alternatives for roadway improvements and the social, economic, and environmental effects of such

[29] Cornell Law School, Legal Information Institute, *Eminent Domain,* https://www.law.cornell.edu/wex/eminent_domain#:~:text=Eminent%20domain%20refers%20to%20the,compensation%20to%20the%20property%20owners. (last visited Mar. 18, 2025).
[30] U.S. Const. amend. V.
[31] Florida's eminent domain laws are codified in chapters 73 and 74, F.S.
[32] S. 334.044(6), F.S.
[33] S. 337.27(1), F.S.
[34] S. 334.03(29)(b), F.S.
[35] S. 334.065(1), F.S.
[36] *Id.*
[37] S. 334.065(2), F.S.
[38] S. 334.065(3), F.S.
[39] Pub. L. 91-190; 83 State. 852.

improvements. Throughout the study, a no-build alternative, where roads are left in their present state with routine maintenance, remains a viable alternative. A PD&E study is finalized when the Federal Highway Administration reviews the study's documentation and recommendations and provides a Location and Design Concept Acceptance.[40]

DOT Contracting Authority

DOT may enter into contracts for the construction and maintenance of all roads on the State Highway System, the State Park Road System, or any other road under its supervision. DOT may also enter into contracts for the construction and maintenance of rest areas, weigh stations, and other structures used in connection with such facilities. However, these contracts do not create third-party beneficiary rights in any person that is not a party to the contract.[41]

Awarding DOT Contracts

DOT may award a contract for proposed construction and maintenance work to the lowest responsible bidder, or with a time-plus-money contract, the lowest evaluated responsible bidder, or it may reject all bids and rebid the work or otherwise perform the work.[42]

Phased Design-Build Contracts

DOT may enter into phased-design build contracts, where contract selection and award is done with a two-phase process. For phase one, DOT competitively awards the contract, based upon qualifications, to a design-build firm. For phase two, the design-build firm competitively bids construction trade subcontractor packages and based upon these bids, negotiates with DOT a price that meets the project's budget and scope.[43]

Marine General Liability Insurance

DOT requires each contractor to indemnify and hold harmless DOT and its officers and employees from liabilities, damages, losses, and costs, including, but not limited to, reasonable attorney's fees, to the extent caused by the negligence, recklessness, or intentional wrongful misconduct of the contractor and persons employed or utilized by the contractor in the performance of the construction contract.[44]

DOT also requires each contractor to carry commercial general liability insurance that provides continuous coverage for all work and operations provided under the contract. Additional requirements exist for construction adjacent to railroad tracks and certain utility facilities.[45]

Since commercial general liability insurance policies exclude marine work, marine general liability insurance is designed to protect against claims of liability for bodily injury, property damage, and personal injury for those who work on or near the water. These classes include ship repairers, marina operators, charterers, stevedores, and terminal operators.[46]

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[40] DOT District 7, *What is a PD&E Study,* https://www.fdotd7studies.com/projects/what-is-a-pde-study/. (last visited Mar. 18, 2025).
[41] S. 337.11(1), F.S.
[42] S. 337.11(4), F.S.
[43] S. 337.11(7)(b), F.S. The project's budget and scope are as advertised in the request for qualifications.
[44] DOT Specs Book (January 2017) at Section 7-12.1, https://www.fdot.gov/docs/default-source/programmanagement/implemented/specbooks/january2017/files/007-117.pdf (last visited Mar. 20, 2025).
[45] *Id.* at Sections 7-13.2, 7-13.3, and 7-13.4.
[46] Kelly White and Associates Insurance, LLC, *Marine General Liability Insurance*, https://kwhiteinsurance.com/marine-insurance/#:~:text=Marine%20General%20Liability%20protects%20against,%2C%20stevedores%2C%20and%20terminal%20operators (last visited Mar. 20, 2025).

Each contract let by DOT to perform bridge construction or maintenance over navigable waters must require marine general liability insurance, in an amount determined by DOT, to cover third-party personal injury and property damage caused by vessels used by the contractor in the performance of the work.[47]

Applications for Qualification

Under Florida law any contractor desiring to bid on a construction contract in excess of $250,000 must be certified as qualified by DOT.[48] DOT's contractor certification rules address these qualifications and provide requirements regarding a contractor's equipment, past record, experience, financial resources, and organizational personnel.[49]

DOT may waive prequalification for projects of $500,000 or less if DOT determines that the project is of a noncritical nature and the waiver will not endanger public health, safety, or property.[50]

Contractor Certification

Certification by DOT is required in order for a contractor to bid on a road, bridge, or public transportation construction contract of more than $250,000. However, prior to the award of the contract, the successful bidder must furnish a contract bond. DOT may waive all or a portion of the bonding requirement for contracts of $150,000 or less.[51]

Maintenance Contracts

Section 337.14(8), F.S., provides that that section, which relates to the applications for qualification and certificates of qualification for DOT contractors does not apply to maintenance contracts.

State Arbitration Board

The State Arbitration Board (Board), within DOT, facilitates the prompt resolution of claims arising out of or in connection with DOT's construction or maintenance contract.[52]

The contractor[53] may submit a claim[54] of greater than $250,000 up to $1 million per contract or, upon agreement of the parties, up to $2 million per contract for arbitration by the board. A board-issued award is final, unless a request for a trial de novo is filed within certain time frames.[55]

Parties may not make an arbitration request prior to DOT's final acceptance of the project;[56] but such requests must be made within 820 days after final acceptance.[57]

Suits By and Against DOT

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[47] S. 337.11(15), F.S.
[48] Certification for qualification is pursuant to s. 337.14, F.S., and DOT rules.
[49] S. 337.14(1), F.S.
[50] S. 337.14(1), F.S.
[51] S. 337.14(2), F.S.
[52] S. 337.185(1), F.S.
[53] Section 337.185(2)(b), F.S., defines the term "contractor" means a person or firm having a contract for rendering services to the department relating to the construction or maintenance of a transportation facility.
[54] Section 337.185(2)(a), F.S., defines the term "claim" to mean the aggregate of all outstanding written requests for additional monetary compensation, time, or other adjustments to the contract, the entitlement or impact of which is disputed by the department and could not be resolved by negotiation between the department and the contractor.
[55] S. 337.185(4), F.S.
[56] Section 337.185(2)(c), F.S., defines the term "final acceptance" to mean that the contractor has completely performed the work provided for under the contract, the department or its agent has determined that the contractor has satisfactorily completed the work provided for under the contract, and the department or its agent has submitted written notice of final acceptance to the contractor.
[57] S. 337.185(5), F.S.

Under current law, suits may be brought by and against DOT for certain contract-related claims, which must commence within 820 days of DOT's final acceptance of the work.[58]

Metropolitan Planning Organizations

M.P.O.s and Primary Functions

Florida law provides that it is the intent of the Legislature to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight and foster economic growth and development within and through urbanized areas of this state while minimizing transportation-related fuel consumption, air pollution, and greenhouse gas emissions through metropolitan transportation planning processes.[59] To achieve this intent or objective, Florida law provides that M.P.O.s, must develop, in cooperation with the state and public transit operators, transportation plans and programs for metropolitan areas.[60]

M.P.O.s are entities comprised of representatives from local governments and transportation authorities that are responsible for regional transportation planning in urbanized areas with populations of over 50,000 as determined by the U.S. Census.[61] As seen below, Florida has 27 M.P.O.s, and each have their own geographical boundary and board of voting members.[62]

M.P.O. Designation

To the extent possible, only one M.P.O. is designated for each urbanized area or group of contiguous urbanized areas. More than one M.P.O. may be designated within an existing urbanized area only if the Governor and the existing M.P.O. determine that the size and complexity of the existing urbanized area makes the designation of more than one M.P.O. for the area appropriate, in which case each M.P.O. designated for the area must:

- Consult with every other M.P.O. designated for the urbanized area and the state to coordinate plans and transportation improvement programs; and
- Ensure, to the maximum extent practicable, the consistency of data used in the planning process, including data used in forecasting travel demand within the urbanized area.[63]

Coordination with other M.P.O.s and Political Subdivisions

M.P.O.s are required to develop coordination mechanisms with one another to expand and improve transportation within the state. The appropriate method of coordination between M.P.O.s may vary depending upon the project involved and given local and regional needs. Consequently, discretion is used by M.P.O.s to coordinate with other M.P.O.s and appropriate political subdivisions as circumstances demand.[64]

M.P.O.s and Transportation Planning

DOT and M.P.O.s are partners in the transportation planning, with DOT responsible for coordinating the state's long-range transportation goals, the Florida Transportation Plan (FTP),[65] and M.P.O.s responsible for coordinating

[58] S. 337.19 (1) and (2), F.S.
[59] S. 339.175(1), F.S.
[60] *Id.*
[61] Federal Transit Administration, *Metropolitan Planning Organization (MPO),* https://www.transit.dot.gov/regulations-and-guidance/transportation-planning/metropolitan-planning-organization-mpo#:~:text=Planning%20Organization%20(MPO)-,Overview,determined%20by%20the%20U.S.%20Census. (last visited Mar. 22, 2025).
[62] DOT, *Metropolitan Planning Organization Subject Brief, https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/planning/policy/briefing-sheets/briefing_sheet_mpo_102720.pdf?sfvrsn=b17ab46b_2* (last visited Mar. 22, 2025).
[63] S. 339.175(2), F.S.
[64] S. 339.175(6)(j), F.S.
[65] The FTP is a policy document updated at least once every five years and developed in compliance with requirements in s. 339.155, F.S. The FTP establishes and defines the state's long-range transportation goals and objectives to be accomplished over a period of at least 20 years. S. 339.155(1), F.S. It is based upon the prevailing principles of preserving the existing transportation infrastructure, enhancing Florida's economic competitiveness, improving travel choices to ensure mobility, and

regional long-range transportation plans.[66] The M.P.O.s develop their Long Range Transportation Plan (LRTP) to implement national and state goals for their metropolitan area.[67] Projects are developed and must be included in the LRTP to be considered for funding.[68] An M.P.O. must also develop its List of Priority Projects (LOPP), which must be consistent with the LRTP and is used to inform the development of the Transportation Improvement Program (TIP).[69] An M.P.O.'s TIP includes a listing of projects planned for the next five fiscal years.[70] TIPs from all 27 M.P.O.s are combined together, along with DOT's other non-metropolitan statewide projects to form the Statewide Transportation Improvement Program (STIP).[71] To be eligible for federal funding, projects must be included in the LRTP, TIP, and STIP.[72] The projects included in an M.P.O.'s TIP are funded and completed through the Work Program (WP).[73]

In developing the LRTP and the TIP, each M.P.O. must provide for consideration projects and strategies that will:

- Support the economic vitality of the contiguous urbanized metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;
- Increase the safety and security of the transportation system for motorized and nonmotorized users;
- Increase the accessibility and mobility options available to people and for freight;
- Protect and enhance the environment, promote energy conservation, and improve quality of life;
- Enhance the integration and connectivity of the transportation system, across and between modes and contiguous urbanized metropolitan areas, for people and freight;
- Promote efficient system management and operation;
- Emphasize the preservation of the existing transportation system; and
- Improve the resilience of transportation infrastructure.[74]

The LRTP must, at a minimum:

- Identify transportation facilities that will function as an integrated metropolitan transportation system.
    - The LRTP must give emphasis to those transportation facilities that serve national, statewide, or regional functions, and must consider the goals and objectives identified in the FTP.
    - If a project is located within the boundaries of more than one M.P.O., the M.P.O.s must coordinate plans regarding the project in the LRTP. Multiple M.P.O.s within a contiguous urbanized area must coordinate the development of LRTPs to be reviewed by the Metropolitan Planning Organization Advisory Council.
- Include a financial plan that demonstrates how the plan can be implemented, indicating resources from public and private sources which are reasonably expected to be available to carry out the plan, and recommends any additional financing strategies for needed projects and programs.
    - The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted LRTP if reasonable additional resources beyond those identified in the financial plan were available. For the purpose of developing the LRTP, the M.P.O. and DOT must cooperatively develop estimates of funds that will be available to support the plan implementation. Innovative financing techniques may be used to fund needed projects and programs. Such techniques may include the assessment of tolls, the use of value capture financing, or the use of value pricing.
- Assess capital investment and other measures necessary to:
    - Ensure the preservation of the existing metropolitan transportation system including requirements for the operation, resurfacing, restoration, and rehabilitation of major roadways and requirements

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expanding the state's role as a hub for trade and investment. *Id*. The FTP is the single overarching plan guiding Florida's transportation future. DOT, *Florida Transportation Plan*, https://www.fdot.gov/planning/ftp/default.shtm (last visited Mar. 22, 2025).

[66] DOT, *supra* note 90.

[67] *Id.*

[68] *Id*.

[69] *Id*.

[70] DOT, *STIP Information*, https://www.fdot.gov/workprogram/federal/stip-mpostip.shtm (last visited Mar. 21, 2025).

[71] DOT, *supra* note 90.

[72] *Id*.

[73] *Id*.

[74] S. 339.175(6)(b), F.S.

for the operation, maintenance, modernization, and rehabilitation of public transportation facilities; and
    - Make the most efficient use of existing transportation facilities to relieve vehicular congestion, improve safety, and maximize the mobility of people and goods. Such efforts must include, but are not limited to, consideration of infrastructure and technological improvements necessary to accommodate advances in vehicle technology, such as automated driving systems and other developments.
- Indicate, as appropriate, proposed transportation enhancement activities, including, but not limited to, pedestrian and bicycle facilities, trails or facilities that are regionally significant or critical linkages for the Florida Shared-Use Nonmotorized Trail Network, scenic easements, landscaping, historic preservation, mitigation of water pollution due to highway runoff, and control of outdoor advertising.
- Coordinate, in metropolitan areas that are classified as nonattainment areas for ozone or carbon monoxide, the development of the LRTP with the State Implementation Plan developed pursuant to the requirements of the federal Clean Air Act.[75]

In the development of its LRTP, each M.P.O. must provide the public, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with a reasonable opportunity to comment on the LRTP. The LRTP must be approved by the M.P.O. [76]

Feasibility Studies on Consolidation of Select M.P.O.s

The M.P.O.s serving Hillsborough, Pasco, and Pinellas Counties were required to submit, by December 31, 2023, a feasibility report to the Governor, the President of the Senate, and the Speaker of the House of Representatives exploring the benefits, costs, and process of consolidation into a single M.P.O. serving the contiguous urbanized area, the goal of which was to:

- Coordinate transportation projects deemed to be regionally significant;
- Review the impact of regionally significant land use decisions on the region; and
- Review all proposed regionally significant transportation projects in the TIPs.[77]

[75] S. 339.175(7), F.S.
[76] *Id.*
[77] S. 339.175(6)(i), F.S.

Metropolitan Planning Organization Advisory Council (MPOAC)

Under Florida law, the MPOAC was established with the purpose to augment, and not supplant, the role of the individual M.P.O.s in the cooperative transportation planning process.[78] The council consists of one representative from each M.P.O. and annually elects a chairperson from its membership.[79]

The main powers and duties of the council are to:

- Establish bylaws by action of its governing board providing procedural rules to guide its proceedings and consideration of matters before the council, or, alternatively, adopt rules to implement provisions of law conferring powers or duties upon the council;
- Assist M.P.O.s in carrying out the urbanized area transportation planning process by serving as the principal forum for collective policy discussion;
- Serve as a clearinghouse for review and comment by M.P.O.s on the FTP and on other issues required to comply with federal or state law in carrying out the urbanized area transportation and systematic planning processes;
- Employ an executive director and such other staff as necessary to perform adequately the functions of the council, within budgetary limitations;
- Deliver training on federal and state program requirements and procedures to M.P.O. board members and M.P.O. staff; and
- Adopt an agency strategic plan that prioritizes steps the agency will take to carry out its mission within the context of the state comprehensive plan and any other statutory mandates and directives.[80]

The council may also enter into contracts to support its duties.[81]

Strategic Intermodal System Highway Corridors

Florida's Strategic Intermodal System (SIS) is its high priority network of transportation facilities important to the state's economy and mobility.[82] DOT must plan and develop SIS highway corridors to allow for high-speed and high-volume.[83] SIS highway corridors include facilities on State Highway System that meet DOT-adopted criteria, including Interstate highways, the Florida Turnpike System, interregional and intercity limited access facilities. existing interregional and intercity arterial highways meeting certain standards, and new limited access facilities necessary to complete a balanced statewide system.[84]

DOT must develop and maintain a plan of SIS highway corridor projects that it anticipates, to contract for construction within at least 20 the next years. This plan must also identify when SIS Highway Corridor segments will SIS standards and criteria.[85]

Funding for Florida College System Equipment Simulators

Florida College System

The Florida College System provides higher education for Floridians, including recent high school graduates and returning adult students. The 28-member colleges of the Florida College System respond quickly and efficiently to meet the demand of employers by aligning certificate and degree programs with regional workforce needs. With an

[78] S. 339.175(11)(a), F.S.
[79] S. 339.175(11)(b), F.S.
[80] S. 339.175(11)(c), F.S.
[81] S. 339.175(11)(d), F.S.
[82] DOT, *Strategic Intermodal System,* https://www.fdot.gov/planning/systems/sis (last visited Mar. 21, 2025).
[83] S. 339.65(1), F.S.
[84] S. 339.65(2), F.S.
[85] S. 339.65(4), F.S.

array of programs and services, our colleges serve individuals, communities and the state with low-cost, high-quality education opportunities.[86]

Rural Areas of Opportunity

A Rural Area of Opportunity (RAO) is a rural community,[87] or region comprised of rural communities, designated by the Governor, that has been adversely affected by an extraordinary economic event, severe or chronic distress, or a natural disaster.[88] An area may also be designated as an RAO if it presents a unique economic development opportunity of regional impact.[89] The designation of an RAO must be agreed upon by the Department of Commerce, as well as the county and municipal governments to be included in the RAO.[90]

Widening of Interstate 4

Included in DOT's Moving Florida Forward Initiative, is the acceleration of the addition of two new express lanes in each direction along I-4 from west of U.S. 27 in Polk County to east of World Center Drive (S.R. 536) in Orange County. DOT is also accelerating the construction of two new congestion relief lanes, one in each direction, between U.S. 27 and east of World Drive.[91]

DOT District Boundaries

DOT is a decentralized agency divided up into geographic districts. There are currently seven DOT districts: Southwest Florida, Northeast Florida, Northwest Florida, Southeast Florida, Central Florida, South Florida, and West Central Florida. DOT's headquarters is in Tallahassee, and each of the seven districts have at least one office in the district.[92]

Each DOT district varies in organizational structure, but in general, each has major divisions for Administration, Planning, Production, and Operations. Additionally, each district has a Public Information Office that reports to the District Secretary and a District Chief Counsel who reports to the DOT General Counsel in Tallahassee.[93]

Sarasota Manatee Airport Authority

The Sarasota Manatee Airport Authority was created as a public agency by the State of Florida to operate and manage the Sarasota Bradenton International Airport. The Authority has six Commissioners appointed by the Governor, each serving four-year terms. Three Commissioners reside in Manatee County and three reside in Sarasota County.[94]

Greater Miami Expressway Agency

The governing body of the Greater Miami Expressway Agency consist of nine voting members. Four members, each of whom must be a permanent resident of Miami-Dade County, are appointed by the Governor, subject to confirmation by the Senate at the next regular session of the Legislature. Two members, who must be residents of an unincorporated portion of the county and residing within 15 miles of an area with the highest amount of agency toll roads, are appointed by the board of county commissioners of Miami-Dade County. Two members, who must be residents of incorporated municipalities within a county served by the agency, are appointed by the

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[86] Florida College System, Florida Department of Education, https://www.fldoe.org/schools/higher-ed/fl-college-system/ (last visited Mar. 22, 2025).
[87] S. 288.0656(2)(e), F.S.
[88] S. 288.0656(2)(d), F.S.
[89] *Id.*
[90] S. 288.0656(7)(b), F.S.
[91] DOT, *Moving I-4 Forward*, https://movingi4forward.com/ (last visited Mar. 21, 2025).
[92] DOT, *Districts*, https://www.fdot.gov/agencyresources/districts/index.shtm (last visited Mar. 21, 2025).
[93] *Id*.
[94] Airport Authority, Sarasota Manatee Airport Authority, https://flysrq.com/airport-authority (last visited Mar. 22, 2025).

metropolitan planning organization for a county served by the agency. The district secretary of DOT serving in the district that contains Miami-Dade County serves as an ex officio voting member of the governing body.[95]

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Economic Infrastructure Subcommittee	16 Y, 0 N, As CS	3/27/2025	Keating	Bauldree
THE CHANGES ADOPTED BY THE COMMITTEE:	• Clarified the method of distribution of certain tax proceeds to the STTF. • Required DOT to implement the Next-Generation Traffic Signal Modernization Program. • Required DOT to determine the safe and available minimum speed limit on specified highways. • Increased the maximum allowable speed limits on specified highways and roadways. • Amended the Florida Airport Development and Assistance Act to change various references to airports to "public-use" airports. • Removed language that provided that contractors provide a service to DOT, • Removed a provision related to projects for which DOT's estimate is $100 million or less. • Revised provisions related to utility use of the public ROW, including provisions related to the relocation of utility facilities. • Clarified training provisions for metropolitan planning organizations. • Streamlined provisions that create a pilot program for the Sarasota Manatee Airport Authority and removes duplicative provisions. • Authorized local governments to adopt ordinances pertaining to the operation of electric bicycles, motorized scooters, or micromobility devices. • Authorized local governments to provide training on the safe operation of any of electric bicycles, motorized scooters, or micromobility devices and on compliance with applicable state traffic laws.			
Transportation & Economic Development Budget Subcommittee	10 Y, 0 N, As CS	4/10/2025	Davis	McAuliffe
THE CHANGES ADOPTED BY THE COMMITTEE:	• Removed provision related to the distribution of sales tax revenues. • Removed provisions related to the Florida Airport Development and Assistance Act. • Removed provision related to settlements of protests. • Removed provisions related to utility relocation. • Provides that a person may not create an excessive wake while operating a motor vehicle. • Revises residence requirements for certain members of the Greater Miami Expressway Agency.			
Commerce Committee			Hamon	Bauldree

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

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[95] S. 348.0304(3), F.S.

A bill to be entitled

An act relating to transportation; creating s. 218.3215, F.S.; requiring counties to annually by a date certain provide the Office of Economic and Demographic Research with certain information; requiring counties to report such information in the format specified by the office; requiring the office to compile the information into a report and submit the report to the Legislature and the Department of Transportation; amending s. 316.003, F.S.; revising the definition of the term "vehicle"; amending s. 316.183, F.S.; requiring the Department of Highway Safety and Motor Vehicles to determine certain speed limits; amending s. 316.187, F.S.; increasing certain speed limits; amending s. 316.20655, F.S.; authorizing a local government to adopt certain ordinances and provide certain training relating to the safe operation of electric bicycles; amending s. 316.2128, F.S.; authorizing a local government to adopt certain ordinances and provide certain training relating to the safe operation of motorized scooters and micromobility devices; amending s. 316.88, F.S., prohibiting excessive wakes under certain circumstances; creating s. 320.0849, F.S.; requiring the department to issue expectant mother parking

permits; specifying the validity period thereof; providing design requirements for expectant mother parking permit placards or decals; providing application requirements; authorizing such permitholders to park in certain spaces; amending s. 331.3051, F.S.; conforming provisions to changes made by the act; amending s. 334.044, F.S.; revising conditions under which the Department of Transportation may acquire property through eminent domain; amending s. 334.065, F.S.; removing the Board of Governors of the State University System as administrator of the Florida Center for Urban Transportation Research; revising membership of the Center for Urban Transportation Research advisory board; creating s. 334.63, F.S.; providing requirements for certain project concept studies and project development and environmental studies; amending s. 337.11, F.S.; providing competitive bidding and award requirements for contracts for certain projects; providing construction; revising requirements for requests for proposals for design-build contracts; revising requirements for selection and award of phased design-build contracts; removing provisions relating to design-build and phased design-build contracts and construction; requiring contracts

to contain protection and indemnity coverage; amending s. 337.14, F.S.; authorizing the department to waive certain requirements for push-button or task work order contracts; revising the amount of contracts for which the department may waive bonding requirements; requiring a contractor seeking to bid on a certain maintenance contract to possess certain qualifications; amending s. 337.185, F.S.; revising the amount of a contract that may be subject to arbitration; revising the timeframe in which arbitration requests must be made to the State Arbitration Board; amending s. 337.19, F.S.; revising the timeframe in which certain suits by and against the department must commence; removing an obsolete provision; amending s. 339.175, F.S.; revising legislative intent; revising requirements for the designation of additional M.P.O.'s; revising projects and strategies to be considered in developing an M.P.O.'s long-range transportation plan and transportation improvement program; removing obsolete provisions; requiring the department to convene M.P.O.'s to exchange best practices; authorizing such M.P.O.'s to develop committees or working groups; requiring training for new M.P.O. governing board members to be provided by the department or another

specified entity; removing provisions relating to M.P.O. coordination mechanisms; including public-private partnerships in authorized financing techniques; revising proposed transportation enhancement activities that must be indicated by the long-range transportation plan; authorizing each M.P.O. to execute a written agreement with the department regarding state and federal transportation planning requirements; providing that the department is responsible for scheduling projects in the state transportation improvement program in collaboration with the M.P.O.'s; requiring the department and M.P.O.'s to establish certain quality performance metrics and develop certain performance targets; requiring the department to evaluate and post on its website whether each M.P.O. has made significant progress toward such targets; removing provisions relating to the Metropolitan Planning Organization Advisory Council; amending s. 339.65, F.S.; requiring the department, in collaboration with each M.P.O., to prioritize certain Strategic Intermodal System highway corridor projects; amending s. 339.84, F.S.; authorizing the department to expend certain funds for grants for the purchase of certain equipment within a specified timeframe; providing requirements for grant

recipients; requiring the department to give certain priority in awarding grants; creating s. 339.85, F.S.; requiring the department to implement the Next-generation Traffic Signal Modernization Program; providing requirements for such program; amending s. 331.310, F.S.; conforming a cross-reference; providing legislative findings regarding widening of a certain roadway; requiring the department to develop and submit to the Governor and Legislature a report with certain specifications; requiring the department to submit to the Governor and Legislature a report regarding department districts; creating s. 332.136, F.S.; establishing an airport pilot program at the Sarasota Manatee Airport Authority; providing purpose of the pilot program; requiring the department to adopt rules; requiring the department, by a specified date, to submit a report to the Governor and the Legislature for specified purposes; providing for repeal on a specified date; amending s. 348.0304, F.S.; revising qualifications to be a member of the governing body of the Greater Miami Expressway Agency; providing an effective date.

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

Section 1. Section 218.3215, Florida Statutes, is created to read:

218.3215 County transportation projects.—

(1) Each county shall annually by January 15 report to the Office of Economic and Demographic Research the following information, by county fiscal year, for revenues received pursuant to s. 212.055(1), for the previous county fiscal year:

(a) The total proceeds from the surtax received by the county.

(b) The amount allocated by the county for road and bridge projects. The Office of Economic and Demographic Research, in consultation with the Department of Transportation, must establish and define broad categories for reporting this information, including, but not limited to, widening, repair and rehabilitation, sidewalks, or payment or pledge of bonds for the construction of roads and bridges.

(c) The total expenditures for road and bridge projects, including by category established pursuant to paragraph (b).

(d) The unexpended balances of funds allocated to road and bridge projects by category.

(e) A list of current road and bridge projects, including the project cost, location, and scope.

(f) The amount allocated by the county to all other authorized uses of the proceeds from the surtax, excluding road and bridge projects and the payment or pledge of bonds for the

construction of roads and bridges.

(2) Each county shall report the information required in subsection (1) in the format specified by the Office of Economic and Demographic Research. The Office of Economic and Demographic Research shall compile the information from each county into a report and submit the report to the President of the Senate, the Speaker of the House of Representatives, and the Department of Transportation.

Section 2. Subsection (109) 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:

(109) VEHICLE.—Every device in, upon, or by which any person or property is or may be transported or drawn upon a street or highway, except personal delivery devices, mobile carriers, and devices used exclusively upon stationary rails or tracks.

Section 3. Subsection (2) of section 316.183, Florida Statutes, is amended to read:

316.183 Unlawful speed.—

(2) On all streets or highways, the maximum speed limits for all vehicles must be 30 miles per hour in business or residence districts, and 55 miles per hour at any time at all

other locations. However, with respect to a residence district, a county or municipality may set a maximum speed limit of 20 or 25 miles per hour on local streets and highways after an investigation determines that such a limit is reasonable. It is not necessary to conduct a separate investigation for each residence district. The department shall determine the safe and available minimum speed limit on all highways that are ~~comprise a~~ part of the National System of Interstate and Defense Highways and have at least ~~not fewer than~~ four lanes ~~is 40 miles per hour, except that when the posted speed limit is 70 miles per hour, the minimum speed limit is 50 miles per hour~~.

Section 4. Subsection (2) of section 316.187, Florida Statutes, is amended to read:

316.187 Establishment of state speed zones.—

(2)(a) The maximum allowable speed limit on limited access highways is 75 ~~70~~ miles per hour.

(b) The maximum allowable speed limit on any other highway that ~~which~~ is outside an urban area of 5,000 or more persons and that ~~which~~ has at least four lanes divided by a median strip is 70 ~~65~~ miles per hour.

(c) The Department of Transportation is authorized to set such maximum and minimum speed limits for travel over other roadways under its authority as it deems safe and advisable, not to exceed as a maximum limit 65 ~~60~~ miles per hour.

Section 5. Subsections (8) and (9) are added to section

316.20655, Florida Statutes, to read:

316.20655 Electric bicycle regulations.—

(8) A local government may adopt an ordinance providing one or more minimum age requirements to operate an electric bicycle and may adopt an ordinance requiring an operator of an electric bicycle to possess a government-issued photographic identification while operating the electric bicycle.

(9) A local government may provide training on the safe operation of electric bicycles and compliance with the traffic laws of this state that apply to electric bicycles.

Section 6. Subsections (7) and (8) are added to section 316.2128, Florida Statutes, to read:

316.2128 Micromobility devices, motorized scooters, and miniature motorcycles; requirements.—

(7) A local government may adopt an ordinance providing one or more minimum age requirements to operate a motorized scooter or micromobility device and may adopt an ordinance requiring a person who operates a motorized scooter or micromobility device to possess a government-issued photographic identification while operating the motorized scooter or micromobility device.

(8) A local government may provide training on the safe operation of motorized scooters and micromobility devices and compliance with the traffic laws of this state that apply to motorized scooters and micromobility devices.

Section 7. Section 316.88, Florida Statutes, is created to read:

316.88 Creation of a wake on streets or highways.—A person may not operate a motor vehicle, vessel, or any other conveyance at a speed that creates an excessive wake on a flooded or inundated street or highway.

Section 8. Section 320.0849, Florida Statutes, is created to read:

320.0849 Expectant mother parking permits.—

(1)(a) The department or its authorized agents shall, upon application, issue an expectant mother parking permit placard or decal to an expectant mother. The placard or decal is valid for up to 1 year after the date of issuance.

(b) The department shall, by rule, provide for the design, size, color, and placement of the expectant mother parking permit placard or decal. The placard or decal must be designed to conspicuously display the expiration date of the permit.

(2) An application for an expectant mother parking permit must include, but need not be limited to:

(a) Certification provided by a physician licensed under chapter 458 or chapter 459 that the applicant is an expectant mother.

(b) The certifying physician's name and address.

(c) The physician's certification number.

(d) The following statement in bold letters: "An expectant

mother parking permit may be issued only to an expectant mother and is valid for up to 1 year after the date of issuance."

(e) The signatures of:

1. The certifying physician.

2. The applicant.

3. The employee of the department processing the application.

(3) Notwithstanding any other provision of law, an expectant mother who is issued an expectant mother parking permit under this section may park a motor vehicle in a parking space designated for persons who have disabilities as provided in s. 553.5041.

Section 9. Subsection (14) of section 331.3051, Florida Statutes, is amended to read:

331.3051 Duties of Space Florida.—Space Florida shall:

~~(14) Partner with the Metropolitan Planning Organization Advisory Council to coordinate and specify how aerospace planning and programming will be part of the state's cooperative transportation planning process.~~

Section 10. Subsection (6) of section 334.044, Florida Statutes, is amended to read:

334.044 Powers and duties of the department.—The department shall have the following general powers and duties:

(6) To acquire, by the exercise of the power of eminent domain as provided by law, all property or property rights,

whether public or private, which it may determine are necessary to the performance of its duties and the execution of its powers, including advance purchase of property or property rights to preserve a corridor for future proposed improvements.

Section 11. Subsections (1) and (3) of section 334.065, Florida Statutes, are amended to read:

334.065 Center for Urban Transportation Research.—

(1) There is established within ~~at~~ the University of South Florida the Florida Center for Urban Transportation Research~~, to be administered by the Board of Governors of the State University System~~. The responsibilities of the center include, but are not limited to, conducting and facilitating research on issues related to urban transportation problems in this state and serving as an information exchange and depository for the most current information pertaining to urban transportation and related issues.

(3) An advisory board shall be created to periodically ~~and objectively~~ review and advise the center concerning its research program. ~~Except for projects mandated by law, state-funded base projects shall not be undertaken without approval of the advisory board.~~ The membership of the board shall consist of nine experts in transportation-related areas, as follows:

(a) A member appointed by the President of the Senate.

(b) A member appointed by the Speaker of the House of Representatives.

(c) The Secretary of Transportation or his or her designee.

(d) The Secretary of Commerce or his or her designee. ~~including the secretaries of the Department of Transportation, the Department of Environmental Protection, and the Department of Commerce, or their designees, and~~

(e) A member of the Florida Transportation Commission.

(f) Four members nominated by the University of South Florida's College of Engineering and approved by the university's president ~~The nomination of the remaining members of the board shall be made to the President of the University of South Florida by the College of Engineering at the University of South Florida, and the appointment of these members must be reviewed and approved by the Florida Transportation Commission and confirmed by the Board of Governors~~.

Section 12. Section 334.63, Florida Statutes, is created to read:

334.63 Project concept studies; project development and environmental studies.—

(1) All project concept studies and project development and environmental studies for capacity improvement projects on limited-access facilities must include the evaluation of alternatives that provide transportation capacity using elevated roadways above existing lanes.

(2) All project development and environmental studies for

new alignment projects and new capacity improvement projects must be completed within 18 months after commencement to the maximum extent possible.

Section 13. Subsections (4), (7), and (15) of section 337.11, Florida Statutes, are 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.—

(4)(a) The department may award the proposed construction and maintenance work to the lowest responsible bidder, or in the instance of a time-plus-money contract, the lowest evaluated responsible bidder, or it may reject all bids and proceed to rebid the work in accordance with subsection (2) or otherwise perform the work.

(b)1. Notwithstanding any other provision of law to the contrary, if the department intends to reject all bids on any project after announcing but before posting official notice of such intent, the department must provide to the lowest responsive and responsible bidder the opportunity to negotiate the scope of work with the corresponding reduction in price, as provided in the bid, to provide a reduced bid without filing a protest or posting a bond under paragraph (5)(a). Upon reaching a decision regarding such bidder's reduced bid, the department must post notice of final agency action to either reject all

bids or accept the reduced bid.

2. This subsection does not prohibit the filing of a protest by any bidder or alter the deadlines in s. 120.57.

3. Notwithstanding ss. 120.57(3)(c) and 287.057(25), upon receipt of a timely filed formal written protest, the department may continue with the process provided for in this subsection but may not take final agency action as to the lowest responsive and responsible bidder, except as part of the department's final agency action in the protest or if the protesting party dismisses the protest.

(7)(a) If the department determines that it is in the best interests of the public, the department may combine the design and construction phases of a project into a single contract. Such contract is referred to as a design-build contract. For design-build contracts, the department must receive at least three letters of interest, and the department shall request proposals from no fewer than three of the design-build firms submitting such letters of interest. If a design-build firm withdraws from consideration after the department requests proposals, the department may continue if at least two proposals are received.

(b) If the department determines that it is in the best interests of the public, the department may combine the design and construction phases of a project fully funded in the work program into a single contract and select the design-build firm

in the early stages of a project to ensure that the design-build firm is part of the collaboration and development of the design as part of a step-by-step progression through construction. Such a contract is referred to as a phased design-build contract. For phased design-build contracts, selection and award must include a two-phase process. For phase one, the department shall competitively award the contract to a design-build firm based upon qualifications, provided that the department has received at least three statements of qualifications from qualified design-build firms. If the department elects, during phase one, to enter into contracts with more than one design-build firm based on qualifications, the department shall competitively select a single design-build firm to perform the work associated with phase two. For phase two, the design-build firm may independently perform portions of the work and shall competitively bid construction trade subcontractor packages and, based upon the design-build firm's estimates of its independently performed work and these bids, negotiate with the department a ~~fixed firm price or~~ guaranteed maximum price that meets the project budget and scope as advertised in the request for qualifications.

~~(c) Design-build contracts and phased design-build contracts may be advertised and awarded notwithstanding the requirements of paragraph (3)(c). However, construction activities may not begin on any portion of such projects for~~

~~which the department has not yet obtained title to the necessary rights-of-way and easements for the construction of that portion of the project has vested in the state or a local governmental entity and all railroad crossing and utility agreements have been executed. Title to rights-of-way shall be deemed to have vested in the state when the title has been dedicated to the public or acquired by prescription.~~

(c) ~~(d)~~ The department shall adopt by rule procedures for administering design-build and phased design-build contracts. Such procedures shall include, but not be limited to:

1. Prequalification requirements.
2. Public announcement procedures.
3. Scope of service requirements.
4. Letters of interest requirements.
5. Short-listing criteria and procedures.
6. Bid proposal requirements.
7. Technical review committee.
8. Selection and award processes.
9. Stipend requirements.

(d) ~~(e)~~ For ~~design-build contracts and~~ phased design-build contracts, the department must receive at least three letters of interest, and ~~in order to proceed with a request for proposals,~~ the department shall request proposals from no fewer than three of the design-build firms submitting such letters of interest. If a design-build firm withdraws from consideration after the

department requests proposals, the department may continue if at least two proposals are received.

(15) Each contract let by the department for performance of bridge construction or maintenance on ~~over~~ navigable waters must contain a provision requiring marine general liability insurance, including protection and indemnity coverage, in an amount to be determined by the department, which covers third-party personal injury and property damage caused by vessels used by the contractor in the performance of the work. Protection and indemnity coverage may be covered by endorsement on the marine general liability insurance policy or may be a separate policy.

Section 14. Subsections (1), (2), and (8) of section 337.14, Florida Statutes, are amended to read:

337.14 Application for qualification; certificate of qualification; restrictions; request for hearing.—

(1)(a) A ~~Any~~ contractor desiring to bid for the performance of a ~~any~~ construction contract in excess of $250,000 which the department proposes to let must first be certified by the department as qualified pursuant to this section and rules of the department. The rules of the department must address the qualification of contractors to bid on construction contracts in excess of $250,000 and must include requirements with respect to the equipment, past record, experience, financial resources, and organizational personnel of the applying contractor which are necessary to perform the specific class of work for which the

contractor seeks certification.

(b) A ~~Any~~ contractor who desires to bid on contracts in excess of $50 million and who is not qualified and in good standing with the department as of January 1, 2019, must first be certified by the department as qualified and must have satisfactorily completed two projects, each in excess of $15 million, for the department or for any other state department of transportation.

(c) The department may limit the dollar amount of any contract upon which a contractor is qualified to bid or the aggregate total dollar volume of contracts such contractor is allowed to have under contract at any one time.

(d)1. Each applying contractor seeking qualification to bid on construction contracts in excess of $250,000 shall furnish the department a statement under oath, on such forms as the department may prescribe, setting forth detailed information as required on the application.

2. Each application for certification must be accompanied by audited, certified financial statements prepared in accordance with generally accepted accounting principles and auditing standards by a certified public accountant licensed in this state or another state. The audited, certified financial statements must be for the applying contractor and must have been prepared within the immediately preceding 12 months.

3. The department may not consider any financial

information of the parent entity of the applying contractor, if any.

4. The department may not certify as qualified any applying contractor who fails to submit the audited, certified financial statements required by this subsection.

5. If the application or the annual financial statement shows the financial condition of the applying contractor more than 4 months before the date on which the application is received by the department, the applicant must also submit interim audited, certified financial statements prepared in accordance with generally accepted accounting principles and auditing standards by a certified public accountant licensed in this state or another state. The interim financial statements must cover the period from the end date of the annual statement and must show the financial condition of the applying contractor no more than 4 months before the date that the interim financial statements are received by the department. However, upon the request of the applying contractor, an application and accompanying annual or interim financial statement received by the department within 15 days after either 4-month period under this subsection shall be considered timely.

6. An applying contractor desiring to bid exclusively for the performance of construction contracts with proposed budget estimates of less than $2 million may submit reviewed annual or reviewed interim financial statements prepared by a certified

public accountant.

(e) The information required by this subsection is confidential and exempt from s. 119.07(1).

(f) The department shall act upon the application for qualification within 30 days after the department determines that the application is complete.

(g) The department may waive the requirements of this subsection for:

1. A push-button contract or a task work order contract that has a contract price of $1 million or less; or

2. A project that has ~~projects having~~ a contract price of $500,000 or less if the department determines that the project is of a noncritical nature and the waiver will not endanger public health, safety, or property.

(2) Certification shall be necessary in order to bid on a road, bridge, or public transportation construction contract of more than $250,000. However, the successful bidder on any construction contract must furnish a contract bond before ~~prior to~~ the award of the contract. The department may waive the requirement for all or a portion of a contract bond for contracts of $250,000 ~~$150,000~~ or less under s. 337.18(1).

(8) This section does not apply to maintenance contracts. Notwithstanding any other provision of law, a contractor seeking to bid on a maintenance contract for which the majority of the work includes repair and replacement of safety appurtenances,

including, but not limited to, guardrails, attenuators, traffic signals, and striping, must possess the prescribed qualifications, equipment, past record, and experience required to perform such work.

Section 15. Subsections (4) and (5) of section 337.185, Florida Statutes, are amended to read:

337.185 State Arbitration Board.—

(4) The contractor may submit a claim greater than $250,000 up to $2 million ~~$1 million~~ per contract or, upon agreement of the parties, greater than ~~up to~~ $2 million per contract to be arbitrated by the board. An award issued by the board pursuant to this subsection is final if a request for a trial de novo is not filed within the time provided by Rule 1.830, Florida Rules of Civil Procedure. At the trial de novo, the court may not admit evidence that there has been an arbitration proceeding, the nature or amount of the award, or any other matter concerning the conduct of the arbitration proceeding, except that sworn testimony given in connection with ~~at~~ an arbitration hearing may be used for any purpose otherwise permitted by the Florida Evidence Code. If a request for trial de novo is not filed within the time provided, the award issued by the board is final and enforceable by a court of law.

(5) An arbitration request may not be made to the board before final acceptance but must be made to the board within 820 days after final acceptance or within 360 days after written

notice by the department of a claim related to a written warranty or defect after final acceptance, whichever is later.

Section 16. Subsection (2) of section 337.19, Florida Statutes, is amended to read:

337.19 Suits by and against department; limitation of actions; forum.—

(2) Suits by and against the department under this section shall be commenced within 820 days after ~~of~~ the final acceptance of the work or within 360 days after written notice by the department of a claim related to a written warranty or defect after final acceptance, whichever is later. ~~This section shall apply to all contracts entered into after June 30, 1993.~~

Section 17. Subsection (10) of section 339.175, Florida Statutes, is renumbered as subsection (11), subsection (1), paragraph (a) of subsection (2), paragraphs (b), (i), and (j) of subsection (6), paragraphs (a), (b), and (d) of subsection (7), and present subsection (11) are amended, and a new subsection (10) is added to that section, to read:

339.175 Metropolitan planning organization.—

(1) PURPOSE.—It is the intent of the Legislature to encourage and promote the safe and efficient management, operation, and development of multimodal ~~surface~~ transportation systems that will serve the mobility needs of people and freight and foster economic growth and development within and through urbanized areas of this state in accordance with the

department's mission statement ~~while minimizing transportation-related fuel consumption, air pollution, and greenhouse gas emissions through metropolitan transportation planning processes identified in this section~~. To accomplish these objectives, metropolitan planning organizations, referred to in this section as M.P.O.'s, shall develop, in cooperation with the state and public transit operators, transportation plans and programs for metropolitan areas. The plans and programs for each metropolitan area must provide for the development and integrated management and operation of transportation systems and facilities, including pedestrian walkways and bicycle transportation facilities that will function as an intermodal transportation system for the metropolitan area, based upon the prevailing principles provided in s. 334.046(1). The process for developing such plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive, to the degree appropriate, based on the complexity of the transportation problems to be addressed. To ensure that the process is integrated with the statewide planning process, M.P.O.'s shall develop plans and programs that identify transportation facilities that should function as an integrated metropolitan transportation system, giving emphasis to facilities that serve important national, state, and regional transportation functions. For the purposes of this section, those facilities include the facilities on the Strategic

Intermodal System designated under s. 339.63 and facilities for which projects have been identified pursuant to s. 339.2819(4).

(2) DESIGNATION.—

(a)1. An M.P.O. shall be designated for each urbanized area of the state; however, this does not require that an individual M.P.O. be designated for each such area. Such designation shall be accomplished by agreement between the Governor and units of general-purpose local government representing at least 75 percent of the population of the urbanized area; however, the unit of general-purpose local government that represents the central city or cities within the M.P.O. jurisdiction, as defined by the United States Bureau of the Census, must be a party to such agreement.

2. To the extent possible, only one M.P.O. shall be designated for each urbanized area or group of contiguous urbanized areas. More than one M.P.O. may be designated within an existing urbanized area only if the Governor and the existing M.P.O. determine that the size and complexity of the existing urbanized area makes the designation of more than one M.P.O. for the area appropriate. After July 1, 2025, no additional M.P.O.'s may be designated in this state except in urbanized areas, as defined by the United States Bureau of the Census, where the urbanized area boundary is not contiguous to an urbanized area designated before the 2020 census~~, in which case each M.P.O. designated for the area must:~~

~~a. Consult with every other M.P.O. designated for the urbanized area and the state to coordinate plans and transportation improvement programs.~~

~~b. Ensure, to the maximum extent practicable, the consistency of data used in the planning process, including data used in forecasting travel demand within the urbanized area~~.

Each M.P.O. required under this section must be fully operative no later than 6 months following its designation.

(6) POWERS, DUTIES, AND RESPONSIBILITIES.—The powers, privileges, and authority of an M.P.O. are those specified in this section or incorporated in an interlocal agreement authorized under s. 163.01. Each M.P.O. shall perform all acts required by federal or state laws or rules, now and subsequently applicable, which are necessary to qualify for federal aid. It is the intent of this section that each M.P.O. be involved in the planning and programming of transportation facilities, including, but not limited to, airports, intercity and high-speed rail lines, seaports, and intermodal facilities, to the extent permitted by state or federal law. An M.P.O. may not perform project production or delivery for capital improvement projects on the State Highway System.

(b) In developing the long-range transportation plan and the transportation improvement program required under paragraph (a), each M.P.O. shall provide for consideration of projects and

strategies that will:

1. Support the economic vitality of the contiguous urbanized metropolitan area, especially by enabling global competitiveness, productivity, and efficiency.

2. Increase the safety and security of the transportation system for motorized and nonmotorized users.

3. Increase the accessibility and mobility options available to people and for freight.

4. Protect and enhance the environment, conserve natural resources ~~promote energy conservation~~, and improve quality of life.

5. Enhance the integration and connectivity of the transportation system, across and between modes and contiguous urbanized metropolitan areas, for people and freight.

6. Promote efficient system management and operation.

7. Emphasize the preservation of the existing transportation system.

8. Improve the resilience of transportation infrastructure.

9. Reduce traffic and congestion.

~~(i) By December 31, 2023, the M.P.O.'s serving Hillsborough, Pasco, and Pinellas Counties must submit a feasibility report to the Governor, the President of the Senate, and the Speaker of the House of Representatives exploring the benefits, costs, and process of consolidation into a single~~

~~M.P.O. serving the contiguous urbanized area, the goal of which would be to:~~

~~1. Coordinate transportation projects deemed to be regionally significant.~~

~~2. Review the impact of regionally significant land use decisions on the region.~~

~~3. Review all proposed regionally significant transportation projects in the transportation improvement programs.~~

(i) ~~(j)~~1. To more fully accomplish the purposes for which M.P.O.'s have been mandated, the department shall, at least annually, convene M.P.O.'s for the purpose of exchanging best practices. M.P.O.'s may ~~shall~~ develop committees or working groups as needed to accomplish such purpose. Training for new M.P.O. governing board members shall be provided by the department or, at the discretion of the department, by an entity pursuant to a contract with the department, by the Florida Center for Urban Transportation Research, or by the Implementing Solutions from Transportation Research and Evaluation of Emerging Technologies (I-STREET) living lab ~~coordination mechanisms with one another to expand and improve transportation within the state. The appropriate method of coordination between M.P.O.'s shall vary depending upon the project involved and given local and regional needs. Consequently, it is appropriate to set forth a flexible methodology that can be used by M.P.O.'s~~

~~to coordinate with other M.P.O.'s and appropriate political subdivisions as circumstances demand~~.

2. Any M.P.O. may join with any other M.P.O. or any individual political subdivision to coordinate activities or to achieve any federal or state transportation planning or development goals or purposes consistent with federal or state law. When an M.P.O. determines that it is appropriate to join with another M.P.O. or any political subdivision to coordinate activities, the M.P.O. or political subdivision shall enter into an interlocal agreement pursuant to s. 163.01, which, at a minimum, creates a separate legal or administrative entity to coordinate the transportation planning or development activities required to achieve the goal or purpose; provides the purpose for which the entity is created; provides the duration of the agreement and the entity and specifies how the agreement may be terminated, modified, or rescinded; describes the precise organization of the entity, including who has voting rights on the governing board, whether alternative voting members are provided for, how voting members are appointed, and what the relative voting strength is for each constituent M.P.O. or political subdivision; provides the manner in which the parties to the agreement will provide for the financial support of the entity and payment of costs and expenses of the entity; provides the manner in which funds may be paid to and disbursed from the entity; and provides how members of the entity will resolve

disagreements regarding interpretation of the interlocal agreement or disputes relating to the operation of the entity. Such interlocal agreement shall become effective upon its recordation in the official public records of each county in which a member of the entity created by the interlocal agreement has a voting member. Multiple M.P.O.'s may merge, combine, or otherwise join together as a single M.P.O.

(7) LONG-RANGE TRANSPORTATION PLAN.—Each M.P.O. must develop a long-range transportation plan that addresses at least a 20-year planning horizon. The plan must include both long-range and short-range strategies and must comply with all other state and federal requirements. The prevailing principles to be considered in the long-range transportation plan are: preserving the existing transportation infrastructure; enhancing Florida's economic competitiveness; and improving travel choices to ensure mobility. The long-range transportation plan must be consistent, to the maximum extent feasible, with future land use elements and the goals, objectives, and policies of the approved local government comprehensive plans of the units of local government located within the jurisdiction of the M.P.O. Each M.P.O. is encouraged to consider strategies that integrate transportation and land use planning to provide for sustainable development and reduce greenhouse gas emissions. The approved long-range transportation plan must be considered by local governments in the development of the transportation elements in local

government comprehensive plans and any amendments thereto. The long-range transportation plan must, at a minimum:

(a) Identify transportation facilities, including, but not limited to, major roadways, airports, seaports, spaceports, commuter rail systems, transit systems, and intermodal or multimodal terminals that will function as an integrated metropolitan transportation system. The long-range transportation plan must give emphasis to those transportation facilities that serve national, statewide, or regional functions, and must consider the goals and objectives identified in the Florida Transportation Plan as provided in s. 339.155. If a project is located within the boundaries of more than one M.P.O., the M.P.O.'s must coordinate plans regarding the project in the long-range transportation plan. ~~Multiple M.P.O.'s within a contiguous urbanized area must coordinate the development of long-range transportation plans to be reviewed by the Metropolitan Planning Organization Advisory Council.~~

(b) Include a financial plan that demonstrates how the plan can be implemented, indicating resources from public and private sources which are reasonably expected to be available to carry out the plan, and recommends any additional financing strategies for needed projects and programs. The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted long-range transportation plan if reasonable additional resources beyond those identified in

the financial plan were available. For the purpose of developing the long-range transportation plan, the M.P.O. and the department shall cooperatively develop estimates of funds that will be available to support the plan implementation. Innovative financing techniques may be used to fund needed projects and programs. Such techniques may include the assessment of tolls, public-private partnerships, the use of value capture financing, or the use of value pricing. Multiple M.P.O.'s within a contiguous urbanized area must ensure, to the maximum extent possible, the consistency of data used in the planning process.

(d) Indicate, as appropriate, proposed transportation enhancement activities, including, but not limited to, pedestrian and bicycle facilities, trails or facilities that are regionally significant or critical linkages for the Florida Shared-Use Nonmotorized Trail Network, scenic easements, landscaping, integration of advanced air mobility, and integration of autonomous and electric vehicles, electric bicycles, and motorized scooters used for freight, commuter, or micromobility purposes ~~historic preservation, mitigation of water pollution due to highway runoff, and control of outdoor advertising~~.

In the development of its long-range transportation plan, each M.P.O. must provide the public, affected public agencies, representatives of transportation agency employees, freight

shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with a reasonable opportunity to comment on the long-range transportation plan. The long-range transportation plan must be approved by the M.P.O.

(10) AGREEMENTS; ACCOUNTABILITY.—

(a) Each M.P.O. may execute a written agreement with the department, which shall be reviewed, and updated as necessary, every 5 years, which clearly establishes the cooperative relationship essential to accomplish the transportation planning requirements of state and federal law. Roles, responsibilities, and expectations for accomplishing consistency with federal and state requirements and priorities must be set forth in the agreement. In addition, the agreement must set forth the M.P.O.'s responsibility, in collaboration with the department, to identify, prioritize, and present to the department a complete list of multimodal transportation projects consistent with the needs of the metropolitan planning area. It is the department's responsibility to schedule projects in the state transportation improvement program, in collaboration with the M.P.O.'s, considering the annual M.P.O. list of priority projects, as available funding allows.

(b) The department must establish, in collaboration with each M.P.O., quality performance metrics such as safety,

infrastructure condition, congestion relief, and mobility. Each M.P.O. must, as part of its long-range transportation plan, in direct coordination with the department, develop targets for each performance measure within the metropolitan planning area boundary. The performance targets must support efficient and safe movement of people and goods both within the metropolitan planning area and between regions. Each M.P.O. must report progress toward establishing performance targets for each measure annually in its transportation improvement plan. The department shall evaluate and post on its website whether each M.P.O. has made significant progress toward its target for the applicable reporting period.

~~(11) METROPOLITAN PLANNING ORGANIZATION ADVISORY COUNCIL.—~~

~~(a) A Metropolitan Planning Organization Advisory Council is created to augment, and not supplant, the role of the individual M.P.O.'s in the cooperative transportation planning process described in this section.~~

~~(b) The council shall consist of one representative from each M.P.O. and shall elect a chairperson annually from its number. Each M.P.O. shall also elect an alternate representative from each M.P.O. to vote in the absence of the representative. Members of the council do not receive any compensation for their services, but may be reimbursed from funds made available to council members for travel and per diem expenses incurred in the performance of their council duties as provided in s. 112.061.~~

~~(c) The powers and duties of the Metropolitan Planning Organization Advisory Council are to:~~

~~1. Establish bylaws by action of its governing board providing procedural rules to guide its proceedings and consideration of matters before the council, or, alternatively, adopt rules pursuant to ss. 120.536(1) and 120.54 to implement provisions of law conferring powers or duties upon it.~~

~~2. Assist M.P.O.'s in carrying out the urbanized area transportation planning process by serving as the principal forum for collective policy discussion pursuant to law.~~

~~3. Serve as a clearinghouse for review and comment by M.P.O.'s on the Florida Transportation Plan and on other issues required to comply with federal or state law in carrying out the urbanized area transportation and systematic planning processes instituted pursuant to s. 339.155. The council must also report annually to the Florida Transportation Commission on the alignment of M.P.O. long-range transportation plans with the Florida Transportation Plan.~~

~~4. Employ an executive director and such other staff as necessary to perform adequately the functions of the council, within budgetary limitations. The executive director and staff are exempt from part II of chapter 110 and serve at the direction and control of the council. The council is assigned to the Office of the Secretary of the Department of Transportation for fiscal and accountability purposes, but it shall otherwise~~

~~function independently of the control and direction of the department.~~

~~5. Deliver training on federal and state program requirements and procedures to M.P.O. board members and M.P.O. staff.~~

~~6. Adopt an agency strategic plan that prioritizes steps the agency will take to carry out its mission within the context of the state comprehensive plan and any other statutory mandates and directives.~~

~~(d) The Metropolitan Planning Organization Advisory Council may enter into contracts in accordance with chapter 287 to support the activities described in paragraph (c). Lobbying and the acceptance of funds, grants, assistance, gifts, or bequests from private, local, state, or federal sources are prohibited.~~

Section 18. Subsection (4) of section 339.65, Florida Statutes, is amended to read:

339.65 Strategic Intermodal System highway corridors.—

(4) The department shall develop and maintain a plan of Strategic Intermodal System highway corridor projects that are anticipated to be let to contract for construction within a time period of at least 20 years. The department, in collaboration with each M.P.O., shall prioritize projects that address gaps in a corridor so that the corridor becomes contiguous. The plan shall also identify when segments of the corridor will meet the

standards and criteria developed pursuant to subsection (5).

Section 19. Section 339.84, Florida Statutes, is amended to read:

339.84 Workforce development.—

(1) Beginning in the 2023-2024 fiscal year and annually thereafter for 5 years, $5 million shall be allocated from the State Transportation Trust Fund to the workforce development program as provided in s. 334.044(35) to promote career paths in Florida's road and bridge industry.

(2) In fiscal years 2025-2026 through 2029-2030, the department may expend up to $5 million each fiscal year for grants to Florida College System institutions and high schools for the purchase of equipment simulators with authentic original equipment manufacturer controls. Each grant recipient must offer an elective course in heavy civil construction the curriculum of which is specifically designed to use an equipment simulator and other instructional aides to, at a minimum, provide the student with OSHA 10 Construction certification and an equipment simulator certification. In awarding such grants, the department shall give priority to Florida College System institutions and high schools in rural communities as defined in s. 288.0656(2).

Section 20. Section 339.85, Florida Statutes, is created to read:

339.85 Next-generation Traffic Signal Modernization Program.—

(1) The department shall implement the Next-generation Traffic Signal Modernization Program. The Next-generation Traffic Signal Modernization Program shall consist of retrofitting existing traffic signals and controllers and providing a communication backbone for remote operations and management of such signals on the State Highway System and the nonstate highway system. Such signal upgrades shall be prioritized based on average annual daily traffic and the impact of adding to an existing interconnected system.

(2) The program shall consist of an advanced traffic management platform that uses state-of-the-art technology to deliver accurate detection in all weather conditions, offering fully integrated stop bar and advance detection management to improve safety and vehicle movement at intersections, including pedestrian protection. In addition to supporting time-of-day signal timing plans, the program shall provide real-time traffic optimization to improve flow and enhance safety. The program must comply with leading cybersecurity standards, such as SOC 2 and ISO 27001, ensuring robust data protection.

Section 21. Paragraph (e) of subsection (2) of section 331.310, Florida Statutes, is amended to read:

331.310 Powers and duties of the board of directors.—

(2) The board of directors shall:

(e) Prepare an annual report of operations as a supplement to the annual report required under s. 331.3051(15) ~~s.~~

~~331.3051(16)~~. The report must include, but not be limited to, a balance sheet, an income statement, a statement of changes in financial position, a reconciliation of changes in equity accounts, a summary of significant accounting principles, the auditor's report, a summary of the status of existing and proposed bonding projects, comments from management about the year's business, and prospects for the next year.

Section 22. The Legislature finds that the widening of that portion of Interstate 4 between U.S. Highway 27 in Polk County and Interstate 75 in Hillsborough County is in the public interest and in the strategic interest of the region to improve the movement of people and goods. The Department of Transportation shall develop a report that includes, but is not limited to, detailed costs for project development and environmental studies, design, acquisition of rights-of-way, and construction and a schedule to complete the widening as expeditiously as possible. Such report shall identify funding shortfalls and strategies to address such shortfalls, including, but not limited to, using express lane toll revenues generated on the Interstate 4 corridor and other available department funds for public-private partnerships. The department shall submit the report by December 31, 2025, to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Section 23. By October 31, 2025, the Department of

Transportation shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report that provides a comprehensive review of the boundaries of each of the department's districts and whether any district's boundaries should be redrawn as a result of population growth and increased urban density.

Section 24. Section 332.136, Florida Statutes, is created to read:

332.136 Sarasota Manatee Airport Authority; airport pilot program.—

(1) There is established at the Sarasota Manatee Airport Authority (SMAA) an airport pilot program. The purpose of the pilot program is to determine the long-term feasibility of alternative airport permitting procedures such as those provided in ss. 553.80, 1013.30, 1013.33, and 1013.371.

(2) The department shall adopt rules as necessary to implement the pilot program.

(3) By December 1, 2027, the department shall submit recommendations to the President of the Senate and the Speaker of the House of Representatives about how to expand the pilot program to additional airports, amend the pilot program to increase its effectiveness, or terminate the pilot program.

(4) This section shall stand repealed on June 30, 2028, unless reviewed and saved from appeal through reenactment by the Legislature.

Section 25. Paragraph (a) of subsection (3) of section 348.0304, Florida Statutes, is amended to read:

348.0304 Greater Miami Expressway Agency.—

(3)(a) The governing body of the agency shall consist of nine voting members. Except for the district secretary of the department, each member must be a permanent resident of a county served by the agency and may not hold, or have held in the previous 2 years, elected or appointed office in such county, except that this paragraph does not apply to any initial appointment under paragraph (b) or to any member who previously served on the governing body of the former Greater Miami Expressway Agency. Each member may only serve two terms of 4 years each, except that there is no restriction on the term of the department's district secretary. Four members, each of whom must be a permanent resident of Miami-Dade County, shall be appointed by the Governor, subject to confirmation by the Senate at the next regular session of the Legislature. Refusal or failure of the Senate to confirm an appointment shall create a vacancy. Appointments made by the Governor and board of county commissioners of Miami-Dade County shall reflect the state's interests in the transportation sector and represent the intent, duties, and purpose of the Greater Miami Expressway Agency, and have at least 3 years of professional experience in one or more of the following areas: finance; land use planning; tolling industry; or transportation engineering. Two members, who must

be residents of an unincorporated portion of the geographic area described in subsection (1) and residing within 15 miles of an ~~area with the highest amount of~~ agency toll road ~~roads~~, shall be appointed by the board of county commissioners of Miami-Dade County. Two members, who must be residents of incorporated municipalities within a county served by the agency, shall be appointed by the metropolitan planning organization for a county served by the agency. The district secretary of the department serving in the district that contains Miami-Dade County shall serve as an ex officio voting member of the governing body.

Section 26. This act shall take effect July 1, 2025.

COMMERCE COMMITTEE

CS/CS/HB 567 by Rep. McFarland
Transportation

AMENDMENT SUMMARY
April 22, 2025

Amendment 1 by Rep. McFarland (line 921):

- Amends procedures related to contesting a notice of violation, recorded by a school bus infraction detection system, for failing to stop for a school bus and makes conforming changes.
- Modifies provisions of the bill related to implementation of a Next-generation Traffic Signal Modernization Program by the Department of Transportation (FDOT).
- Prohibits landing fees for certain aircraft operations.

Amendment 2 by Rep. McFarland (line 158):

- Revises the definitions of “dynamic driving task” and “micromobility device” found in current law.

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 921-1035 and insert:

Section 20. Effective upon this act becoming a law, subsections (6) through (19) of section 316.173, Florida Statutes, are renumbered as subsections (7) through (20), respectively, paragraph (c) of subsection (1), subsection (5), and present subsections (8), (10), (11), and (12) are amended, and a new subsection (6) is added to that section, to read:

316.173 School bus infraction detection systems.—

(1)

(c) The school district must ensure that each school bus infraction detection system meets the requirements of subsection (19) ~~(18)~~.

(5) Within 30 days after receiving the information required in subsection (4), the law enforcement agency or its designee must, if it is determined that the motor vehicle violated s. 316.172(1)(a) or (b), send a notice of violation to the registered owner of the motor vehicle involved in the violation specifying the remedies available under s. 318.14 and that the violator must pay the penalty under s. 318.18(5), ~~or~~ furnish an affidavit in accordance with subsection (11), or request an administrative hearing with the school district ~~subsection (10)~~ within 60 ~~30~~ days after the notice of violation is sent in order to avoid court fees, costs, and the issuance of a uniform traffic citation. The mailing of the notice of violation constitutes notification. The notice of violation must be sent by first-class mail and include all of the following:

(a) A copy of one or more recorded images showing the motor vehicle involved in the violation, including an image showing the license plate of the motor vehicle.

(b) The date, time, and location of the violation.

(c) The amount of the civil penalty, the date by which the civil penalty must be paid, and instructions on how to pay the civil penalty.

(d) Instructions on how to request a hearing to contest liability or the notice of violation.

(e) A notice that the owner has the right to review, in person or remotely, the video and images recorded by the school

bus infraction detection system which constitute a rebuttable presumption against the owner of the motor vehicle that the motor vehicle was used in violation of s. 316.172(1)(a) or (b).

(f) The time when, and the place or website at which, the recorded video and images may be examined and observed.

(g) A warning that failure to pay the civil penalty or to contest liability within 60 ~~30~~ days after the notice is sent will result in the issuance of a uniform traffic citation. ~~A court that has jurisdiction over traffic violations shall determine whether a violation of this section has occurred. If a court finds by a preponderance of the evidence that a violation occurred, the court must uphold the violation. If the notice of violation is upheld, the court must require the petitioner to pay the penalty previously assessed under s. 318.18(5), and may also require the petitioner to pay costs, not to exceed those established in s. 316.0083(5)(c).~~

(6)(a) A local hearing officer appointed by the school district shall administer an administrative hearing process for a contested notice of violation. The school district may appoint an attorney who is, and has been for the preceding 5 years, a member in good standing with The Florida Bar to serve as a local hearing officer. At the administrative hearing, the local hearing officer shall determine whether a violation of s. 316.172(1)(a) or (b) has occurred. If the local hearing officer finds by a preponderance of the evidence that a violation has

occurred, the local hearing officer must uphold the notice of violation and require the petitioner to pay the penalty previously assessed under s. 318.18(5). The local hearing officer shall also require the petitioner to pay costs consistent with this subsection.

(b) Procedures for an administrative hearing conducted under this subsection are as follows:

1. The department shall make available electronically to the school district or its designee a Request for Hearing form to assist each district with administering this subsection.

2. Any person, herein referred to as the "petitioner," who elects to request a hearing under this subsection shall be scheduled for a hearing. The hearing may be conducted either virtually via live video conferencing or in person.

3. Within 120 days after receipt of a timely request for a hearing, the law enforcement agency or its designee shall provide a replica of the notice of violation data to the school district by manual or electronic transmission, and thereafter the school district or its designee shall mail a notice of hearing, which shall include a hearing date and may at the discretion of the district include virtual and in-person hearing options, to the petitioner by first-class mail. Mailing of the notice of hearing constitutes notification. Upon receipt of the notice of hearing, the petitioner may reschedule the hearing once by submitting a written request to the local hearing

officer at least 5 calendar days before the day of the originally scheduled hearing. The petitioner may cancel his or her hearing by paying the penalty assessed in the notice of violation.

4. All testimony at the hearing shall be under oath. The local hearing officer shall take testimony from the law enforcement agency and the petitioner, and may take testimony from others. The local hearing officer shall review the video and images recorded by a school bus infraction detection system. Formal rules of evidence do not apply, but due process shall be observed and govern the proceedings.

5. At the conclusion of the hearing, the local hearing officer shall determine by a preponderance of the evidence whether a violation has occurred and shall uphold or dismiss the violation. The local hearing officer shall issue a final administrative order including the determination and, if the notice of violation is upheld, require the petitioner to pay the civil penalty previously assessed in the notice of violation, and shall also require the petitioner to pay costs, not to exceed those established in s. 316.0083(5)(e), to be used by the school district for technology and operational costs relating to the hearing process as well as school transportation safety-related initiatives. The final administrative order shall be mailed to the petitioner by first-class mail.

6. An aggrieved party may appeal a final administrative order consistent with the process provided in s. 162.11.

(c) Any hearing for a contested notice of violation that has not been conducted before July 1, 2025, may be conducted pursuant to the procedures in this subsection within 1 year after such date.

(9)~~(8)~~ A uniform traffic citation must be issued by mailing the uniform traffic citation by certified mail to the address of the registered owner of the motor vehicle involved in the violation if, within 60 days after notification under subsection (5), payment has not been made, ~~within 30 days after notification under subsection (5) and if~~ the registered owner has not submitted an affidavit in accordance with subsection (11), or the registered owner has not requested an administrative hearing with the school district contesting the notice of violation pursuant to subsection (6) ~~(10)~~.

(a) Delivery of the uniform traffic citation constitutes notification of a violation under this subsection. If the registered owner or co-owner of the motor vehicle; the person identified as having care, custody, or control of the motor vehicle at the time of the violation; or a duly authorized representative of the owner, co-owner, or identified person initiates a proceeding to challenge the citation, such person waives any challenge or dispute as to the delivery of the uniform traffic citation.

(b) In the case of joint ownership of a motor vehicle, the uniform traffic citation must be mailed to the first name appearing on the motor vehicle registration, unless the first name appearing on the registration is a business organization, in which case the second name appearing on the registration may be used.

(c) The uniform traffic citation mailed to the registered owner of the motor vehicle involved in the violation must be accompanied by information described in paragraphs (5)(a)-(f).

(11)~~(10)~~ To establish such facts under subsection (10) ~~(9)~~, the registered owner of the motor vehicle must, within 60 ~~30~~ days after the date of issuance of the notice of violation or the uniform traffic citation, furnish to the law enforcement agency that issued the notice of violation or uniform traffic citation an affidavit setting forth information supporting an exception under subsection (10) ~~(9)~~.

(a) An affidavit supporting the exception under paragraph (10)(a) ~~(9)(a)~~ must include the name, address, date of birth, and, if known, the driver license number of the person who leased, rented, or otherwise had care, custody, or control of the motor vehicle at the time of the alleged violation. If the motor vehicle was stolen at the time of the alleged violation, the affidavit must include the police report indicating that the motor vehicle was stolen.

(b) If a uniform traffic citation for a violation of s. 316.172(1)(a) or (b) was issued at the location of the violation by a law enforcement officer, the affidavit must include the serial number of the uniform traffic citation.

(c) If the motor vehicle's owner to whom a notice of violation or a uniform traffic citation has been issued is deceased, the affidavit must include a certified copy of the owner's death certificate showing that the date of death occurred on or before the date of the alleged violation and one of the following:

1. A bill of sale or other document showing that the deceased owner's motor vehicle was sold or transferred after his or her death but on or before the date of the alleged violation.

2. Documented proof that the registered license plate belonging to the deceased owner's motor vehicle was returned to the department or any branch office or authorized agent of the department after his or her death but on or before the date of the alleged violation.

3. A copy of the police report showing that the deceased owner's registered license plate or motor vehicle was stolen after his or her death but on or before the date of the alleged violation.

Upon receipt of the affidavit and documentation required under paragraphs (b) and (c), or 60 ~~30~~ days after the date of issuance

of a notice of violation sent to a person identified as having care, custody, or control of the motor vehicle at the time of the violation under paragraph (a), the law enforcement agency must dismiss the notice or citation and provide proof of such dismissal to the person who submitted the affidavit. If, within 60 ~~30~~ days after the date of a notice of violation sent to a person under subsection (12) ~~(11)~~, the law enforcement agency receives an affidavit under subsection (13) ~~(12)~~ from the person who was sent a notice of violation affirming that the person did not have care, custody, or control of the motor vehicle at the time of the violation, the law enforcement agency must notify the registered owner that the notice or citation will not be dismissed due to failure to establish that another person had care, custody, or control of the motor vehicle at the time of the violation.

(12)~~(11)~~ Upon receipt of an affidavit under paragraph (10)(a) ~~(9)(a)~~, the law enforcement agency may issue the person identified as having care, custody, or control of the motor vehicle at the time of the violation a notice of violation pursuant to subsection (5) for a violation of s. 316.172(1)(a) or (b). The affidavit is admissible in a proceeding pursuant to this section for the purpose of providing evidence that the person identified in the affidavit was in actual care, custody, or control of the motor vehicle. The owner of a leased motor vehicle for which a uniform traffic citation is issued for a

violation of s. 316.172(1)(a) or (b) is not responsible for paying the uniform traffic citation and is not required to submit an affidavit as specified in subsection (11) ~~(10)~~ if the motor vehicle involved in the violation is registered in the name of the lessee of such motor vehicle.

(13)~~(12)~~ If a law enforcement agency receives an affidavit under paragraph (10)(a) ~~(9)(a)~~, the notice of violation required under subsection (5) must be sent to the person identified in the affidavit within 30 days after receipt of the affidavit. The person identified in an affidavit and sent a notice of violation may ~~also~~ affirm he or she did not have care, custody, or control of the motor vehicle at the time of the violation by furnishing to the appropriate law enforcement agency within 60 ~~30~~ days after the date of the notice of violation an affidavit stating such.

Section 21. Effective upon this act becoming a law, paragraph (a) of subsection (1) of section 316.640, Florida Statutes, is amended to read:

316.640 Enforcement.—The enforcement of the traffic laws of this state is vested as follows:

(1) STATE.—

(a)1.a. The Division of Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles; the Division of Law Enforcement of the Fish and Wildlife Conservation Commission; the Division of Law Enforcement of the Department of

Environmental Protection; and the agents, inspectors, and officers of the Department of Law Enforcement each have authority to enforce all of the traffic laws of this state on all the streets and highways thereof and elsewhere throughout the state wherever the public has a right to travel by motor vehicle.

b. University police officers may enforce all of the traffic laws of this state when violations occur on or within 1,000 feet of any property or facilities that are under the guidance, supervision, regulation, or control of a state university, a direct-support organization of such state university, or any other organization controlled by the state university or a direct-support organization of the state university, or when such violations occur within a specified jurisdictional area as agreed upon in a mutual aid agreement entered into with a law enforcement agency pursuant to s. 23.1225(1). Traffic laws may also be enforced off-campus when hot pursuit originates on or within 1,000 feet of any such property or facilities, or as agreed upon in accordance with the mutual aid agreement.

c. Florida College System institution police officers may enforce all the traffic laws of this state only when such violations occur on or within 1,000 feet of any property or facilities that are under the guidance, supervision, regulation, or control of the Florida College System institution, or when

such violations occur within a specified jurisdictional area as agreed upon in a mutual aid agreement entered into with a law enforcement agency pursuant to s. 23.1225. Traffic laws may also be enforced off-campus when hot pursuit originates on or within 1,000 feet of any such property or facilities, or as agreed upon in accordance with the mutual aid agreement.

d. Police officers employed by an airport authority may enforce all of the traffic laws of this state only when such violations occur on any property or facilities that are owned or operated by an airport authority.

(I) An airport authority may employ as a parking enforcement specialist any individual who successfully completes a training program established and approved by the Criminal Justice Standards and Training Commission for parking enforcement specialists but who does not otherwise meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary or part-time officers under s. 943.12. This sub-sub-subparagraph may not be construed to permit the carrying of firearms or other weapons, nor shall such parking enforcement specialist have arrest authority.

(II) A parking enforcement specialist employed by an airport authority may enforce all state, county, and municipal laws and ordinances governing parking only when such violations are on property or facilities owned or operated by the airport

authority employing the specialist, by appropriate state, county, or municipal traffic citation.

e. The Office of Agricultural Law Enforcement of the Department of Agriculture and Consumer Services may enforce traffic laws of this state.

f. School safety officers and school resource officers may enforce all of the traffic laws of this state when such violations occur on or about any property or facilities that are under the guidance, supervision, regulation, or control of the district school board, including violations of s. 316.172(1)(a) and (b) as recorded by a school bus infraction detection system pursuant to s. 316.173 on all roadways within the school district.

2. Any disciplinary action taken or performance evaluation conducted by an agency of the state as described in subparagraph 1. of a law enforcement officer's traffic enforcement activity must be in accordance with written work-performance standards. Such standards must be approved by the agency and any collective bargaining unit representing such law enforcement officer. A violation of this subparagraph is not subject to the penalties provided in chapter 318.

3. The Division of the Florida Highway Patrol may employ as a traffic accident investigation officer any individual who successfully completes instruction in traffic accident investigation and court presentation through the Selective

Traffic Enforcement Program as approved by the Criminal Justice Standards and Training Commission and funded through the National Highway Traffic Safety Administration or a similar program approved by the commission, but who does not necessarily meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary law enforcement officers under chapter 943. Any such traffic accident investigation officer who makes an investigation at the scene of a traffic accident may issue traffic citations, based upon personal investigation, when he or she has reasonable and probable grounds to believe that a person who was involved in the accident committed an offense under this chapter, chapter 319, chapter 320, or chapter 322 in connection with the accident. This subparagraph does not permit the officer to carry firearms or other weapons, and such an officer does not have authority to make arrests.

Section 22. Effective upon this act becoming a law, paragraph (a) of subsection (3) of section 316.650, Florida Statutes, is amended to read:

316.650 Traffic citations.—

(3)(a) Except for a traffic citation issued pursuant to s. 316.1001, s. 316.0083, <u>s. 316.173,</u> or s. 316.1896, each traffic enforcement officer, upon issuing a traffic citation to an alleged violator of any provision of the motor vehicle laws of this state or of any traffic ordinance of any municipality or

town, shall deposit the original traffic citation or, in the case of a traffic enforcement agency that has an automated citation issuance system, the ~~chief administrative officer~~ agency shall provide by an electronic transmission a replica of the citation data to the ~~a~~ court having jurisdiction over the alleged offense or with its traffic violations bureau within 5 business days after issuance to the violator.

Section 23. Effective upon this act becoming a law, paragraphs (a), (b), and (c) of subsection (5) of section 318.18, Florida Statutes, are amended to read:

318.18 Amount of penalties.—The penalties required for a noncriminal disposition pursuant to s. 318.14 or a criminal offense listed in s. 318.17 are as follows:

(5)(a)1. Except as provided in subparagraph 2., $200 ~~two hundred dollars~~ for a violation of s. 316.172(1)(a), failure to stop for a school bus. If, at a hearing, the alleged offender is found to have committed this offense, the court shall impose a minimum civil penalty of $200. In addition to this penalty, for a second or subsequent offense within a period of 5 years, the department shall suspend the driver license of the person for not less than 180 days and not more than 1 year.

2. If a violation of s. 316.172(1)(a) is enforced by a school bus infraction detection system pursuant to s. 316.173, the penalty of $200 shall be imposed. If, at an administrative hearing contesting a notice of violation or uniform traffic

citation, the alleged offender is found to have committed this offense, a minimum civil penalty of $200 shall be imposed. Notwithstanding any other provision of law, the civil penalties assessed under this subparagraph resulting from a notice of violation or uniform traffic citation shall be remitted to the school district at least monthly and used pursuant to s. 316.173(8).

(b)1. Except as provided in subparagraph 2., $400 ~~four hundred dollars~~ for a violation of s. 316.172(1)(b), passing a school bus on the side that children enter and exit when the school bus displays a stop signal. If, at a hearing, the alleged offender is found to have committed this offense, the court shall impose a minimum civil penalty of $400.

2. If a violation of s. 316.172(1)(b) is enforced by a school bus infraction detection system pursuant to s. 316.173, the penalty under this subparagraph ~~paragraph~~ is a minimum of $200. If, at a hearing contesting a notice of violation or uniform traffic citation, the alleged offender is found to have committed this offense, the court shall ~~must~~ impose a minimum civil penalty of $200. Notwithstanding any other provision of law, the civil penalties assessed under this subparagraph resulting from notice of violation or uniform traffic citation shall be remitted to the school district at least monthly and used pursuant to s. 316.173(8).

3. In addition to this penalty, for a second or subsequent offense within a period of 5 years, the department shall suspend the driver license of the person for not less than 360 days and not more than 2 years.

(c)1. In addition to the penalty under subparagraph (a)2. or subparagraph (b)2., if, at an administrative hearing contesting a notice of violation or uniform traffic citation, the alleged offender is found to have committed this offense, costs shall be imposed, not to exceed those established in s. 316.0083(5)(e), to be paid by the petitioner and to be used by the school district for technology and operational costs relating to the hearing as well as school transportation safety-related initiatives.

2. In addition to the penalty under paragraph (a) or paragraph (b), $65 for a violation of s. 316.172(1)(a) or (b). If the alleged offender is found to have committed the offense, the court shall impose the civil penalty under paragraph (a) or paragraph (b) plus an additional $65. The additional $65 collected under this subparagraph ~~paragraph~~ shall be remitted to the Department of Revenue for deposit into the Emergency Medical Services Trust Fund of the Department of Health to be used as provided in s. 395.4036. If a violation of s. 316.172(1)(a) or (b) is enforced by a school bus infraction detection system pursuant to s. 316.173, the additional amount imposed on a notice of violation, on a uniform traffic citation, or by the

court under this paragraph must be $25, in lieu of the additional $65, and, notwithstanding any other provision of law, the civil penalties and additional costs must be remitted to the participating school district at least monthly and used pursuant to s. 316.173(8) ~~s. 316.173(7)~~.

Section 24. Effective upon this act becoming a law, subsection (21) of section 318.21, Florida Statutes, is amended to read:

318.21 Disposition of civil penalties by county courts.—All civil penalties received by a county court pursuant to the provisions of this chapter shall be distributed and paid monthly as follows:

(21) Notwithstanding subsections (1) and (2) or any other provision of law, the civil penalties and the proceeds from the additional penalties imposed pursuant to s. 318.18(5)(a)2., (b)2., and (c) and (21) ~~s. 318.18(5)(c) and (21)~~ shall be distributed as provided in that section.

Section 25. Section 339.85, Florida Statutes, is created to read:

339.85 Next-generation Traffic Signal Modernization Program.—

(1) The department shall implement a Next-generation Traffic Signal Modernization Program. The purpose of the program is to increase traffic signal interconnectivity and provide

real-time traffic optimization to improve traffic flow and enhance safety. The program shall:

(a) Provide for retrofitting existing traffic signals and controllers and providing a communication backbone for remote and automated operations and management of such signals on the State Highway System and the nonstate highway system.

(b) Prioritize signal upgrades based on average annual daily traffic and the impact of adding to an existing interconnected system.

(c) Use at least one advanced traffic management platform that uses state-of-the-art technology and that complies with leading cybersecurity standards, such as SOC 2 and ISO 27001, ensuring robust data protection.

Section 26. Section 330.355, Florida Statutes, is created to read:

330.355 Prohibition on landing fees for certain aircraft operations.—A publicly owned airport in this state may not charge a landing fee established on or after January 1, 2025, for aircraft operations conducted by an accredited nonprofit institution located in this state which offers a 4-year collegiate aviation program, when such aircraft operations are for flight training necessary for pilot certification and proficiency.

Section 27. Paragraph (e) of subsection (2) of section 331.310, Florida Statutes, is amended to read:

331.310 Powers and duties of the board of directors.—

(2) The board of directors shall:

(e) Prepare an annual report of operations as a supplement to the annual report required under s. 331.3051(15) ~~s. 331.3051(16)~~. The report must include, but not be limited to, a balance sheet, an income statement, a statement of changes in financial position, a reconciliation of changes in equity accounts, a summary of significant accounting principles, the auditor's report, a summary of the status of existing and proposed bonding projects, comments from management about the year's business, and prospects for the next year.

Section 28. The Legislature finds that the widening of that portion of Interstate 4 between U.S. Highway 27 in Polk County and Interstate 75 in Hillsborough County is in the public interest and in the strategic interest of the region to improve the movement of people and goods. The Department of Transportation shall develop a report that includes, but is not limited to, detailed costs for project development and environmental studies, design, acquisition of rights-of-way, and construction and a schedule to complete the widening as expeditiously as possible. Such report shall identify funding shortfalls and strategies to address such shortfalls, including, but not limited to, using express lane toll revenues generated on the Interstate 4 corridor and other available department funds for public-private partnerships. The department shall

submit the report by December 31, 2025, to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Section 29. By October 31, 2025, the Department of Transportation shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report that provides a comprehensive review of the boundaries of each of the department's districts and whether any district's boundaries should be redrawn as a result of population growth and increased urban density.

Section 30. Section 332.136, Florida Statutes, is created to read:

332.136 Sarasota Manatee Airport Authority; airport pilot program.—

(1) There is established at the Sarasota Manatee Airport Authority (SMAA) an airport pilot program. The purpose of the pilot program is to determine the long-term feasibility of alternative airport permitting procedures such as those provided in ss. 553.80, 1013.30, 1013.33, and 1013.371.

(2) The department shall adopt rules as necessary to implement the pilot program.

(3) By December 1, 2027, the department shall submit recommendations to the President of the Senate and the Speaker of the House of Representatives about how to expand the pilot

program to additional airports, amend the pilot program to increase its effectiveness, or terminate the pilot program.

(4) This section shall stand repealed on June 30, 2028, unless reviewed and saved from appeal through reenactment by the Legislature.

Section 31. Paragraph (a) of subsection (3) of section 348.0304, Florida Statutes, is amended to read:

348.0304 Greater Miami Expressway Agency.—

(3)(a) The governing body of the agency shall consist of nine voting members. Except for the district secretary of the department, each member must be a permanent resident of a county served by the agency and may not hold, or have held in the previous 2 years, elected or appointed office in such county, except that this paragraph does not apply to any initial appointment under paragraph (b) or to any member who previously served on the governing body of the former Greater Miami Expressway Agency. Each member may only serve two terms of 4 years each, except that there is no restriction on the term of the department's district secretary. Four members, each of whom must be a permanent resident of Miami-Dade County, shall be appointed by the Governor, subject to confirmation by the Senate at the next regular session of the Legislature. Refusal or failure of the Senate to confirm an appointment shall create a vacancy. Appointments made by the Governor and board of county commissioners of Miami-Dade County shall reflect the state's

interests in the transportation sector and represent the intent, duties, and purpose of the Greater Miami Expressway Agency, and have at least 3 years of professional experience in one or more of the following areas: finance; land use planning; tolling industry; or transportation engineering. Two members, who must be residents of an unincorporated portion of the geographic area described in subsection (1) and residing within 15 miles of an ~~area with the highest amount of~~ agency toll road ~~roads~~, shall be appointed by the board of county commissioners of Miami-Dade County. Two members, who must be residents of incorporated municipalities within a county served by the agency, shall be appointed by the metropolitan planning organization for a county served by the agency. The district secretary of the department serving in the district that contains Miami-Dade County shall serve as an ex officio voting member of the governing body.

Section 32. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon becoming a law, this act shall take effect July 1, 2025.

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

Remove lines 102-122 and insert:

priority in awarding grants; amending s. 316.173, F.S.; authorizing a person to request an administrative hearing with a school district within a

specified time period after receiving a notice of violation; specifying that the mailing of the notice of violation constitutes notification; removing a provision requiring a court with jurisdiction over traffic violations to determine whether a specified violation has occurred; authorizing a school district to appoint a local hearing officer to conduct an administrative hearing; providing eligibility requirements for such officer; providing duties of such officer; providing for penalties and costs; providing procedures for an administrative hearing; providing a specified date by which certain administrative hearings may be conducted; amending s. 316.640, F.S.; authorizing school resource officers to enforce specified traffic laws on the roadways within a school district; amending s. 316.650, F.S.; revising the entity required to provide citation data in the case of a traffic enforcement agency that has an automated citation issuance system; amending s. 318.18, F.S.; providing minimum civil penalties for a specified violation enforced by a school bus infraction detection system; requiring such penalties to be remitted to the school district at least monthly and used for specified purposes; requiring specified administrative costs to be imposed for specified

violations; requiring such costs to be used by a school district for specified purposes; amending s. 318.21, F.S.; requiring specified penalties to be distributed in a specified manner; creating s. 339.85, F.S.; requiring the department to implement a Next-generation Traffic Signal Modernization Program; providing requirements for such program; creating s. 330.355, F.S.; prohibiting publicly owned airports from charging a landing fee established on or after a specified date for certain aircraft operations; amending s. 331.310, F.S.; conforming a cross-reference; providing legislative findings regarding widening of a certain roadway; requiring the department to develop and submit to the Governor and Legislature a report with certain specifications; requiring the department to submit to the Governor and Legislature a report regarding department districts; creating s. 332.136, F.S.; establishing an airport pilot program at the Sarasota Manatee Airport Authority; providing purpose of the pilot program; requiring the department to adopt rules; requiring the department, by a specified date, to submit a report to the Governor and the Legislature for specified purposes; providing for repeal on a specified date; amending s. 348.0304, F.S.; revising qualifications to

be a member of the governing body of the Greater Miami Expressway Agency; providing effective dates.

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 158-168 and insert:

Section 3. Paragraph (b) of subsection (3) and subsections (41) and (109) of section 316.003, Florida Statutes, are 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:

(3) AUTOMATED DRIVING SYSTEM.—The hardware and software that are collectively capable of performing the entire dynamic driving task of an autonomous vehicle on a sustained basis,

regardless of whether it is limited to a specific operational design domain. The term:

(b) "Dynamic driving task" means all of the real-time operational and tactical functions required to operate a vehicle in on-road traffic within its specific operational design domain, if any, excluding strategic functions such as trip scheduling; provision of event-based information, advice, instruction, or revised goals; and selection of destinations and waypoints.

(41) MICROMOBILITY DEVICE.—A motorized transportation device designed for individual use which is typically 20 to 36 inches in width and 50 pounds or less in weight and which operates at a speed of typically less than 15 miles per hour but no more than 28 miles per hour. This term includes both a human-powered and a nonhuman-powered device such as a bicycle, electric bicycle, motorized scooter, or any other device that is owned by an individual or part of a shared fleet ~~Any motorized transportation device made available for private use by reservation through an online application, website, or software for point-to-point trips and which is not capable of traveling at a speed greater than 20 miles per hour on level ground. This term includes motorized scooters and bicycles as defined in this chapter~~.

(109) VEHICLE.—Every device in, upon, or by which any person or property is or may be transported or drawn upon a

street or highway, except personal delivery devices, mobile carriers, and devices used exclusively upon stationary rails or tracks.

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

Remove line 11 and insert:
the definitions of the terms "vehicle", “dynamic driving task”, and “micromobility device”; amending s.

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 743	**COMPANION BILL:** CS/SB 868 (Ingoglia)
TITLE: Social Media Use by Minors	**LINKED BILLS:** None
SPONSOR(S): Salzman, Sirois	**RELATED BILLS:** None

Committee References

Industries & Professional Activities 15 Y, 0 N, As CS	➤ Criminal Justice 15 Y, 0 N	➤ Commerce

SUMMARY

Effect of the Bill:

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

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

Fiscal or Economic Impact:

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

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

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

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

These provisions apply to account holders who are minors under 14 years of age, and minors 14 and 15 years of age. (Section 1)

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

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

Indeterminate. The bill may result in an unknown increase in civil penalties collected by the Department of Legal Affairs (DLA), and regulatory costs incurred by DLA to enforce the bill.

PRIVATE SECTOR:

Indeterminate. The bill may result in an unknown increase in costs for companies operating websites due to the resources necessary to block certain account holders from accessing disappearing messages and comply with requested access by parents of account holders and law enforcement.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Social Media Use for Minors

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

Definitions

The law provides the following definitions:[3]

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

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

Minors Under 14 years of Age

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

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

Minors 14 or 15 Years of Age

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

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

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

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

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

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

Violations and Enforcement

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

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

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

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

DLA Subpoena Power

Relating to DLA subpoena power:[13]

- If, by its own inquiry or as a result of complaints, DLA has reason to believe that an entity or person has engaged in, or is engaging in, an act or practice that violates such social media account requirements related to account holders under 16 years of age, DLA may administer oaths and affirmations, subpoena witnesses or matter, and collect evidence. Within 5 days, excluding weekends and legal holidays, after the service of a subpoena or at any time before the return date specified therein, whichever is longer, the party served may file in the circuit court in the county in which it resides or in which it transacts business and serve upon the enforcing authority a petition for an order modifying or setting aside the subpoena. The petitioner may raise any objection or privilege which would be available upon service of such subpoena in a civil action. The subpoena must inform the party served of its rights.
- If the matter that DLA seeks to obtain by subpoena is located outside Florida, the entity or person subpoenaed may make it available to DLA or its representative to examine the matter at the place where it

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[7] DLA is prohibited from bringing an action against:
- Any person or activity regulated under laws administered by Office of Insurance Regulation or Department of Financial Services; and
- Banks, credit unions, and savings and loan associations regulated by Office of Financial Regulation or federal agencies. S. 501.212(4), F.S.

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

is located. DLA may designate representatives, including officials of the state where the matter is located, to inspect the matter on its behalf, and may respond to similar requests from officials of other states.
- Upon failure of an entity or person without lawful excuse to obey a subpoena and upon reasonable notice to all persons affected, DLA may apply to the circuit court for an order compelling compliance.
- DLA may request that an entity or person that refuses to comply with a subpoena on the ground that testimony or matter may incriminate the entity or person be ordered by the court to provide the testimony or matter. Except in a prosecution for perjury, an entity or individual that complies with a court order to provide testimony or matter after asserting a valid privilege against self-incrimination shall not have the testimony or matter so provided, or evidence derived therefrom, received against the entity or person in any criminal investigation or proceeding.

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

Disappearing, Ephemeral Messaging

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

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

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

Florida Deceptive and Unfair Trade Practices Act

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

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[14] *Id.*
[15] Michelle A. Freeman, *Disappearing Messages, Unofficial Communications Platforms and Ever-Increasing Scrutiny by Regulators*, The National Law Review (Oct. 7, 2024), https://natlawreview.com/article/disappearing-messages-unofficial-communications-platforms-and-ever-increasing (last visited Mar. 26, 2025).
[16] Mobicip, Gone in a Flash: How Disappearing Messages Can Impact Your Child's Online Safety (May 13, 2024), https://www.mobicip.com/blog/gone-flash-how-disappearing-messages-can-impact-your-childs-online-safety (last visited Mar. 26, 2025).
[17] *Id.*
[18] S. 501.202, F.S.
[19] Ss. 501.203(2) and s. 01.207(1)(c) and (2), F.S.; *see also* David J. Federbush, *FDUTPA for Civil Antitrust: Additional Conduct, Party, and Geographic Coverage; State Actions for Consumer Restitution*, 76 FLORIDA BAR JOURNAL 52, Dec. 2002 (analyzing the merits of FDUPTA and the potential for deterrence of anticompetitive conduct in Florida), *available at* http://www.floridabar.org/divcom/jn/jnjournal01.nsf/c0d731e03de9828d852574580042ae7a/99aa165b7d8ac8a485256c8300791ec1!OpenDocument&Highlight=0,business,Division* (last visited on Mar. 26, 2025).
[20] S. 501.203(2), F.S.
[21] S. 501.211, F.S.

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

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

The DLA and SAO may seek the following remedies:

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

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

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

Recent Court Cases

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

In March 2025, the motion for preliminary injunction was denied. The order did not include a ruling on the First Amendment issue. The order was instead based on the decision that the plaintiffs did not "show a substantial likelihood demonstrating standing" that at least one of the group members "will suffer irreparable injury" without an injunction. The effective date of the law was supposed to be January 1, 2025; however, in November the State agreed not to enforce it until the ruling occurred.[26] The case was dismissed; however, on March 28, 2025, the plaintiffs filed an amended complaint asking the Court again to declare Section 1 of HB 3 unconstitutional and enjoin the Attorney General of Florida from enforcing it.[27] The plaintiff's argued that they "have associational standing to challenge the Act because: (1) some of their members have standing to sue in their own right; (2) challenging the Act is germane to CCIA's and NetChoice's associational purposes; and (3) their members' individual participation is unnecessary in this challenge."[28]

RECENT LEGISLATION:

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

[22] S. 501.206(1), F.S.
[23] Ss. 501.207(1), 501.208, and 501.2075, F.S. Civil Penalties are deposited into general revenue. Enforcing authorities may also request attorney fees and costs of investigation or litigation. S. 501.2105, F.S.
[24] S. 501.212(4), F.S.
[25] *Computer & Communications Industry Association and NetChoice v. Uthmeier*, Case No.: 4:24-cv-00438-MW-MAF. The case is in the US District Court, Northern District of Florida.
[26] *Id.*
[27] *Id*.
[28] *Id.*

OTHER RESOURCES:

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

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

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Industries & Professional Activities Subcommittee	15 Y, 0 N, As CS	3/19/2025	Anstead	Thompson
THE CHANGES ADOPTED BY THE COMMITTEE:	The PCS removed the main substance of the bill, which requires social media platforms to disable end-to-end-encryption features for minor accounts under 16 years of age, and instead required the platforms to: • Allow parents to view all messages. • Allow law enforcement to view messages during an investigation pursuant to parental consent and a warrant. • Prohibit anyone under 16 from using disappearing messaging.			
Criminal Justice Subcommittee	15 Y, 0 N	3/26/2025	Hall	Leshko
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 social media use by minors; amending s. 501.1736, F.S.; requiring social media platforms to allow parents or guardians and law enforcement officers to view messages of certain minor account holders and prohibit such account holders from using or accessing certain messages; providing an effective date.

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

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

501.1736 Social media use for minors.—

(2)

(b) A social media platform shall:

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

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

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

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

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

6. Allow law enforcement officers to view messages of a minor that are relevant to any investigation upon receiving consent from the confirmed parent or guardian or pursuant to a warrant.

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

(3)

(b) A social media platform shall:

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

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

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

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

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

5. Allow the confirmed parent or guardian of an account holder who is 14 or 15 years of age to view all messages.

6. Allow law enforcement officers to view messages of an account holder younger who is a minor that are relevant to any investigation upon receiving consent from the confirmed parent or guardian of the minor or pursuant to a warrant.

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

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

(b) A social media platform shall:

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

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

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

4. Permanently delete all personal information held by the

social media platform relating to the terminated account, unless there are legal requirements to maintain such information.

5. Allow the confirmed parent or guardian of an account holder who is 14 or 15 years of age to view all messages.

6. Allow law enforcement officers to view messages of an account holder who is 14 or 15 years of age that are relevant to any investigation upon receiving consent from the confirmed parent or guardian of the minor or pursuant to a warrant.

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

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

COMMERCE COMMITTEE

CS/HB 743 by Rep. Salzman
Social Media Use by Minors

AMENDMENT SUMMARY
April 22, 2025

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

- Requires social media platforms to:
  - Permanently delete all personal information held by the platform relating to a terminated account **within 45 days of termination**.
  - Allow the confirmed parent or legal guardian of certain minor account holders to view a list of the account names with whom the minor has exchanged messages.
  - Disclose any technically feasible and reasonably available data to a law enforcement officer that is responsive to a criminal investigation related to an account held by a minor.
- Changes the effective date from July 1, 2025, to January 1, 2026.

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 Salzman offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

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

501.1736 Social media use for minors.—

(2)

(b) A social media platform shall:

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

account holder to dispute such termination. Termination must be effective upon the expiration of the 90 days if the account holder fails to effectively dispute the termination.

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

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

4. Permanently delete all personal information held by the social media platform relating to the terminated account <u>within 45 days of termination of the account</u>, unless there are legal requirements to maintain such information.

<u>5. Allow the confirmed parent or legal guardian of an account holder younger than 14 years of age to view a list of the account names with whom the minor has exchanged messages.</u>

<u>6. Upon receipt of a valid legal process, including but not limited to a court order, subpoena or search warrant, that complies with 18 U.S.C. § 2703 and applicable state law, disclose any technically feasible and reasonably available data to a law enforcement officer that is responsive to a criminal investigation related to an account held by a minor.</u>

<u>7. Prohibit an account holder who is younger than 14 years of age from using or accessing messages that are designed to</u>

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

(3)

(b) A social media platform shall:

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

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

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

4. Permanently delete all personal information held by the social media platform relating to the terminated account within 45 days of termination of the account, unless there are legal

requirements to maintain such information.

5. Allow the confirmed parent or legal guardian of an account holder who is 14 or 15 years of age to view a list of the account names with whom the minor has exchanged messages.

6. Upon receipt of a valid legal process, including but not limited to a court order, subpoena or search warrant, that complies with 18 U.S.C. § 2703 and applicable state law, disclose any technically feasible and reasonably available data to a law enforcement officer that is responsive to a criminal investigation related to an account held by a minor.

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

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

(b) A social media platform shall:

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

effective upon the expiration of 90 days if the account holder fails to effectively dispute the termination.

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

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

4. Permanently delete all personal information held by the social media platform relating to the terminated account within 45 days of termination of the account, unless there are legal requirements to maintain such information.

5. Allow the confirmed parent or legal guardian of an account holder who is 14 or 15 years of age to view a list of the account names with whom the minor has exchanged messages.

6. Upon receipt of a valid legal process, including but not limited to a court order, subpoena or search warrant, that complies with 18 U.S.C. § 2703 and applicable state law, disclose any technically feasible and reasonably available data to a law enforcement officer that is responsive to a criminal investigation related to an account held by a minor.

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

or messages that are ephemeral in nature.

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

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

Remove lines 4-7 and insert:
platforms to permanently delete certain information within 45 days of termination of certain accounts, allow certain parents or legal guardians of certain minors to view a list of the account names with whom the minor has exchanged messages, disclose certain data to a law enforcement officer in certain situations, prohibit certain minor account holders from using or accessing certain messages; 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/CS/HB 943	**COMPANION BILL:** CS/CS/SB 1730 (Calatayud)
TITLE: Real Property and Land Use and Development	**LINKED BILLS:** None
SPONSOR(S): Lopez, V.	**RELATED BILLS:** None

Committee References

Housing, Agriculture & Tourism	➤	Intergovernmental Affairs	➤	Commerce
14 Y, 1 N, As CS		13 Y, 3 N, As CS		

SUMMARY

Effect of the Bill:

The bill:

- Amends various provisions in the Live Local Act relating to affordable housing, certain building moratoriums, and reporting requirements.
- Makes certain qualified developments eligible to receive an exception or waiver for 20 percent of the impact fees for the development of affordable housing.
- Revises the requirements to receive a property tax exemption for certain affordable housing.
- Requires local governments to allow the construction of accessory dwelling units (ADUs).
- Requires the Florida Housing Finance Corporation to finance housing near U.S. Department of Veterans Affairs medical facilities.
- Incentivizes building affordable housing for employees of healthcare providers and governmental entities.
- Makes it unlawful to discriminate in land use decisions based on a development or proposed development being affordable housing.
- Requires district school boards to adopt best practices for surplus land programs.

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:

Affordable Housing Development

The bill amends various provisions in the Live Local Act (Act).

The bill prohibits a local government[1] from adopting or enforcing any law, ordinance, rule, or other measure that:

- Limits or prohibits affordable housing, including, but not limited to, any measure that is adopted for the purpose of limiting the maximum percentage of units within a certain project or within a certain distance from another affordable housing project; or
- Otherwise prohibits affordable housing in areas zoned for such use. (Section 1 for counties; Section 4 for municipalities.)

[1] Local government means any county or municipality. S. 163.3164(29), F.S.

The bill authorizes a local government to approve the development of affordable housing on any parcel, including any contiguous parcel connected thereto, that is owned by a religious institution[2] that contains a house of public worship, regardless of the underlying zoning, so long as at least 10 percent of the units included in the project are for affordable housing. (Section 1 for counties; Section 4 for municipalities.)

The bill also requires[3] local governments to authorize multifamily and mixed use residential as allowable uses, if at least 40 percent of the residential units in a proposed multifamily or mixed-use residential development are rental units that have an affordability period of 30 years or more, on:

- Any parcel owned and authorized by the local government, a district school board, or a religious institution, and in any area zoned for commercial, industrial, or mixed use; or
- Any planned unit development permitted for commercial, industrial, or mixed use. (Section 1 for counties; Section 4 for municipalities.)

Under the bill, local governments may authorize the inclusion of an adjacent parcel of land as part of the multifamily development, regardless of the land use designation on the adjacent parcel, if the residential units to be built on the adjacent parcel comply with the zoning requirements of the Act. (Section 1 for counties; Section 4 for municipalities.)

The bill provides that notwithstanding any local land development regulation categorization or title, an area is considered zoned for mixed use by a local government when the area that includes both residential and nonresidential uses, regardless of whether the residential or nonresidential uses are permitted as:

- Principal use,
- Conditional use,
- Ancillary use,
- Special use,
- Unusual use,
- Accessory use,
- Planned unit development, or
- Planned development. (Section 1 for counties; Section 4 for municipalities.)

Additionally, the bill provides that affordable or workforce units that qualify for incentives under current law[4] may also qualify as affordable ***as long as*** the units satisfy affordability requirements[5] and local regulations. (Section 1 for counties; Section 4 for municipalities.)

The bill requires a proposed multifamily or mixed-use residential development to be administratively approved, without further action by the board of county commissioners or governing body, as applicable, or any quasi-judicial board of the reviewing body, if the development satisfies the local government's land development regulations for multifamily or mixed-use residential developments in areas zoned for such use, density, intensity, and height, with the exception of provisions establishing allowable densities, floor area ratios, height and land use,

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[2] Religious institution means any church, synagogue, or other established physical place for worship at which nonprofit religious services and activities are regularly conducted and carried on. S. 170.201(2), F.S.

[3] This requirement is notwithstanding any other law, local ordinance, or regulation to the contrary, including any local moratorium established after March 29, 2023. This provision does not apply to moratoria imposed to address stormwater or flood water management, to address the supply of potable water, or due to the necessary repair of sanitary sewer systems, if the moratoria apply equally to all types of multifamily or mixed-use residential development. (Section 1 for counties; Section 4 for municipalities.)

[4] In exchange for a developer fulfilling the requirements of s. 125.01055(2), F.S. (for a county), or s. 166.04151(2), F.S. (for a municipality), a local government must provide incentives to fully offset all costs to the developer of its affordable housing contribution or linkage fee. Such incentives may include, but are not limited to: allowing the developer density or intensity bonus incentives or more floor space than allowed under the current or proposed future land use designation or zoning; reducing or waiving fees, such as impact fees or water and sewer charges; or granting other incentives. *See* ss. 125.01055(4) and 166.04152(4), F.S.

[5] *See* s. 420.0004(3), F.S.

including mixed use and minimum nonresidential or commercial floor area requirements. (Section 1 for counties; Section 4 for municipalities.)

The bill requires:

- The removal or demolition of an existing structure that must be performed as part of the proposed development to also be administratively approved.
- A proposed development that is authorized must be treated as a conforming use, notwithstanding the local government's comprehensive plan, future land use designation, or zoning. (Section 1 for counties; Section 4 for municipalities.)

Under the bill, if a property owner files a site plan application for an affordable housing project, the administrative review process must be based solely on the land development regulations in effect as of the date of filing the application. Further, if an action is filed against a local government to challenge the adoption or enforcement of a local ordinance, resolution, or other local regulation on the grounds that it is expressly preempted by state law, the bill requires:

- A court to expedite the proceeding and render a decision within 30 days after service of process.
- A notice of appeal to be filed and served within 30 days after the rendition of the judgment appealed from.
- The Supreme Court to adopt rules by October 1, 2025, to ensure the proceedings are handled expeditiously and consistently with the foregoing provisions. (Section 1 for counties; Section 4 for municipalities.)

Additionally, the bill requires each local government to:

- Maintain on its website a policy containing the zoning map and zoning regulations, in addition to the procedures and expectations for certain administrative approval.
- Reduce parking requirements by at least 20 percent for affordable housing developments, or by 100 percent for structures that are 20,000 square feet or less.
- Approve a building permit plan review for proposed affordable housing developments within 60 business days, and prioritize a building permit plan review for affordable housing projects over other development projects. (Section 1 for counties; Section 4 for municipalities.)

Prohibited Acts

The bill prohibits[6] a local government from requiring a proposed multifamily or mixed-use residential development to take any of the following actions for the approval of certain height, density, or zoning, if the proposed multifamily or mixed-use residential development is authorized:

- Acquire or transfer density, density units, or development units.
- Obtain an amendment to a development of regional impact, amendment to a development agreement, or amendment to a restrictive covenant, or any other approval. (Section 1 for counties; Section 4 for municipalities.)

The bill also prohibits a local government from requiring more than 10 percent of the total square footage of a mixed-use residential project to be used for nonresidential purposes. (Section 1 for counties; Section 4 for municipalities.)

The bill prohibits local governments from directly restricting, or taking action that has the effect of restricting:

- The maximum lot size of a proposed multifamily or mixed-use residential development below the highest maximum lot size allowed on or after July 1, 2023, on any unincorporated land in the local government where multifamily or mixed-use residential development is allowed pursuant to the local government's land development regulations.
- The maximum lot coverage of a proposed multifamily or mixed-use residential development below 70 percent. (Section 1 for counties; Section 4 for municipalities.)

[6] This prohibition is notwithstanding any other law, local ordinance, or regulation to the contrary. (Section 1 for counties; Section 4 for municipalities.)

The bill clarifies that local governments may not directly restrict or take action that has the effect of restricting the height of a proposed multifamily or mixed-use residential development below the highest height allowed on or after July 1, 2023. . (Section 1 for counties; Section 4 for municipalities.)

The bill preempts any local government ordinance, resolution, or action adopted after July 1, 2023, that has the effect, either directly or indirectly, of doing any of the following, and provides that any such ordinance, resolution, or action that does any of the following is superseded by state law:

- Limiting the height, maximum lot size, or density of an affordable housing project;
- Unreasonably delaying the development or construction of an affordable housing project, including, but not limited to, imposing a moratorium; or
- Restricting the manner in which affordable units are developed. (Section 1 for counties; Section 4 for municipalities.)

The bill also preempts any local government ordinance, resolution, or action adopted after May 16, 2024, that has the effect, either directly, or indirectly, of limiting the floor area ratio of an affordable housing project. (Section 1 for counties; Section 4 for municipalities.)

The bill also prohibits a local government's review or approval of an application for a development permit or development order from being conditioned on the waiver, forbearance, acquisition, transfer or abandonment of any affordable housing development right, or the procurement or transfer of density units or development units. The bill provides that any such waiver, forbearance, acquisition, transfer, procurement, or abandonment void. These provisions do not apply to an area of critical state concern.[7] (Section 1 for counties; Section 4 for municipalities.)

Reporting Requirements

Beginning June 30, 2026, the bill requires all local governments to submit an annual report to the Department of Commerce (Department), as the state planning agency, that includes:

- All litigation initiated under s. 125.01055(9), F.S., for counties, or s. 166.04151(9), F.S., for municipalities, the status of the case, and, if applicable, the final disposition of the case.
- All actions the local government has taken on any affordable housing project, including, at minimum, the project size, density, and intensity, and the number of units and the number of affordable units for such proposed project.
- For any proposed development that is denied or not accepted, all actions the local government has taken on such proposed development and an explanation for why such actions were taken. (Section 1 for counties; Section 4 for municipalities.)

Under the bill, the Department must also provide an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives regarding local governments' compliance with Florida's affordable housing project development laws. (Section 1 for counties; Section 4 for municipalities.)

Building Moratoriums

The bill prohibits a local government from initiating or enforcing zoning-in-progress or a building moratorium on affordable housing developments for which the local government has approved the development's preliminary site plan. This prohibition does not apply to moratoria imposed to address stormwater or flood water management, to address the supply of potable water, or due to the necessary repair of sanitary sewer systems, if the moratoria apply equally to all types of multifamily or mixed-use residential development. (Section 1 for counties; Section 4 for municipalities.)

[7] S. 380.05, F.S.

The bill also prohibits local governments from imposing a building moratorium[8] that has the effect of delaying the permitting of construction of a multifamily project that would otherwise qualify for:

- An affordable housing ad valorem tax exemption.[9]
- Any grant, loan, or other incentive provided for the development of affordable housing under ch. 420, F.S.
- Any abatement of development restrictions.[10] (Section 1 for counties; Section 4 for municipalities.)

Under the bill, if the owner of an administratively approved proposed development has acted in reliance on that administrative approval, the owner has a vested right to proceed with development under the relevant laws, regulations, and ordinances at the time such rights vested, if the property continues to comply with the requirements of s. 125.01055, F.S., for counties, and s. 163.04151, F.S., for municipalities. (Section 1 for counties; Section 4 for municipalities.)

Miscellaneous

The bill provides that, regardless of terminology used in a local government's land development regulations, the following terms are defined as follows:

- "Allowable density" means the density prescribed for a property without additional requirements to procure and transfer density units or development units from other properties.
- "Allowable use" means the intended uses identified in a local government's land development regulations which are authorized within a zoning category as a use by right, without the requirement to obtain a variance or waiver. The term does not include uses that are accessory, ancillary, or incidental to the allowable uses or allowed only on a temporary basis.
- "Commercial use" means activities associated with the sale, rental, or distribution of products or the sale or performance of services. The term includes, but is not limited to, retail, office, entertainment, hotels, and other for-profit business activities. The term does not include vacation rentals;[11] home-based businesses or cottage food operations performed on residential property; or uses that are accessory, ancillary, or incidental to the allowable uses or allowed only on a temporary basis.
- "Mixed use" means areas that include both residential and nonresidential uses, notwithstanding any local land development regulation categorization or title.
- "Planned unit development" means an area of land that is planned and developed as a single entity or in approved stages with uses and structures substantially related to the character of the entire development, or a self-contained development in which the subdivision and zoning controls are applied to the project as a whole rather than to individual lots. (Section 1 for counties; Section 4 for municipalities.)

The bill allows the prevailing party in a challenge under s. 125.01055, F.S., for counties, or s. 166.04151, F.S., for municipalities, to recover attorney fees and costs, including reasonable appellate attorney fees and costs, notwithstanding s. 57.112(6), F.S. (Section 1 for counties; Section 4 for municipalities.)

Impact Fees

Under the bill, qualified developments that are authorized must receive an exception or waiver for 20 percent of the impact fees for the development of, or construction of the portion of the development that is, affordable housing. (Section 2.)

Designation of Properties as Historical Landmarks

[8] This provision does not apply to moratoria imposed to address stormwater or flood water management, to address the supply of potable water, or due to the necessary repair of sanitary sewer systems, if such moratoria apply equally to all types of multifamily or mixed-use residential development.
[9] *See* ss. 196.1978 and 196.1979, F.S.
[10] *See* s. 125.01055 (7), F.S., for counties, and s. 163.04151(7), F.S., for municipalities.
[11] *See* s. 509.242(1)(c), F.S.

The bill requires any ordinance that designates property as a historical landmark to have a printed or digital map of the property readily available, and requires the map to be submitted to the State Historic Preservation Officer no later than June 1, 2027. (Section 3.)

The bill requires a resolution of a local government's governing body or board of county commissioners (as applicable), which designates the character of privately owned property as a historical landmark without the consent of the property owner, to be accompanied by a finding by the governing body, based on substantial competent evidence, that the historic significance of the subject property is commensurate, to an equal or greater degree, with property that is already designated as a historic landmark within the municipality. (Section 3.)

Accessory Dwelling Units

The bill amends the definition of "accessory dwelling unit" to include a manufactured home constructed on or after January 1, 2025, which meets the National Manufactured Housing Construction and Safety Standards. (Section 5.)

The bill requires local governments to adopt an ordinance to allow ADUs in any area zoned for single-family residential use. The bill prohibits local governments from unreasonably increasing (or in effect unreasonably increasing) the cost to construct, in effect prohibiting the construction of, or extinguishing the ability to otherwise construct, an ADU. Such regulation does not include:

- Restrictions on the terms of rentals that do not apply generally to other housing in the same district or zone.
- Parking requirements and minimum lot size requirements that do not apply generally to other housing in the same district or zone, other lot design regulations that unreasonably increase the cost to construct, or unreasonably extinguish the ability to construct an accessory dwelling unit on a lot.
- Discretionary conditional use permit procedures or standards that do not apply generally to other housing in the same district or zone. (Section 5.)

The bill removes the requirement for a building permit application to construct an ADU to include an affidavit from the applicant which attests that the unit will be rented at an affordable rate to an extremely-low-income, very-low-income, low-income, or moderate-income person or persons. (Section 5.)

The bill prohibits an ADU from being leased for a term of less than a month. (Section 5.)

Beginning October 1, 2025, and by October 1 every year thereafter, the bill requires local governments to submit an annual report to the Department, in a form and manner prescribed by the Department, and post publicly on its website, the following information for the previous fiscal year:

- The number of applications to construct new ADUs, the number of new ADUs that have been approved, and the number of new ADUs that have been denied, including the reason for denial.
- The number of allowable ADUs located in the jurisdiction; the number of ADUs, attached or unattached, which are not allowed by an ordinance; and the number of single-family homes in a zoning district in which ADUs are allowed by an ordinance. (Section 5.)

The bill authorizes the Department to adopt rules to administer and enforce the above reporting requirements. (Section 5.)

Homestead Exemption

The bill prohibits the owner of a property with an ADU from being denied a homestead exemption or homestead property assessment limitation solely on the basis of the property containing an ADU which may be rented. Under the bill, if the ADU is rented by the property owner:

- The assessment of the ADU must be separated from the homestead property.

- The rental of the ADU by the owner may not be construed as an abandonment of the dwelling previously claimed to be a homestead,[12] provided the dwelling is physically occupied by the owner. (Section 5.)

If an ADU is not rented by the property owner, the bill requires the assessment of the ADU to be considered part of the homestead property. (Section 5.)

Affordable Housing Property Exemption

The bill requires the property appraiser, upon the request of the property owner, to verify if a multifamily project qualifies for an exemption. Within 30 days after receiving an owner's request, the property appraiser must issue a verification letter or explain why the project is ineligible for the exemption. If the project receives a verification letter before a local government's adoption of an ordinance electing to not exempt property pursuant to current s. 196.1978(6), F.S., the project is exempt. The letter serves as evidence of eligibility, allowing the project to obtain the exemption starting January 1, immediately after obtaining a certificate of occupancy and being used as affordable housing. (Section 6.)

For property to be eligible for a local government's affordable housing property exemption, the bill requires a portion of the property to be:

- Used to house natural persons or families whose household income meets certain requirements;[13]
- Within a multifamily project containing at least the minimum number of residential units as defined by the local government. A local government may set a minimum residential unit threshold that deems a property eligible for the exemption for properties that exceed 15,000 square feet, at a minimum of 5 units not to exceed a minimum of 50 residential units; or
- An ADU (Section 7.)

Under the bill, qualified properties may receive an ad valorem property tax exemption up to 100 percent of the assessed value of an ADU on the property if the ADU is used to provide affordable housing that meets the requirements of s. 196.1979, F.S. (Section 7.)

Airport Zoning Regulations

The bill clarifies that local governments are not required to authorize:

- A proposed affordable housing development that is located within one-quarter of a mile laterally from the edge of an airport's runway and within an area that is the width of one-quarter of a mile extending at right angles from the end of the runway for a distance of 10,000 feet of any runway for an existing ***commercial service*** airport or planned ***commercial service*** airport runway identified in the local government's airport master plan.
- A proposed affordable housing development within any airport noise zone identified in the land use compatibility table or in a land-use zoning or airport noise regulation adopted by the local government for a ***commercial service*** airport.
- A proposed affordable housing development that exceeds maximum height restrictions identified in the political subdivision's airport zoning regulations for a ***commercial service*** airport. (Section 8.)

For purposes of the above provisions, the bill defines "commercial service airport" as a primary airport as defined in 49 U.S.C. § 47102 which is classified as a large, medium, or small hub airport by the Federal Aviation Administration.[14] (Section 8.)

Housing for Veterans and Essential Employees

[12] *See* s. 196.061, F.S.
[13] *See* s. 196.1979(1)(a)1., F.S.
[14] *See* s. 332.0075(1)(a), F.S.

The bill requires the Florida Housing Finance Corporation (Corporation) to finance projects that provide housing near U.S. Department of Veterans Affairs medical centers or outpatient clinics in the state, with preference given to projects that incorporate critical services for servicemembers, their families, and veterans, such as mental health treatment services, employment services, and assistance with transition from active-duty service to civilian life. (Section 9.)

The bill also encourages certain employers to finance projects that provide housing in areas of critical housing shortage for workers employed by a hospital,[15] a health care facility,[16] or a governmental entity[17] by incentivizing such employers to sponsor affordable housing opportunities.The bill allows developers that receive federal low-income housing tax credits, local or state funds, or any other source of funding available to finance the development of affordable housing with a preference for such workers, provided that the preference complies with the requirements of federal law.

The bill authorizes the Corporation to finance one housing project a year that provides housing in areas of critical housing shortage for essential service and high-demand career employees through a public-private housing partnership agreement with public sector, hospital, and health care facility employers for whom housing shortages are affecting the recruitment and retention of workers. Public sector, hospital, and health care facility employers that partner with developers on such projects will provide land or other financial support. (Section 10.)

Prohibited Discrimination in Land Use Decisions

The bill clarifies that it is unlawful to discriminate in land use decisions or the permitting of development based on the development or proposed development being affordable housing. (Section 12.)

The bill requires a court, upon finding that a person[18] has committed a discriminatory housing practice, to issue an order prohibiting the practice and providing affirmative relief from the effects of the practice, including injunctive and other equitable relief, actual and punitive damages, and reasonable attorney fees and costs. (Section 14.)

The bill waives sovereign immunity for the state, its agencies and political subdivisions for causes of action based on the application of the above provisions. (Section 14.)

The Legislature's intent is that the bill's changes to the above provisions are remedial and clarifying in nature. The bill's changes apply retroactively for any causes of action filed on or before the effective date of the bill, which is July 1, 2025. (Section 13.)

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[15] The bill defines a hospital as any "hospital under ch. 155, F.S. a hospital district created pursuant to ch. 189, F.S. or a hospital licensed pursuant to ch. 395, F.S., including corporations not for profit that qualify as charitable under s. 501(c)(3) of the Internal Revenue Code and for-profit entities."

[16] The bill defines a health care facility as any "property operated in the private sector, whether operated for profit or not, used for or useful in connection with the diagnosis, treatment, therapy, rehabilitation, housing, or care of or for aged, sick, ill, injured, infirm, impaired, disabled, or handicapped persons, without discrimination among such persons due to race, religion, or national origin; or for the prevention, detection, and control of disease, including, without limitation thereto, hospital, clinic, emergency, outpatient, and intermediate care, including, but not limited to, facilities for the elderly such as assisted living facilities, facilities defined in s. 154.205(8), day care and share-a-home facilities, nursing homes, and the following related property when used for or in connection with the foregoing: laboratory; research; pharmacy; laundry; health personnel training and lodging; patient, guest, and health personnel food service facilities; and offices and office buildings for persons engaged in health care professions or services." *See* s. 159.27(16), F.S.

[17] The bill defines a governmental entity as any "state agency, a regional agency, a county agency, a local agency, a municipal agency, or any other entity, however styled, that independently exercises any type of state or local government function, whether executive, judicial, or legislative; any public school, state university, or Florida College System institution; or any special district."

[18] For purposes of these provisions, the bill defines "person" as one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and fiduciaries, and any other legal or commercial entity; the state; or any governmental entity or agency. (Section 12.)

District School Board's Surplus Land Programs

The bill requires a district school board to use portions of school sites purchased within the guidelines of the State Requirements for Educational Facilities land deemed not usable for educational purposes because of location or other factors, or land declared as surplus by the board. The bill also requires each district school board's most recent and all future educational plan surveys to be updated to include an inventory of surplus lands. (Section 15.)

Additionally, the bill requires a district school board to adopt best practices for surplus land programs, including, but not limited to:

- Establishing eligibility criteria for the receipt or purchase of surplus land by developers.
- Making the process for requesting surplus lands publicly available.
- Ensuring long-term affordability through ground leases by retaining the right of first refusal to purchase property that would be sold or offered at market rate and by requiring reversion of property not used for affordable housing within a certain timeframe. (Section 15.)

The bill has an effective date of July 1, 2025. (Section 16.)

RULEMAKING:

The bill authorizes the Department to adopt rules to administer and enforce the bill's reporting requirements for local governments relating to accessory dwelling units, including the form that local governments will use to submit the reports. (Section 5.)

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:

LOCAL GOVERNMENT:

The bill has an indeterminate impact on local governments that are subject to the bill's requirements to authorize the development of affordable housing.

PRIVATE SECTOR:

The bill has an indeterminate positive impact on the private sector to the extent that the bill facilitates, and results in an increase in the availability of, affordable housing in the state.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Affordable Housing

Housing is considered affordable when monthly rents or monthly mortgage payments, including taxes, insurance, and utilities, do not exceed 30 percent of a family's gross income.[19] Over 2.4 million low-income Florida households pay more than 30% of their incomes towards housing, which is the maximum amount considered affordable by experts.[20] Over half of these households, or 1.3 million low-income households, spend more than 50% of their

[19] S. 420.0004(3), F.S.

[20] Florida Housing Coalition, *2024 Home Matters Report*, p. 2. https://flhousing.org/wp-content/uploads/2024/08/FHC-2024-Home-Matters-Report.pdf (last visited Mar. 21, 2025).

income towards housing costs.[21] This makes it difficult for those households to save for retirement or emergencies and difficult to afford other necessities such as food and childcare.[22]

Eligibility to participate in Florida's state and federally-funded housing programs is determined by area median income (AMI) or statewide median family income, which is published annually by the United States Department of Housing and Urban Development (HUD).[23] In Florida, the current statewide AMI for a family of four is $88,600 (as family size changes, the income range also varies):[24]

- Extremely-low-income – earning up to 30 percent AMI (at or below $26,600);[25]
- Very-low-income – earning from 30.01 to 50 percent AMI ($26,601 to $44,300);[26]
- Low-income – earning from 50.01 to 80 percent AMI ($44,301 to $70,900);[27] and
- Moderate-income – earning from 80.01 to 120 percent of AMI ($70,901 to $106,320).[28]

As of 2024, Florida had only 24 affordable and available rental units for every 100 extremely low-income renters.[29] In addition, there were little to no communities in Florida that could provide enough housing to support this group of renters, which is primarily made up of low-income workers, retirees, and people with disabilities.[30]

Florida Housing Finance Corporation

The Florida Housing Finance Corporation (Corporation) was created in 1997 as a public-private entity to assist in providing a range of affordable housing opportunities for Floridians.[31] The Corporation is held by the state and housed within the Department of Commerce (Department).[32] Additionally, the Corporation is a separate budget entity and its operations are not subject to control, supervision, or direction by the Department.[33]

The Corporation's mission is to increase the supply of safe, affordable housing for individuals and families in Florida.[34] The Corporation encourages the investment of private capital and facilitates public and private sector housing partnerships.[35] As a financial institution, the Corporation administers federal and state resources to finance the development and preservation of affordable rental housing and assist homebuyers with financing and down payments.[36]

The Corporation may prevent an applicant or an applicant's affiliate from participating in any of its programs under certain circumstances if the applicant or affiliate has:

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[21] *Id.*
[22] *Id.*
[23] *See* U.S. Dept. of Housing and Urban Development: Office of Policy Development and Research, *Income Limits*, https://www.huduser.gov/portal/datasets/il.html#documents_2024 (last visited Mar. 21, 2025).
[24] U.S. Dept. of Housing and Urban Development: Office of Policy Development and Research, *FY 2024 State Income Limits: Florida*, https://www.huduser.gov/portal/datasets/il/il2024/2024summary.odn?inputname=STTLT*1299999999%2BFlorida&selection_type=county&stname=Florida&statefp=12.0&year=2024 (last visited Mar. 21, 2025).
[25] *Id. See also* s. 420.0004(9), F.S.
[26] *Supra* note 25. *See also* s. 420.0004(17), F.S.
[27] *Supra* note 25. *See also* s. 420.0004(11), F.S.
[28] *Supra* note 25. *See also* s. 420.0004(12), F.S.
[29] *Supra* note 21, at p. 2.
[30] *Id.*
[31] *See* ch. 97-167, Laws of Fla.
[32] S. 420.504(1), F.S.
[33] S. 420.504(3), F.S.
[34] S. 420.502, F.S. *See also* Florida Housing Finance Corporation, *About Florida Housing*, https://www.floridahousing.org/about-florida-housing/ (last visited Mar. 21, 2025);
[35] S. 420.502, F.S. *See also* Office of Program Policy Analysis & Government Accountability, *Report No. 09-S15*: *Florida Housing Finance Corporation Overview*, The Florida Legislature Sunset Review, Jan. 2009, p. 1. https://oppaga.fl.gov/Documents/Reports/09-15S.pdf (last visited Mar. 21, 2025).
[36] *See* Florida Housing Finance Corporation, *About Florida Housing*, https://www.floridahousing.org/about-florida-housing/ (last visited Mar. 21, 2025).

- Made a material misrepresentation or engaged in fraudulent actions in connection with any Corporation program;
- Been convicted or found guilty of, or entered a plea of guilty or nolo contendere[37] to, a crime in any jurisdiction which directly relates to the financing, construction, or management of affordable housing or the fraudulent procurement of state or federal funds;
- Been excluded from any federal funding program related to providing housing, including debarment from participation in federal housing programs by the U.S. Department of Housing and Urban Development;
- Been excluded from any federal or Florida procurement programs;
- Offered or given consideration, other than the consideration to provide affordable housing, with respect to a local contribution;
- Demonstrated a pattern of noncompliance and a failure to correct any such noncompliance after notice from the Corporation in the construction, operation, or management of one or more developments funded through a Corporation program; or
- Materially or repeatedly violated any condition imposed by the corporation in connection with the administration of a corporation program, including a land use restriction agreement, an extended use agreement, or any other financing or regulatory agreement with the corporation.[38]

Land Use for Affordable Housing Development

All development, both public and private, and all development orders[39] approved by a local government must be consistent with the local government's comprehensive plan.[40] The Growth Management Act requires every county and municipality to create and implement a comprehensive plan to guide future development.[41] A comprehensive plan is intended to provide for the 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.

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. A comprehensive plan is made up of 10 required elements, each laying out regulations for a different facet of development.[42]

The future land use element designates proposed future general distribution, location, and extent of the uses of land. Specified use designations include those for residential, commercial, industry, agriculture, recreation, conservation, education, and public facilities. The approximate acreage and the general range of density or intensity of use must be provided for each land use category.[43] The specific use and intensities for specific parcels are decided by a more detailed, implementing zoning map.[44]

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[37] By entering a plea of nolo contendere, a defendant does not admit the allegations of the charge against him or her in a technical sense, but rather represents the defendant's unwillingness to contest the charge. *Grizzard v. State*, 881 So. 2d 673, at 676-677 (Fla. Dist. Ct. App. 2004). *See also, Vinson v. State*, 345 So.2d 711 (Fla.1977); *Kelly v. Dep't of Health & Rehab. Serv.*, 610 So.2d 1375 (Fla. 2d DCA 1992).

[38] S. 420.518(1), F.S.

[39] "Development order" means any order granting, denying, or granting with conditions an application for a development permit. See s. 163.3164(15), F.S. "Development permit" includes any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land. See s. 163.3164(16), F.S.

[40] S. 163.3194(3), F.S.

[41] S. 163.3167(2), F.S.

[42] S. 163.3177(6), F.S. The 10 required elements include 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; and property rights. Throughout statutes exist plans and programs that may be added as optional elements.

[43] S. 163.3177(6)(a), F.S.

[44] Richard Grosso, A Guide to Development Order "Consistency" Challenges Under Florida Statutes Section 163.3215, 34 J. Envtl. L. & Litig. 129, 154 (2019) citing *Brevard Cty. v. Snyder*, 627 So. 2d 469, 475 (Fla. 1993).

The housing element sets forth guidelines and strategies for the creation and preservation of affordable housing for all current and anticipated future residents of the jurisdiction, elimination of substandard housing conditions, provision of adequate sites for future housing, and distribution of housing for a range of incomes and types.[45]

A comprehensive plan is implemented through the adoption of land development regulations[46] that are consistent with the plan and that contain specific and detailed provisions necessary to implement the plan.[47] Such regulations must, among other requirements, regulate the subdivision of land and the use of land for the land use categories in the land use element of the comprehensive plan.[48] Substantially affected persons have the right to maintain administrative actions that ensure land development regulations are implemented and consistent with the comprehensive plan.[49]

Development that does not conform to the comprehensive plan may not be approved by a local government unless the local government first amends its comprehensive plan. State law requires a proposed comprehensive plan amendment to receive two public hearings, the first held by the local planning board and subsequently by the governing board.[50] Following the hearings, the local government must transmit the plan to several statutorily identified reviewing agencies, including the Department, for review.[51] Most plan amendments are placed into the expedited state review process, while plan amendments relating to large-scale developments are placed into the state coordinated review process.[52]

Live Local Act

The Live Local Act, which became law in 2023, preempts certain county and municipal zoning and land use decisions to encourage development of affordable multifamily rental housing in targeted land use areas.[53] Specifically, counties and municipalities must allow a multi-family or mixed-use residential[54] rental development in any area zoned for commercial, industrial, or mixed-use if at least 40 percent of the residential units in the development are rental units that, for a period of at least 30 years, meet certain affordability requirements.[55]

Local governments are prohibited from restricting the density[56] of qualifying developments below the highest currently allowed density[57] on land within its jurisdiction where residential development is allowed and may not restrict the height below the highest currently allowed height for a commercial or residential development in its

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[45] S. 163.3177(6)(f), F.S.
[46] "Land development regulations" means ordinances enacted by governing bodies for the regulation of any aspect of development and includes any local government zoning, rezoning, subdivision, building construction, or sign regulations or any other regulations controlling the development of land, except that this definition does not apply in s. 163.3213. See s. 163.3164(26), F.S.
[47] S. 163.3202, F.S.
[48] *Id.*
[49] S. 163.3213, F.S.
[50] Ss. 163.3174(4)(a), F.S. and 163.3184, F.S.
[51] S. 163.3184, F.S.
[52] *See* ss. 163.3184 and 380.06, F.S. In the Expedited State Review Process, the Department reviews and approves or amends the proposed comprehensive plan amendment. This process can take 4 to 6 months. The State Coordinated Review Process is a more thorough, complex, multi-phase process. For more information, *see*, https://floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/amendments-that-must-follow-the-state-coordinated-review-process-procedures-and-timeframes (last visited Mar. 21, 2025).
[53] Ch. 2023-17, ss. 3, 5, Laws of Fla., codified as ss. 125.01055(7), F.S. and 166.04151(7), F.S.
[54] For mixed-use residential, at least 65 percent of the total square footage must be used for residential purposes. Ss. 125.01055(7)(a) and 166.04151(7)(a), F.S.
[55] Ss. 125.01055(7)(a) and 166.04151(7)(a), F.S.
[56] "Density" means an objective measurement of the number of people or residential units allowed per unit of land, such as residents or employees per acre, *see* s. 163.3164(12), F.S.
[57] For purposes of the Live Local Act, "highest currently allowed density" does not include the density of any building that met the requirements of the Live Local Act or the density of any building that has received any bonus, variance, or other special exception for density provided in the local government's land development regulations as an incentive for development. Ss. 125.01055(7)(b) and 166.04151(7)(b), F.S.

jurisdiction within one mile of the proposed development or three stories, whichever is higher.[58] Local governments are also prohibited from restricting the floor area ratio of a proposed development below 150 percent of the highest currently allowed floor area ratio on land within its jurisdiction where residential development is allowed.[59]

An application for a development must be administratively approved, and no further action is required from the governing body of the local government, if the development satisfies the local government's land development regulations for multifamily in areas zoned for such use and is otherwise consistent with the jurisdiction's comprehensive plan, with the exception of provisions establishing density, floor area ratios, height, and land use requirements.[60]

A local government must consider reducing parking requirements for these developments if they are located within one-quarter mile of a transit stop, as the term is defined in the local government's land development code, and the transit stop is accessible from the development.[61]

These provisions do not apply to recreational and commercial working waterfronts in industrial areas.[62] Qualifying developments must comply with all other applicable state and local laws and regulations.[63]

These provisions are effective until October 1, 2033.[64]

Ad Valorem Tax Exemption for Affordable Housing

The ad valorem tax or "property tax" is an annual tax levied by counties, municipalities, school districts, and some special districts. The tax is based on the taxable value of property as of January 1 of each year.[65] The property appraiser annually determines the "just value"[66] of property within the taxing jurisdiction and then applies relevant exclusions, assessment limitations, and exemptions to determine the property's "taxable value."[67] Tax bills are mailed in November of each year based on the previous January 1 valuation, and payment is due by March 31 of the following year.

The Florida Constitution prohibits the state from levying ad valorem taxes,[68] and it limits the Legislature's authority to provide for property valuations at less than just value, unless expressly authorized.[69]

Ad Valorem Tax Exemption for Newly Constructed Affordable Housing

The Live Local Act established a new ad valorem tax exemption for owners of newly constructed multifamily rental developments who use a portion of the development to provide affordable housing.[70] Eligible property includes units in a newly constructed multifamily development containing more than 70 units dedicated to housing natural

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[58] Ss. 125.01055(7)(b) and 166.04151(7)(b), F.S.
[59] Ss. 125.01055(7)(c) and 166.04151(7)(c), F.S.
[60] Ss. 125.01055(7)(e) and 166.04151(7)(e).
[61] Ss. 125.01055(7)(f) and 166.04151(7)(f).
[62] Ss. 125.01055(7)(k) and 166.04151(7)(k).
[63] Ss. 125.01055(7)(i) and 166.04151(7)(i).
[64] Ss. 125.01055(7)(l) and 166.04151(7)(l), F.S.
[65] Both real property and tangible personal property are subject to tax. S. 192.001(12), F.S., defines "real property" as land, buildings, fixtures, and all other improvements to land. S. 192.001(11)(d), F.S., defines "tangible personal property" as all goods, chattels, and other articles of value capable of manual possession and whose chief value is intrinsic to the article itself.
[66] Property must be valued at "just value" for purposes of property taxation, unless the Florida Constitution provides otherwise. FLA. CONST. art VII, s. 4. Just value has been interpreted by the courts to mean the fair market value that a willing buyer would pay a willing seller for the property in an arm's-length transaction. *See Walter v. Shuler,* 176 So. 2d 81 (Fla. 1965); *Deltona Corp. v. Bailey*, 336 So. 2d 1163 (Fla. 1976); *Southern Bell Tel. & Tel. Co. v. Dade County,* 275 So. 2d 4 (Fla. 1973).
[67] *See* s. 192.001(2) and (16), F.S., F.S.
[68] FLA. CONST. art. VII, s. 1(a).
[69] *See* FLA. CONST. art. VII, s. 4.
[70] Ch. 2023-17, s. 8, Laws of Fla, codified as s. 196.1978(3), F.S.

persons or families below certain income thresholds.[71] However, units subject to an agreement with the Corporation are not eligible for the exemption.[72]

"Newly constructed" is defined as an improvement substantially completed within five years before the property owner's first application for a certification notice.[73] The units must be occupied by such individuals or families and rent limited so as to provide affordable housing at either the 80 or 120 percent AMI threshold.[74] Rent for such units may not exceed 90 percent of the fair market value of rent as determined by a rental market study.[75]

Qualified property used to provide affordable housing at the 80 to 120 percent AMI threshold receives an exemption of 75 percent of the assessed value of the affordable units, while such property providing affordable housing up to the 80 percent AMI threshold receives a complete ad valorem tax exemption for the affordable units.[76] When determining the value of a unit for purposes of applying an exemption, the property appraiser must include in such valuation the proportionate share of the residential common areas, including the land, fairly attributable to the unit.[77]

To receive this exemption, a property owner must apply by March 1 to the property appraiser, accompanied by a certification notice from the Corporation.[78] To receive the Corporation's certification, a property owner must submit a request on a form including the most recent market study, which must have been conducted by an independent certified general appraiser in the preceding three years, a list of units for which the exemption is sought, the rent amount received for each unit, and a sworn statement restricting the property for a period of not less than three years to provide affordable housing.[79]

The certification process is administered within the Corporation. The Corporation is responsible for publishing the deadline for submission, reviewing each request, sending certification notices to both the successful property owner and the appropriate property appraiser, and notifying unsuccessful property owners and providing reasons for the denial.[80]

This exemption first applied to the 2024 tax roll and will expire on December 31, 2059.

Local Option Affordable Housing Ad Valorem Exemption

The Live Local Act authorizes counties and municipalities to enact an ad valorem tax exemption for certain property used for providing affordable housing.[81]

Portions of property eligible for the exemption must be utilized to house persons or families meeting the extremely-low- limit[82] or with incomes between 30 to 60 percent of AMI, be contained in a multifamily project of at least 50 units where at least 20 percent are reserved for affordable housing, and have rent set such that it provides affordable housing to people in the target income bracket, or no higher than 90 percent of the fair market rent value as determined by a rental market study, whichever is less.[83]

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[71] S. 196.1978(3)(b), F.S.
[72] S. 196.1978(3)(j), F.S.
[73] S. 196.1978(3)(a)2., F.S.
[74] S. 196.1978(3)(b)1., F.S.
[75] S. 196.1978(3)(b)3., F.S.
[76] S. 196.1978(3)(d)1., F.S.
[77] S. 196.1978(3)(d)2., F.S.
[78] S. 196.1978(3)(e), F.S.
[79] S. 196.1978(3)(f), F.S.
[80] S. 196.1978(3)(g), F.S.
[81] Ch. 2023-17, s. 9, Laws of Fla., codified as s. 196.1979, F.S.
[82] S. 420.0004(9), F.S.
[83] S. 196.1979(1)(a)1.-3., F.S.

Additionally, the property must not have been cited for code violations on three or more occasions in the preceding 24 months and must not have outstanding code violations or related fines.[84]

In adopting this exemption, a local government may choose to offer either or both an exemption for extremely-low-income (up to 30 percent AMI) and for incomes between 30 to 60 percent AMI targets. The value of the exemption is up to 75 percent of the assessed value of each unit if less than 100 percent of the multifamily project's units are used to provide affordable housing, or up to 100 percent of the assessed value if all of the project's units are used to provide affordable housing.[85]

An ordinance enacting such an exemption must:

- Be adopted under normal non-emergency procedures.
- Designate the local entity under the supervision of the governing body that must develop, receive, and review applications for certification and develop notices of determination of eligibility.
- Require the property owner to apply for certification on a form including the most recent market study, which must have been conducted by an independent certified general appraiser in the preceding three years; a list of units for which the exemption is sought; and the rent amount received for each unit.
- Require the designated entity to verify and certify the property as having met the requirements for the exemption, and notify unsuccessful applicants with the reasons for denial.
- Set out the requirements for each unit discussed above.
- Require the property owner to submit an application for exemption accompanied by certification to the property appraiser by March 1.
- Specify that such exemption only applies to taxes levied by the unit of government granting the exemption.
- Specify that the property may not receive such an exemption after the expiration of the ordinance granting the exemption.
- Identify the percentage of assessed value to be exempted, and whether such exemption applies to very-low-income, extremely-low-income, or both.
- Require that the deadline to submit an application and a list of certified properties be published on the local government's website.[86]

The ordinance must expire before the fourth January 1 after adoption; however, the local governing body may adopt a new ordinance renewing the exemption.[87]

If the property appraiser determines that such an exemption has been improperly granted within the last 10 years, the property appraiser must serve the owner with a notice of intent to record a tax lien. Such property will be subject to the taxes improperly exempted, plus a penalty of 50 percent and 15 percent annual interest. Penalty and interest amounts do not apply to exemptions erroneously granted due to clerical mistake or omission by the property appraiser.[88]

Accessory Dwelling Units

The Legislature has taken measures in recent years to address Florida's need for more affordable housing.[89] One of those measures included encouraging the construction of accessory dwelling units (ADUs) in single-family residential areas to increase the availability of affordable rentals.

An ADU is an ancillary or secondary living unit that has a separate kitchen, bathroom, and sleeping area, existing either within the same structure, or on the same lot, as the primary dwelling unit.[90] ADUs can go by many different

[84] S. 196.1979(1)(a)4., F.S.
[85] S. 196.1979(1)(b), F.S.
[86] S. 196.1979(3), F.S.
[87] S. 196.1979(5), F.S.
[88] S. 196.1979(6), F.S.
[89] *See* chs. 2023-17, and 2024-188, Laws of Fla.
[90] S. 163.31771(2)(a), F.S.

names such as "carriage house," "mother-in-law suite," or "coach house," and are quite common throughout the United States.[91]

ADUs offer benefits to both individual homeowners and the wider communities where they exist.[92] For individuals, ADUs:

- Allow families to provide care to aging or disabled relatives, while still providing those relatives some independence.
- Provide young adults an affordable housing option as a first step after college.
- May be a source of rental income to the landowner.[93]

For the wider community, ADUs:

- Are a more affordable housing alternative compared to a single-family residence or apartment unit with costly neighborhood and amenity fees.
- Create diverse neighborhoods with a variety of residents of different ages and backgrounds.[94]

Under current law, local governments in Florida are authorized – but not required – to adopt ordinances that allows ADUs in any area zoned for single-family residential use.[95] An application for a permit to construct an ADU must be accompanied by an affidavit from the applicant in which the applicant attests that the unit will be rented at an affordable rate to extremely-low-income, very-low-income, low-income, or moderate-income persons.[96]

Manufactured Homes

Manufactured homes are constructed entirely or partially in an off-site factory, transported via roadways, and then placed or assembled on a site-built foundation.[97] Manufactured homes are constructed according to standards administered by the U.S. Department of Housing and Urban Development (HUD), known as the Manufactured Home Construction and Safety Standards (MHCS Standards).[98, 99]

Manufactured housing is the largest form of unsubsidized affordable housing in the U.S. and the only type of housing built to federal construction and safety standards.[100] The Office of Manufactured Housing Programs administers the National Manufactured Housing Construction and Safety Standards Act of 1974,[101] which authorizes HUD to establish the MHCS Standards for the design and construction of manufactured homes to assure the quality, durability, safety, and affordability of such homes.[102]

Impact Fees

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[91] City of Tallahassee: Growth Management Department, *Zoning Spotlight: Accessory Dwelling Units*, March 2024, p. 1. https://www.talgov.com/uploads/public/documents/growth/zoning_spot_231010.pdf (last visited Mar. 21, 2025).
[92] *Id.*
[93] *Id.*
[94] *Id.*
[95] S. 163.31771(3), F.S.
[96] S. 163.31771(4), F.S.
[97] Federal Emergency Management Agency, *Manufactured v. Modular Homes*, https://emilms.fema.gov/is_0285/groups/134.html (last visited Mar. 11, 2025).
[98] The MHCS Standards are codified in 24 C.F.R. Part 3280.
[99] The MHCS Standards require manufactured homes to be constructed on a permanent chassis. *See* U.S. Department of Housing and Urban Development, *Frequently Asked Questions About Manufactured Housing*, https://files.hudexchange.info/resources/documents/Manufactured-Housing-Webinar-FAQ-About-Manufactured-Housing-Slides.pdf (last visited Mar. 11, 2025).
[100] Manufactured Housing Institute, *About Manufactured Homes*, https://www.manufacturedhousing.org/about-manufactured-homes/ (last visited Mar. 11, 2025).
[101] 42 U.S.C. § 5401-5426.
[102] Florida Realtors, *HUD Creates New Office for Manufactured Housing*, https://www.floridarealtors.org/news-media/news-articles/2023/06/hud-creates-new-office-manufactured-housing (last visited Mar. 11, 2025).

Impact fees are a type of regulatory fee "imposed by local governments against new development to provide for capital facilities' costs made necessary by population growth. Rather than imposing the costs of these additional capital facilities upon the general public, the purpose of impact fees is to shift the expense burden to newcomers."[103] Examples of capital facilities include the provision of additional water and sewer systems, schools, libraries, parks and recreation facilities.[104] Impact fees are typically assessed using a fee schedule that sets forth the charge per type of dwelling unit or per square footage of floor space.[105] The charges are usually paid at the time the building permit is approved.[106]

The Florida Impact Fee Act (Act) provides requirements and procedures to be followed by a county, municipality, or special district when it adopts an impact fee.[107] These requirements include basing an impact fee's calculation on recent and localized data and detailed accounting and reporting of collections and expenditures.[108]

Under the Act, a local government, school district, or special district may increase an impact fee rate beyond certain phase-in limitations[109] by establishing the need for the increase, provided the following criteria are met:

- A demonstrated-need study justifying any increase in excess of those authorized by the Act has been completed within the 12 months before the adoption of the impact fee increase and expressly demonstrates the extraordinary circumstances necessitating the need to exceed the phase-in limitations.
- The local government jurisdiction has held not less than two publicly noticed workshops dedicated to the extraordinary circumstances necessitating the need to exceed the phase-in limitations set forth in the Act.
- The impact fee increase ordinance is approved by at least a two-thirds vote of the governing body.[110]

Homestead Exemption

Property owners in Florida may be eligible for exemptions and additional benefits that can reduce their property tax liability.[111] When someone owns property and makes it his or her permanent residence or the permanent residence of his or her dependent, the property may be eligible to receive a homestead exemption up to $50,000.[112] The first $25,000 applies to all property taxes, including school district taxes.[113] The additional exemption up to $25,000 applies to the assessed value between $50,000 and $75,000 and only to non-school taxes.[114]

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[103] Florida's Office of Economic and Demographic Research, *Local Government Financial Information Handbook* (Nov. 2016), p. 13, https://edr.state.fl.us/Content/local-government/reports/lgfih16.pdf (last visited Mar. 21, 2025).
[104] Florida Housing Finance Corporation, *Overview of Impact Fees and Affordable Housing* (Oct. 2017), p. 1, https://www.floridahousing.org/docs/default-source/aboutflorida/august2017/october2017/TAB_3.pdf (last visited Mar. 21, 2025).
[105] *Id.*
[106] *Id.*
[107] S. 163.31801, F.S.
[108] *Supra* note 105, p. 1.
[109] For purposes of this section in the Act, the phase-in limitations include the following:

- An increase to a current impact fee rate of not more than 25 percent of the current rate must be implemented in two equal annual increments beginning with the date on which the increased fee is adopted.
- An increase to a current impact fee rate which exceeds 25 percent but is not more than 50 percent of the current rate must be implemented in four equal installments beginning with the date the increased fee is adopted.
- An impact fee increase may not exceed 50 percent of the current impact fee rate.
- An impact fee may not be increased more than once every 4 years. S. 163.31801(6)(b)–(e), F.S.

[110] S. 163.31801(6)(g), F.S.
[111] Department of Revenue, *Property Tax Exemptions and Additional Benefits*, https://floridarevenue.com/property/Pages/Taxpayers_Exemptions.aspx#:~:text=When%20someone%20owns%20property%20and,by%20as%20much%20as%20%2450%2C000. (last visited Mar. 21, 2025).
[112] Department of Revenue, *Property Tax Information for Homestead Exemption* (Aug. 2024), https://floridarevenue.com/property/Documents/pt113.pdf (last visited Mar. 21, 2025). *See also* s. 196.031, F.S.
[113] Department of Revenue, *Property Tax Information for Homestead Exemption* (Aug. 2024), https://floridarevenue.com/property/Documents/pt113.pdf (last visited Mar. 21, 2025). *See also* s. 196.031, F.S.
[114] Department of Revenue, *Property Tax Information for Homestead Exemption* (Aug. 2024), https://floridarevenue.com/property/Documents/pt113.pdf (last visited Mar. 21, 2025). *See also* s. 196.031, F.S.

Under current law, if a property owner that qualifies for the homestead tax exemption rents their home to a tenant, the property could be considered abandoned which could cause the property owner to lose the exemption.[115] However, the abandonment of a homestead after January 1 of any year does not affect the homestead exemption for tax purposes for that particular year unless the property is rented for more than 30 days per calendar year for 2 consecutive years.[116]

District School Boards

Under Florida law, a district school board may use portions of school sites purchased within the guidelines of the State Requirements for Educational Facilities,[117] land deemed not usable for educational purposes because of location or other factors, or land declared as surplus by the board to provide sites for affordable housing for teachers and other district personnel and, in areas of critical state concern, for other essential services personnel as defined by local affordable housing eligibility requirements, independently or in conjunction with other local governments and planning authorities.[118]

Prohibited Discrimination in Land Use and Permitting Decisions

Florida law makes it unlawful to discriminate in land use decisions or in the permitting of development, based on race, color, national origin, sex, disability, familial status, religious, or except as otherwise provided by law, the source of financing of a development or proposed development.[119] Currently, the state has not waived sovereign immunity for itself and its agencies and political subdivisions for causes of action based on these provisions.

RECENT LEGISLATION:

YEAR	BILL #	HOUSE SPONSOR(S)	SENATE SPONSOR	OTHER INFORMATION
2023	CS/CS/HB 627	Busatta, Lopez, V.	Calatayud	Approved by the Governor. Created the Live Local Act.
2024	CS/CS/HB 1239	Lopez, V.	Calatayud	Approved by the Governor. Made certain changes to the Live Local Act.

[115] The rental of all or substantially all of a dwelling previously claimed to be a homestead for tax purposes shall constitute the abandonment of such dwelling as a homestead, and the abandonment continues until the dwelling is physically occupied by the owner. S. 196.061(1), F.S.
[116] *Id.*
[117] The State Requirements for Educational Facilities (SREF) are part of the Florida Building Code. SREF requirements apply to construction, renovation, and remodeling of public educational facilities owned by district school boards and Florida College System boards of trustees. *See* Florida Legislature Office of Program Policy Analysis and Government Accountability, *The State Requirements for Educational Facilities Should Be Retained; Some Modifications Could Be Made* (Jan. 2017), Report No. 17-04, at p. 1, https://fsba.org/wp-content/uploads/2016/02/OPPAGA-SREF-Report-1-31-17.pdf (last visited Mar. 21, 2025). *See also* Florida Department of Education, *State Requirements for Educational Facilities* (Nov. 4, 2014), https://www.fldoe.org/core/fileparse.php/7738/urlt/srefrule14.pdf (last visited Mar. 21, 2025).
[118] S. 1001.43(12), F.S.
[119] S. 760.26, F.S.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Housing, Agriculture & Tourism Subcommittee	14 Y, 1 N, As CS	3/25/2025	Curtin	Fletcher
THE CHANGES ADOPTED BY THE COMMITTEE:	• Prohibited local governments from adopting any ordinance that limits or prohibits affordable housing. • Clarified the authority of local governments to approve the development of affordable housing on certain lands owned by religious institutions, regardless of the underlying zoning. • Defined "allowable density" as the density prescribed for a property without additional requirements to procure and transfer density or development units from other properties. • Allowed, rather than required, local governments to authorize the inclusion of certain adjacent parcels as part of a multifamily development, if the residential units meet affordability requirements. • Revised the definition of "highest height" to include the height of the tallest building in a local government's jurisdiction located within 1 mile of a proposed development if the building exceeds the highest height allowed on or after July 1, 2023. • Required certain proposed affordable housing developments to be treated as a conforming use, notwithstanding a local government's comprehensive plan, future land use designation, or zoning. • Removed the cause of action for certain property owners that are adversely affected by certain building moratoriums. • Required any ordinance that designates property as a historic landmark to have a printed or digital map of the property readily available, and required the map to be submitted to the State Historic Preservation Officer no later than June 1, 2027. • Restored the definitions of "compatibility" and "urban service area" under the Community Planning Act (CPA) to current law. • Modified the definition of "accessory dwelling unit" to include certain manufactured homes. • Required both private and public sector employers, who partner with developers on housing projects to support essential service and high-demand career employees, to provide land and financial support for the housing projects. • Defined "person" for purposes of the Fair Housing Act (FHA). • Required a court, upon finding that a person has committed a discriminatory housing practice under the FHA, to issue an order prohibiting the practice and providing certain affirmative relief from the effects of the practice.			
Intergovernmental Affairs Subcommittee	13 Y, 3 N, As CS	4/9/2025	Darden	Burgess

THE CHANGES ADOPTED BY THE COMMITTEE:	• Revised definitions. • Provided exceptions from prohibitions on moratoria for those imposed to address water issues. • Removed the provision requiring local governments to approve proposed urban infill developments administratively. • Removed the provision requiring local governments to adopt approvals for increasing height or floor area ratio in their land development regulations by a simple majority vote. • Provided that ADUs may not be used for short-term rentals. • Required the property appraiser to issue a letter to verify that a multifamily project qualifies for an exemption based on its site plan. • Limited the provision authorizing the Corporation to assist in housing projects for workers in essential industries to one project per year for healthcare workers or public sector employees. • Removed provisions relating to expedited foreclosure proceedings for abandoned property.		
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 real property and land use and development; amending s. 125.01055, F.S.; prohibiting counties from adopting or enforcing specified laws, ordinances, rules, or other measures relating to affordable housing; authorizing the board of county commissioners to approve the development of housing that is affordable on any parcel that is owned by a specified religious institution; providing definitions; requiring counties to authorize multifamily and mixed-use residential as allowable uses on parcels owned and authorized by specified entities and in planned unit developments for specified use, if certain conditions are met; authorizing counties to include adjacent land as part of multifamily development, regardless of land use designation, if certain conditions are met; providing applicability; prohibiting counties from requiring a proposed multifamily development to acquire or transfer density, density units, or development units or obtain certain amendments or approval; prohibiting counties from requiring more than a certain percentage of total square footage to be used for specified purposes; providing that certain affordable or workforce units also qualify as affordable housing;

prohibiting counties from restricting or taking action that has the effect of restricting the density of a proposed multifamily or mixed-use residential development below the highest density allowed on or after a specified date; providing construction; prohibiting counties from restricting or taking action that has the effect of restricting the maximum lot size of a proposed multifamily or mixed-use residential development below the largest maximum lot size allowed on or after a specified date; prohibiting counties from restricting or taking action that has the effect of restricting the floor area ratio of a proposed multifamily or mixed-use residential development below a certain percentage allowed on or after a specified date; prohibiting counties from restricting or taking action that has the effect of restricting the height of a proposed multifamily or mixed-use residential development below the highest height allowed on or after a specified date; revising the ability of counties to restrict the height of multifamily or mixed-use residential developments that are adjacent to specified parcels to the highest height allowed on or after a specified date; requiring administrative approval of proposed multifamily or mixed-use residential developments with no further

action or approval in certain instances; requiring such developments to be treated as a conforming use, notwithstanding certain land development regulations; prohibiting counties from initiating or enforcing zoning-in-progress or building moratoriums in certain instances; providing applicability; requiring each county to maintain on its website a specified policy; requiring counties to reduce certain parking requirements by a specified percentage; requiring counties to approve, within a specified timeframe, building permit plan reviews for proposed developments; providing for the awarding of attorney fees and costs under certain conditions; providing that if a county adopts an ordinance or resolution, or makes any other decision, after a specified date having certain effects, the ordinance, resolution, or decision is deemed preempted; providing that the administrative review process of a site plan filed with a county must be based on land development regulations in effect as of the date of filing the application; preempting the regulation of affordable housing to the state; requiring courts to expedite proceedings and render an order within a specified timeframe if an action is filed against a local government based on preemption grounds; requiring

notice of appeal to be filed and served within a specified timeframe from such judgment; requiring the Supreme Court to adopt rules by a specified date for such expedited proceedings; prohibiting counties from conditioning review or approval of applications for development permits or orders on the waiver, forbearance, acquisition, transfer, or abandonment of any development right, or the procurement or transfer of density units or development units; deeming such actions to be void; providing applicability; providing reporting requirements for counties and the state land planning agency; prohibiting the imposition of a building moratorium under certain circumstances; providing applicability; providing that the owner of an administratively approved proposed development has a vested right to proceed with development under certain circumstances; amending s. 163.31801, F.S.; requiring an exception or waiver for a specified percentage of the impact fees for certain developments; amending s. 166.041, F.S.; requiring that ordinances designating property as a historic landmark require a map to be readily available; requiring municipalities to submit such maps to the State Historic Preservation Officer by a specified date; requiring that resolutions designating certain

privately owned property as a historic landmark be based on a certain finding by the governing body for adoption of such resolutions; amending s. 166.04151, F.S.; prohibiting municipalities from adopting or enforcing specified laws, ordinances, rules, or other measures relating to affordable housing; authorizing municipalities to approve the development of housing that is affordable on any parcel that is owned by specified religious institutions; providing definitions; requiring municipalities to authorize multifamily and mixed-use residential as allowable uses on parcels owned and authorized by specified entities and in planned unit developments for specified use, if certain conditions are met; authorizing municipalities to include adjacent land as part of multifamily development, regardless of land use designation, if certain conditions are met; providing applicability; prohibiting municipalities from requiring a proposed multifamily development to acquire or transfer density, density units, or development units or obtain certain amendments or approval; prohibiting municipalities from requiring more than a certain percentage of total square footage to be used for specified purposes; providing that certain affordable or workforce units also qualify as

affordable housing; prohibiting municipalities from restricting or taking action that has the effect of restricting the density of a proposed multifamily or mixed-use residential development below the highest density allowed on or after a specified date; prohibiting municipalities from restricting or taking action that has the effect of restricting the maximum lot size of a proposed multifamily or mixed-use residential development below the largest maximum lot size allowed on or after a specified date; prohibiting municipalities from restricting or taking action that has the effect of restricting the floor area ratio of a proposed multifamily or mixed-use residential development below a certain percentage allowed on or after a specified date; prohibiting municipalities from restricting or taking action that has the effect of restricting the height of a proposed multifamily or mixed-use residential development below the highest height allowed on or after a specified date; revising the ability of municipalities to restrict the height of multifamily or mixed-use residential developments that are adjacent to specified parcels to the highest height allowed on or after a specified date; requiring administrative approval of proposed multifamily or mixed-use residential developments with no further

action or approval in certain instances; requiring such developments to be treated as a conforming use, notwithstanding certain land development regulations; prohibiting municipalities from initiating or enforcing zoning-in-progress or building moratoriums in certain instances; providing applicability; requiring each municipality to maintain on its website a specified policy; requiring municipalities to reduce certain parking requirements by a specified percentage; requiring municipalities to approve, within a specified timeframe, building permit plan reviews for proposed developments; providing for the awarding of attorney fees and costs under certain conditions; providing that if a municipality adopts an ordinance or resolution, or makes any other decision, after a specified date having certain effects, the ordinance, resolution, or decision is deemed preempted; providing that the administrative review process of a site plan filed with a municipality must be based on land development regulations in effect as of the date of filing the application; preempting the regulation of affordable housing to the state; requiring courts to expedite proceedings and render an order within a specified timeframe if an action is filed against a local government based on preemption

grounds; requiring notice of appeal to be filed and served within a specified timeframe from such judgment; requiring the Supreme Court to adopt rules by a specified date for such expedited proceedings; prohibiting municipalities from conditioning review or approval of applications for development permits or orders on the waiver, forbearance, acquisition, transfer, or abandonment of any development right, or the procurement or transfer of density units or development units; deeming such actions to be void; providing applicability; providing reporting requirements for municipalities and the state land planning agency; prohibiting the imposition of a building moratorium under certain circumstances; providing applicability; providing that the owner of an administratively approved proposed development has a vested right to proceed with development under certain circumstances; amending s. 163.31771, F.S.; revising the definition of the term "accessory dwelling unit"; defining the term "department"; requiring local governments to adopt ordinances as they relate to accessory dwelling units; prohibiting local governments from increasing costs of construction of accessory dwelling units; providing exceptions; prohibiting accessory dwelling units from

being leased for less than a specified term; requiring local governments to submit annual reports beginning on a specified date to the Department of Commerce and post such reports on the local governments' websites; providing requirements for the reports; authorizing the department to adopt rules; prohibiting an owner of property with an accessory dwelling unit from being denied a homestead exemption or homestead property assessment limitation solely on the basis of the property containing an accessory dwelling unit; establishing requirements for homestead purposes if an accessory dwelling unit is rented by the property owner; requiring an accessory dwelling unit that is not rented to be considered part of homestead property; amending s. 196.1978, F.S.; requiring the property appraiser to issue a letter to verify that a multifamily project qualifies for the affordable housing exemption; exempting such project from a certain ordinance in certain circumstances; providing that a verification letter is prima facie evidence that such project is eligible for an exemption in certain circumstances; establishing the date on which such project qualifies to obtain an exemption; amending s. 196.1979, F.S.; authorizing the board of county commissioners or the governing body of a

municipality to exempt specified portions of property within multifamily projects and accessory dwelling units used to provide affordable housing; revising ad valorem property tax exemption provisions for accessory dwelling units; amending s. 333.03, F.S.; revising applicability for certain proposed developments; defining the term "commercial service airport"; amending s. 420.50871, F.S.; expanding the scope of financing of affordable housing projects to include certain housing; creating s. 420.5098, F.S.; providing legislative findings; providing definitions; providing legislative policy; authorizing the Florida Housing Finance Corporation to fund certain housing projects within a specified time that will provide affordable housing in specified areas for specified individuals through a public-private housing partnership agreement; requiring certain participating employers to provide land or other financial support to such individuals; amending s. 760.22, F.S.; revising the definition of the term "person"; amending s. 760.26, F.S.; prohibiting discrimination in land use decisions and in permitting of development based on a development or proposed development being affordable housing; providing applicability; amending s. 760.35, F.S.; revising provisions relating to the

issuance of a court order prohibiting a discriminatory housing practice; providing for waiver of sovereign immunity; amending s. 479.01, F.S.; conforming a cross-reference; amending s. 1001.43, F.S.; requiring district school boards to exercise specified supplemental powers and duties relating to affordable housing; providing an effective date.

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

Section 1. Subsections (1), (6), (7), and (8) of section 125.01055, Florida Statutes, are amended, and subsections (9) through (12) are added to that section, to read:

125.01055 Affordable housing.—

(1) Notwithstanding any other provision of law, a county may adopt and maintain in effect any law, ordinance, rule, or other measure that is adopted for the purpose of increasing the supply of affordable housing using land use mechanisms such as inclusionary housing or linkage fee ordinances. A county may not adopt or enforce any law, ordinance, rule, or other measure that limits or prohibits affordable housing, including, but not limited to, any measure that is adopted for the purpose of limiting the maximum percentage of affordable housing units within a project within a certain geographic area or within a certain distance from another affordable housing project, or

that otherwise prohibits affordable housing in areas zoned for such use.

(6) Notwithstanding any other law or local ordinance or regulation to the contrary, the board of county commissioners may approve the development of housing that is affordable, as defined in s. 420.0004, including, but not limited to, a mixed-use residential development, on any parcel zoned for commercial or industrial use, or on any parcel, including any contiguous parcel connected thereto, that is owned by a religious institution, as defined in s. 170.201(2), that contains a house of public worship, regardless of the underlying zoning, so long as at least 10 percent of the units included in the project are for housing that is affordable. The provisions of this subsection are self-executing and do not require the board of county commissioners to adopt an ordinance or a regulation before using the approval process in this subsection.

(7)(a) As used in this subsection, regardless of terminology used in a county's land development regulations, the term:

1. "Allowable density" means the density prescribed for the property without additional requirements to procure and transfer density units or development units from other properties.

2. "Allowable use" means the intended uses identified in a county's land development regulations which are authorized

within a zoning category as a use by right, without the requirement to obtain a variance or waiver. The term does not include uses that are accessory, ancillary, or incidental to the allowable uses or allowed only on a temporary basis.

3. "Commercial use" means activities associated with the sale, rental, or distribution of products or the sale or performance of services. The term includes, but is not limited to, retail, office, entertainment, hotels, and other for-profit business activities. The term does not include vacation rentals as classified in s. 509.242(1)(c); home-based businesses or cottage food operations performed on residential property; or uses that are accessory, ancillary, or incidental to the allowable uses or allowed only on a temporary basis.

4. "Industrial use" means activities associated with the manufacture, assembly, processing, or storage of products or the performance of related services.

5. "Mixed use" means areas that include both residential and nonresidential uses, notwithstanding any local land development regulation categorization or title, regardless of whether the residential or nonresidential uses are permitted as principal use, conditional use, ancillary use, special use, unusual use, accessory use, planned unit development, or planned development. Nonresidential use includes, but is not limited to, retail, office, hotel, lodging, civic, institutional, parking, utilities, or other commercial uses.

6. "Planned unit development" has the same meaning as in s. 163.3202(5)(b).

(b)1.~~(a)~~ Notwithstanding any other law, local ordinance, or regulation to the contrary, including any local moratorium established after March 29, 2023, a county must authorize multifamily and mixed-use residential as allowable uses on any parcel owned and authorized by the county, a district school board, or a religious institution as defined in s. 170.201(2), and in any area zoned for commercial, industrial, or mixed use; or on any parcel within a planned unit development permitted for commercial, industrial, or mixed use, if at least 40 percent of the residential units in a proposed multifamily or mixed-use residential development are rental units that, for a period of at least 30 years, are affordable as defined in s. 420.0004. A county may authorize the inclusion of an adjacent parcel of land as part of the multifamily development, regardless of the land use designation of the adjacent parcel, if the residential units to be built on the adjacent parcel comply with the requirements of this subsection. This subparagraph does not apply to moratoria imposed to address stormwater or flood water management, to address the supply of potable water, or due to the necessary repair of sanitary sewer systems, if such moratoria apply equally to all types of multifamily or mixed-use residential development.

2. Notwithstanding any other law, local ordinance, or

regulation to the contrary, a county may not require a proposed multifamily or mixed-use residential development to acquire or transfer density, density units, or development units or obtain an amendment to a development of regional impact, amendment to a development agreement, or amendment to a restrictive covenant or a zoning or land use change, special exception, conditional use approval, variance, ~~or~~ comprehensive plan amendment, or any other approval for the building height, zoning, and densities authorized under this subsection.

3. For mixed-use residential projects, at least 65 percent of the total square footage must be used for residential purposes. A county may not require more than 10 percent of the total square footage to be used for nonresidential purposes.

4. Affordable or workforce units that qualify for incentives under local regulations as contemplated by subsection (4) may also qualify as affordable under this subsection if the units satisfy the requirements of s. 420.0004 and the local regulations.

(c) ~~(b)~~ A county may not directly restrict or take action that has the effect of restricting the density of a proposed multifamily or mixed-use residential development authorized under this subsection below the highest ~~currently allowed~~ density allowed on or after July 1, 2023, on any unincorporated land in the county where residential development is allowed under the county's land development regulations. For purposes of

this paragraph, the term "highest ~~currently allowed~~ density" does not include the density of any building that met the requirements of this subsection or the density of any building that has received any bonus, variance, or other special exception for density provided in the county's land development regulations as an incentive for development. For purposes of this paragraph, to "directly restrict" or to "take action that has the effect of restricting" density includes requirements to procure or transfer density units or development units from other properties.

(d) A county may not directly restrict or take action that has the effect of restricting the maximum lot size of a proposed multifamily or mixed-use residential development authorized under this paragraph below the largest maximum lot size allowed on or after July 1, 2023, on any unincorporated land in the county where multifamily or mixed-use residential development is allowed pursuant to the county's land development regulations. A county may not restrict the maximum lot coverage of a proposed multifamily or mixed-use residential development authorized under this paragraph below 70 percent.

(e) ~~(c)~~ A county may not directly restrict or take action that has the effect of restricting the floor area ratio of a proposed multifamily or mixed-use residential development authorized under this subsection below 150 percent of the highest ~~currently allowed~~ floor area ratio allowed on or after

May 16, 2024, on any unincorporated land in the county where development is allowed under the county's land development regulations. For purposes of this paragraph, the term "highest ~~currently allowed~~ floor area ratio" does not include the floor area ratio of any building that met the requirements of this subsection or the floor area ratio of any building that has received any bonus, variance, or other special exception for floor area ratio provided in the county's land development regulations as an incentive for development. For purposes of this subsection, the term "floor area ratio" includes floor lot ratio.

(f) ~~(d)~~1. A county may not directly restrict or take action that has the effect of restricting the height of a proposed multifamily or mixed-use residential development authorized under this subsection below the highest ~~currently allowed~~ height allowed on or after July 1, 2023, for a commercial or residential building located in its jurisdiction within 1 mile of the proposed development or 3 stories, whichever is higher. For purposes of this paragraph, the term "highest ~~currently allowed~~ height" does not include the height of any building that met the requirements of this subsection or the height of any building that has received any bonus, variance, or other special exception for height provided in the county's land development regulations as an incentive for development.

2. If the proposed multifamily or mixed-use residential

development is adjacent to, on two or more sides, a parcel zoned for single-family residential use which is within a single-family residential development with at least 25 contiguous single-family homes, the county may restrict the height of the proposed development to 150 percent of the tallest building on any property adjacent to the proposed development, the highest ~~currently allowed~~ height allowed on or after July 1, 2023, for the property provided in the county's land development regulations, or 3 stories, whichever is higher. For the purposes of this paragraph, the term "adjacent to" means those properties sharing more than one point of a property line, but does not include properties separated by a public road.

(g)1.~~(c)~~ A proposed multifamily or mixed-use residential development authorized under this subsection must be administratively approved and ~~no~~ further action by the board of county commissioners or any quasi-judicial board of the reviewing body is not authorized ~~required~~ if the development satisfies the county's land development regulations for multifamily or mixed-use residential developments in areas zoned for such use, density, intensity, and height, and is otherwise consistent with the comprehensive plan, with the exception of provisions establishing ~~allowable~~ densities, floor area ratios, height, and land use, including mixed-use and minimum nonresidential or commercial floor area requirements. The removal or demolition of an existing structure to be performed

as part of the proposed development must also be administratively approved. A proposed development authorized under this subsection must be treated as a conforming use, notwithstanding the county's comprehensive plan, future land use designation, or zoning. ~~Such land development regulations include, but are not limited to, regulations relating to setbacks and parking requirements.~~

2. A county may not initiate or enforce zoning-in-progress or a building moratorium on a proposed development that is subject to this subsection and for which the county has approved the development's preliminary site plan. This subparagraph does not apply to moratoria imposed to address stormwater or flood water management, to address the supply of potable water, or due to the necessary repair of sanitary sewer systems, if such moratoria apply equally to all types of multifamily or mixed-use residential development.

3. A proposed development located within one-quarter mile of a military installation identified in s. 163.3175(2) may not be administratively approved.

4. Each county shall maintain on its website a policy containing the zoning map and zoning regulations as outlined in this section and the procedures and expectations for administrative approval pursuant to this subsection.

(h) ~~(f)1.~~ A county must reduce ~~consider reducing~~ parking requirements by at least 20 percent for a proposed development

authorized under this subsection, or by 100 percent for structures that are 20,000 square feet or less ~~if the development is located within one-quarter mile of a transit stop, as defined in the county's land development code, and the transit stop is accessible from the development~~.

~~2. A county must reduce parking requirements by at least 20 percent for a proposed development authorized under this subsection if the development:~~

~~a. Is located within one-half mile of a major transportation hub that is accessible from the proposed development by safe, pedestrian-friendly means, such as sidewalks, crosswalks, elevated pedestrian or bike paths, or other multimodal design features; and~~

~~b. Has available parking within 600 feet of the proposed development which may consist of options such as on-street parking, parking lots, or parking garages available for use by residents of the proposed development. However, a county may not require that the available parking compensate for the reduction in parking requirements.~~

~~3. A county must eliminate parking requirements for a proposed mixed-use residential development authorized under this subsection within an area recognized by the county as a transit-oriented development or area, as provided in paragraph (h).~~

~~4. For purposes of this paragraph, the term "major transportation hub" means any transit station, whether bus,~~

~~train, or light rail, which is served by public transit with a mix of other transportation options.~~

(i) ~~(g)~~ For proposed multifamily developments in an unincorporated area zoned for commercial or industrial use which is within the boundaries of a multicounty independent special district that was created to provide municipal services and is not authorized to levy ad valorem taxes, and less than 20 percent of the land area within such district is designated for commercial or industrial use, a county must authorize, as provided in this subsection, such development only if the development is mixed-use residential.

(j) ~~(h)~~ A proposed development authorized under this subsection which is located within a transit-oriented development or area, as recognized by the county, must be mixed-use residential and otherwise comply with requirements of the county's regulations applicable to the transit-oriented development or area except for use, height, density, floor area ratio, and parking as provided in this subsection or as otherwise agreed to by the county and the applicant for the development.

(k) ~~(i)~~ Except as otherwise provided in this subsection, a development authorized under this subsection must comply with all applicable state and local laws and regulations.

(l) ~~(j)~~1. Nothing in this subsection precludes a county from granting a bonus, variance, conditional use, or other

special exception for height, density, or floor area ratio in addition to the height, density, and floor area ratio requirements in this subsection.

2. Nothing in this subsection precludes a proposed development authorized under this subsection from receiving a bonus for density, height, or floor area ratio pursuant to an ordinance or regulation of the jurisdiction where the proposed development is located if the proposed development satisfies the conditions to receive the bonus except for any condition which conflicts with this subsection. If a proposed development qualifies for such bonus, the bonus must be administratively approved by the county and no further action by the board of county commissioners is required.

(m) A county shall approve a building permit plan review for a proposed development within 60 business days as authorized under this subsection, and prioritize a building permit plan review for projects authorized under this subsection over other development projects.

(n) Notwithstanding s. 57.112(6), the prevailing party in a challenge under this subsection is entitled to recover attorney fees and costs, including reasonable appellate attorney fees and costs.

(o) ~~(k)~~ This subsection does not apply to:

1. Airport-impacted areas as provided in s. 333.03.

2. Property defined as recreational and commercial working

waterfront in s. 342.201(2)(b) in any area zoned as industrial.

(p) After July 1, 2023, if a county adopts an ordinance or resolution, or makes any other decision, and such ordinance, resolution, or decision has the effect, either directly or indirectly, of:

1. Limiting the height, floor area ratio, maximum lot size, or density of a project under this section;

2. Unreasonably delaying the development or construction of a project under this section, including, but not limited to, imposing a moratorium; or

3. Restricting the manner in which affordable units are developed,

then such ordinance, resolution, or decision shall be deemed preempted. If a property owner files a site plan application under this section with a county, the administrative review process must be based only on the land development regulations in effect as of the date of filing the application.

(q) The regulation of affordable housing under this subsection is expressly preempted to the state. This subsection supersedes any local government ordinances, resolutions, or any other local regulations, including local moratoriums, on matters covered under this subsection.

(r) If an action is filed against a local government to challenge the adoption or enforcement of a local ordinance,

resolution, or other local regulation on the grounds that it is expressly preempted by general law under this subsection, the court shall expedite the proceeding and render a decision within 30 days after service of process. Notice of appeal shall be filed and served within 30 days after the rendition of the judgment appealed from. The Supreme Court shall adopt rules by October 1, 2025, to ensure the proceedings are handled expeditiously and in a manner consistent with this subsection.

(s) ~~(1)~~ This subsection expires October 1, 2033.

(8) Any development authorized under paragraph (7)(b) ~~(7)(a)~~ must be treated as a conforming use even after the expiration of subsection (7) and the development's affordability period as provided in paragraph (7)(b) ~~(7)(a)~~, notwithstanding the county's comprehensive plan, future land use designation, or zoning. If at any point during the development's affordability period the development violates the affordability period requirement provided in paragraph (7)(b) ~~(7)(a)~~, the development must be allowed a reasonable time to cure such violation. If the violation is not cured within a reasonable time, the development must be treated as a nonconforming use.

(9) A county's review or approval of an application for a development permit or development order may not be conditioned on the:

(a) Waiver, forbearance, acquisition, transfer, or abandonment of any development right authorized by this section;

or

(b) Procurement or transfer of density units or development units.

Any such waiver, forbearance, acquisition, transfer, procurement, or abandonment is void. This subsection does not apply to an area of critical state concern as defined in s. 380.05.

(10)(a) Beginning June 30, 2026, each county must provide an annual report to the state land planning agency that includes:

1. All litigation initiated under subsection (9), the status of the case, and, if applicable, the final disposition.

2. All actions the county has taken on any proposed project under this section, including, at minimum, the project size, density, and intensity, and the number of units and the number of affordable units for such proposed project.

3. For any proposed development that is denied or not accepted, all actions the county has taken on such proposed development and an explanation for why such actions were taken.

(b) The state land planning agency shall provide an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives regarding county compliance with this section.

(11)(a) A county may not impose a building moratorium that

has the effect of delaying the permitting of construction of a multifamily project that would otherwise qualify for:

1. An affordable housing ad valorem tax exemption under s. 196.1978 or s. 196.1979.

2. Any grant loan or other incentive provided for the development of affordable housing under chapter 420.

3. Any abatement of development restrictions under subsection (7).

(b) This subsection does not apply to moratoria imposed to address stormwater or flood water management, to address the supply of potable water, or due to the necessary repair of sanitary sewer systems, if such moratoria apply equally to all types of multifamily or mixed-use residential development.

(12) If the owner of an administratively approved proposed development has acted in reliance on that approval, the owner has a vested right to proceed with development under the relevant laws, regulations, and ordinances at the time such rights vested, if the property continues to comply with the requirements of this section.

Section 2. Subsection (11) of section 163.31801, Florida Statutes, is amended to read:

163.31801 Impact fees; short title; intent; minimum requirements; audits; challenges.—

(11)(a) A county, municipality, or special district may provide an exception or waiver for an impact fee for the

development or construction of housing that is affordable, as defined in s. 420.9071. If a county, municipality, or special district provides such an exception or waiver, it is not required to use any revenues to offset the impact.

(b) Qualified developments authorized pursuant to s. 125.01055 or s. 166.04151 shall receive an exception or waiver for 20 percent of the impact fees for the development of, or construction of the portion of the development that is, affordable housing.

Section 3. Subsection (2) of section 166.041, Florida Statutes, is amended to read:

166.041 Procedures for adoption of ordinances and resolutions.—

(2)(a) Each ordinance or resolution shall be introduced in writing and shall embrace but one subject and matters properly connected therewith. The subject shall be clearly stated in the title. No ordinance shall be revised or amended by reference to its title only. Ordinances to revise or amend shall set out in full the revised or amended act or section or subsection or paragraph of a section or subsection.

(b) Any ordinance the subject of which designates property as a historic landmark shall require a printed or digital map of such property to be readily available. A municipality shall submit such map to the State Historic Preservation Officer no later than June 1, 2027.

(c) Any resolution the subject of which designates the character of privately owned property as a historic landmark without the consent of the property owner shall require a finding by the governing body, based on substantial competent evidence, that the historic significance of the subject property is commensurate, to an equal or greater degree, with property that is already designated as a historic landmark within the municipality.

Section 4. Subsections (1), (6), (7), and (8) of section 166.04151, Florida Statutes, are amended, and subsections (9) through (12) are added to that section, to read:

166.04151 Affordable housing.—

(1) Notwithstanding any other provision of law, a municipality may adopt and maintain in effect any law, ordinance, rule, or other measure that is adopted for the purpose of increasing the supply of affordable housing using land use mechanisms such as inclusionary housing or linkage fee ordinances. A municipality may not adopt or enforce any law, ordinance, rule, or other measure that limits or prohibits affordable housing, including, but not limited to, any measure that is adopted for the purpose of limiting the maximum percentage of affordable housing units within a project within a certain geographic area or within a certain distance from another affordable housing project, or that otherwise prohibits affordable housing in areas zoned for such use.

(6) Notwithstanding any other law or local ordinance or regulation to the contrary, the governing body of a municipality may approve the development of housing that is affordable, as defined in s. 420.0004, including, but not limited to, a mixed-use residential development, on any parcel zoned for commercial or industrial use, or on any parcel, including any contiguous parcel connected thereto, that is owned by a religious institution, as defined in s. 170.201(2), that contains a house of public worship, regardless of the underlying zoning, so long as at least 10 percent of the units included in the project are for housing that is affordable. The provisions of this subsection are self-executing and do not require the governing body to adopt an ordinance or a regulation before using the approval process in this subsection.

(7)(a) As used in this subsection, regardless of terminology used in a municipality's land development regulations, the term:

1. "Allowable density" means the density prescribed for the property without additional requirements to procure and transfer density units or development units from other properties.

2. "Allowable use" means the intended uses identified in a municipality's land development regulations which are authorized within a zoning category as a use by right, without the requirement to obtain a variance or waiver. The term does not

include uses that are accessory, ancillary, or incidental to the allowable uses or allowed only on a temporary basis.

3. "Commercial use" means activities associated with the sale, rental, or distribution of products or the sale or performance of services. The term includes, but is not limited to, retail, office, entertainment, hotels, and other for-profit business activities. The term does not include vacation rentals as classified in s. 509.242(1)(c); home-based businesses or cottage food operations performed on residential property; or uses that are accessory, ancillary, or incidental to the allowable uses or allowed only on a temporary basis.

4. "Industrial use" means activities associated with the manufacture, assembly, processing, or storage of products or the performance of related services.

5. "Mixed use" means areas that include both residential and nonresidential uses, notwithstanding any local land development regulation categorization or title, regardless of whether the residential or nonresidential uses are permitted as principal use, conditional use, ancillary use, special use, unusual use, accessory use, planned unit development, or planned development. Nonresidential use includes, but is not limited to, retail, office, hotel, lodging, civic, institutional, parking, utilities, or other commercial uses.

6. "Planned unit development" has the same meaning as in s. 163.3202(5)(b).

(b)1.~~(a)~~ Notwithstanding any other law, local ordinance, or regulation to the contrary, including any local moratorium established after March 29, 2023, a municipality must authorize multifamily and mixed-use residential as allowable uses on any parcel owned and authorized by the municipality, a district school board, or a religious institution as defined in s. 170.201(2), and in any area zoned for commercial, industrial, or mixed use; or on any parcel within a planned unit development permitted for commercial, industrial, or mixed use, if at least 40 percent of the residential units in a proposed multifamily or mixed-use residential development are rental units that, for a period of at least 30 years, are affordable as defined in s. 420.0004. A municipality may authorize the inclusion of an adjacent parcel of land as part of the multifamily development, regardless of the land use designation of the adjacent parcel, if the residential units to be built on the adjacent parcel comply with the requirements of this subsection. This subparagraph does not apply to moratoria imposed to address stormwater or flood water management, to address the supply of potable water, or due to the necessary repair of sanitary sewer systems, if such moratoria apply equally to all types of multifamily or mixed-use residential development.

2. Notwithstanding any other law, local ordinance, or regulation to the contrary, a municipality may not require a proposed multifamily or mixed-use residential development to

obtain an amendment to a development of regional impact, amendment to a development agreement, or amendment to a restrictive covenant or a zoning or land use change, special exception, conditional use approval, variance, ~~or~~ comprehensive plan amendment, or any other approval for the building height, zoning, and densities authorized under this subsection.

3. For mixed-use residential projects, at least 65 percent of the total square footage must be used for residential purposes. A municipality may not require more than 10 percent of the total square footage to be used for nonresidential purposes.

4. Affordable or workforce units that qualify for incentives under local regulations as contemplated by subsection (4) may also qualify as affordable under this subsection if the units satisfy the requirements of s. 420.0004 and the local regulations.

(c) ~~(b)~~ A municipality may not directly restrict or take action that has the effect of restricting the density of a proposed multifamily or mixed-use residential development authorized under this subsection below the highest ~~currently allowed~~ density allowed on or after July 1, 2023, on any land in the municipality where residential development is allowed under the municipality's land development regulations. For purposes of this paragraph, the term "highest ~~currently allowed~~ density" does not include the density of any building that met the requirements of this subsection or the density of any building

that has received any bonus, variance, or other special exception for density provided in the municipality's land development regulations as an incentive for development. For purposes of this paragraph, to "directly restrict" or to "take action that has the effect of restricting" density includes requirements to procure or transfer density units or development units from other properties.

(d) A municipality may not directly restrict or take action that has the effect of restricting the maximum lot size of a proposed multifamily or mixed-use residential development authorized under this paragraph below the largest maximum lot size allowed on or after July 1, 2023, on any land in the municipality where multifamily or mixed-use residential development is allowed pursuant to the municipality's land development regulations. A municipality may not restrict the maximum lot coverage of a proposed multifamily or mixed-use residential development authorized under this paragraph below 70 percent.

(e) ~~(c)~~ A municipality may not directly restrict or take action that has the effect of restricting the floor area ratio of a proposed multifamily or mixed-use residential development authorized under this subsection below 150 percent of the highest ~~currently allowed~~ floor area ratio allowed on or after May 16, 2024, on any land in the municipality where development is allowed under the municipality's land development

regulations. For purposes of this paragraph, the term "highest ~~currently allowed~~ floor area ratio" does not include the floor area ratio of any building that met the requirements of this subsection or the floor area ratio of any building that has received any bonus, variance, or other special exception for floor area ratio provided in the municipality's land development regulations as an incentive for development. For purposes of this subsection, the term "floor area ratio" includes floor lot ratio.

(f) ~~(d)~~1. A municipality may not directly restrict or take action that has the effect of restricting the height of a proposed multifamily or mixed-use residential development authorized under this subsection below the highest ~~currently allowed~~ height allowed on or after July 1, 2023, for a commercial or residential building located in its jurisdiction within 1 mile of the proposed development or 3 stories, whichever is higher. For purposes of this paragraph, the term "highest ~~currently allowed~~ height" does not include the height of any building that met the requirements of this subsection or the height of any building that has received any bonus, variance, or other special exception for height provided in the municipality's land development regulations as an incentive for development.

2. If the proposed multifamily or mixed-use residential development is adjacent to, on two or more sides, a parcel zoned

for single-family residential use that is within a single-family residential development with at least 25 contiguous single-family homes, the municipality may restrict the height of the proposed development to 150 percent of the tallest building on any property adjacent to the proposed development, the highest ~~currently allowed~~ height allowed on or after July 1, 2023, for the property provided in the municipality's land development regulations, or 3 stories, whichever is higher. For the purposes of this paragraph, the term "adjacent to" means those properties sharing more than one point of a property line, but does not include properties separated by a public road.

(g)1.~~(c)~~ A proposed multifamily or mixed-use residential development authorized under this subsection must be administratively approved and ~~no~~ further action or approval by the governing body of the municipality or any quasi-judicial board of the reviewing body is not authorized ~~required~~ if the development satisfies the municipality's land development regulations for multifamily or mixed-use residential developments as of July 1, 2023, in areas zoned for such use, density, intensity, and height, and is otherwise consistent with the comprehensive plan, with the exception of provisions establishing ~~allowable~~ densities, floor area ratios, height, and land use, including mixed-use and minimum nonresidential or commercial floor area requirements. The removal or demolition of an existing structure to be performed as part of the proposed

development must also be administratively approved. A proposed development authorized under this subsection must be treated as a conforming use, notwithstanding the municipality's comprehensive plan, future land use designation, or zoning. ~~Such land development regulations include, but are not limited to, regulations relating to setbacks and parking requirements.~~

2. A municipality may not initiate or enforce zoning-in-progress or a building moratorium on a proposed development that is subject to this subsection and for which the municipality has approved the development's preliminary site plan. This subparagraph does not apply to moratoria imposed to address stormwater or flood water management, to address the supply of potable water, or due to the necessary repair of sanitary sewer systems, if such moratoria apply equally to all types of multifamily or mixed-use residential development.

3. A proposed development located within one-quarter mile of a military installation identified in s. 163.3175(2) may not be administratively approved.

4. Each municipality shall maintain on its website a policy containing the zoning map and zoning regulations as outlined in this section and the procedures and expectations for administrative approval pursuant to this subsection.

(h) ~~(f) 1.~~ A municipality must ~~consider reducing~~ parking requirements by at least 20 percent for a proposed development authorized under this subsection, or by 100 percent for

structures that are 20,000 square feet or less ~~if the development is located within one-quarter mile of a transit stop, as defined in the municipality's land development code, and the transit stop is accessible from the development~~.

~~2. A municipality must reduce parking requirements by at least 20 percent for a proposed development authorized under this subsection if the development:~~

~~a. Is located within one-half mile of a major transportation hub that is accessible from the proposed development by safe, pedestrian-friendly means, such as sidewalks, crosswalks, elevated pedestrian or bike paths, or other multimodal design features.~~

~~b. Has available parking within 600 feet of the proposed development which may consist of options such as on-street parking, parking lots, or parking garages available for use by residents of the proposed development. However, a municipality may not require that the available parking compensate for the reduction in parking requirements.~~

~~3. A municipality must eliminate parking requirements for a proposed mixed-use residential development authorized under this subsection within an area recognized by the municipality as a transit-oriented development or area, as provided in paragraph (h).~~

~~4. For purposes of this paragraph, the term "major transportation hub" means any transit station, whether bus,~~

~~train, or light rail, which is served by public transit with a mix of other transportation options.~~

(i) ~~(g)~~ A municipality that designates less than 20 percent of the land area within its jurisdiction for commercial or industrial use must authorize a proposed multifamily development as provided in this subsection in areas zoned for commercial or industrial use only if the proposed multifamily development is mixed-use residential.

(j) ~~(h)~~ A proposed development authorized under this subsection which is located within a transit-oriented development or area, as recognized by the municipality, must be mixed-use residential and otherwise comply with requirements of the municipality's regulations applicable to the transit-oriented development or area except for use, height, density, floor area ratio, and parking as provided in this subsection or as otherwise agreed to by the municipality and the applicant for the development.

(k) ~~(i)~~ Except as otherwise provided in this subsection, a development authorized under this subsection must comply with all applicable state and local laws and regulations.

(l) ~~(j)~~1. Nothing in this subsection precludes a municipality from granting a bonus, variance, conditional use, or other special exception to height, density, or floor area ratio in addition to the height, density, and floor area ratio requirements in this subsection.

2. Nothing in this subsection precludes a proposed development authorized under this subsection from receiving a bonus for density, height, or floor area ratio pursuant to an ordinance or regulation of the jurisdiction where the proposed development is located if the proposed development satisfies the conditions to receive the bonus except for any condition which conflicts with this subsection. If a proposed development qualifies for such bonus, the bonus must be administratively approved by the municipality and no further action by the governing body of the municipality is required.

(m) A municipality shall approve building permit plan review for a proposed development within 60 business days as authorized under this subsection, and prioritize building permit plan review for projects authorized under this subsection over other development projects.

(n) Notwithstanding s. 57.112(6), the prevailing party in a challenge under this subsection is entitled to recover attorney fees and costs, including reasonable appellate attorney fees and costs.

(o) ~~(k)~~ This subsection does not apply to:

1. Airport-impacted areas as provided in s. 333.03.

2. Property defined as recreational and commercial working waterfront in s. 342.201(2)(b) in any area zoned as industrial.

(p) After July 1, 2023, if a municipality adopts an ordinance or resolution, or makes any other decision, and such

ordinance, resolution, or decision has the effect, either directly or indirectly, of:

1. Limiting the height, floor area ratio, maximum lot size, or density of a project under this section;

2. Unreasonably delaying the development or construction of a project under this section, including, but not limited to, imposing a moratorium; or

3. Restricting the manner in which affordable units are developed,

then such ordinance, resolution, or decision shall be deemed preempted. If a property owner files a site plan application under this section with a municipality, the administrative review process must be based only on the land development regulations in effect as of the date of filing the application.

(q) The regulation of affordable housing under this subsection is expressly preempted to the state. This subsection supersedes any local government ordinances, resolutions, or any other local regulations, including local moratoriums, on matters covered under this subsection.

(r) If an action is filed against a local government to challenge the adoption or enforcement of a local ordinance, resolution, or other local regulation on the grounds that it is expressly preempted by general law under this subsection, the court shall expedite the proceeding and render a decision within

30 days after service of process. Notice of appeal shall be filed and served within 30 days from the rendition of the judgment appealed from. The Supreme Court shall adopt rules by October 1, 2025, to ensure the proceedings are handled expeditiously and in a manner consistent with this subsection.

(s) ~~(1)~~ This subsection expires October 1, 2033.

(8) Any development authorized under paragraph (7)(b) ~~(7)(a)~~ must be treated as a conforming use even after the expiration of subsection (7) and the development's affordability period as provided in paragraph (7)(b) ~~(7)(a)~~, notwithstanding the municipality's comprehensive plan, future land use designation, or zoning. If at any point during the development's affordability period the development violates the affordability period requirement provided in paragraph (7)(b) ~~(7)(a)~~, the development must be allowed a reasonable time to cure such violation. If the violation is not cured within a reasonable time, the development must be treated as a nonconforming use.

(9) A municipality's review or approval of an application for a development permit or development order may not be conditioned on the:

(a) Waiver, forbearance, acquisition, transfer, or abandonment of any development right authorized by this section; or

(b) Procurement or transfer of density units or development units.

Any such waiver, forbearance, acquisition, transfer, procurement, or abandonment is void. This subsection does not apply to an area of critical state concern as defined in s. 380.05.

(10)(a) Beginning June 30, 2026, each municipality must provide an annual report to the state land planning agency that includes:

1. All litigation initiated under subsection (9), the status of the case, and, if applicable, the final disposition.

2. All actions the municipality has taken on any proposed project under this section, including, at minimum, the project size, density, and intensity, and the number of units and the number of affordable units for such proposed project.

3. For any proposed development that is denied or not accepted, all actions the municipality has taken relating to such proposed development and an explanation for why such actions were taken.

(b) The state land planning agency shall provide an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives regarding municipal compliance with this section.

(11)(a) A municipality may not impose a building moratorium that has the effect of delaying the permitting of construction of a multifamily project that would otherwise

qualify for:

1. An affordable housing ad valorem tax exemption under s. 196.1978 or s. 196.1979.

2. Any grant loan or other incentive provided for the development of affordable housing under chapter 420.

3. Any abatement of development restrictions under subsection (7).

(b) This subsection does not apply to moratoria imposed to address stormwater or flood water management, to address the supply of potable water, or due to the necessary repair of sanitary sewer systems, if such moratoria apply equally to all types of multifamily or mixed-use residential development.

(12) If the owner of an administratively approved proposed development has acted in reliance on that approval, the owner has a vested right to proceed with development under the relevant laws, regulations, and ordinances at the time such rights vested, if the property continues to comply with the requirements of this section.

Section 5. Section 163.31771, Florida Statutes, is amended to read:

163.31771 Accessory dwelling units.—

(1) The Legislature finds that the median price of homes in this state has increased steadily over the last decade and at a greater rate of increase than the median income in many urban areas. The Legislature finds that the cost of rental housing has

also increased steadily and the cost often exceeds an amount that is affordable to extremely-low-income, very-low-income, low-income, or moderate-income persons and has resulted in a critical shortage of affordable rentals in many urban areas in the state. This shortage of affordable rentals constitutes a threat to the health, safety, and welfare of the residents of the state. Therefore, the Legislature finds that it serves an important public purpose to encourage the permitting of accessory dwelling units in single-family residential areas in order to increase the availability of affordable rentals for extremely-low-income, very-low-income, low-income, or moderate-income persons.

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

(a) "Accessory dwelling unit" means an ancillary or secondary living unit, that has a separate kitchen, bathroom, and sleeping area, existing either within the same structure, or on the same lot, as the primary dwelling unit. The term includes a manufactured home constructed on or after January 1, 2025, which meets the National Manufactured Housing Construction and Safety Standards.

(b) "Affordable rental" means that monthly rent and utilities do not exceed 30 percent of that amount which represents the percentage of the median adjusted gross annual income for extremely-low-income, very-low-income, low-income, or moderate-income persons.

(c) "Department" means the Department of Commerce.

(d) ~~(g)~~ "Extremely-low-income persons" has the same meaning as in s. 420.0004(9).

(e) ~~(c)~~ "Local government" means a county or municipality.

(f) ~~(d)~~ "Low-income persons" has the same meaning as in s. 420.0004(11).

(g) ~~(e)~~ "Moderate-income persons" has the same meaning as in s. 420.0004(12).

(h) ~~(f)~~ "Very-low-income persons" has the same meaning as in s. 420.0004(17).

(3) A local government shall ~~may~~ adopt an ordinance to allow accessory dwelling units in any area zoned for single-family residential use. A local government may not directly, unreasonably increase, or in effect unreasonably increase, the cost to construct, in effect prohibit the construction of, or extinguish the ability to otherwise construct an accessory dwelling unit. Such regulation does not include:

(a) Restrictions on the terms of rentals that do not apply generally to other housing in the same district or zone.

(b) Parking requirements and minimum lot size requirements that do not apply general to other housing in the same district or zone, other lot design regulations that unreasonably increase the cost to construct or unreasonably extinguish the ability to construct an accessory dwelling unit on a lot.

(c) Discretionary conditional use permit procedures or

standards that do not apply generally to other housing in the same district or zone.

~~(4) An application for a building permit to construct an accessory dwelling unit must include an affidavit from the applicant which attests that the unit will be rented at an affordable rate to an extremely-low-income, very-low-income, low-income, or moderate-income person or persons.~~

(4)~~(5)~~ Each accessory dwelling unit allowed by an ordinance adopted under this section applies ~~shall apply~~ toward satisfying the affordable housing component of the housing element in the local government's comprehensive plan under s. 163.3177(6)(f).

(5) An accessory dwelling unit may not be leased for a term of less than 1 month.

(6)(a) Beginning October 1, 2025, and by October 1 every year thereafter, the local government shall submit an annual report to the department, in a form and manner prescribed by the department, and post publicly on its website, the following information for the previous fiscal year:

1. The number of applications to construct new accessory dwelling units, the number of new accessory dwelling units that have been approved, and the number of new accessory dwelling units that have been denied, and the reason for denial.

2. The number of allowable accessory dwelling units located in the jurisdiction, the number of accessory dwelling

units, attached or unattached, which are not allowed by an ordinance, and the number of single-family homes in a zoning district in which accessory dwelling units are allowed by an ordinance.

(b) The department may adopt rules to administer and enforce this subsection.

(7)(a) The owner of property with an accessory dwelling unit may not be denied a homestead exemption or homestead property assessment limitation solely on the basis of the property containing an accessory dwelling unit which may be rented.

(b) If the accessory dwelling unit is rented by the property owner:

1. The assessment of the accessory dwelling unit must be separated from the homestead property.

2. It may not be construed as an abandonment of the dwelling previously claimed to be a homestead under s. 196.061, provided such dwelling is physically occupied by the owner.

(c) If the accessory dwelling unit is not rented by the property owner, the assessment of the accessory dwelling unit must be considered part of the homestead property.

Section 6. Paragraphs (n) and (o) of subsection (3) of section 196.1978, Florida Statutes, are redesignated as paragraphs (o) and (p), respectively, and a new paragraph (n) is added to that subsection, to read:

196.1978 Affordable housing property exemption.—

(3)

(n) Upon the request of a property owner, the property appraiser must issue a letter to verify that a multifamily project, if constructed and leased as described in the site plan, qualifies for the exemption under this section. Within 30 days after receipt of such request, the property appraiser must issue a verification letter or explain why the project is ineligible for the exemption. A project that has received a verification letter before the adoption of the ordinance described in paragraph (p) is exempt from such ordinance. The verification letter is prima facie evidence that the project is eligible for the exemption if the project is constructed and leased as described in the site plan used to receive the verification letter. This letter shall qualify the project, if constructed and leased as described in the site plan, to obtain the exemption beginning with the January 1 assessment immediately after the date on which the property obtains a certificate of occupancy and is placed in service allowing the property to be used as an affordable housing property.

Section 7. Paragraphs (a) and (b) of subsection (1) of section 196.1979, Florida Statutes, are amended to read:

196.1979 County and municipal affordable housing property exemption.—

(1)(a) Notwithstanding ss. 196.195 and 196.196, the board

of county commissioners of a county or the governing body of a municipality may adopt an ordinance to exempt those portions of property used to provide affordable housing meeting the requirements of this section. Such property is considered property used for a charitable purpose. To be eligible for the exemption, the portions of property:

1. Must be used to house natural persons or families whose annual household income:

a. Is greater than 30 percent but not more than 60 percent of the median annual adjusted gross income for households within the metropolitan statistical area or, if not within a metropolitan statistical area, within the county where ~~in which~~ the person or family resides; or

b. Does not exceed 30 percent of the median annual adjusted gross income for households within the metropolitan statistical area or, if not within a metropolitan statistical area, within the county where ~~in which~~ the person or family resides.~~;~~

2.a. Must be within a multifamily project containing at least the minimum number of residential units as defined by the county or municipality that adopts an ordinance under this section; a county or municipality that adopts an ordinance under this section may set a minimum residential unit threshold that deems a property eligible for the exemption for properties that exceed 15,000 square feet, at a minimum of 5 units not to exceed

a minimum of 50 residential units ~~50 or more residential units, at least 20 percent of which are used to provide affordable housing that meets the requirements of this section~~; or

b. Must be an accessory dwelling unit as defined in s. 163.31771(2).

3. Must be rented for an amount no greater than the amount as specified by the most recent multifamily rental programs income and rent limit chart posted by the corporation and derived from the Multifamily Tax Subsidy Projects Income Limits published by the United States Department of Housing and Urban Development or 90 percent of the fair market value rent as determined by a rental market study meeting the requirements of subsection (4), whichever is less.~~;~~

4. May not have been cited for code violations on three or more occasions in the 24 months before the submission of a tax exemption application.~~;~~

5. May not have any cited code violations that have not been properly remedied by the property owner before the submission of a tax exemption application.~~; and~~

6. May not have any unpaid fines or charges relating to the cited code violations. Payment of unpaid fines or charges before a final determination on a property's qualification for an exemption under this section will not exclude such property from eligibility if the property otherwise complies with all other requirements for the exemption.

(b) Qualified property may receive an ad valorem property tax exemption of:

1. Up to 75 percent of the assessed value of each residential unit used to provide affordable housing if fewer than 100 percent of the multifamily project's residential units are used to provide affordable housing meeting the requirements of this section.

2. Up to 100 percent of the assessed value of each residential unit used to provide affordable housing if 100 percent of the multifamily project's residential units are used to provide affordable housing meeting the requirements of this section.

3. Up to 100 percent of the assessed value of the accessory dwelling unit if the unit is used to provide affordable housing meeting the requirements of this section.

Section 8. Subsection (5) of section 333.03, Florida Statutes, is amended to read:

333.03 Requirement to adopt airport zoning regulations.—

(5) Sections 125.01055(7) and 166.04151(7) do not apply to any of the following:

(a) A proposed development ~~near a runway~~ within one-quarter of a mile laterally from the runway edge and within an area that is the width of one-quarter of a mile extending at right angles from the end of the runway for a distance of 10,000 feet of any runway for an existing commercial service airport

~~runway~~ or planned commercial service airport runway identified in the local government's airport master plan. As used in this paragraph, the term "commercial service airport" has the same meaning as in s. 332.0075(1).

(b) A proposed development within any airport noise zone identified in the federal land use compatibility table or in a land-use zoning or airport noise regulation adopted by the local government for a commercial service airport.

(c) A proposed development that exceeds maximum height restrictions identified in the political subdivision's airport zoning regulation for a commercial service airport adopted pursuant to this section.

Section 9. Paragraph (d) of subsection (1) of section 420.50871, Florida Statutes, is amended to read:

420.50871 Allocation of increased revenues derived from amendments to s. 201.15 made by ch. 2023-17.—Funds that result from increased revenues to the State Housing Trust Fund derived from amendments made to s. 201.15 made by chapter 2023-17, Laws of Florida, must be used annually for projects under the State Apartment Incentive Loan Program under s. 420.5087 as set forth in this section, notwithstanding ss. 420.507(48) and (50) and 420.5087(1) and (3). The Legislature intends for these funds to provide for innovative projects that provide affordable and attainable housing for persons and families working, going to school, or living in this state. Projects approved under this

section are intended to provide housing that is affordable as defined in s. 420.0004, notwithstanding the income limitations in s. 420.5087(2). Beginning in the 2023-2024 fiscal year and annually for 10 years thereafter:

(1) The corporation shall allocate 70 percent of the funds provided by this section to issue competitive requests for application for the affordable housing project purposes specified in this subsection. The corporation shall finance projects that:

(d) Provide housing near military installations and United States Department of Veterans Affairs medical centers or outpatient clinics in this state, with preference given to projects that incorporate critical services for servicemembers, their families, and veterans, such as mental health treatment services, employment services, and assistance with transition from active-duty service to civilian life.

Section 10. Section 420.5098, Florida Statutes, is created to read:

420.5098 Public sector and hospital employer-sponsored housing policy.—

(1) The Legislature finds that it is in the best interest of this state and this state's economy to provide affordable housing to residents who are employed by a hospital, a health care facility, or a governmental entity to attract and maintain the highest quality labor by incentivizing such employers to

sponsor affordable housing opportunities. Section 42(g)(9)(B) of the Internal Revenue Code provides that a qualified low-income housing project does not fail to meet the general public use requirement solely because of occupancy restrictions or preferences that favor tenants who are members of a specified group under a state program or policy that supports housing for such specified group. Therefore, it is the intent of the Legislature to establish a policy that supports the development of affordable workforce housing for residents who are employed by a hospital, a health care facility, or a governmental entity.

(2) For purposes of this section, the term:

(a) "Governmental entity" means a state agency, a regional agency, a county agency, a local agency, a municipal agency, or any other entity, however styled, that independently exercises any type of state or local government function, whether executive, judicial, or legislative; any public school, state university, or Florida College System institution; or any special district as defined in s. 189.012.

(b) "Health care facility" has the same meaning as in s. 159.27(16).

(c) "Hospital" means a hospital under chapter 155, a hospital district created pursuant to chapter 189, or a hospital licensed pursuant to chapter 395, including corporations not for profit that qualify as charitable under s. 501(c)(3) of the Internal Revenue Code and for-profit entities.

(3) It is the policy of this state to support affordable housing for residents who are employed by a hospital, a health care facility, or a governmental entity and to allow developers that receive federal low-income housing tax credits allocated pursuant to s. 420.5099, local or state funds, or any other source of funding available to finance the development of affordable housing to create a preference for housing for such employees. Such preference must conform to the requirements of s. 42(g)(9) of the Internal Revenue Code.

(4) The Florida Housing Finance Corporation may fund one housing project per year which will provide affordable housing in areas of critical housing shortage for essential service and high-demand career employees through a public-private housing partnership agreement with public sector, hospital, and health care facility employers for whom housing shortages are affecting the recruitment and retention of workers. Public sector, hospital, and health care facility employers that partner with developers on such projects shall provide land or other financial support.

Section 11. Subsection (8) of section 760.22, Florida Statutes, is amended to read:

760.22 Definitions.—As used in ss. 760.20-760.37, the term:

(8) "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations,

legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and fiduciaries, and any other legal or commercial entity; the state; or any governmental entity or agency.

Section 12. Section 760.26, Florida Statutes, is amended to read:

760.26 Prohibited discrimination in land use decisions and in permitting of development.—It is unlawful to discriminate in land use decisions or in the permitting of development based on race, color, national origin, sex, disability, familial status, religion, or, except as otherwise provided by law, the source of financing of a development or proposed development or based on the development or proposed development being affordable housing as defined under s. 420.0004(3).

Section 13. It is the intent of the Legislature that the amendment to s. 760.26, Florida Statutes, is remedial and clarifying in nature, and shall apply retroactively for any causes of action filed on or before the effective date of the passage of this act.

Section 14. Subsection (4) of section 760.35, Florida Statutes, is amended to read:

760.35 Civil actions and relief; administrative procedures.—

(4) If the court finds that a person has committed a

discriminatory housing practice ~~has occurred~~, it shall issue an order prohibiting the practice and providing affirmative relief from the effects of the practice, including injunctive and other equitable relief, actual and punitive damages, and reasonable attorney fees and costs. In accordance with s. 13, Art. X of the State Constitution, the state, for itself and its agencies or political subdivisions, waives sovereign immunity for causes of action based on the application of this section.

Section 15. Subsection (12) of section 1001.43, Florida Statutes, is amended to read:

1001.43 Supplemental powers and duties of district school board.—The district school board may exercise the following supplemental powers and duties as authorized by this code or State Board of Education rule.

(12) AFFORDABLE HOUSING.—Notwithstanding any other provision of this section to the contrary, each ~~a~~ district school board shall:

(a) ~~may~~ Use portions of school sites purchased within the guidelines of the State Requirements for Educational Facilities, land deemed not usable for educational purposes because of location or other factors, or land declared as surplus by the board ~~to provide sites for affordable housing for teachers and other district personnel and, in areas of critical state concern, for other essential services personnel as defined by local affordable housing eligibility requirements, independently~~

~~or in conjunction with other agencies as described in subsection (5)~~.

(b) Adopt best practices for surplus land programs, including, but not limited to:

1. Establishing eligibility criteria for the receipt or purchase of surplus land by developers.

2. Making the process for requesting surplus lands publicly available.

3. Ensuring long-term affordability through ground leases by retaining the right of first refusal to purchase property that would be sold or offered at market rate and by requiring reversion of property not used for affordable housing within a certain timeframe.

Each district school board's most recent and all future educational plan surveys conducted pursuant to s. 235.15 shall be updated to include an inventory list of such surplus lands.

Section 16. This act shall take effect July 1, 2025.

COMMERCE COMMITTEE

CS/CS HB 943 by Rep. Lopez, V.
Real Property and Land Use and Development

AMENDMENT SUMMARY
April 22, 2025

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

- Removes the prohibition on local governments from adopting or enforcing any law, ordinance, or other measure that limits or prohibits affordable housing, and certain other prohibitions on local governments relating to affordable housing developments.
- Amends, removes, and creates certain definitions.
- Requires local governments to maintain on their websites certain policies relating to administrative approvals.
- Removes the prohibition on local governments imposing certain building moratoriums that delays the permitting of construction of an affordable housing project.
- Requires the state land planning agency to submit an annual report to the Governor, President of the Senate, and Speaker of the House of Representatives regarding local governments' compliance with certain affordable housing provisions.
- Provides the designation of certain properties as historical districts shall be made by the adoption of a local preservation ordinance.
- Removes the provisions relating to accessory dwelling units.
- Creates certain requirements and restrictions relating to land development regulations in the Florida Keys Area.
- Removes the authorization for the Florida Housing Finance Corporation to fund one housing project per year which provides affordable housing in areas of critical housing shortage for essential service and high demand career employees.
- Removes the requirement for district school boards to adopt best practices for surplus land programs.

Amendment 1a by Rep. Porras (Line 234): The amendment makes clarifying, technical changes.

Amendment 1b by Rep. Porras (Line 578): The amendment provides that certain provisions apply retroactively to April 1, 2025.

Amendment 1c by Rep. Porras (Line 598): The amendment makes clarifying, technical changes.

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. Subsections (6) and (7) of section 125.01055, Florida Statutes, are amended, and new subsections (8), (9), and (10) are added to that section, to read:

125.01055 Affordable housing.—

(6) Notwithstanding any other law or local ordinance or regulation to the contrary, the board of county commissioners may approve the development of housing that is affordable, as defined in s. 420.0004, including, but not limited to, a mixed-use residential development, on any parcel zoned for commercial or industrial use, or on any parcel, including any contiguous parcel connected thereto, which is owned by a religious

institution, as defined in s. 170.201(2), which contains a house of public worship, regardless of the underlying zoning, so long as at least 10 percent of the units included in the project are for housing that is affordable. The provisions of this subsection are self-executing and do not require the board of county commissioners to adopt an ordinance or a regulation before using the approval process in this subsection.

(7)(a) A county must authorize multifamily and mixed-use residential as allowable uses in any area zoned for commercial, industrial, or mixed use, and in portions of any flexibly zoned area such as a planned unit development permitted for commercial, industrial, or mixed use, if at least 40 percent of the residential units in a proposed multifamily development are rental units that, for a period of at least 30 years, are affordable as defined in s. 420.0004. Notwithstanding any other law, local ordinance, or regulation to the contrary, a county may not require a proposed multifamily development to obtain a zoning or land use change, special exception, conditional use approval, variance, transfer of density or development units, or comprehensive plan amendment for the building height, zoning, and densities authorized under this subsection. For mixed-use residential projects, at least 65 percent of the total square footage must be used for residential purposes. A county may not require that more than 10 percent of the total square footage of

such mixed-use residential projects be used for nonresidential purposes.

(b) A county may not restrict the density of a proposed development authorized under this subsection below the highest currently allowed density or the highest density allowed on July 1, 2023, on any unincorporated land in the county where residential development is allowed under the county's land development regulations. For purposes of this paragraph, the term "highest currently allowed density" does not include the density of any building that met the requirements of this subsection or the density of any building that has received any bonus, variance, or other special exception for density provided in the county's land development regulations as an incentive for development.

(c) A county may not restrict the floor area ratio of a proposed development authorized under this subsection below 150 percent of the highest currently allowed floor area ratio or the highest floor ratio allowed on July 1, 2023, on any unincorporated land in the county where development is allowed under the county's land development regulations. For purposes of this paragraph, the term "highest currently allowed floor area ratio" does not include the floor area ratio of any building that met the requirements of this subsection or the floor area ratio of any building that has received any bonus, variance, or other special exception for floor area ratio provided in the

county's land development regulations as an incentive for development. For purposes of this subsection, the term "floor area ratio" includes floor lot ratio.

(d)1. A county may not restrict the height of a proposed development authorized under this subsection below the highest currently allowed height or the highest height allowed on July 1, 2023, for a commercial or residential building located in its jurisdiction within 1 mile of the proposed development or 3 stories, whichever is higher. For purposes of this paragraph, the term "highest currently allowed height" does not include the height of any building that met the requirements of this subsection or the height of any building that has received any bonus, variance, or other special exception for height provided in the county's land development regulations as an incentive for development.

2. If the proposed development is adjacent to, on two or more sides, a parcel zoned for single-family residential use which is within a single-family residential development with at least 25 contiguous single-family homes, the county may restrict the height of the proposed development to 150 percent of the tallest building on any property adjacent to the proposed development, the highest currently allowed height or the highest height allowed on July 1, 2023, for the property provided in the county's land development regulations, or 3 stories, whichever is highest, but not to exceed 10 stories ~~higher~~. For the

purposes of this paragraph, the term "adjacent to" means those properties sharing more than one point of a property line, but does not include properties separated by a public road or body of water, including a man-made lake or pond. For a proposed development located within a county within an area of critical state concern, as designated by s. 380.0552 and chapter 28-36, Florida Administrative Code, the term "story" includes only the habitable space beginning at the base flood elevation, as designated by the Federal Emergency Management Agency in the most recent Flood Insurance Rate Map. A story may not exceed 10 feet in height measured from finished floor to finished floor, including space for mechanical equipment. The highest story may not exceed 10 feet from finished floor to the top plate.

(e) A proposed development authorized under this subsection must be administratively approved without ~~and no~~ further action by the board of county commissioners or any quasi-judicial or administrative board or reviewing body ~~is required~~ if the development satisfies the county's land development regulations for multifamily developments in areas zoned for such use and is otherwise consistent with the comprehensive plan, with the exception of provisions establishing allowable densities, floor area ratios, height, and land use. Such land development regulations include, but are not limited to, regulations relating to setbacks and parking requirements. Unless a structure is, as of July 1, 2023,

classified as "contributing" in a local government historic properties database, the removal or demolition of all or part of a structure does not require a public hearing for approval, to the extent such removal or demolition is pursuant to a proposed development authorized under this subsection. Notwithstanding the foregoing, the rear portion of a structure abutting or facing an alley may not be deemed "contributing." A proposed development located within one-quarter mile of a military installation identified in s. 163.3175(2) may not be administratively approved. Each county shall maintain on its website a policy containing procedures and expectations for administrative approval pursuant to this subsection. For the purposes of this paragraph, the term "allowable density" means the density prescribed for the property without additional requirements to procure and transfer density units or development units from other properties.

(f)1. A county must, upon request of an applicant, reduce ~~consider reducing~~ parking requirements by 20 percent for a proposed development authorized under this subsection if the development:

a. Is located within one-quarter mile of a transit stop, as defined in the county's land development code, and the transit stop is accessible from the development;~~.~~

~~2. A county must reduce parking requirements by at least 20 percent for a proposed development authorized under this subsection if the development:~~

b.~~a.~~ Is located within one-half mile of a major transportation hub that is accessible from the proposed development by safe, pedestrian-friendly means, such as sidewalks, crosswalks, elevated pedestrian or bike paths, or other multimodal design features; or ~~and~~

c.~~b.~~ Has available parking within 600 feet of the proposed development which may consist of options such as on-street parking, parking lots, or parking garages available for use by residents of the proposed development. However, a county may not require that the available parking compensate for the reduction in parking requirements.

2.~~3.~~ A county must eliminate parking requirements for a proposed mixed-use residential development authorized under this subsection within an area recognized by the county as a transit-oriented development or area, as provided in paragraph (h).

3.~~4.~~ For purposes of this paragraph, the term "major transportation hub" means any transit station, whether bus, train, or light rail, which is served by public transit with a mix of other transportation options.

(g) For proposed multifamily developments in an unincorporated area zoned for commercial or industrial use which is within the boundaries of a multicounty independent special

district that was created to provide municipal services and is not authorized to levy ad valorem taxes, and less than 20 percent of the land area within such district is designated for commercial or industrial use, a county must authorize, as provided in this subsection, such development only if the development is mixed-use residential.

(h) A proposed development authorized under this subsection which is located within a transit-oriented development or area, as recognized by the county, must be mixed-use residential and otherwise comply with requirements of the county's regulations applicable to the transit-oriented development or area except for use, height, density, floor area ratio, and parking as provided in this subsection or as otherwise agreed to by the county and the applicant for the development.

(i) Except as otherwise provided in this subsection, a development authorized under this subsection must comply with all applicable state and local laws and regulations.

(j)1. Nothing in this subsection precludes a county from granting a bonus, variance, conditional use, or other special exception for height, density, or floor area ratio in addition to the height, density, and floor area ratio requirements in this subsection.

2. Nothing in this subsection precludes a proposed development authorized under this subsection from receiving a

bonus for density, height, or floor area ratio pursuant to an ordinance or regulation of the jurisdiction where the proposed development is located if the proposed development satisfies the conditions to receive the bonus except for any condition which conflicts with this subsection. If a proposed development qualifies for such bonus, the bonus must be administratively approved by the county and no further action by the board of county commissioners is required.

(k) Notwithstanding any other law or local ordinance or regulation to the contrary, a county may allow an adjacent parcel of land to be included within a proposed multifamily development authorized under this subsection.

(l)1.~~(k)~~ This subsection does not apply to:

a.~~1.~~ Airport-impacted areas as provided in s. 333.03.

b.~~2.~~ Property defined as recreational and commercial working waterfront in s. 342.201(2)(b) in any area zoned as industrial.

c. The Wekiva Study Area, as described in s. 369.316.

d. The Everglades Protection Area, as defined in s. 373.4592(2).

e. The Florida Keys Area of Critical State Concern, as designated by s. 380.0552.

f. The City of Key West Area of Critical State Concern, as designated by the Administration Commission under s. 380.05.

2. Sub-subparagraphs 1.c.-f. are remedial in nature and apply retroactively to April 1, 2025.

(m) The court shall give priority to a civil action filed against a county for a violation of this subsection and render a preliminary or final decision in such action as expeditiously as possible.

(n) If a civil action is filed against a county for a violation of this subsection, the court must assess and award reasonable attorney fees and costs to the prevailing party. An award of reasonable attorney fees or costs pursuant to this paragraph may not exceed $500,000. In addition, a prevailing party may not recover any attorney fees or costs directly incurred by or associated with litigation to determine an award of reasonable attorney fees or costs.

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

1. "Commercial use" means any activity associated with the sale, rental, or distribution of a product or the performance of a service related to such product. The term includes, but is not limited to, such uses or activities as retail sales; wholesale sales; rental of equipment, goods, or products; offices; restaurants; public lodging establishments as described in s. 509.242; food service vendors; sports arenas; theaters; tourist attractions; and other for-profit business activities. A parcel zoned to allow such use by right, without the requirement to obtain a variance or waiver, is considered commercial use for

purposes of this subsection, regardless of the listed category or title in the local land development regulations. The term does not include a home-based business or a cottage food operation performed on residential property, a public lodging establishment as described in s. 509.242, or a use that is accessory, ancillary, or incidental to the allowable use or allowed only on a temporary basis. In addition, the term does not include the following structures, regardless of their uses or zoning classifications:

a. A contributing structure or building within a historic district which was listed in the National Register of Historic Places before January 1, 2000.

b. A structure or building individually listed in the National Register of Historic Places.

2. "Industrial use" means any activity associated with the manufacture, assembly, processing, or storage of a product or the performance of a service related to such product. The term includes, but is not limited to, such uses or activities as automobile manufacturing or repair, boat manufacturing or repair, junk yards, meat packing facilities, citrus processing and packing facilities, produce processing and packing facilities, electrical generating plants, water treatment plants, sewage treatment plants, and solid waste disposal sites. A parcel zoned to allow such use by right, without the requirement to obtain a variance or waiver, is considered

industrial use for purposes of this subsection, regardless of the listed category or title in the local land development regulations. The term does not include a use that is accessory, ancillary, or incidental to the allowable use or allowed only on a temporary basis.

3. "Mixed use" means any use that combines multiple types of approved land uses from at least two of the residential use, commercial use, or industrial use categories. The term does not include uses that are accessory, ancillary, or incidental to the allowable uses or allowed only on a temporary basis.

4. "Planned unit development" has the same meaning as in s. 163.3202(5)(b).

(p) ~~(1)~~ This subsection expires October 1, 2033.

(8)(a) A proposed development on a parcel of land primarily developed and maintained as a golf course, a tennis court, or a swimming pool, regardless of the zoning of such parcel, may use the approval process provided in subsection (7).

(b) If a proposed development is on a parcel that is adjacent to, on two or more sides, a parcel zoned for single-family residential use, the county may restrict the height of the proposed development to 150 percent of the tallest residential building on any property adjacent to the proposed development, the highest height currently allowed or the highest height allowed on July 1, 2023, for the property provided in the county's land development regulations, or 3 stories, whichever

is highest. For purposes of this paragraph, the term "adjacent to" means those properties sharing more than one point of a property line, but does not include properties separated by a public road or body of water, including a man-made lake or pond.

(9)(a) Except as provided in paragraphs (b) and (d), a county may not impose or enforce a building moratorium that has the effect of delaying the permitting or construction of a multifamily residential or mixed-use residential development authorized under subsection (7).

(b) A county may, by ordinance, impose or enforce a building moratorium that has the effect of delaying the permitting or construction of a multifamily residential or mixed-use residential development for no more than 90 days within a 3-year period if, before the adoption of such ordinance, the county prepares or causes to be prepared an assessment of its need for affordable housing for extremely-low-income persons, very-low-income persons, low-income persons, and moderate-income persons, as defined in s. 420.0004, including projections of future need for the preceding 5 years. This assessment must be posted on the county's website by the date the notice of proposed ordinance adoption is published, and presented at the same public meeting at which the proposed ordinance is adopted by the board of county commissioners. This assessment must be included in the business impact estimate for

the enactment of a proposed ordinance as required by s. 125.66(3).

(c) If a civil action is filed against a county for a violation of this subsection, the court must assess and award reasonable attorney fees and costs to the prevailing party. An award of reasonable attorney fees or costs pursuant to this paragraph may not exceed $500,000. In addition, a prevailing party may not recover any attorney fees or costs directly incurred by or associated with litigation to determine an award of reasonable attorney fees or costs.

(d) This subsection does not apply to any moratorium that is imposed or enforced to address stormwater or flood water management, to address the supply of potable water, or due to the necessary repair of sanitary sewer systems, if such moratorium applies equally to all types of multifamily or mixed-use residential development.

(10)(a) Beginning June 30, 2026, each county must provide an annual report to the state land planning agency which must include:

1. Any litigation related to the violation of this section, the status of such litigation, and, if applicable, the final disposition.

2. Any action a county has taken on a proposed development project under this section, including, at minimum, the project

size, density, and intensity and the number of units and the number of affordable units for such project.

3. For a proposed development project that has been denied, any action a county has taken on such project and an explanation for why such action was taken.

(b) The state land planning agency shall submit an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives regarding county compliance with this section.

Section 2. Subsection (7) of section 163.3202, Florida Statutes, is renumbered as subsection (8), and a new subsection (7) is added to that section to read:

163.3202 Land development regulations.—

(7)(a) It is the intent of the Legislature to increase the accessibility and public disclosure of the regulatory impact of local preservation ordinances for purposes of historic preservation.

(b) The designation by a local government of property or a district as a historic property or a historic district, and the adoption of land development regulations for purposes of historic preservation, shall be made by the adoption of a local preservation ordinance.

(c) Property that is designated by a local government as historic property or located in a historic district, or that is otherwise subject to land development regulations for purposes

of historic preservation, must be clearly identified on a map that is maintained by the local government. Property that is newly designated as historic property or a district that is newly designated as a historic district, and property that is newly subject to historic preservation regulations, must be included on the map within 30 days after such designation or the application of such regulation. The local government must post the map on its website no later than June 1, 2026, and include the contact information for the local government official who is responsible for providing public information about the local government's land development regulations for purposes of historic preservation.

(d) This subsection does not apply to a historic site or a historic district that is designated as such solely for the purpose of public recognition and which is not subject to land development regulations by virtue of the designation.

Section 3. Subsections (6) and (7) of section 166.04151, Florida Statutes, are amended, and new subsections (8), (9), and (10) are added to that section, to read:

166.04151 Affordable housing.—

(6) Notwithstanding any other law or local ordinance or regulation to the contrary, the governing body of a municipality may approve the development of housing that is affordable, as defined in s. 420.0004, including, but not limited to, a mixed-use residential development, on any parcel zoned for commercial

or industrial use, or on any parcel, including any contiguous parcel connected thereto, which is owned by a religious institution, as defined in s. 170.201(2), which contains a house of public worship, regardless of the underlying zoning, so long as at least 10 percent of the units included in the project are for housing that is affordable. The provisions of this subsection are self-executing and do not require the governing body to adopt an ordinance or a regulation before using the approval process in this subsection.

(7)(a) A municipality must authorize multifamily and mixed-use residential as allowable uses in any area zoned for commercial, industrial, or mixed use, and in portions of any flexibly zoned area such as a planned unit development permitted for commercial, industrial, or mixed use, if at least 40 percent of the residential units in a proposed multifamily development are rental units that, for a period of at least 30 years, are affordable as defined in s. 420.0004. Notwithstanding any other law, local ordinance, or regulation to the contrary, a municipality may not require a proposed multifamily development to obtain a zoning or land use change, special exception, conditional use approval, variance, transfer of density or development units, or comprehensive plan amendment for the building height, zoning, and densities authorized under this subsection. For mixed-use residential projects, at least 65 percent of the total square footage must be used for residential

purposes. A municipality may not require that more than 10 percent of the total square footage of such mixed-use residential projects be used for nonresidential purposes.

(b) A municipality may not restrict the density of a proposed development authorized under this subsection below the highest currently allowed density or the highest density allowed on July 1, 2023, on any land in the municipality where residential development is allowed under the municipality's land development regulations. For purposes of this paragraph, the term "highest currently allowed density" does not include the density of any building that met the requirements of this subsection or the density of any building that has received any bonus, variance, or other special exception for density provided in the municipality's land development regulations as an incentive for development.

(c) A municipality may not restrict the floor area ratio of a proposed development authorized under this subsection below 150 percent of the highest currently allowed floor area ratio or the highest floor area ratio allowed on July 1, 2023, on any land in the municipality where development is allowed under the municipality's land development regulations. For purposes of this paragraph, the term "highest currently allowed floor area ratio" does not include the floor area ratio of any building that met the requirements of this subsection or the floor area ratio of any building that has received any bonus, variance, or

other special exception for floor area ratio provided in the municipality's land development regulations as an incentive for development. For purposes of this subsection, the term "floor area ratio" includes floor lot ratio.

(d)1. A municipality may not restrict the height of a proposed development authorized under this subsection below the highest currently allowed height or the highest height allowed on July 1, 2023, for a commercial or residential building located in its jurisdiction within 1 mile of the proposed development or 3 stories, whichever is higher. For purposes of this paragraph, the term "highest currently allowed height" does not include the height of any building that met the requirements of this subsection or the height of any building that has received any bonus, variance, or other special exception for height provided in the municipality's land development regulations as an incentive for development.

2. If the proposed development is adjacent to, on two or more sides, a parcel zoned for single-family residential use that is within a single-family residential development with at least 25 contiguous single-family homes, the municipality may restrict the height of the proposed development to 150 percent of the tallest building on any property adjacent to the proposed development, the highest currently allowed height or the highest height allowed on July 1, 2023, for the property provided in the municipality's land development regulations, or 3 stories,

whichever is highest, but not to exceed 10 stories ~~higher~~. For the purposes of this paragraph, the term "adjacent to" means those properties sharing more than one point of a property line, but does not include properties separated by a public road or body of water, including a man-made lake or pond. For a proposed development located within a municipality within an area of critical state concern, as designated by s. 380.0552 and chapter 28-36, Florida Administrative Code, the term "story" includes only the habitable space beginning at the base flood elevation, as designated by the Federal Emergency Management Agency in the most recent Flood Insurance Rate Map. A story may not exceed 10 feet in height measured from finished floor to finished floor, including space for mechanical equipment. The highest story may not exceed 10 feet from finished floor to the top plate.

(e) A proposed development authorized under this subsection must be administratively approved without ~~and no~~ further action by the governing body of the municipality or any quasi-judicial or administrative board or reviewing body ~~is required~~ if the development satisfies the municipality's land development regulations for multifamily developments in areas zoned for such use and is otherwise consistent with the comprehensive plan, with the exception of provisions establishing allowable densities, floor area ratios, height, and land use. Such land development regulations include, but are not limited to, regulations relating to setbacks and parking

requirements. Unless a structure is, as of July 1, 2023, classified as "contributing" in a local government historic properties database, the removal or demolition of all or part of a structure does not require a public hearing for approval, to the extent such removal or demolition is pursuant to a proposed development authorized under this subsection. Notwithstanding the foregoing, the rear portion of a structure abutting or facing an alley may not be deemed "contributing." A proposed development located within one-quarter mile of a military installation identified in s. 163.3175(2) may not be administratively approved. Each municipality shall maintain on its website a policy containing procedures and expectations for administrative approval pursuant to this subsection. For the purposes of this paragraph, the term "allowable density" means the density prescribed for the property without additional requirements to procure and transfer density units or development units from other properties.

(f)1. A municipality must, upon request of an applicant, reduce ~~consider reducing~~ parking requirements by 20 percent for a proposed development authorized under this subsection if the development:

a. Is located within one-quarter mile of a transit stop, as defined in the municipality's land development code, and the transit stop is accessible from the development;~~.~~

~~2. A municipality must reduce parking requirements by at least 20 percent for a proposed development authorized under this subsection if the development:~~

b.~~a.~~ Is located within one-half mile of a major transportation hub that is accessible from the proposed development by safe, pedestrian-friendly means, such as sidewalks, crosswalks, elevated pedestrian or bike paths, or other multimodal design features; or~~.~~

c.~~b.~~ Has available parking within 600 feet of the proposed development which may consist of options such as on-street parking, parking lots, or parking garages available for use by residents of the proposed development. However, a municipality may not require that the available parking compensate for the reduction in parking requirements.

2.~~3.~~ A municipality must eliminate parking requirements for a proposed mixed-use residential development authorized under this subsection within an area recognized by the municipality as a transit-oriented development or area, as provided in paragraph (h).

3.~~4.~~ For purposes of this paragraph, the term "major transportation hub" means any transit station, whether bus, train, or light rail, which is served by public transit with a mix of other transportation options.

(g) A municipality that designates less than 20 percent of the land area within its jurisdiction for commercial or

industrial use must authorize a proposed multifamily development as provided in this subsection in areas zoned for commercial or industrial use only if the proposed multifamily development is mixed-use residential.

(h) A proposed development authorized under this subsection which is located within a transit-oriented development or area, as recognized by the municipality, must be mixed-use residential and otherwise comply with requirements of the municipality's regulations applicable to the transit-oriented development or area except for use, height, density, floor area ratio, and parking as provided in this subsection or as otherwise agreed to by the municipality and the applicant for the development.

(i) Except as otherwise provided in this subsection, a development authorized under this subsection must comply with all applicable state and local laws and regulations.

(j)1. Nothing in this subsection precludes a municipality from granting a bonus, variance, conditional use, or other special exception to height, density, or floor area ratio in addition to the height, density, and floor area ratio requirements in this subsection.

2. Nothing in this subsection precludes a proposed development authorized under this subsection from receiving a bonus for density, height, or floor area ratio pursuant to an ordinance or regulation of the jurisdiction where the proposed

development is located if the proposed development satisfies the conditions to receive the bonus except for any condition which conflicts with this subsection. If a proposed development qualifies for such bonus, the bonus must be administratively approved by the municipality and no further action by the governing body of the municipality is required.

(k) Notwithstanding any other law or local ordinance or regulation to the contrary, a municipality may allow an adjacent parcel of land to be included within a proposed multifamily development authorized under this subsection.

(l) This subsection does not apply to:

1. Airport-impacted areas as provided in s. 333.03.

2. Property defined as recreational and commercial working waterfront in s. 342.201(2)(b) in any area zoned as industrial.

3. The Wekiva Study Area, as described in s. 369.316.

4. The Everglades Protection Area, as defined in s. 373.4592(2).

5. The City of Key West Area of Critical State Concern, as designated by the Administration Commission under s. 380.05.

(m) The court shall give priority to a civil action filed against a municipality for a violation of this subsection and render a preliminary or final decision in such action as expeditiously as possible.

(n) If a civil action is filed against a municipality for a violation of this subsection, the court must assess and award

reasonable attorney fees and costs to the prevailing party. An award of reasonable attorney fees or costs pursuant to this paragraph may not exceed $500,000. In addition, a prevailing party may not recover any attorney fees or costs directly incurred by or associated with litigation to determine an award of reasonable attorney fees or costs.

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

1. "Commercial use" means any activity associated with the sale, rental, or distribution of a product or the performance of a service related to such product. The term includes, but is not limited to, such uses or activities as retail sales; wholesale sales; rentals of equipment, goods, or products; offices; restaurants; public lodging establishments as described in s. 509.242; food service vendors; sports arenas; theaters; tourist attractions; and other for-profit business activities. A parcel zoned to allow such use by right, without the requirement to obtain a variance or waiver, is considered commercial use for purposes of this subsection, regardless of the listed category or title in the local land development regulations. The term does not include a home-based business or a cottage food operation performed on residential property, a public lodging establishment as described in s. 509.242, or a use that is accessory, ancillary, or incidental to the allowable use or allowed only on a temporary basis. In addition, the term does

not include the following structures, regardless of their uses or zoning classifications:

a. A contributing structure or building within a historic district which was listed in the National Register of Historic Places before January 1, 2000.

b. A structure or building individually listed in the National Register of Historic Places.

2. "Industrial use" means any activity associated with the manufacture, assembly, processing, or storage of a product or the performance of a service related to such product. The term includes, but is not limited to, such uses or activities as automobile manufacturing or repair, boat manufacturing or repair, junk yards, meat packing facilities, citrus processing and packing facilities, produce processing and packing facilities, electrical generating plants, water treatment plants, sewage treatment plants, and solid waste disposal sites. A parcel zoned to allow such use by right, without the requirement to obtain a variance or waiver, is considered industrial use for purposes of this subsection, regardless of the listed category or title in the local land development regulations. The term does not include a use that is accessory, ancillary, or incidental to the allowable use or allowed only on a temporary basis.

3. "Mixed use" means any use that combines multiple types of approved land uses from at least two of the residential use,

commercial use, or industrial use categories. The term does not include uses that are accessory, ancillary, or incidental to the allowable uses or allowed only on a temporary basis.

4. "Planned unit development" has the same meaning as in s. 163.3202(5)(b).

(p)~~(1)~~ This subsection expires October 1, 2033.

(8)(a) A proposed development on a parcel of land primarily developed and maintained as a golf course, a tennis court, or a swimming pool, regardless of the zoning of such parcel, may use the approval process provided in subsection (7).

(b) If a proposed development is on a parcel that is adjacent to, on two or more sides, a parcel zoned for single-family residential use, the municipality may restrict the height of the proposed development to 150 percent of the tallest residential building on any property adjacent to the proposed development, the highest height currently allowed or the highest height allowed on July 1, 2023, for the property provided in the municipality's land development regulations, or 3 stories, whichever is highest. For purposes of this paragraph, the term "adjacent to" means those properties sharing more than one point of a property line, but does not include properties separated by a public road or body of water, including a manmade lake or pond.

(9)(a) Except as provided in paragraphs (b) and (d), a municipality may not impose or enforce a building moratorium

that has the effect of delaying the permitting or construction of a multifamily residential or mixed-use residential development authorized under subsection (7).

(b) A municipality may, by ordinance, impose or enforce a building moratorium that has the effect of delaying the permitting or construction of a multifamily residential or mixed-use residential development for no more than 90 days within a 3-year period if, before the adoption of such ordinance, the municipality prepares or causes to be prepared an assessment of its need for affordable housing for extremely-low-income persons, very-low-income persons, low-income persons, and moderate-income persons, as defined in s. 420.0004, including projections of future need for the preceding 5 years. This assessment must be posted on the municipality's website by the date the notice of proposed ordinance adoption is published, and presented at the same public meeting at which the proposed ordinance is adopted by the governing body of the municipality. This assessment must be included in the business impact estimate for the enactment of a proposed ordinance as required by s. 166.041(4).

(c) If a civil action is filed against a municipality for a violation of this subsection, the court must assess and award reasonable attorney fees and costs to the prevailing party. An award of reasonable attorney fees or costs pursuant to this paragraph may not exceed $500,000. In addition, a prevailing

party may not recover any attorney fees or costs directly incurred by or associated with litigation to determine an award of reasonable attorney fees or costs.

(d) This subsection does not apply to any moratorium that is imposed or enforced to address stormwater or flood water management, to address the supply of potable water, or due to the necessary repair of sanitary sewer systems, if such moratorium applies equally to all types of multifamily or mixed-use residential development.

(10)(a) Beginning June 30, 2026, each municipality must provide an annual report to the state land planning agency which must include:

1. Any litigation related to the violation of this section, the status of such litigation, and, if applicable, the final disposition.

2. Any action a municipality has taken on a proposed development project under this section, including, at minimum, the project size, density, and intensity and the number of units and the number of affordable units for such project.

3. For a proposed development project that has been denied, any action a municipality has taken on such project and an explanation for why such action was taken.

(b) The state land planning agency shall submit an annual report to the Governor, the President of the Senate, and the

Speaker of the House of Representatives regarding municipality compliance with this section.

Section 4. Effective upon this act becoming a law, an applicant for a proposed development authorized under s. 125.01055(7), Florida Statutes, or s. 166.04151(7), Florida Statutes, who submits to a county or municipality, as applicable, an application, written request, or notice of intent to use such provisions and which application, written request, or notice of intent is received by the county or municipality, as applicable, before July 1, 2025, may give notice to the county or municipality no later than July 1, 2025, of the intent to proceed under s. 125.01055(7), Florida Statutes, or s. 166.04151(7), Florida Statutes, as applicable, as it existed at the time of submittal. A county or municipality, as applicable, shall allow an applicant who submits such application, written request, or notice of intent the opportunity to submit a revised application, written request, or notice of intent to account for the changes made by this act.

Section 5. Paragraphs (n) and (o) of subsection (3) of section 196.1978, Florida Statutes, are redesignated as paragraphs (o) and (p), respectively, and a new paragraph (n) is added to that subsection to read:

196.1978 Affordable housing property exemption.—

(3)

(n) Upon the request of a property owner, the property appraiser must issue a letter to verify that a multifamily project, if constructed and leased as described in the site plan, qualifies for the exemption under this section. Within 30 days after receipt of such request, the property appraiser must issue a verification letter or explain why the project is ineligible for the exemption. Verification of tenant eligibility for affordable housing is not required for determining eligibility for a property owner to qualify for the exemption under this section. A project that has received a verification letter before the adoption of the ordinance described in paragraph (p) is exempt from such ordinance. The verification letter is prima facie evidence that the project is eligible for the exemption if the project is constructed and leased as described in the site plan used to receive the verification letter. This letter shall qualify the project, if constructed and leased as described in the site plan, to obtain the exemption beginning with the January 1 assessment immediately after the date on which the property obtains a certificate of occupancy and is placed in service allowing the property to be used as an affordable housing property.

Section 6. Paragraph (a) of subsection (9) of section 380.0552, Florida Statutes, is amended to read:

380.0552 Florida Keys Area; protection and designation as area of critical state concern.—

(9) MODIFICATION TO PLANS AND REGULATIONS.—

(a) Any land development regulation or element of a local comprehensive plan in the Florida Keys Area may be enacted, amended, or rescinded by a local government, but the enactment, amendment, or rescission becomes effective only upon approval by the state land planning agency. The state land planning agency shall review the proposed change to determine if it is in compliance with the principles for guiding development specified in chapter 27F-8, Florida Administrative Code, as amended effective August 23, 1984, and must approve or reject the requested changes within 60 days after receipt. Amendments to local comprehensive plans in the Florida Keys Area must also be reviewed for compliance with the following:

1. Construction schedules and detailed capital financing plans for wastewater management improvements in the annually adopted capital improvements element, and standards for the construction of wastewater treatment and disposal facilities or collection systems that meet or exceed the criteria in s. 403.086(11) for wastewater treatment and disposal facilities or s. 381.0065(4)(l) for onsite sewage treatment and disposal systems.

2. Goals, objectives, and policies to protect public safety and welfare in the event of a natural disaster by maintaining a hurricane evacuation clearance time for permanent residents of no more than 24 hours <u>and 30 minutes</u>. The hurricane

evacuation clearance time shall be determined by a hurricane evacuation study conducted in accordance with a professionally accepted methodology and approved by the state land planning agency. For purposes of hurricane evacuation clearance time:

a. Mobile home residents are not considered permanent residents.

b. The City of Key West Area of Critical State Concern established by chapter 28-36, Florida Administrative Code, shall be included in the hurricane evacuation study and is subject to the evacuation requirements of this subsection.

3. To ensure the hurricane evacuation clearance time in this subsection is met, Monroe County, the City of Marathon, the Village of Islamorada, and the City of Key West shall each continue to maintain permit allocation systems, limiting the number of permits issued for new residential dwelling units. The Administration Commission shall distribute 825 permit allocations over a period of at least 10 years, as follows:

a. Monroe County shall receive 539 permit allocations with the following limitations:

I. All permits must be issued to vacant, buildable parcels.

II. Only one permit may be issued to an individual parcel.

III. Of the 539 permits issued, 377 permits shall be issued only for workforce housing.

b. The City of Marathon shall receive 187 permit allocations with the following limitations:

I. All permits must be issued to vacant, buildable parcels.

II. Only one permit may be issued to an individual parcel.

III. Distribution must prioritize allocations for owner-occupied residences, affordable housing, and workforce housing.

c. The Village of Islamorada shall receive 71 permit allocations with the following limitations:

I. All permits must be issued to vacant, buildable parcels.

II. Only one permit may be issued to an individual parcel.

III. Distribution must prioritize allocations for owner-occupied residences, affordable housing, and workforce housing.

d. The City of Key West shall receive 28 permit allocations. The housing constructed pursuant to such permits must be affordable as defined in s. 420.0004.

For purposes of this subparagraph, the term "workforce housing" means residential dwelling units restricted for a period of at least 99 years to occupancy by households that derive at least 70 percent of their household income from gainful employment in Monroe County, supplying goods or services to Monroe County residents or visitors.

Section 7. Paragraph (d) of subsection (1) of section 420.50871, Florida Statutes, is amended to read:

420.50871 Allocation of increased revenues derived from amendments to s. 201.15 made by ch. 2023-17.—Funds that result from increased revenues to the State Housing Trust Fund derived from amendments made to s. 201.15 made by chapter 2023-17, Laws of Florida, must be used annually for projects under the State Apartment Incentive Loan Program under s. 420.5087 as set forth in this section, notwithstanding ss. 420.507(48) and (50) and 420.5087(1) and (3). The Legislature intends for these funds to provide for innovative projects that provide affordable and attainable housing for persons and families working, going to school, or living in this state. Projects approved under this section are intended to provide housing that is affordable as defined in s. 420.0004, notwithstanding the income limitations in s. 420.5087(2). Beginning in the 2023-2024 fiscal year and annually for 10 years thereafter:

(1) The corporation shall allocate 70 percent of the funds provided by this section to issue competitive requests for application for the affordable housing project purposes specified in this subsection. The corporation shall finance projects that:

(d) Provide housing near military installations and United States Department of Veterans Affairs medical centers or outpatient clinics in this state, with preference given to

projects that incorporate critical services for servicemembers, their families, and veterans, such as mental health treatment services, employment services, and assistance with transition from active-duty service to civilian life.

Section 8. Section 420.5098, Florida Statutes, is created to read:

420.5098 Public sector and health care facility employer-sponsored affordable workforce housing policy.—

(1)(a) The Legislature finds that it is in the best interest of this state and this state's economy to provide affordable workforce housing to residents who are employed by health care facilities and governmental entities to recruit and retain high-quality professionals by incentivizing such employers to sponsor affordable housing opportunities.

(b) The Legislature further finds that pursuant to s. 42(g)(9)(B) of the Internal Revenue Code, a qualified low-income housing project does not fail to meet the general public use requirement solely because of occupancy restrictions or preferences that favor tenants who are members of a specified group under a state program or policy that supports housing for such specified group.

(c) It is the intent of the Legislature to establish a policy that supports the development of affordable workforce housing for employees of health care facilities and governmental entities.

(2) For purposes of this section, the term:

(a) "Governmental entity" means a state agency, a county agency, or any other entity, however styled, that independently exercises any type of state or local function. The term includes a public school, state university, or Florida College System institution, and a special district as defined in s. 189.012.

(b) "Health care facility" has the same meaning as in s. 159.27(16).

(3) It is the policy of this state to support affordable workforce housing for employees of health care facilities and governmental entities. A developer that receives federal low-income housing tax credits allocated pursuant to s. 420.5099, local or state funds, or other sources of funding available to finance the development of affordable housing may give priority to the development of such housing for employees of health care facilities and governmental entities. Such priority must conform to the requirements of s. 42(g)(9) of the Internal Revenue Code.

Section 9. Subsection (8) of section 760.22, Florida Statutes, is amended to read:

760.22 Definitions.—As used in ss. 760.20-760.37, the term:

(8) "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in

bankruptcy, receivers, ~~and~~ fiduciaries, and any other legal or commercial entity; a state agency; and any other governmental entity or agency.

Section 10. Section 760.26, Florida Statutes, is amended to read:

760.26 Prohibited discrimination in land use decisions and in permitting of development.—It is unlawful to discriminate in land use decisions or in the permitting of development based on race, color, national origin, sex, disability, familial status, religion;~~, or,~~ except as otherwise provided by law, based on the source of financing of a development or proposed development; or based on a development or proposed development being for housing that is affordable as defined in s. 420.0004.

Section 11. It is the intent of the Legislature that the amendments made by this act to s. 760.26, Florida Statutes, are remedial and clarifying in nature and apply retroactively to any cause of action filed on or before the effective date of this act.

Section 12. Subsection (4) of section 760.35, Florida Statutes, is amended to read:

760.35 Civil actions and relief; administrative procedures.—

(4) If the court finds that a person has committed a discriminatory housing practice ~~has occurred~~, it shall issue an order prohibiting the practice and providing affirmative relief

from the effects of the practice, including injunctive and other equitable relief, actual and punitive damages, and reasonable attorney fees and costs. In accordance with s. 13, Art. X of the State Constitution, the state, for itself and its agencies or political subdivisions, waives sovereign immunity for causes of action based on the application of this section.

Section 13. 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 real property and land use and development; amending ss. 125.01055 and 166.04151, F.S.; authorizing the board of county commissioners and the governing body of a municipality, respectively, to approve the development of housing that is affordable on certain parcels owned by religious institutions; requiring counties and municipalities, respectively, to authorize multifamily and mixed-use residential as allowable uses in specified areas; prohibiting counties and municipalities, respectively, from requiring a proposed multifamily development to obtain a transfer

of density or development units; prohibiting counties and municipalities, respectively, from requiring a specified percentage of total square footage of mixed-residential projects be used for nonresidential purposes; prohibiting counties and municipalities, respectively, from restricting the density of a proposed development below the highest density allowed on a specified date; prohibiting counties and municipalities, respectively, from restricting the floor area ratio of a proposed development below a certain percentage of the highest floor area ratio allowed on a specified date; prohibiting counties and municipalities, respectively, from restricting the height of a proposed development below the highest height allowed on a specified date; revising an exception; revising the definition of the term "adjacent to"; providing construction; requiring that a proposed development be administratively approved without further action by the board of county commissioners or governing body of a municipality, respectively, or any quasi-judicial or administrative board or reviewing body; providing that the removal or demolition of all or part of a structure does not require a public hearing for approval in certain circumstances; defining the term "allowable density";

requiring counties and municipalities, respectively, to reduce parking requirements by a specified percentage in certain circumstances; authorizing counties and municipalities, respectively, to allow adjacent parcels of land to be included within a proposed multifamily development; revising applicability; requiring courts to give priority to civil actions filed against counties and municipalities, respectively, and render certain decisions as expeditiously as possible; requiring courts to assess and award reasonable attorney fees and costs to the prevailing party in such actions; limiting the amount and recovery of such fees and costs; providing definitions; authorizing a certain approval process for proposed developments on parcels of land developed and maintained for specified purposes; authorizing counties and municipalities, respectively, to restrict the height of such proposed developments in certain circumstances; defining the term "adjacent to"; prohibiting counties and municipalities, respectively, from imposing or enforcing a building moratorium that delays the permitting or construction of multifamily residential or mixed-use residential development; providing an exception; requiring the court to assess and award

reasonable attorney fees and costs not to exceed a specified amount; prohibiting the award of such fees and costs in certain circumstances; providing applicability; providing reporting requirements beginning on a date certain; amending s. 163.3202, F.S.; providing legislative intent; requiring the local government to designate certain property as historic by the adoption of a local preservation ordinance; requiring such property to be clearly identified on a map maintained by the local government; requiring property that is newly designated as historic to be included on the map within a specified time period; requiring the local government to post the map on its website by a specified date and include certain additional information; providing applicability; authorizing certain applicants to give notice of intent to counties or municipalities, respectively, by a date certain to proceed under specified provisions; requiring such counties and municipalities, respectively, to allow such applicants the opportunity to submit revised notices; amending s. 196.1978, F.S.; requiring property appraisers to issue verification letters relating to multifamily projects qualifying for affordable housing property exemption in certain

circumstances; providing that such verification is prima facie evidence that the project is eligible for exemption; providing a date on which such exemption begins; amending s. 380.0552, F.S.; revising provisions relating to the Florida Keys Area of Critical State Concern; defining the term "workforce housing"; amending s. 420.50871, F.S.; revising the types of affordable housing projects that the Florida Housing Corporation is required to finance; creating s. 420.5098, F.S.; providing legislative findings and intent; providing definitions; establishing state policy to support affordable workforce housing for employees of health care facilities and governmental entities; authorizing certain developers to give priority to the development of such housing for employees of health care facilities and governmental entities; requiring that such priority conform to certain federal provisions; amending s. 760.22, F.S.; revising the definition of the term "person"; amending s. 760.26, F.S.; prohibiting discrimination in land use decisions and in permitting of development based on a development or proposed development being for housing that is affordable; providing construction and retroactive application; amending s. 760.35, F.S.; waiving sovereign immunity of the state for

discriminatory housing practices; providing effective dates.

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 Porras offered the following:

Amendment to Amendment (326779) by Representative Lopez, V.

Remove lines 234-242 of the amendment and insert:

509.242(1)(a); food service vendors; sports arenas; theaters; tourist attractions; and other for-profit business activities. A parcel zoned to allow such use by right, without the requirement to obtain a variance or waiver, is considered commercial use for purposes of this subsection, regardless of the listed category or title in the local land development regulations. The term does not include a home-based business or a cottage food operation performed on residential property, a public lodging establishment as described in s. 509.242(1)(c), or a use that is

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 Porras offered the following:

Amendment to Amendment (326779) by Representative Lopez, V.

Between lines 578 and 579 of the amendment, insert:

Sub-subparagraphs (l)3.-5. are remedial in nature and apply retroactively to April 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 Porras offered the following:

Amendment to Amendment (326779) by Representative Lopez, V.

Remove lines 598-606 of the amendment and insert:
509.242(1)(a); food service vendors; sports arenas; theaters; tourist attractions; and other for-profit business activities. A parcel zoned to allow such use by right, without the requirement to obtain a variance or waiver, is considered commercial use for purposes of this subsection, regardless of the listed category or title in the local land development regulations. The term does not include a home-based business or a cottage food operation performed on residential property, a public lodging establishment as described in s. 509.242(1)(c), or a use that is

HB 6033

FLORIDA HOUSE OF REPRESENTATIVES
BILL ANALYSIS

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

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

Committee References

Industries & Professional Activities
8 Y, 4 N
➤
Civil Justice & Claims
11 Y, 3 N
➤
Commerce

SUMMARY

Effect of the Bill:

The bill repeals Florida's Labor Pool Act, codified in Part II of ch. 448, F.S. and consisting of ss. 448.20-448.26, F.S.

Fiscal or Economic Impact:

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

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill repeals Florida's Labor Pool Act, which governs the day labor industry in the state. (Section 1) The bill also makes conforming changes. (Sections 2 and 3).

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

FISCAL OR ECONOMIC IMPACT:

PRIVATE SECTOR:

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

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Labor Pool Act

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

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

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

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

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

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

Exceptions

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

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

Prohibitions

The Act prohibits labor pools from:[5]

- Charging a day laborer:[6]
    - For safety equipment, clothing, accessories, or any other items required by the nature of the work, and in no case more than the market value of an item temporarily provided to the worker by the labor pool should the worker willfully fail to return such item;
    - More than actual cost or market value, whichever is less, for items other than those referenced above which the labor pool makes available for purchase;
    - More than a reasonable amount to transport a worker to or from the designated worksite, and in no case more than $1.50 each way; or
    - For directly or indirectly cashing a worker's check.
- Requesting or requiring that any day laborer sign any document waiving statutory protections under the Act.
- Charging more than the actual cost of providing lunch, if the labor pool provides lunch at the worksite, or from making the purchase of lunch a condition of employment.[7]
- Restricting a day laborer's right to accept a permanent position with a third-party user to whom the laborer is referred for temporary work, or to restrict the right of a third-party user to offer employment to an employee of the labor pool.[8]

Requirements

The Act requires labor pools to:

- If operating a labor hall, provide the following facilities for a worker waiting at the hall for a job assignment:[9]
    - Restroom facilities;
    - Drinking water; and
    - Sufficient seating.
- Select one of the following methods to pay a day laborer for work performed:[10]
    - Cash;
    - Commonly accepted negotiable instruments that are payable in cash, on demand at a financial institution, and without discount;
    - Payroll debit card; or
    - Electronic fund transfer made to a financial institution designated by the day laborer.

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

- Notify a day laborer of the payment method that the labor pool intends to use and the day laborer's options to elect a different payment method.[11]
- If selecting to pay a day laborer by payroll debit card:[12]
    - Offer the day laborer the option to elect payment by electronic fund transfer; and
    - Provide the day laborer with a list, including the address, of a nearby business that does not charge a fee to withdraw the debit card's contents.
- Compensate day laborers at or above the minimum wage.[13]
- Comply with the Workers' Compensation Law in ch. 440, F.S.[14]
- Insure any motor vehicle owned or operated by the labor pool and used for worker transportation.[15]
- Furnish each worker with a written itemized statement showing in detail each wage deduction.[16]
- Give each worker an annual earnings statement summary.[17]

Remedies

Under the Act, any worker affected by a violation of the provisions relating to labor pool duties and obligations may file a lawsuit against the labor pool.[18] In any such lawsuit, the worker must serve the labor pool with written notice of the alleged violation, which notice must include a statement that the failure of the labor pool to timely cure the alleged violation may result in the filing of a lawsuit, and give the labor pool a reasonable opportunity to cure the alleged violation within 60 days.[19] Where a lawsuit is ultimately filed, the lawsuit:

- Must be filed within 1 year after the date the notice of an alleged violation is served; and
- Is exclusive and prohibits the worker from pursuing any other available legal remedy.[20]

Further, workers prevailing in such lawsuits are authorized to recover actual and consequential damages, or $1,000, whichever is greater, for each violation, and costs.[21]

Fair Labor Standards Act

The federal Fair Labor Standards Act (FLSA), enacted in 1938, provides covered workers with minimum wage, overtime pay, and child labor protections.[22] In 1938, the FLSA established a minimum wage of $.25 an hour. The current federal minimum wage rate is $7.25 an hour, which went into effect July 24, 2009. The FLSA applies to employment within any state in the U.S., the District of Columbia, or any territory or possession of the U.S.[23]

The FLSA covers most private and public sector employees. However, certain employers and employees are exempt from coverage, including individuals with disabilities, youth workers, tipped workers, and executive, administrative, and professional workers. The FLSA covers businesses if the business has annual sales of at least $500,000.[24] It also covers certain individual employees if such employee is engaged in interstate commerce.

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[11] *Id.*
[12] *Id.*
[13] *Id.*
[14] *Id.*
[15] *Id.*
[16] *Id.*
[17] *Id.*
[18] S. 448.25, F.S.
[19] *Id.*
[20] *Id.*
[21] *Id.*
[22] 29 U.S.C. § 201-219 and 29 C.F.R. ch. V.
[23] Congressional Research Service, CRS Report R42713, *The Fair Labor Standards Act (FLSA): An Overview*, https://crsreports.congress.gov/product/pdf/R/R42713, (last visited Apr. 10, 2025). (The main FLSA provisions and accompanying Department of Labor (DOL) regulations constitute what is commonly known as federal wage and hour laws and federal child labor law.).
[24] The size of an enterprise is measured by its "annual sales or business done." Annual sales or business done includes all business activities that can be measured in dollars. Thus, retailers are covered by the FLSA if their annual sales are at least $500,000. Owners of rental properties are covered if they collect at least $500,000 annually in rent. 29 C.F.R.§§779.258-779.259.

The FLSA provides that if states enact worker protections, including minimum wage rates, that are more protective of employees than what is provided by the FLSA, the state law applies.[25] **Consequently, no state law may weaken the worker protections in the FLSA.** However, state laws that impose greater worker protections will supersede those in the FLSA.[26]

Thirty states plus Washington DC, Guam, Puerto Rico, and the Virgin Islands provide a minimum wage greater than the federal minimum wage. Thirteen states provide a minimum wage that is equal to the federal minimum wage. Five states have not adopted a minimum wage and two states have a minimum wage that is below the federal minimum wage.[27] For those seven states without a minimum wage, or with a minimum wage that is below the federal minimum wage, the federal minimum wage applies, but only as to those workers covered by the FLSA.

The US Department of Labor, Wage and Hour Division provides the following information regarding the application of the minimum wage, overtime pay, and recordkeeping requirements of the FLSA to low-wage employees earning wages by the day, commonly known as day laborers:[28]

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

RECENT LEGISLATION:

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

[25] 29 U.S.C. §218.
[26] Congressional Research Service, CRS Report R42713, *The Fair Labor Standards Act (FLSA): An Overview*, *Updated March 8, 2023*, https://crsreports.congress.gov/product/pdf/R/R42713, (last visited Apr. 10, 2025).
[27] U.S. Department of Labor, Consolidated Minimum Wage Table, https://www.dol.gov/agencies/whd/mw-consolidated (last visited Apr. 10, 2025).
[28] US Department of Labor, *Fact Sheet #61: Day Laborers Under the Fair Labor Standards Act (FLSA)*, https://www.dol.gov/agencies/whd/fact-sheets/61-flsa-day-laborers#:~:text=FLSA%20covered%20employers%20must%20pay,State%20rates%20may%20be%20higher.) (last visited Apr. 10, 2025).

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Industries & Professional Activities Subcommittee	8 Y, 4 N	3/26/2025	Anstead	Thompson
Civil Justice & Claims Subcommittee	11 Y, 3 N	4/10/2025	Jones	Mawn
Commerce Committee			Hamon	Thompson

A bill to be entitled

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

FLORIDA HOUSE OF REPRESENTATIVES
BILL ANALYSIS

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

BILL #: CS/HB 7029	**COMPANION BILL:** None
TITLE: Taxation of Hemp Consumable THC Products	**LINKED BILLS:** HB 7027 Salzman, Trabulsy
SPONSOR(S): Salzman	**RELATED BILLS:** None

Committee References

Orig. Comm.: Housing, Agriculture & Tourism	➤	Budget	➤	Commerce
15 Y, 0 N		28 Y, 0 N, As CS		

SUMMARY

Effect of the Bill:

The bill creates a new excise tax on the retail sale of hemp consumable THC products. The tax for such products is 15% of the sales price when sold at retail.

Fiscal or Economic Impact:

The bill will have an indeterminate recurring positive impact on General Revenue and state trust funds.

Extraordinary Vote Required for Passage:

The bill requires a two-thirds vote of the membership of both houses of the Legislature for final passage.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill creates a new excise tax on the retail sale of hemp consumable THC products. The tax on such products is 15% of the sales price of such products when sold at retail. (Section 3)

"Hemp consumable THC product" is defined as a substance or compound intended for ingestion or inhalation, containing more than trace amounts of a cannabinoid which is derived from, consists of, or contains hemp or psychotropic cannabinoids.[1] A hemp consumable THC product may not contain controlled substances listed in s. 893.03, F.S. (Section 2)

The term does not include synthetic cannabidiol or seeds or seed-derived ingredients that are generally recognized as safe by the United States Food and Drug Administration or marijuana used for medical purposes.

Article VII, s. 19(a) of the Florida Constitution requires a two-thirds vote of the membership of each house to impose or authorize a new tax or fee. The bill creates a new tax and, therefore, must be approved by two-thirds of the membership of each house to be presented to the Governor for approval.

The bill requires persons seeking to engage in business as a retail seller of hemp consumable THC products to register with the Department of Agriculture and Consumer Services (DACS) as a dealer. (Section 4)

[1] "Psychotropic cannabinoid" means any cannabinoid, including synthetic cannabinoids, that causes or may cause a psychotropic effect when ingested or inhaled. The term includes delta-8-tetrahydrocannabinol, delta-10-tetrahydrocannabinol, hexahydrocannabinol, tetrahydrocannabinol acetate, tetrahydrocannabiphorol, tetrahydrocannabivarin, and any other cannabinoid defined as psychotropic by DACS.

The bill provides that the first $6 million collected on the taxes for hemp consumable THC products must be deposited in DACS' General Inspection Trust Fund for enforcement of the state hemp program and the testing of hemp consumable THC products. The remainder must be deposited into the General Revenue Fund. (Section 6)

The bill provides the legislative framework for administration of the tax, including specifying return filing and payment requirements for dealers, specifying the records required to be kept by dealers, providing DACS authority to audit the books and records of dealers to ensure compliance with the provisions of the bill and specifying other powers provided to DACS for the administration and enforcement of the tax created by the bill. (Multiple Sections)

The bill provides that it takes effect on January 1, 2026, if HB 7027 or similar legislation becomes law, except as otherwise provided in the bill. (Section 17)

RULEMAKING:

The bill authorizes DACS to adopt both emergency and permanent rules to implement and administer the provisions of the bill.

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 potential impacts of the bill on state revenues. Staff estimates that the bill will have an indeterminate recurring positive impact on General Revenue and state trust funds.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Hemp

Section 1004.4473, F.S., authorized DACS to oversee the development of **industrial hemp pilot projects** for the Institute of Food and Agricultural Sciences (IFAS) at the University of Florida, Florida Agricultural and Mechanical University, any land grant university in the state that has a college of agriculture, and any Florida College System institution or state university that has an established agriculture, engineering, or pharmacy program.[2]

The purpose of the pilot projects was to cultivate, process, test, research, create, and market safe and effective commercial applications for industrial hemp in the agricultural sector in this state.[3]

In the Agricultural Improvement Act of 2018 (2018 Farm Bill), the U.S. Congress legalized industrial hemp as an agricultural product by removing hemp's classification as a controlled substance.[4] The 2018 Farm Bill defined "**hemp**" to mean:

> [T]he plant Cannabis sativa L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.[5]

[2] Section 1004.4473(2)(a), F.S.
[3] Fla. Admin. Code R. 5B-57.013.
[4] Agricultural Improvement Act of 2018, Pub. L. No. 115-334, s. 12619, 132 Stat. 409 (2018) (codified at 21 U.S.C 802(16)).
[5] Agricultural Improvement Act of 2018, Pub. L. No. 115-334, s. 10113, 132 Stat. 409 (2018) (codified at 7 U.S.C. s. 1639o).

The 2018 Farm Bill allows a state department of agriculture or an Indian tribe to submit a plan to the United States Secretary of Agriculture and apply for primary regulatory authority over the production of hemp in their state or tribal territory.[6]

In 2019, the Legislature created the state hemp program within DACS to regulate the cultivation, distribution, and sale of hemp in Florida.[7]

Section 581.217(3)(e), F.S., defines "hemp" to mean:

> [T]he plant Cannabis sativa L. and any part of that plant, including the seeds thereof, and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers thereof, whether growing or not, that has a total delta-9-tetrahydrocannabinol concentration that does not exceed 0.3 percent on a dry-weight basis, with the exemption of **hemp extract, which may not exceed 0.3 percent total delta-9-tetrahydrocannabinol on a wet-weight basis.**

Consumable Hemp

The state hemp program defines "**hemp extract"** to mean

> [A] substance or compound intended for **ingestion**, containing more than trace amounts of **cannabinoid**, or for **inhalation** which is derived from or contains hemp, and which does not contain other controlled substances." The term does not include synthetic cannabidiol or seeds or seed-derived ingredients that are generally recognized as safe by the United States Food and Drug Administration. Products that are intended for inhalation and contain hemp extract may not be sold to a person who is under 21 years of age.[8]

Section 500.03(1)(n), F.S., provides that "hemp extract" **is a food product** for human ingestion and is subject to the Florida Food Safety Act.

DACS is the agency responsible for the enforcement of the production, manufacture, transportation, and sale of food. DACS's Division of Food Safety (Division) is directly responsible for assuring the public of a safe, wholesome, and properly represented food supply.[9]

The Division accomplishes this through the permitting and inspection of food establishments, the inspection and evaluation of food products, and the performance of specialized laboratory testing on a variety of food products sold or produced in Florida. The Division also proactively monitors food from manufacturing and distribution to retail.

DACS, as part of its responsibilities, can impose a variety of disciplinary actions against food establishments for specified violations.[10] This includes, but is not limited to, revoking or suspending the permit of a food establishment[11] or imposing Class III[12] administrative fines.[13] DACS, or its duly authorized agent, can also issue and enforce a stop-sale, stop-use, removal, or hold order if DACS or its agent finds that any food, food processing equipment, food processing area, or food storage area is in violation of the Florida Food Safety Act.[14]

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[6] Agricultural Improvement Act of 2018, Pub. L. No. 115-334, s. 10113, 132 Stat. 409 (2018) (codified at 7 U.S.C. s. 1639p).
[7] Section 581.217, F.S.
[8] Section 581.217(7)(d), F.S. (emphasis supplied)
[9] DACS, *Division of Food Safety*, https://www.fdacs.gov/Divisions-Offices/Food-Safety (last visited March 29, 2025).
[10] Section 500.121(1), F.S.
[11] *Id.*
[12] The fine for each Class III violation cannot exceed $10,000. Section 570.971(1)(c), F.S.
[13] Section 500.121(1), F.S.
[14] Section 500.172(1), F.S.

Taxes

Currently, there are no excise taxes on the sale of consumable hemp products in Florida. However, 23 states have enacted a tax on the sales of products containing THC.[15]

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Orig. Comm.: Housing, Agriculture & Tourism Subcommittee	15 Y, 0 N	4/1/2025	Curtin	Brackett
Budget Committee	28 Y, 0 N, As CS	4/16/2025	Pridgeon	Trexler
THE CHANGES ADOPTED BY THE COMMITTEE:	• Removes the wholesale excise tax on hemp consumable THC products, established to be 60% of the wholesale price except beverages; $2.25 per gallon for beverages sold in bulk; and $0.29 per pint or fraction thereof for beverages sold in containers of less than one gallon. • Adds a retail excise tax on hemp consumable THC products, established to be 15% of the sales price. • Adds a framework for administration of the tax, including specifying return filing and payment requirements for dealers, specifying the records required to be kept by dealers, providing DACS authority to audit the books and records of dealers to ensure compliance with the provisions of the bill and specifying other powers provided to DACS for the administration and enforcement of the tax. • Changes the effective date from the same date that HB 7027 or similar legislation takes effect to January 1, 2026, contingent upon HB 7027 or similar legislation becoming law, except as otherwise provided in the bill.			
Commerce Committee			Hamon	Brackett

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

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[15] Adam Hoffer and Jacob Macumber-Rosin, *Recreational Marijuana Taxes by State, 2024*, https://taxfoundation.org/data/all/state/recreational-marijuana-taxes/ (last visited March 29, 2025).

A bill to be entitled

An act relating to the taxation of hemp consumable THC products; amending s. 212.02, F.S.; revising the definition of term "sales price"; creating s. 581.222, F.S.; providing definitions; creating s. 581.223, F.S.; providing legislative findings; providing for excise taxes on hemp consumable THC products; creating s. 581.224, F.S.; requiring dealers of hemp consumable THC products to file a certificate of registration application with the Department of Agriculture and Consumer Services; defining the term "active dealer"; creating s. 581.225, F.S.; providing for the payment and collection of excise taxes on hemp consumable THC products; defining the term "recurring sales to a purchaser in the normal course of business"; creating s. 581.226, F.S.; providing for the allocation and disposition of proceeds of excise taxes on hemp consumable THC products; creating s. 581.227, F.S.; providing for returns and remittance of such taxes; creating s. 581.2275, F.S.; providing penalties; creating s. 581.228, F.S.; providing powers of the Department of Agriculture and Consumer Services; creating s. 581.229, F.S.; requiring that payment of hemp consumable THC product excise taxes and filing of such excise tax returns be made by electronic funds

transfer and electronic data interchange, respectively; creating s. 581.231, F.S.; declaring that excise taxes on hemp consumable THC products are government funds; providing for certain penalties and warrants; creating s. 581.232, F.S.; providing record keeping, inspection, and audit requirements for dealers of hemp consumable THC products; creating s. 581.233, F.S.; providing powers of the department in dealing with tax payment delinquencies; creating s. 581.234, F.S.; providing procedures for fraudulent tax activities; creating s. 581.235, F.S.; providing circuit court jurisdiction for violations; authorizing the Department of Consumer and Agriculture Services to adopt emergency rules; providing contingent effective dates.

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

Section 1. Subsection (16) of section 212.02, Florida Statutes, is amended to read:

212.02 Definitions.—The following terms and phrases when used in this chapter have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(16) "Sales price" means the total amount paid for

tangible personal property, including any services that are a part of the sale, valued in money, whether paid in money or otherwise, and includes any amount for which credit is given to the purchaser by the seller, without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or service cost, interest charged, losses, or any other expense whatsoever. "Sales price" also includes the consideration for a transaction which requires both labor and material to alter, remodel, maintain, adjust, or repair tangible personal property. Trade-ins or discounts allowed and taken at the time of sale shall not be included within the purview of this subsection. "Sales price" also includes the full face value of any coupon used by a purchaser to reduce the price paid to a retailer for an item of tangible personal property; where the retailer will be reimbursed for such coupon, in whole or in part, by the manufacturer of the item of tangible personal property; or whenever it is not practicable for the retailer to determine, at the time of sale, the extent to which reimbursement for the coupon will be made. The term "sales price" does not include federal excise taxes imposed upon the retailer on the sale of tangible personal property. The term "sales price" does include federal manufacturers' excise taxes, even if the federal tax is listed as a separate item on the invoice. To the extent required by federal law, the term "sales price" does not include charges for Internet access services

which are not itemized on the customer's bill, but which can be reasonably identified from the selling dealer's books and records kept in the regular course of business. The dealer may support the allocation of charges with books and records kept in the regular course of business covering the dealer's entire service area, including territories outside this state. The term "sales price" does not include the excise tax imposed under s. 581.223.

Section 2. Section 581.222, Florida Statutes, is created to read:

581.222 Definitions.—

(1) "Dealer" means a person authorized to sell hemp consumable THC products under s. 581.217(7) and registered with the department as a retail seller of hemp consumable THC products in this state.

(2) "Hemp consumable THC product" has the same meaning as in s. 581.217(3).

(3) "Retail sale" means the sale of hemp consumable THC products for any purpose other than for resale. However, any sale for resale must comply with s. 581.225(2) and the rules adopted thereunder.

(4) "Sale" means any transfer of title or possession, or both, exchange, or barter, in any manner or by any means whatsoever, of hemp consumable THC products for a consideration.

(5) "Sales price" means the total amount charged in money

or other consideration by a dealer for the sale of hemp consumable THC products, but does not include any sales tax imposed and charged pursuant to chapter 212.

Section 3. Section 581.223, Florida Statutes, is created to read:

581.223 Excise tax on hemp consumable THC products.—The Legislature finds that every person who engages in the business of selling hemp consumable THC products at retail in this state is exercising a taxable privilege. For the exercise of such taxable privilege, a tax is levied on each taxable transaction and is due and payable at the rate of 15 percent of the sales price of the hemp consumable THC product when sold at retail in this state.

Section 4. Section 581.224, Florida Statutes, is created to read:

581.224 Registration.—

(1) Each person seeking to engage in business as a dealer of hemp consumable THC products must file with the department an application for a certificate of registration.

(2) A person may not engage in the business of selling hemp consumable THC products at retail in this state without first obtaining a certificate of registration. The failure or refusal to submit an application by any person required to register, as required by this section, is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s.

775.083. Any person who fails or refuses to register shall pay an initial registration fee of $100. However, this fee may be waived by the department if the failure is due to reasonable cause.

(3)(a) An application for a certificate of registration must be completed by the dealer of hemp consumable THC products before engaging in business. The application for a certificate of registration must contain the information required by rule of the department.

(b) The department, upon receipt of a completed application, shall issue a certificate of registration to the applicant.

(4) Each application required by paragraph (3)(a) must set forth:

(a) The name under which the person will transact business within this state.

(b) The street address of his or her principal office or place of business within this state and of the location where records are available for inspection.

(c) The name and complete residence address of the owner or the names and residence addresses of the partners, if the applicant is a partnership, or of the principal officers, if the applicant is a corporation or association. If the applicant is a corporation organized under the laws of another state, territory, or country, he or she must also file with the

application a certified copy of the certificate or license issued by the Department of State showing that the corporation is authorized to transact business in this state.

(d) Any other data required by the department.

(5) Certificates of registration issued by the department are not assignable.

(6) In addition to the certificate of registration, the department shall provide to each newly registered dealer an initial resale certificate that is valid for the remainder of the period of issuance. The department shall provide to each active dealer an annual resale certificate. As used in this section, the term "active dealer" means a person who is registered with the department and who is required to file a return at least once during each applicable reporting period.

(7) A certificate of registration issued by the department may be revoked by the department or its designated agent when a dealer fails to comply with this chapter. Before revoking a dealer's certificate of registration, the department shall schedule an informal conference at which the dealer may present evidence regarding the department's intended revocation or enter into a compliance agreement with the department. The department shall notify the dealer of its intended action and of the time, place, and date of the scheduled informal conference by written notification sent by United States mail to the dealer's last known address of record furnished by the dealer on a form

prescribed by the department. The dealer must attend the informal conference and present evidence refuting the department's intended revocation or enter into a compliance agreement with the department which resolves the dealer's failure to comply with this chapter. The department shall issue an administrative complaint under s. 120.60 if the dealer fails to attend the department's informal conference, fails to enter into a compliance agreement with the department resolving the dealer's noncompliance with this chapter, or fails to comply with the executed compliance agreement.

Section 5. Section 581.225, Florida Statutes, is created to read:

581.225 Payment of excise taxes on hemp consumable THC products.—The taxes imposed or administered under this chapter shall be collected from all dealers on the sale at retail in this state of hemp consumable THC products taxable under this chapter.

(1)(a) The taxes collected under this chapter and chapter 203 shall be paid by the purchaser of the hemp consumable THC products and shall be collected from such person by the dealer of hemp consumable THC products.

(b) Each dealer of hemp consumable THC products selling hemp consumable THC products in this state shall collect the taxes imposed under this chapter from the purchaser of such products, and such taxes must be stated separately from all

other charges on the bill or invoice.

(2) Any dealer who makes a sale for resale shall document the exempt nature of the transaction, as established by rules adopted by the department, by retaining a copy of the purchaser's initial or annual resale certificate issued pursuant to s. 581.224(6). In lieu of maintaining a copy of the certificate, a dealer may document, before the time of sale, an authorization number provided telephonically or electronically by the department or by such other means established by rule of the department. The dealer may rely on an initial or annual resale certificate issued pursuant to s. 581.224(6), valid at the time of receipt from the purchaser, without seeking additional annual resale certificates from such purchaser, if the dealer makes recurring sales to the purchaser in the normal course of business on a continual basis. For purposes of this paragraph, the term "recurring sales to a purchaser in the normal course of business" means sales in which the dealer extends credit to the purchaser and records the debt as an account receivable, or in which the dealer sells to a purchaser who has an established cash account, similar to an open credit account. For purposes of this paragraph, purchases are made from a selling dealer on a continual basis if the selling dealer makes, in the normal course of business, sales to the purchaser no less frequently than once in every 12-month period. A person who makes a sale for resale which is not in compliance with

these rules is liable for any tax, penalty, and interest due for failing to comply, to be calculated pursuant to s. 581.2275(2)(a).

(3)(a) A dealer must compute the tax due on the sale of consumable hemp THC products imposed pursuant to this chapter based on a rounding algorithm that meets the following criteria:

1. The computation of the tax must be carried to the third decimal place.

2. The tax must be rounded to the whole cent using a method that rounds up to the next cent whenever the third decimal place is greater than four.

(b) A dealer may apply the rounding algorithm to the aggregate tax amount computed on all taxable items on an invoice or to the taxable amount on each individual item on the invoice.

(4) Each purchaser of hemp consumable THC products is liable for the taxes imposed under this chapter. The purchaser's liability is not extinguished until the tax has been paid to the department, except that proof of payment of the tax to a dealer of hemp consumable THC products engaged in business in this state is sufficient to relieve the purchaser from further liability for the tax.

Section 6. Section 581.226, Florida Statutes, is created to read:

581.226 Allocation and disposition of tax proceeds.—The proceeds of the taxes remitted under this chapter shall be

treated as follows:

(1) The first $6 million collected must be deposited into the department's General Inspection Trust Fund to be used for the enforcement of ss. 581.217-581.224 and the testing of hemp consumable THC products.

(2) The remainder of the moneys collected under this section must be deposited into the General Revenue Fund.

Section 7. Section 581.227, Florida Statutes, is created to read:

581.227 Returns.—

(1) For the purpose of ascertaining the amount of tax payable under this chapter, each dealer must file a return and remit the taxes required to be collected in any calendar month to the department, on or before the 20th day of the subsequent month, upon forms prepared and furnished by the department or in a format prescribed by it. The department shall, by rule, prescribe the information to be furnished by taxpayers on such returns.

(2) The department shall accept returns, except those required to be initiated through an electronic data interchange, as timely if postmarked on or before the 20th day of the month; if the 20th day falls on a Saturday, Sunday, or federal or state legal holiday, returns are timely if postmarked on the next succeeding workday. Each dealer shall file a return for each tax period even though taxes are not due for such period.

(3) Whenever returns are required to be made to the department, the full amount of the taxes required to be paid as shown by the return must be paid and accompany the return, and the failure to remit the full amount of taxes at the time of making the return shall cause the taxes to become delinquent. All taxes and all interest and penalties imposed or administered under this chapter must be remitted to the department at Tallahassee or at another office designated by the department, in the form required by the department.

(4) The department may require all returns of taxes under this chapter to be accompanied by a written statement, by the person or by an officer of any firm or corporation required to pay such taxes, setting forth the facts that the department requires in order to ascertain the amount of taxes that are due and payable with the return. The filing of a return that is not accompanied by payment is prima facie evidence of the wrongful conversion of the money due. Any person or any duly authorized corporation officer or agent, or members of any firm or incorporated society or organization, who refuses to make a return and pay the taxes due, as required by the department and in the manner and in the form that the department requires, or to state in writing that the return is correct to the best of his or her knowledge and belief, as required by the department, is subject to a penalty of 6 percent per annum of the amount due and commits a misdemeanor of the first degree, punishable as

provided in s. 775.082 or s. 775.083. The signing of a written return has the same legal effect as if made under oath without the necessity of appending an oath thereto.

(5) In addition to the contact person identified on the return, each dealer obligated to collect and remit the tax imposed under this chapter may at any time, and shall within 10 days after a request, designate a managerial representative to whom the department shall direct any inquiry regarding the completeness or accuracy of the dealer's return when the response provided by the contact person identified on the return has been inadequate. When the representative designated under this subsection is contacted by the department, the dealer shall respond to the department within 30 days.

Section 8. Section 581.2275, Florida Statutes, is created to read:

581.2275 Penalties.—

(1) The department shall adopt rules requiring the information that it considers necessary to ensure that the taxes levied or administered under this chapter are properly collected, reviewed, compiled, reported, and enforced, including, but not limited to, rules requiring the reporting of the amount of gross sales; the amount of taxable sales; the amount of tax collected or due; the amount of lawful refunds, deductions, or credits claimed; the amount claimed as the dealer's collection allowance; the amount of penalty and

interest; and the amount due with the return.

(2)(a) Any person who is required to make a return or pay the taxes imposed by this chapter who fails to timely file such return or fails to pay the taxes due within the time required, in addition to all other penalties provided by law, is subject to a specific penalty in the amount of 10 percent of any unpaid tax if the failure is for not more than 30 days, and an additional 10 percent of any unpaid tax for each additional 30 days, or fraction thereof, during which the failure continues, not to exceed a total penalty of 50 percent, in the aggregate, of any unpaid tax.

(b) Any person who knowingly and with a willful intent to evade any tax imposed under this chapter fails to file six consecutive returns as required by law commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

(c) Any person who makes a false or fraudulent return with a willful intent to evade payment of any tax imposed under this chapter is liable, in addition to the other penalties provided by law, for a specific penalty of 100 percent of the tax bill or fee, and:

1. If the total amount of unreported taxes is less than $300:

a. Such person commits, for the first offense, a misdemeanor of the second degree, punishable as provided in s.

775.082 or s. 775.083.

b. Such person commits, for the second offense, a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

c. Such person commits, for the third and subsequent offenses, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. If the total amount of unreported taxes is $300 or more but less than $20,000, such person commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. If the total amount of unreported taxes is $20,000 or more but less than $100,000, such person commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

4. If the total amount of unreported taxes is $100,000 or more, such person commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 9. Section 581.228, Florida Statutes, is created to read:

581.228 Powers of the department.—

(1) The department shall administer and enforce the assessment and collection of the taxes, interest, and penalties collected under or imposed by this chapter.

(2) The department may adopt rules to implement and

administer the tax imposed under this chapter.

Section 10. Section 581.229, Florida Statutes, is created to read:

581.229 Payment of taxes by electronic funds transfer; filing of returns by electronic data interchange.—

(1) A dealer of hemp consumable THC products is required to remit taxes by electronic funds transfer, in the manner prescribed by the department, when the amount of tax paid by the dealer under this chapter in the previous state fiscal year was greater than or equal to $5,000.

(2)(a) A dealer who is required to remit taxes by electronic funds transfer shall make a return in a manner that is initiated through an electronic data interchange. The department shall prescribe the acceptable method of transfer; the method, form, and content of the electronic data interchange, giving due regard to developing uniform standards for formats as adopted by the American National Standards Institute; the circumstances under which an electronic data interchange will serve as a substitute for the filing of another form of return; and the means, if any, by which taxpayers will be provided with acknowledgments. The department must accept such returns as timely if initiated and accepted on or before the 20th day of the month. If the 20th day falls on a Saturday, Sunday, or federal or state legal holiday, returns are timely if initiated and accepted on the next succeeding workday.

(b) The department may waive the requirement to make a return through an electronic data interchange when problems arise with respect to the taxpayer's computer capabilities, data systems changes, or operating procedures. To obtain a waiver, the taxpayer must prove to the department that such problems exist.

(3)(a) The department shall design, prepare, print, and furnish to all dealers, except dealers filing through electronic data interchange, or make available or prescribe to the dealers all necessary forms for filing returns and instructions to ensure a full collection from dealers and an accounting for the taxes due, but failure of any dealer to secure such forms does not relieve the dealer of the obligation to pay the tax at the time and in the manner required.

(b) The department shall prescribe the format and instructions necessary for filing returns in a manner that is initiated through an electronic data interchange to ensure a full collection from dealers and an accounting for the taxes due. The failure of any dealer to use such format does not relieve the dealer of the obligation to pay the tax at the time and in the manner required.

Section 11. Section 581.231, Florida Statutes, is created to read:

581.231 Taxes declared to be government funds; penalties for failure to remit taxes; warrants.—

(1) The taxes collected under this chapter become government funds from the moment of collection by the dealer.

(2) Any person who, with intent to unlawfully deprive or defraud the state government of its moneys or the use or benefit thereof, fails to remit taxes collected under this chapter is guilty of the theft of government funds, punishable as follows:

(a) If the total amount of stolen revenue is less than $300, the offense is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. For a second offense, the offender is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. For a third or subsequent offense, the offender is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) If the total amount of stolen revenue is $300 or more, but less than $20,000, the offense is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) If the total amount of stolen revenue is $20,000 or more, but less than $100,000, the offense is a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(d) If the total amount of stolen revenue is $100,000 or more, the offense is a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) All taxes collected under this chapter must be remitted to the department. In addition to criminal sanctions, the department shall, when any tax becomes delinquent or is otherwise in jeopardy under this chapter, issue a warrant for the full amount of the tax due or estimated to be due, with the interest, penalties, and cost of collection, directed to the sheriffs of the state, and mail the warrant to the clerk of the circuit court of the county where any property of the taxpayer is located. Upon receipt of the warrant, the clerk of the circuit court shall record it, and thereupon the amount of the warrant becomes a lien on any real or personal property of the taxpayer in the same manner as a recorded judgment. The department may issue a tax execution to enforce the collection of taxes imposed by this chapter and deliver it to any sheriff. The sheriff shall thereupon proceed in the same manner as prescribed by law for executions and shall be entitled to the same fees for his or her services in executing the warrant to be collected. The department may also have a writ of garnishment with respect to any indebtedness due to the delinquent dealer by a third person in any goods, money, chattels, or effects of the delinquent dealer in the hands, possession, or control of the third person. Upon payment of the execution, warrant, judgment, or garnishment, the department shall satisfy the lien of record within 30 days. If there is jeopardy to the revenue and jeopardy is asserted in or with an assessment, the department shall

proceed in the manner specified for jeopardy assessments in s. 213.732.

Section 12. Section 581.232, Florida Statutes, is created to read:

581.232 Records required to be kept; power to inspect; audit procedure.—

(1)(a) Each dealer shall secure, maintain, and keep for a minimum of 10 years a complete record of hemp consumable THC products sold at retail by the dealer, together with invoices, records of gross receipts from such sales, and other pertinent records and papers required by the department for the reasonable administration of this chapter. All such records that are located or maintained in this state must be made available for inspection by the department at all reasonable hours at the dealer's office or other place of business located in this state. Any dealer who maintains such books and records outside this state must make such books and records available for inspection by the department wherever the dealer's general records are kept. Any dealer subject to the provisions of this chapter who violates this subsection is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. If, however, any subsequent offense involves intentional destruction of such records with an intent to evade payment of or deprive the government of any tax revenues, such subsequent offense constitutes a felony of the third degree,

punishable as provided in s. 775.082 or s. 775.083.

(b) For the purpose of this subsection, if a dealer does not have adequate records of its sales of hemp consumable THC products, the department may, upon the basis of a test or sampling of the dealer's available records or other information relating to the sales made by such dealer for a representative period, determine the proper basis for assessing tax. This subsection does not affect the duty of the dealer to collect, or the liability of any consumer to pay, any tax imposed or administered under this chapter.

(c) If the records of a dealer are adequate but voluminous, the department may reasonably sample such records and project the audit findings derived therefrom over the entire audit period to determine the proper basis for assessing tax. In order to conduct such a sample, the department must first make a good faith effort to reach an agreement with the dealer which provides for the means and methods to be used in the sampling process. If an agreement is not reached, the dealer is entitled to a review by the executive director or the executive director's designee of the sampling method to be used by the auditor.

(2) For the purpose of enforcement of this chapter, each dealer shall allow the department to examine its books and records at all reasonable hours; and, if the dealer refuses, the department may petition the circuit court to order the dealer to

permit such examination, subject to the right of removal of the cause to the judicial circuit wherein such person's business is located or wherein such person's books and records are kept.

(3)(a) The department shall send written notification, at least 60 days before the date an auditor is scheduled to begin an audit, informing the person of the audit. The department is not required to give written notification 60 days before a forthcoming audit whenever the person requests an emergency audit.

(b) The written notification must specify:

1. The approximate date on which the auditor is scheduled to begin the audit.

2. A reminder that all of the records, receipts, invoices, resale certificates, and related documentation of the person must be made available to the auditor.

3. Any other requests or suggestions that the department considers necessary.

(c) Only records, receipts, invoices, resale certificates, and related documentation that are available to the auditor when the audit begins are acceptable for the purposes of the audit. A resale certificate containing a date before the date the audit begins constitutes acceptable documentation of the specific transactions that occurred in the past.

(d) The provisions of this chapter concerning fraudulent or improper records, receipts, invoices, resale certificates,

and related documentation apply with respect to any audit.

(4) If a dealer retains records in machine-readable and hard copy formats, upon a request by the department, the dealer shall make the records available to the department in the machine-readable format in which such records are retained. Any dealer or other person who fails or refuses to provide such records within 60 days after the department's request or any extension thereof shall, in addition to all other penalties provided by law, be subject to a specific penalty of $5,000 per audit.

Section 13. Section 581.233, Florida Statutes, is created to read:

581.233 Powers of department in dealing with delinquents; tax to be separately stated.—

(1) If any dealer or other person fails to remit the tax, or any portion thereof, on or before the day when the tax is required by law to be paid, there will be added to the amount due interest at the rate of 1 percent each month of the amount due from the date due until paid. Interest on the delinquent tax is to be calculated beginning on the 21st day of the month following the month for which the tax is due, except as otherwise provided in this chapter.

(2) All penalties and interest imposed by this chapter are payable to and collectible by the department in the same manner as if they were a part of the tax collected under this chapter.

(3) If a dealer or other person fails or refuses to make his or her records available for inspection so that an audit or examination of his or her books and records cannot be made, fails or refuses to register as a dealer, fails to make a report and pay the tax as provided by this chapter, makes a grossly incorrect report, or makes a report that is false or fraudulent, the department shall make an assessment from an estimate based upon the best information available to it for the taxable period of retail sales of the dealer, together with any accrued interest and penalties. The department shall then proceed to collect the taxes, interest, and penalties on the basis of such assessment, which shall be considered prima facie correct, and the burden to show the contrary rests upon the dealer or other person.

(4) For all invoices, each dealer who makes retail sales of hemp consumable THC products shall add the amount of the taxes imposed or administered under this chapter to the price of the hemp consumable THC products sold by him or her and shall state the taxes separately from the price of the hemp consumable THC products and separately from any sales tax levied pursuant to chapter 212.

(5) A dealer may not advertise or hold out to the public, in any manner, directly or indirectly, that he or she will absorb all or any part of the tax; that he or she will relieve the purchaser of the payment of all or any part of the tax; that

the tax will not be added to the selling price of the property sold or released; or, when added, that it or any part thereof will be refunded directly or indirectly by any method. A person who violates this subsection with respect to advertising or refund is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. A second or subsequent offense constitutes a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(6) Whenever in the construction, administration, or enforcement of this chapter there is any question respecting a duplication of the tax, the sale to the end consumer or last retail sale is the sale to be taxed, and, insofar as is practicable, there is to be no duplication or pyramiding of the tax.

Section 14. Section 581.234, Florida Statutes, is created to read:

581.234 Departmental powers; hearings; distress warrants; bonds; subpoenas and subpoenas duces tecum.—

(1) Any person required to pay a tax imposed or administered under this chapter or to make a return who renders a return or makes a payment of a tax with intent to deceive or defraud the government and prevent the government from collecting the amount of taxes imposed or administered by this chapter, or who otherwise fails to comply with this chapter for the taxable period for which any return is made, any tax is

paid, or any report is made to the department, may be required by the department to show cause at a time and place to be set by the department. The department shall provide written notice to a person 10 days before the required production of such books, records, or papers relating to the business of such person for such tax period. The department may require such person or his or her employees to give testimony under oath and answer interrogatories respecting the sale of hemp consumable THC products within this state, failure to make a true report thereof, or failure to pay the true amount of the tax required to be paid under this chapter. If such person fails to produce such books, records, or papers or to appear and answer questions within the scope of investigation relating to matters concerning taxes to be imposed or administered under this chapter, or fails to allow his or her agents or employees to give testimony, the department may estimate any unpaid deficiencies in taxes to be assessed against such person based on whatever information is available to it and may issue a distress warrant for the collection of such taxes, interest, or penalties estimated by the department to be due and payable, and such assessment shall be deemed prima facie correct. In such cases, the warrant shall be issued to the sheriff of any county in the state where such person owns or possesses any property, and the sheriff shall seize such property as is required to satisfy any such taxes, interest, or penalties and sell such property under the distress

warrant in the same manner as property is permitted to be seized and sold under distress warrants issued to secure the payment of delinquent taxes. The department shall also have the right to writ of garnishment to subject any indebtedness due to the delinquent dealer by a third person in any goods, money, chattels, or effects of the delinquent dealer in the hands, possession, or control of the third person in the manner provided by law. The person whose tax return or report is being investigated may by written request to the department require that the hearing be set at a place within the judicial circuit wherein the person's business is located or wherein such person's books and records are kept.

(2) Whenever it is necessary to ensure compliance with this chapter, the department shall require a cash deposit, bond, or other security as a condition to a person's obtaining or retaining a dealer's certificate of registration under this chapter. The bond must be in such form and amount as the department deems appropriate under the particular circumstances. Any person who fails to produce such cash deposit, bond, or other security may not obtain or retain a dealer's certificate of registration under this chapter. The Department of Legal Affairs may seek an injunction, when requested by the department, to prevent such person from doing business subject to the provisions of this chapter until the cash deposit, bond, or other security is posted with the department. Any security

required to be deposited may be sold by the department at public sale if it becomes necessary to do so in order to recover any tax, interest, or penalty due. Notice of such sale may be served personally or by mail upon the person who deposited the security. Mailing the notice to the last known address appearing on the records of the department constitutes adequate service. Any proceeds of the sale exceeding the amount due under this chapter must be returned to the person who deposited the security.

(3) The department or any person authorized by it in writing is authorized to make and sign assessments, tax warrants, assignments of tax warrants, and satisfaction of tax warrants.

(4)(a) The department may issue subpoenas or subpoenas duces tecum compelling the attendance and testimony of witnesses and the production of books, records, written materials, and electronically recorded information. Subpoenas must be issued with the written and signed approval of the executive director or his or her designee on written and sworn application by any employee of the department. The application must set forth the reason for the application, the name of the person subpoenaed, the time and place of appearance of the witness, and a description of any books, records, or electronically recorded information to be produced, together with a statement by the applicant that the department has unsuccessfully attempted other

reasonable means of securing information and that the testimony of the witness or the written or electronically recorded materials sought in the subpoena are necessary for the collection of taxes, penalty, or interest or the enforcement of the taxes levied or administered under this chapter. A subpoena shall be served in the manner provided by law and by the Florida Rules of Civil Procedure and shall be returnable only during regular business hours and at least 20 calendar days after the date of service of the subpoena. Any subpoena to which this subsection applies must identify the taxpayer to whom the subpoena relates and to whom the records pertain and must provide other information to enable the person subpoenaed to locate the records required under the subpoena. The department shall give notice to the taxpayer to whom the subpoena relates within 3 days after the day on which the service of the subpoena is made. Within 14 days after service of the subpoena, the person to whom the subpoena is directed may serve written objection to the inspection or copying of any of the designated materials. If objection is made, the department may not inspect or copy the materials, except pursuant to an order of the circuit court. If an objection is made, the department may petition any circuit court for an order to comply with the subpoena. The subpoena must contain a written notice of the right to object to the subpoena. Every subpoena served upon the witness or custodian of records must be accompanied by a copy of

the provisions of this subsection. If a person refuses to obey a subpoena or subpoena duces tecum, the department may apply to any circuit court of this state to enforce compliance with the subpoena. Witnesses are entitled to be paid a mileage allowance and witness fees as authorized for witnesses in civil cases.

(b)1. If any subpoena is served on any person who is a third-party recordkeeper and the subpoena requires the production of any portion of the records made or kept of the business transactions or affairs of any person other than the person subpoenaed, notice of the subpoena must be given to any person to whom the records pertain and to the taxpayer to whom the subpoena relates. Such notice must be given within 3 days after the day on which the service on the third-party recordkeeper is made, if the department can at that time identify the person to whom the records pertain. If the person to whom the records pertain cannot be identified at the time of issuance of the subpoena, the third-party recordkeeper shall immediately inform the department of such person's identity, and the department shall give notice to that person within 3 days thereafter. The notice must be accompanied by a copy of the subpoena that has been served and must contain directions for staying compliance with the subpoena under subparagraph (c)2.

2. The notice is sufficient if, on or before the third day, the notice is delivered in hand to the person entitled to notice or is mailed by certified or registered mail to the last

known mailing address of the person, or, in the absence of a last known address, is left with the person subpoenaed.

3. As used in this subsection, the term "third-party recordkeeper" means:

a. Any mutual savings bank, cooperative bank, domestic building and loan association, or other savings institution chartered and supervised as a savings and loan association or similar association under federal or state law; a bank as defined in s. 581 of the Internal Revenue Code; or any credit union within the meaning of s. 501(c)(14)(A) of the Internal Revenue Code.

b. Any consumer reporting agency as defined under s. 603(f) of the Fair Credit Reporting Act, 15 U.S.C. s. 1681a(f).

c. Any person extending credit through the use of credit cards or similar devices.

d. Any broker as defined in s. 3(a)(4) of the Securities Exchange Act of 1934, 15 U.S.C. s. 78c(a)(4).

e. Any attorney.

f. Any accountant.

g. Any barter exchange as defined in s. 6045(c)(3) of the Internal Revenue Code.

h. Any regulated investment company as defined in s. 851 of the Internal Revenue Code.

4. This paragraph does not apply to a subpoena served on the person with respect to whose liability the subpoena is

issued or an officer or employee of the person; to a subpoena to determine whether or not records of the business transactions or affairs of an identified person have been made or kept; or to a subpoena described in paragraph (f).

(c)1. Notwithstanding any other law, a person who is entitled to notice of a subpoena under paragraph (b) and the taxpayer to whom the subpoena relates have the right to intervene in any proceeding with respect to the enforcement of the subpoena under paragraph (a).

2. Notwithstanding any other law, a person who is entitled to notice of a subpoena under paragraph (b) and the taxpayer to whom the subpoena relates have the right to stay compliance with the subpoena if, within 14 days after the date notice is given in the manner provided in subparagraph (b)2. and all of the following apply:

a. Notice of intent to stay the subpoena is given in writing to the person subpoenaed.

b. A copy of the notice of intent to stay the subpoena is mailed by registered or certified mail to the person and to the department.

c. Suit is filed against the department in the circuit court to stay compliance with the subpoena.

(d) An examination of any records required to be produced under a subpoena as to which notice is required under paragraph (b) may not be made:

1. Before the expiration of the 14-day period allowed for the notice of intent to stay under subparagraph (c)2.; or

2. If the requirements of subparagraph (c)2. have been met, except in accordance with an order issued by the circuit court authorizing examination of the records or with the consent of the person staying compliance.

(e) Any subpoena issued under paragraph (a) which does not identify the person with respect to whose liability the subpoena is issued may be served only after a proceeding in any circuit court in which the department establishes all of the following:

1. The subpoena relates to the investigation of a particular person or ascertainable group or class of persons.

2. There is reasonable basis for believing that the person or group or class of persons may fail or may have failed to comply with any provision of state law.

3. The information sought to be obtained from the examination of the records and the identity of the person or persons with respect to whose liability the subpoena is issued is not readily available from other sources.

(f) In the case of a subpoena issued under paragraph (a), the provisions of subparagraph (b)1., and paragraph (c) do not apply if, upon petition by the department, a circuit court determines, on the basis of the facts and circumstances alleged, that there is reasonable cause to believe that the giving of notice may lead to attempts to conceal, destroy, or alter

records relevant to the examination, may prevent the communication of information from other persons through intimidation, bribery, or collusion, or may result in flight to avoid prosecution, testifying, or production of records.

(g)1. Any circuit court has jurisdiction to hear and determine proceedings brought under paragraph (e) or paragraph (f). The determinations required to be made under paragraphs (e) and (f) shall be ex parte and shall be made solely upon the petition and supporting affidavits. An order denying the petition shall be deemed a final order that may be appealed.

2. Except for cases that the court considers of great importance, any proceeding brought for the enforcement of any subpoena or any proceeding under this subsection, and any appeal therefrom, takes precedence on the docket over all cases and shall be assigned for hearing and decided at the earliest practicable date.

(h) The department shall by rule establish the rates and conditions for payments to reimburse reasonably necessary costs directly incurred by third-party recordkeepers in searching for, reproducing, or transporting books, papers, records, or other data required to be produced by subpoena upon request of the department. The reimbursement shall be in addition to any mileage allowance and fees paid under paragraph (a).

(i)1. Except as provided in subparagraph 2., an action initiated in circuit court under this subsection must be filed

in the circuit court in the county where:

a. The taxpayer to whom the subpoena relates resides or maintains his or her principal commercial domicile in this state;

b. The person subpoenaed resides or maintains his or her principal commercial domicile in this state; or

c. The person to whom the records pertain resides or maintains his or her principal commercial domicile in this state.

2. Venue in an action initiated in circuit court under this subsection by a person who is not a resident of this state or does not maintain a commercial domicile in this state rests in Leon County.

3. Venue in an action initiated in circuit court pursuant to paragraph (e) rests in the Second Judicial Circuit Court in and for Leon County.

Section 15. Section 581.235, Florida Statutes, is created to read:

581.235 Jurisdiction; dealers not qualified to do business in this state.—

(1) All suits brought by the department against any dealer for any violation of this chapter for the purpose of collecting any tax due from the dealer, including garnishment proceedings, regardless of the amount, must be brought in the circuit court of this state having jurisdiction of the subject matter.

(2) Each dealer who is not qualified to do business in this state shall designate with the department an agent within this state for service of process to enforce this chapter. If a dealer fails to designate such an agent, the Secretary of State or any agent or employee of the dealer within this state constitutes the agent for the service of such process.

Section 16. Effective upon this act becoming a law, the Department of Agriculture and Consumer Services may, and all conditions are deemed met to, adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, to implement and administer 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. This section expires July 1, 2027.

Section 17. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon becoming a law, this act shall take effect January 1, 2026, if HB 7027 or similar legislation is adopted in the same legislative session or an extension thereof and becomes a law.

COMMERCE COMMITTEE

CS/HB 7029 by Rep. Salzman
Taxation of Hemp Consumable THC Products

AMENDMENT SUMMARY
April 22, 2025

Amendment 1 by Rep. Salzman (line 86):

- Defines “Commissioner” as Florida’s Commissioner of Agriculture.

Amendment 2 by Rep. Salzman (line 193):

- Makes a technical change by removing language referencing taxes collected under chapter 203, which is not applicable to the bill.

Amendment 3 by Rep. Salzman (line 324):

- Makes a technical change by removing language referencing “dealer’s collection allowance” which is not referenced anywhere else in the bill.

Amendment 4 by Rep. Salzman (line 519):

- Replaces “executive director” with “Commissioner.”

Amendment 5 by Rep. Salzman (line 693):

- Replaces “executive director” with “Commissioner.”

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 Salzman offered the following:

Amendment

Between lines 86 and 87, insert:

(1) "Commissioner" has the same meaning as in s. 570.02 (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 Salzman offered the following:

Amendment

Remove lines 193-194 and insert:

(1)(a) The taxes collected under this chapter shall be paid by the purchaser of the hemp consumable THC

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 Salzman offered the following:

Amendment

Remove lines 324-325 and insert:

deductions, or credits claimed; the amount of penalty and

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 Salzman offered the following:

Amendment

Remove lines 519-520 and insert:

to a review by the Commissioner or the Commissioner's designee of the sampling method to be used by the

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 Salzman offered the following:

Amendment

Remove lines 693-694 and insert:

with the written and signed approval of the Commissioner or his or her designee on written and sworn application by any

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/CS/HB 247	**COMPANION BILL:** CS/CS/CS/SB 184
TITLE: Housing	**LINKED BILLS:** None
SPONSOR(S): Commerce Committee	**RELATED BILLS:** None

Committee References

Orig. Comm.: Commerce

SUMMARY

Effect of the Bill:

The bill authorizes, but does not require, a landlord to accept a reusable tenant screening report from a prospective tenant and prohibits a landlord who has accepted a reusable tenant screening report from a prospective tenant from charging the prospective tenant an application screening fee or other fee associated with accessing the report.

Additionally, the bill requires local governments to adopt an ordinance to allow accessory dwelling units (ADUs) in any area zoned for single-family residential use. The ordinance may regulate the permitting, construction, and use of an ADU, subject to certain exceptions. The bill clarifies that an owner of a property with an ADU may not be denied a homestead exemption on the basis of renting the ADU to another person, but that the ADU must be assessed separately according to its use. The bill requires OPPAGA to assess the effectiveness of mezzanine finance, or second-position short-term debt, to encourage the construction of owner-occupied affordable housing and the potential for tiny homes to help meet the state's affordable housing needs.

The bill also provides that the use as or conversion of single-family or two-family dwellings into certain mental health support residences do not constitute a change of occupancy under the Florida Building Code nor may such residences be reclassified for the purpose of enforcing the Florida Fire Prevention Code solely due to such use or conversion.

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:

Reusable Tenant Screening Reports

The bill authorizes, but does not require, a landlord to accept a reusable tenant screening report from a prospective tenant. (Section 1).

The bill defines a "reusable tenant screening report" as a consumer report that:

- Has been prepared within the previous 30 days by a consumer reporting agency at the request and expense of a prospective tenant.
- Is made directly available to a landlord for use in the rental application process or is provided through a third-party website that regularly engages in the business of providing a reusable tenant screening report and complies with all the state and federal laws pertaining to use and disclosure of information contained in a consumer report by a consumer reporting agency.

- Is available to the landlord at no cost to access or use. (Section 1).

The bill requires a reusable tenant screening report to include the following information:
- The prospective tenant's full name.
- The prospective tenant's contact information, including mailing address, e-mail address, and telephone number.
- Verification of the prospective tenant's employment.
- The prospective tenant's last known address.
- The results of an eviction history check.
- The date through which the information contained in the report is current. (Section 1).

The bill authorizes a landlord to request confirmation from a prospective tenant that there has been no material change to the information in the reusable tenant screening report since it was generated. (Section 1).

The bill prohibits a landlord who has accepted a reusable tenant screening report from a prospective tenant from charging the prospective tenant an application screening fee or other fee associated with accessing the report. (Section 1).

Accessory Dwelling Units

The bill defines a primary dwelling unit as an existing or proposed single-family dwelling on the property where a proposed accessory dwelling unit (ADU) would be located. (Section 2).

Additionally, the bill requires, rather than authorizes, local governments to adopt an ordinance to allow the construction of ADUs in any area zoned for single-family residential use. The bill requires the ordinance to be adopted by December 1, 2025 and provides that the ordinance applies prospectively to ADUs approved after the date the ordinance is adopted. The ordinance may regulate the permitting, construction, and use of an ADU, but may not:
- Require that the owner of a parcel on which an ADU is constructed reside in the primary dwelling unit.
- Increase parking requirements on any parcel that can accommodate an additional motor vehicle on a driveway without impeding access to the primary dwelling unit.
- Require replacement parking if a garage, carport, or covered parking structure is converted to create an ADU. (Section 2).

The bill prohibits denying a homestead exemption to an owner of a property with an ADU, where the owner maintains permanent residence, solely due to the ADU being rented or able to be rented. If the owner rents the ADU, the property appraiser must assess the ADU separately from the homestead property and tax it based on its use. (Section 2).

The bill also prohibits a local government from adopting an ordinance which allow ADUs to be within any area of critical state concern as designated by law. (Section 2).

Density Bonus Incentives

The bill provides that local governments may provide density bonus incentives to landowners who donate real estate for the purpose of assisting local governments in providing affordable housing to military families that are receiving the basic allowance for housing. (Section 3).

Affordable Housing Study

The bill requires the Office of Program Policy Analysis and Government Accountability (OPPAGA)[1] to assess the effectiveness of mezzanine finance, or second-position short-term debt, to encourage the construction of owner-occupied affordable housing and the ability of tiny homes to help meet the state's affordable housing needs. The bill requires OPPAGA to consult with the Florida Housing Finance Corporation and the University of Florida

[1] OPPAGA supports the Florida Legislature by providing data, evaluative research, and objective analyses that assist legislative budget and policy deliberations. OPPAGA, *About OPPAGA*, https://oppaga.fl.gov/ (last visited Apr. 18, 2025).

Shimberg Center for Housing Studies in conducting its evaluation. OPPAGA is required to report its conclusions to the President of the Senate and the Speaker of the House of Representatives by December 31, 2026. The report must include recommendations for a model mezzanine finance program. (Section 4).

Mental Health Support Residences

The bill provides that using or converting single-family or two-family dwellings into certain residences whose stated corporate purpose relates to the support of people who are living with a mental health disorder does not constitute a change of occupancy as defined by the Florida Building Code. The residence must have at least two and no more than four bedrooms, be occupied by a group or family of no more than six ambulatory adults living with a mental health disorder, and have no more than two adults assigned to any bedroom. (Section 5).

The bill also provides that use as or conversion of single-family or two-family dwellings into such mental health support residences may not be reclassified for purposes of enforcing the Florida Fire Prevention Code solely due to such dwelling's use or conversion. (Section 6).

The effective date of the bill is July 1, 2025. (Section 7).

FISCAL OR ECONOMIC IMPACT:

PRIVATE SECTOR:

This bill may have an indeterminate positive fiscal impact on prospective rental tenants as the authorization for landlords to accept reusable tenant screening reports may decrease application costs for such prospective tenants.

The bill has an indeterminate positive impact on extremely-low-income, very-low-income, low-income, and moderate-income persons. If more local governments allow for the construction of ADUs, and more ADUs are in fact constructed, this may lead to an increased supply of attainable housing options throughout Florida.

The bill also has an indeterminate positive impact on military families who receive the basic allowance for housing, but only to the extent that the local jurisdictions in which the military families live opt-in to providing the density bonus incentive under the bill.

The bill may have an indeterminate positive fiscal impact on mental health support residences as the exemption from the Florida Building Code and Florida Fire Prevention Code may decrease costs for such residences.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

State Preemption of the Residential Landlord and Tenant Act

In 2023, the Legislature expressly preempted the regulation of residential tenancies, the landlord-tenant relationship, and all other matters covered under the Residential Landlord and Tenant Act to the state.[2] This preemption supersedes any local government regulations on such matters, including, but not limited to, the screening process used by a landlord in approving tenancies; security deposits; rental agreement applications and fees associated with such applications; terms and conditions of rental agreements; the rights and responsibilities of the landlord and the tenant; disclosures concerning the premises, the dwelling unit, the rental agreement, or the rights and responsibilities of the landlord and tenant; fees charged by the landlord; and notice requirements.[3]

[2] Ch. 2023-314, L.O.F.
[3] S. 83.425, F.S.

The Residential Landlord and Tenant Act is, however, currently silent as to the screening process used by a landlord in approving tenancies and as to applications and fees associated with such applications generally.[4]

Federal Fair Credit Reporting Act

There are hundreds of companies engaged in employment and tenant background screening across the United States.[5] These companies are defined as "consumer reporting agencies" (CRAs), pursuant to the federal Fair Credit Reporting Act (FCRA) and are regulated by both the Federal Trade Commission and the Consumer Financial Protection Bureau.[6]

The FCRA defines "consumer reporting agency" as any person who, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports.[7]

It further defines "consumer report" generally as any written, oral, or other communication of any information by a consumer reporting agency bearing on a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living which is used or expected to be used or collected in whole or in part for the purpose of serving as a factor in establishing the consumer's eligibility for:

- Credit or insurance to be used primarily for personal, family, or household purposes;
- Employment purposes; or
- Any other purpose authorized in 15 U.S.C. s. 1681b.[8]

Section 1681b, U.S.C., provides specific circumstances under which a CRA may furnish a consumer report, including, but not limited to:

- In accordance with the written instructions of the consumer to whom it relates.[9]
- To a person who has a legitimate business need for the information in connection with a business transaction that is initiated by the consumer.[10]

The FCRA promotes the accuracy, fairness, and privacy of information that CRAs collect.[11] The FCRA governs the acts of CRAs, entities that furnish information to CRAs (furnishers), and individuals who use credit reports issued by CRAs.[12] Specifically, CRAs and their furnishers must adopt methods to ensure the information they collect and report is accurate.[13] Individuals may request to review the information a CRA has in his or her file, the sources of the information, and the identity of those to whom the information was disclosed to ensure that it is accurate, and may dispute its accuracy which triggers a CRA's duty to reinvestigate the information.[14]

Additionally, if any person takes any adverse action against an individual based in whole or in part on any information contained in a consumer report, he or she must provide specified information to the individual, including:

- Notice of the adverse action to the individual.

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[4] Pt. II, Ch. 83, F.S.; There is some discussion in s. 83.683, F.S., regarding rental applications by servicemembers.
[5] Professional Background Screening Association (PBSA), *About PBSA*, https://thepbsa.org/about-us/about-pbsa/ (last visited Apr. 18, 2025.)
[6] *Id.*
[7] 15 U.S.C. § 1681a(f).
[8] 15 U.S.C. § 1681a(d).
[9] 15 U.S.C. § 1681b(a)(2).
[10] 15 U.S.C. § 1681b(a)(3)(F)(i).
[11] Federal Trade Commission, *A Summary of Your Rights Under the Fair Credit Reporting Act* (Sept. 18, 2018), 12 CFR 1022, https://www.consumer.ftc.gov/sites/default/files/articles/pdf/pdf-0096-fair-credit-reporting-act.pdf (last visited Apr. 18, 2025).
[12] 15 U.S.C. § 1681, et. seq.
[13] 15 U.S.C. § 1681s-2.
[14] 15 U.S.C. §§ 1681g and 1681i.

- The name, address, and telephone number of the CRA that furnished the consumer report the person relied on.
- Notice of the individual's right to obtain a free copy of a consumer report on themselves from the CRA that issued such a report to the person taking the adverse action.
- Notice of the individual's right to dispute the accuracy or completeness of any information in a consumer report with the CRA who produced it.[15]

Portable Tenant Screening Reports

Currently, some companies specialize in online tenant background screening reports, which include information such as a:

- ResidentScore, a renter credit score.
- Criminal background report.
- Credit report.
- Eviction related report.
- Income insights report.
- Identity check report.[16]

On such a website, either a landlord or property manager or a tenant may create an account to either request screening of a potential tenant or to screen themselves.[17] Such companies typically provide several tiers of reports that are available for purchase to provide a prospective tenant or property manager or landlord with control over the cost of the report which will impact how much information the report includes.[18] However, even for a top tier tenant screening report, which includes all of the information listed above, the total cost is $47, and a prospective tenant may grant permission for a property owner to access his or her report.[19]

Affordable Housing in Florida

Housing is considered affordable when monthly rents or monthly mortgage payments, including taxes, insurance, and utilities, do not exceed 30 percent of a family's gross income.[20] Over 2.4 million low-income Florida households pay more than 30% of their incomes towards housing.[21] Over half of these households, or 1.3 million low-income households, spend more than 50% of their income towards housing costs.[22] This makes it difficult for those households to save for retirement or emergencies and difficult to afford other necessities like food and childcare.[23]

Eligibility to participate in Florida's state and federally-funded housing programs is determined by area median income (AMI) or statewide median family income, which is published annually by the United States Department of Housing and Urban Development (HUD).[24] In Florida, the current statewide AMI for a family of four is $88,600 (as family size changes, the income range also varies):[25]

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[15] 15 U.S.C. § 1681m(a).
[16] TransUnion SmartMove, *Tenant Background Screening Reports*, https://www.mysmartmove.com/tenant-screening-services (last visited Apr. 18, 2025).
[17] *Id*.
[18] TransUnion SmartMove, *Pricing*, https://www.mysmartmove.com/pricing (last visited Apr. 18, 2025).
[19] *Id*.; TransUnion SmartMove, *Tenant Frequently Asked Questions*, https://www.mysmartmove.com/transunion-smartmove-frequently-asked-questions/tenant-frequently-asked-questions#accordiongroup-338a6660be-item-bf9b64ac40 (last visited Apr. 18, 2025).
[20] S. 420.0004(3), F.S.
[21] Florida Housing Coalition, *2024 Home Matters Report*, p. 2. https://flhousing.org/wp-content/uploads/2024/08/FHC-2024-Home-Matters-Report.pdf (last visited Apr. 18, 2025).
[22] *Id.*
[23] *Id.*
[24] *See* U.S. Dept. of Housing and Urban Development: Office of Policy Development and Research, *Income Limits*, https://www.huduser.gov/portal/datasets/il.html#documents_2024 (last visited Apr. 18, 2025).
[25] U.S. Dept. of Housing and Urban Development: Office of Policy Development and Research, *FY 2024 State Income Limits: Florida*, https://www.huduser.gov/portal/datasets/il/il2024/2024summary.odn?inputname=STTLT*1299999999%2BFlorida&selection_type=county&stname=Florida&statefp=12.0&year=2024 (last visited Apr. 18, 2025).

- Extremely-low-income – earning up to 30 percent AMI (at or below $26,600);[26]
- Very-low-income – earning from 30.01 to 50 percent AMI ($26,601 to $44,300);[27]
- Low-income – earning from 50.01 to 80 percent AMI ($44,301 to $70,900);[28] and
- Moderate-income – earning from 80.01 to 120 percent of AMI ($70,901 to $106,320).[29]

As of 2024, Florida had only 24 affordable and available rental units for every 100 extremely low-income renters.[30] In addition, there were little to no communities in Florida that could provide enough housing to support this group of renters, which is primarily made up of low-income workers, retirees, and people with disabilities.[31]

Accessory Dwelling Units

The Legislature has taken measures in recent years to address Florida's need for more affordable housing.[32] One of those measures included encouraging the construction of ADUs in single-family residential areas to increase the availability of affordable rentals.

An ADU is an ancillary or secondary living unit that has a separate kitchen, bathroom, and sleeping area, existing either within the same structure, or on the same lot, as the primary dwelling unit.[33] ADUs can go by many different names such as "carriage house," "mother-in-law suite," or "coach house," and are quite common throughout the United States.[34]

ADUs offer benefits to both individual homeowners and the wider communities where they exist.[35] For individuals, ADUs:

- Allow families to provide care to aging or disabled relatives, while still providing those relatives some independence.
- Provide young adults an affordable housing option as a first step after college.
- May be a source of rental income to the homeowner.[36]

For the wider community, ADUs:

- Are a more affordable housing alternative compared to a single-family residence or apartment unit with costly neighborhood and amenity fees.
- Create diverse neighborhoods with a variety of residents of different ages and backgrounds.[37]

Under current law, a local government in Florida is authorized – but not required – to adopt an ordinance that allows ADUs in any area zoned for single-family residential use.[38] An application for a permit to construct an ADU must be accompanied by an affidavit from the applicant in which the applicant attests that the unit will be rented at an affordable rate to extremely-low-income, very-low-income, low-income, or moderate-income persons.[39]

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[26] *Id. See also* s. 420.0004(9), F.S.
[27] *Supra* note 25. *See also* s. 420.0004(17), F.S.
[28] *Supra* note 25. *See also* s. 420.0004(11), F.S.
[29] *Supra* note 25. *See also* s. 420.0004(12), F.S.
[30] *Supra* note 21, at p. 2.
[31] *Id.*
[32] In 2023, the Legislature passed the Live Local Act, which represented a generational retooling of state housing policy in Florida. The Legislature made subsequent amendments to the Live Local Act in 2024. *See* chs. 2023-17 and 2024-188, Laws of Fla. *See also* Florida Housing Coalition, *Overview of the Live Local Act*, https://www.floridahousing.org/live-local-act (last visited Apr. 18, 2025).
[33] S. 163.31771(2)(a), F.S.
[34] City of Tallahassee: Growth Management Department, *Zoning Spotlight: Accessory Dwelling Units*, March 2024, p. 1. https://www.talgov.com/uploads/public/documents/growth/zoning_spot_231010.pdf (last visited Apr. 18, 2025).
[35] *Id.*
[36] *Id.*
[37] *Id.*
[38] S. 163.31771(3), F.S.
[39] S. 163.31771(4), F.S.

Homestead Exemption

The Florida Constitution establishes homestead protections for certain residential real estate in the state in three distinct ways. First, it provides homesteads, property owned and maintained as a person's primary residence, with an exemption from taxes.[40] Second, the homestead provisions protect the homestead from forced sale by creditors.[41] Third, the homestead provisions delineate the restrictions a homestead owner faces when attempting to alienate or devise the homestead property.[42]

Every person having legal or equitable title to real estate and who maintains a permanent residence on the real estate is deemed to establish homestead property. Homestead property is eligible for a $25,000 tax exemption applicable to all ad valorem tax levies, including levies by school districts.[43] An additional exemption applies to homestead property value between $50,000 and $75,000. This exemption is adjusted annually for inflation from the 2024 value of $25,000 and does not apply to ad valorem taxes levied by school districts.

Any portion of the homestead property used for commercial purposes is excluded from the homestead.[44] Property rented for more than six months is presumed to be used for commercial purposes.[45]

The homestead property tax exemption may be lost by a property owner that abandons homestead property. Failure to maintain a homestead property as a permanent residence may constitute abandonment under certain circumstances.[46] Renting all or substantially all of a homestead property constitutes abandonment until the dwelling is physically occupied by the owner.[47]

Areas Of Critical State Concern

The Florida Legislature has designated certain areas within the state as "areas of critical state concern" to protect its natural resources and the environment; protect water resources; facilitate well-planned development; and protect the health and quality of life of Floridians. To achieve this goal, the Legislature has found it necessary to adequately plan and facilitate orderly development within the state.[48]

Areas that have been designated as areas of critical state concern include:

- The Big Cypress Area;[49]
- The Green Swamp Area;[50]
- The Florida Keys Area;[51]
- The Brevard Barrier Island Area;[52] and
- The Apalachicola Bay area.[53]

Density Bonus Incentives

A density bonus is a development incentive that allows developers to increase the maximum allowable development for a proposed project, as defined by a local zoning code, in exchange for the developer's support of

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[40] Art. VII, s. 6, Fla. Const.
[41] Art. X, s. 4(a), Fla. Const.
[42] Art. X, s. 4(c), Fla. Const.
[43] Art. VII, s. 6(a), Fla. Const.
[44] S. 196.012(13), F.S.
[45] *Id*. *See also* R. 12D-7.013(5), F.A.C. ("Property used as a residence and also used by the owner as a place of business does not lose its homestead character. The two uses should be separated with that portion used as a residence being granted the exemption and the remainder being taxed.")
[46] *See* ss. 196.031 and 193.155, F.S.
[47] S. 196.061(1), F.S.
[48] S. 380.021, F.S.
[49] S. 380.055(3), F.S.
[50] S. 380.0551(1), F.S.
[51] S. 380.0552(3), F.S.
[52] S. 380.0553(2), F.S.
[53] S. 380.0555, F.S.

specified public policy goals.[54] Density bonus programs are a common planning tool at local, county, and state levels across the United States, but vary greatly both in the kinds of bonuses offered and the policy goals the incentives are intended to address.[55]

In Florida, local governments have the inherent home rule authority[56] to provide density bonuses in exchange for the production of affordable housing units. Additionally, local governments that have adopted inclusionary housing ordinances are required to provide incentives to developers to offset the cost of the developer's affordable housing contribution, which may include granting density or intensity bonuses.[57]

A local government may also provide density bonus incentives to any landowner who voluntarily donates real property to the local government for the purpose of assisting the local government in providing affordable housing.[58] To receive a density bonus under this provision, the donated real property must:

- Be appropriate for use as affordable housing, as determined by the local government;[59] and
- Be subject to deed restrictions to ensure the property will be used for affordable housing.[60]

The deed restrictions must also prohibit an affordable housing unit from being sold at a price that exceeds the threshold for housing that is affordable for low-income or moderate-income persons or to a buyer who is not eligible due to his or her income under chapter 420, F.S., Florida's Housing statutes. The deed restriction may allow affordable housing units to be rented to extremely-low-income, very-low-income, low-income, or moderate-income persons.[61]

In practice, an increase in density for a proposed development offers an economic incentive for developers to produce affordable housing.[62] The allowance of full density allowed by local land use and zoning regulations, as well as additional approved units allowed by density bonuses, creates the opportunity for an affordable housing development to be financially feasible.[63] The allowance of more density also incentivizes market-rate developers to produce affordable units.[64] The sale of more units or the leasing of more apartments offsets the lower sales price or rent payments for each affordable unit.[65]

Change of Occupancy and Minimum Firesafety Standards

Under the Florida Building Code, a change of occupancy occurs when a building or structure requires a greater degree of safety, accessibility, structural strength, fire protection, means of egress, ventilation or sanitation than currently exists. Changes in occupancy include:

- Any change in the occupancy classification of a building or structure.
- Any change in the purpose of, or a change in the level of activity within, a building or structure.[66]

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[54] Planetizen, *What is a Density Bonus?* https://www.planetizen.com/definition/density-bonuses (last visited Apr. 18, 2025).
[55] *Id.*
[56] Home rule power refers to the ability of counties and municipalities to enact ordinances at the local level without prior state approval. Such ordinances, however, must not conflict with state or federal laws. In Florida, home rule language was proposed and subsequently adopted in the 1968 Constitutional revision. After several legal challenges, the Legislature adopted the Home Rule Powers Act in 1973, which ended challenges related to city and county home rule powers. *See* Florida League of Cities, *Understanding Florida's Home Rule Power*, May 2011, https://www.floridaleagueofcities.com/docs/default-source/Civic-Education/historyofhomerule.pdf?sfvrsn=2 (last visited Apr. 18, 2025).
[57] *See* ss. 125.01055(1), (2), and (4)and166.04151(1), (2), and (4), F.S.
[58] S. 420.615(1), F.S.
[59] *Id*.
[60] S. 420.615(6), F.S.
[61] *Id.*
[62] Florida Housing Coalition, *Affordable Housing Incentive Strategies: A Guidebook for Affordable Housing Advisory Committee Members and Local Government Staff*, Aug. 2021, p. 49, https://www.flhousing.org/wp-content/uploads/2021/08/8-4-21-AHAC-Guide-UPDATE.pdf (last visited Apr. 18, 2025).
[63] *Id.*
[64] *Id.*
[65] *Id.*
[66] Section 202 of the Florida Building Code, Building, Eighth Edition.

The Fire Prevention Code contains or incorporates by reference all firesafety laws and rules that pertain to and govern the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities and the enforcement of such firesafety laws and rules.[67]

Current law provides that certain single-family or two-family dwellings that are converted into a certified recovery residence[68] or a recovery residence[69] is not a change of occupancy as defined in the Building Code solely due to such conversion.[70] Additionally, such certified recovery residence or recovery residence may not be reclassified for purposes of enforcing the Florida Fire Prevention code solely due to such use.[71]

OTHER RESOURCES:

Tenant Background Screening Reports

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Orig. Comm.: Commerce Committee			Hamon	Fletcher

[67] S. 633.202(1), F.S.
[68] "Certified recovery residence" means a recovery residence that holds a valid certificate of compliance and is actively managed by a certified recovery residence administrator. S. 397.311(5), F.S.
[69] "Recovery residence" means a residential dwelling unit, the community housing component of a licensed day or night treatment facility with community housing, or other form of group housing, which is offered or advertised through any means, including oral, written, electronic, or printed means, by any person or entity as a residence that provides a peer-supported, alcohol-free, and drug-free living environment. S. 397.311(39), F.S.
[70] S. 553.80(10), F.S.
[71] S. 633.208(11), F.S.

A bill to be entitled

An act relating to housing; creating s. 83.471, F.S.; providing definitions; authorizing a landlord to accept reusable tenant screening reports and require a specified statement; requiring that certain information be included in reusable tenant screening reports; prohibiting a landlord from charging certain fees to an applicant using a reusable tenant screening report; providing applicability; amending s. 163.31771, F.S.; defining the term "primary dwelling unit"; requiring, rather than authorizing, local governments to adopt, by a specified date, an ordinance to allow accessory dwelling units in certain areas; requiring such ordinances to apply prospectively; prohibiting such ordinances from including certain requirements; removing a requirement that an application for a building permit to construct an accessory dwelling unit include a certain affidavit; revising the accessory dwelling units that apply toward satisfying a certain component of a local government's comprehensive plan; specifying that accessory dwelling units that provide affordable rental housing shall apply towards satisfying a certain component of a local government's comprehensive plan; prohibiting the denial of a

homestead exemption for certain portions of property on a specified basis; requiring that a rented accessory dwelling unit be assessed separately from the homestead property and taxed according to its use; providing an exception; prohibiting local governments from adopting an ordinance to allow accessory dwelling units in areas of critical state concern; amending s. 420.615, F.S.; authorizing a local government to provide a density bonus incentive to landowners who make certain real property donations to assist in the provision of affordable housing for military families; requiring the Office of Program Policy Analysis and Government Accountability to evaluate the efficacy of using mezzanine finance and the potential of tiny homes for specified purposes; requiring the office to consult with certain entities; requiring the office to submit a certain report to the Legislature by a specified date; amending s. 553.80, F.S.; providing that the use of certain dwellings as, or the conversion of such dwellings into, certain residences is not a change in occupancy as defined in the Florida Building Code; amending s. 633.208, F.S.; providing that the use of certain dwellings as, or the conversion of such dwellings into, certain residences does not require the reclassification of such

dwellings for purposes of enforcing the Florida Fire Prevention Code; providing an effective date.

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

Section 1. Section 83.471, Florida Statutes, is created to read:

83.471 Reusable tenant screening reports.—

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

(a)1. "Consumer report" means any written, oral, or other communication of information by a consumer reporting agency bearing on a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living which is used or expected to be used or collected in whole or in part for the purpose of serving as a factor in establishing the consumer's eligibility for credit or insurance to be used primarily for personal, family, or household purposes; employment purposes; or any other purpose authorized under 15 U.S.C. s. 1681b.

2. Except for the restrictions provided in 15 U.S.C. s. 1681a(d)(3), the term "consumer report" does not include:

a. Subject to 15 U.S.C. s. 1681s-3, any report containing information solely as to transactions or experiences between the consumer and the person making the report; communication of such information among persons related by common ownership or

affiliated by corporate control; or communication of other information among persons related by common ownership or affiliated by corporate control, if it is clearly and conspicuously disclosed to the consumer that the information may be communicated among such persons and the consumer is given the opportunity, before the time that the information is initially communicated, to direct that such information not be communicated among such persons;

b. Any authorization or approval of a specific extension of credit directly or indirectly by the issuer of a credit card or similar device;

c. Any report in which a person who has been requested by a third party to make a specific extension of credit directly or indirectly to a consumer conveys his or her decision with respect to such request, if the third party advises the consumer of the name and address of the person to whom the request was made, and such person makes the disclosures to the consumer required under 15 U.S.C. s. 1681m; or

d. A communication described in 15 U.S.C. s. 1681a(o) or s. 1681a(x).

(b) "Consumer reporting agency" means any person who, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer

reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports.

(c) "Reusable tenant screening report" means a consumer report that:

1. Is prepared within the previous 30 days by a consumer reporting agency at the request and expense of an applicant.

2. Is made directly available to a landlord for use in the rental application process or is provided through a third-party website that regularly engages in the business of providing a reusable tenant screening report and complies with all state and federal laws pertaining to use and disclosure of information contained in a consumer report by a consumer reporting agency.

3. Is available to the landlord at no cost to access or use.

(2) A landlord may accept reusable tenant screening reports and may require an applicant to state that there has not been a material change to the information in the reusable tenant screening report.

(3) A reusable tenant screening report must include all of the following information:

(a) The applicant's full name.

(b) The applicant's contact information, including mailing address, e-mail address, and telephone number.

(c) Verification of the applicant's employment.

(d) The applicant's last known address.

(e) The results of an eviction history check in a manner and for a period of time consistent with applicable law related to the consideration of eviction history in housing.

(f) The date through which the information contained in the report is current.

(4) If an applicant provides a reusable tenant screening report to a landlord who accepts such reports, the landlord may not charge the applicant a fee to access the report or an application screening fee.

(5) This section does not:

(a) Affect any other applicable law related to the consideration of criminal history information in housing; or

(b) Require a landlord to accept reusable tenant screening reports.

Section 2. Subsections (3) and (4) and present subsection (5) of section 163.31771, Florida Statutes, are amended, paragraph (h) is added to subsection (2) of that section, and a new subsection (5) is added to that section, to read:

163.31771 Accessory dwelling units.—

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

(h) "Primary dwelling unit" means the existing or proposed single-family dwelling on the property where a proposed accessory dwelling unit would be located.

(3) By December 1, 2025, a local government shall ~~may~~

adopt an ordinance to allow accessory dwelling units in any area zoned for single-family residential use. Such ordinance shall apply prospectively to accessory dwelling units approved after the date the ordinance is adopted. Such ordinance may regulate the permitting, construction, and use of an accessory dwelling unit, but may not do any of the following:

(a) Require that the owner of a parcel on which an accessory dwelling unit is constructed reside in the primary dwelling unit.

(b) Increase parking requirements on any parcel that can accommodate an additional motor vehicle on a driveway without impeding access to the primary dwelling unit.

(c) Require replacement parking if a garage, carport, or covered parking structure is converted to create an accessory dwelling unit.

~~(4) An application for a building permit to construct an accessory dwelling unit must include an affidavit from the applicant which attests that the unit will be rented at an affordable rate to an extremely-low-income, very-low-income, low-income, or moderate-income person or persons.~~

(4)~~(5)~~ Each accessory dwelling unit allowed by an ordinance adopted under this section which provides affordable rental housing shall apply toward satisfying the affordable housing component of the housing element in the local government's comprehensive plan under s. 163.3177(6)(f).

(5) The owner of a property with an accessory dwelling unit may not be denied a homestead exemption for those portions of property on which the owner maintains a permanent residence solely on the basis of the property containing an accessory dwelling unit that is or may be rented to another person. However, if the accessory dwelling unit is rented to another person, the accessory dwelling unit must be assessed separately from the homestead property and taxed according to its use.

(6) Notwithstanding subsections (1) through (5), a local government may not adopt an ordinance to allow accessory dwelling units within any area of critical state concern as designated in ss. 380.055, 380.0551, 380.0552, 380.0553, and 380.0555.

Section 3. Subsection (1) of section 420.615, Florida Statutes, is amended to read:

420.615 Affordable housing land donation density bonus incentives.—

(1) A local government may provide density bonus incentives pursuant to the provisions of this section to any landowner who voluntarily donates fee simple interest in real property to the local government for the purpose of assisting the local government in providing affordable housing, including housing that is affordable for military families receiving the basic allowance for housing. Donated real property must be determined by the local government to be appropriate for use as

affordable housing and must be subject to deed restrictions to ensure that the property will be used for affordable housing.

Section 4. The Office of Program Policy Analysis and Government Accountability (OPPAGA) shall evaluate the efficacy of using mezzanine finance, or second-position short-term debt, to stimulate the construction of owner-occupied housing that is affordable as defined in s. 420.0004(3), Florida Statutes, in this state. OPPAGA shall also evaluate the potential of tiny homes in meeting the need for affordable housing in this state. OPPAGA shall consult with the Florida Housing Finance Corporation and the Shimberg Center for Housing Studies at the University of Florida in conducting its evaluation. By December 31, 2026, OPPAGA shall submit a report of its findings to the President of the Senate and the Speaker of the House of Representatives. Such report must include recommendations for the structuring of a model mezzanine finance program.

Section 5. Subsection (10) of section 553.80, Florida Statutes, is amended to read:

553.80 Enforcement.—

(10) A single-family or two-family dwelling does not have a change of occupancy as defined in the Florida Building Code solely due to such dwelling's use as or conversion ~~that is converted~~ into:

(a) A certified recovery residence, as defined in s. 397.311, or a recovery residence, as defined in s. 397.311, that

has a charter from an entity recognized or sanctioned by Congress; or

(b) A residence owned by a tax-exempt charitable organization under s. 501(c)(3) of the Internal Revenue Code whose stated corporate purpose relates to the support of people who are living with a mental health disorder, which has no fewer than two and no more than four bedrooms, is occupied by a group or family of no more than six ambulatory adults living with a mental health disorder, and has no more than two adults assigned to any bedroom ~~does not have a change of occupancy as defined in the Florida Building Code solely due to such conversion~~.

Section 6. Subsection (11) of section 633.208, Florida Statutes, is amended to read:

633.208 Minimum firesafety standards.—

(11) Notwithstanding subsection (8), a single-family or two-family dwelling may not be reclassified for purposes of enforcing the Florida Fire Prevention Code solely due to such dwelling's use as or conversion into:

(a) ~~that is~~ A certified recovery residence, as defined in s. 397.311, or ~~that is~~ a recovery residence, as defined in s. 397.311, that has a charter from an entity recognized or sanctioned by Congress; or

(b) A residence owned by a tax-exempt charitable organization under s. 501(c)(3) of the Internal Revenue Code whose stated corporate purpose relates to the support of people

who are living with a mental health disorder, which has no fewer than two and no more than four bedrooms, is occupied by a group or family of no more than six ambulatory adults living with a mental health disorder, and has no more than two adults assigned to any bedroom ~~may not be reclassified for purposes of enforcing the Florida Fire Prevention Code solely due to such use~~

Section 7. This act shall take effect July 1, 2025.

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:** CS/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 those timeframes, unless an exception applies.

Additionally, the bill:

- Provides that the production of ethanol from plants and plant products by certain processes does not constitute chemical manufacturing or chemical refining.
- Prohibits school districts from imposing any fee in lieu of an impact fee, unless an exception applies.
- Specifies that certain fees may be used by local governments to process or enforce building permits.
- Amends and creates certain definitions under the Homeowners' Association Act (Act).
- Modifies the scope of the Act as it relates to amenities and properties governed by a recreational covenant
- Requires expenses related to amenities to be included in financial reports under the Act.
- Creates certain requirements, limitations, and disclosures for parcels subject to a recreational covenant.

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 3 for municipalities.)

[1] Local government means any county or municipality. *See* s. 163.3164(29), F.S.

Timeframes for Processing Certain Zoning Applications

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 3 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 was submitted; or
- Specify, with particularity and in writing, any areas that are deficient. (Section 1 for counties; Section 3 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. The bill's changes to these provisions are intended to be remedial and clarifying in nature and apply retroactively to January 1, 2022. (Section 1 for counties; Section 3 for municipalities.)

The bill specifies that a local government and an applicant may agree in writing or in a public meeting or hearing to an extension of time to process the application for a development permit or order. (Section 1 for counties; Section 3 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 3 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 3 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 3 for municipalities.)

Production of Ethanol from Plants or Plant Products

The bill amends the Agricultural Lands and Practices Act[2] to specify that production of ethanol from plants or plant products[3] by fermentation, distillation, or drying does not constitute chemical manufacturing or chemical refining. These provisions in the bill are intended to be remedial and clarifying in nature and apply retroactively to any law, regulation, or ordinance, or any interpretation thereof. (Section 2.)

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.[4] 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 4.)

Fees Related to Enforcement of the Florida Building Code

The bill specifies that fees imposed by local governments, and any related fines or investment earnings, imposed to enforce the Florida Building Code may only be used for carrying out the local government's responsibilities in enforcing the Florida Building Code, which includes, but is not limited to, ***any process or enforcement related to obtaining and finalizing a building permit***. (Section 5.)

Similarly, the bill clarifies that planning and zoning or other general government activities not related to obtaining a building permit may not be funded with fees adopted for enforcing the Florida Building Code. (Section 5.)

Definitions Under the Homeowners' Association Act

The bill amends the Florida Homeowners' Association Act[5] (HOA Act) to define the following terms:

- "Amenity dues" means dues charged in accordance with 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 dues; 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 existing definitions under the HOA Act as follows:

- Clarifies that "[a]ssessment," does not include "amenity fee."
- The term "[g]overning documents" does not include recreational covenants respecting commercial recreational facilities or amenities, regardless of whether such recreational covenants are attached as exhibits to, or referenced in, a declaration of covenants. (Section 6.)

[2] S. 163.3162, F.S.

[3] For purposes of these provisions, "plants or plant products" means 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 Florida Department of Agriculture and Consumer Services. S. 581.011(27), F.S.

[4] *See* s. 163.31801(4)(f) and (g), F.S.

[5] Ch. 720, F.S.

Scope of the Homeowners' Association Act

The bill modifies the scope of the HOA Act to exempt privately-owed recreational amenities. The bill specifies 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. The bill prohibits amenity dues from being increased by more than 10 percent from the preceding fiscal year, unless the parcel owners subject to the recreational covenant, by a majority vote, approve an increase in excess of 10 percent. (Section 9.)

Under the bill, 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, or the association responsible for governing the parcels, 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. However, in the event that a recreational covenant recorded before October 1, 2025 contains a purchase price or formula for determining the purchase price, then the terms of the recreational covenant shall govern the purchase and sale of the facilities or amenities. (Section 9.)

The bill requires a recreational covenant recorded on or after October 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.
- The manner in which amenity dues 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 for All Urban Consumers released in January of each year.
- The rights and remedies that are available relating to payment and collection 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 October 1, 2025, to comply with certain requirements[6] in the bill by October 1, 2026, to remain valid and effective after that date. (Section 9.)

The bill prohibits a recreational covenant, notwithstanding any provision in the recreational covenant to the contrary, 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.)

Under the bill, the termination of a recreational covenant or the right of a private amenity owner to suspend the right of a parcel owner to use a privately owned recreational facility or amenity may not:

- Prohibit an owner or a tenant of a parcel from having vehicular and pedestrian ingress to and egress from the parcel;

[6] The requirements include those provided in s. 720.319(4), F.S., as created by the bill.

- Prohibit an owner or a tenant of a parcel from receiving utilities provided to the parcel by virtue of utility facilities or utility easements located within the privately owned recreational facility or amenity; or
- Prohibit an owner or a tenant of a parcel from having access to any mail delivery facility serving the parcel which is located within the privately owned recreational facility or amenity. (Section 9.)

Beginning October 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 the following, if the contract does not already contain a disclosure that meets the requirements of the Interstate Land Sales Full Disclosure Act of 1968, as amended:[7]

DISCLOSURE SUMMARY

YOUR LOT, DWELLING, AND/OR PARCEL IS SUBJECT TO A RECREATIONAL COVENANT, AS DEFINED IN SECTION 720.301, FLORIDA STATUTES. 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.

(8) THE PRIVATE THIRD-PARTY COMMERCIAL RECREATIONAL FACILITY OR AMENITY OWNER MAY HAVE THE RIGHT TO AMEND THE RECREATIONAL COVENANT WITHOUT

[7] 15 U.S.C. §§ 1701-1720.

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 October 1, 2025, except as otherwise provided. (Section 9.)

The bill requires the above disclosures to be supplied by the developer or, if the sale is by a parcel owner that is not the developer, by the parcel owner. After October 1, 2025, the bill requires any contract or agreement for sale for a parcel which is governed by a homeowners' association and is also subject to a recreational covenant to refer to and incorporate the disclosure summary and include, in prominent language, a statement that the potential buyer should not execute the contract or agreement until they have received and read the disclosure summary. (Section 9.)

The bill specifies that, after October 1, 2025, if the disclosure summary is not provided to a prospective purchaser as required by the bill, the purchaser may void the contract by delivering to the seller or the seller's agent or representative written notice canceling the contract within 3 days after receipt of the disclosure summary or before closing, whichever occurs later. This right may not be waived by the purchaser but terminates at closing. (Section 9.)

The bill provides that the above provisions do not apply to a corporation not for profit pursuant to chapter 617 or a local governmental entity, including, but not limited to, a special district created pursuant to chapter 189 or chapter 190. (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 and operational costs, expenses, and other amounts expended for the operation of certain facilities, amenities, or other properties. (Section 8.)

The bill has an effective date of October 1, 2025. (Section 15.)

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 privately-owned recreational amenities or 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 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.[21]

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[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.
[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 Apr. 18, 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*. Areas
[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.

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.[22] 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.[23] 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.[24] These timeframes do not apply in an area of critical state concern.[25]

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.[26]

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.[27]
- 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.[28]
- 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.[29]

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.[30]

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.[31]

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.[32] 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.[33] 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.[34] Concurrency

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[22] Ss. 125.022(1), F.S. and 166.033(1), F.S.
[23] Ss. 125.022(1), F.S. and 166.033(1), F.S.
[24] Ss. 125.022(1), F.S. and 166.033(1), F.S.
[25] Ss. 125.022(1), F.S. and 166.033(1), F.S. Areas of critical state concern are designated in s. 380.0552, F.S., and ch. 28-36, Fla. Admin. Code.
[26] Ss. 125.022(2)(a) and 166.033(2)(a), F.S.
[27] Ss. 125.022(2)(b) and 166.033(2)(b), F.S.
[28] Ss. 125.022(2)(c) and 166.033(2)(c), F.S.
[29] Ss. 125.022(2)(d) and 166.033(2)(d), F.S.
[30] Ss. 125.022(2)(e) and 166.033(2)(e), F.S.
[31] Ss. 125.022(3) and 166.033(3), F.S.
[32] *See* s. 163.3180(5)(d), F.S. *See also*, David M. Layman, *Concurrency and Moratoria*, 71 Fla. B.J. 49 (January 1997).
[33] S. 163.3180(1), (5), and (6), F.S.
[34] S. 163.3180(1)(a), F.S.

requirements apply to state facilities and other public facilities to the same extent as all other facilities and development.[35]

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[36] needed to expand local services to meet the demands of population growth caused by new development.[37] 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.
- 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.[38]

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.[39] In general, a building permit must be obtained before the construction, erection, modification, repair, or demolition of any building.[40] 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.[41] 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.[42]

Dual Rational Nexus Test

[35] S. 163.3180(4), F.S.
[36] "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.
[37] S. 163.31801(2), F.S. Water and sewer connection fees are not impact fees. S. 163.31801(12), F.S.
[38] S. 163.31801(4), F.S.
[39] *See* s. 163.31801(2), F.S.
[40] S. 553.79, F.S.
[41] S. 163.3164(16), F.S.
[42] S. 163.31801(11), F.S.

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.[43]

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.[44]

Agricultural Lands and Practices Act

The Agricultural Lands and Practices Act[45] (ALP Act) was passed in 2003 to prohibit duplicative and burdensome regulations placed on farmers and agricultural lands by government entities.[46] 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.[47]

Florida Building Code

In 2000, the Legislature authorized implementation of the first edition of the Florida Building Code (Building Code).[48] Now in its eighth edition, the Building Code governs the design, construction, modification, repair, and demolition of public and private buildings, structures, and facilities in the state.[49]

The Florida Building Codes Act[50] allows local governments to charge reasonable fees as set forth in a schedule of fees adopted by the enforcing agency for the issuance of a building permit.[51] Such fees shall be used solely for carrying out the local government's responsibilities in enforcing the Building Code.[52] Enforcing the Building Code includes the direct costs and reasonable indirect costs associated with training, review of building plans, building inspections, re-inspections, building permit processing, and fire inspections.[53] Local governments must post all building permit and inspection fee schedules on their website.[54]

Under the Florida Building Codes Act, the following activities may not be funded with fees adopted for enforcing the Building Code:

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[43] *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).

[44] *See* ch. 2019-106, Laws of Fla., codified at s. 163.31801(4)(f) and (g), F.S.

[45] S. 163.3162, F.S.

[46] 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).

[47] 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).

[48] Florida Housing Finance Corporation, *Overview of the Florida Building Code*, https://www.floridahousing.org/docs/default-source/aboutflorida/august2017/august2017/tab4.pdf (last visited Apr. 18, 2025).

[49] *Id. See also*, International Code Council, *Florida Building Codes*, https://codes.iccsafe.org/codes/florida (last visited Apr. 18, 2025); ss. 553.72 and 553.73, F.S.

[50] Ch. 553.70, Part IV, F.S.

[51] S. 553.80(7)(a), F.S.

[52] *Id.*

[53] *Id.*

[54] *Id.*

- Planning and zoning or other general government activities.
- Inspections of public buildings for a reduced fee or no fee.
- Public information requests, community functions, boards, and any program not directly related to enforcement of the Florida Building Code.
- Enforcement and implementation of any other local ordinance, excluding validly adopted local amendments to the Florida Building Code and excluding any local ordinance directly related to enforcing the Florida Building Code.[55]

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[56] owners,[57] and in which membership is a mandatory condition of parcel ownership.[58] The Homeowners' Association Act[59] (HOA Act) regulates the operation of HOAs in Florida.[60] 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.[61]

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.[62] 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.[63]

[55] S. 553.80(7)(a)3., F.S.
[56] "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.
[57] "Parcel owner" means the record owner of legal title to a parcel. *Id.*
[58] *Id.*
[59] Ch. 720, F.S.
[60] Ss. 720.3015 and 720.302, F.S.
[61] S. 720.302(3), F.S.
[62] S. 720.3086, F.S.
[63] *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, 2024.

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.; providing that ethanol from certain plants or plant products do not constitute chemical manufacturing or chemical refining; 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. 553.80, F.S.; specifying certain purposes for which local governments may use certain fees to carry out activities related to obtaining and finalizing a building permit; 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; limiting the annual increase in amenity dues; 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 dues 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; amending ss. 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 or in a public meeting or hearing 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.

This subsection is intended to be remedial and clarifying in nature and shall apply retroactively to January 1, 2022.

(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. Subsection (5) is added to section 163.3162, Florida Statutes, to read:

163.3162 Agricultural lands and practices.—

(5) Production of ethanol from plants or plant products as

defined in s. 581.011(27) by fermentation, distillation, or drying does not constitute chemical manufacturing or chemical refining. This subsection is intended to be remedial and clarifying in nature and shall apply retroactively to any law, regulation, or ordinance or any interpretation thereof.

Section 3. 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 or in a public meeting or hearing 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.

This subsection is intended to be remedial and clarifying in nature and shall apply retroactively to January 1, 2022.

(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 4. 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 5. Paragraph (a) of subsection (7) of section 553.80, Florida Statutes, is amended to read:

553.80 Enforcement.—

(7)(a) The governing bodies of local governments may provide a schedule of reasonable fees, as authorized by s. 125.56(2) or s. 166.222 and this section, for enforcing this part. These fees, and any fines or investment earnings related

to the fees, may only be used for carrying out the local government's responsibilities in enforcing the Florida Building Code, including but not limited to any process or enforcement related to obtaining or finalizing a building permit. When providing a schedule of reasonable fees, the total estimated annual revenue derived from fees, and the fines and investment earnings related to the fees, may not exceed the total estimated annual costs of allowable activities. Any unexpended balances must be carried forward to future years for allowable activities or must be refunded at the discretion of the local government. A local government may not carry forward an amount exceeding the average of its operating budget for enforcing the Florida Building Code for the previous 4 fiscal years. For purposes of this subsection, the term "operating budget" does not include reserve amounts. Any amount exceeding this limit must be used as authorized in subparagraph 2. However, a local government that established, as of January 1, 2019, a Building Inspections Fund Advisory Board consisting of five members from the construction stakeholder community and carries an unexpended balance in excess of the average of its operating budget for the previous 4 fiscal years may continue to carry such excess funds forward upon the recommendation of the advisory board. The basis for a fee structure for allowable activities must relate to the level of service provided by the local government and must include consideration for refunding fees due to reduced services based

on services provided as prescribed by s. 553.791, but not provided by the local government. Fees charged must be consistently applied.

1. As used in this subsection, the phrase "enforcing the Florida Building Code" includes the direct costs and reasonable indirect costs associated with review of building plans, building inspections, reinspections, and building permit processing; building code enforcement; and fire inspections associated with new construction. The phrase may also include training costs associated with the enforcement of the Florida Building Code and enforcement action pertaining to unlicensed contractor activity to the extent not funded by other user fees.

2. A local government must use any excess funds that it is prohibited from carrying forward to rebate and reduce fees, to upgrade technology hardware and software systems to enhance service delivery, to pay for the construction of a building or structure that houses a local government's building code enforcement agency, or for training programs for building officials, inspectors, or plans examiners associated with the enforcement of the Florida Building Code. Excess funds used to construct such a building or structure must be designated for such purpose by the local government and may not be carried forward for more than 4 consecutive years. An owner or builder who has a valid building permit issued by a local government for a fee, or an association of owners or builders located in the

state that has members with valid building permits issued by a local government for a fee, may bring a civil action against the local government that issued the permit for a fee to enforce this subparagraph.

3. The following activities may not be funded with fees adopted for enforcing the Florida Building Code:

a. Planning and zoning or other general government activities not related to obtaining a building permit.

b. Inspections of public buildings for a reduced fee or no fee.

c. Public information requests, community functions, boards, and any program not directly related to enforcement of the Florida Building Code.

d. Enforcement and implementation of any other local ordinance, excluding validly adopted local amendments to the Florida Building Code and excluding any local ordinance directly related to enforcing the Florida Building Code as defined in subparagraph 1.

4. A local government must use recognized management, accounting, and oversight practices to ensure that fees, fines, and investment earnings generated under this subsection are maintained and allocated or used solely for the purposes described in subparagraph 1.

5. The local enforcement agency, independent district, or special district may not require at any time, including at the

time of application for a permit, the payment of any additional fees, charges, or expenses associated with:

a. Providing proof of licensure under chapter 489;

b. Recording or filing a license issued under this chapter;

c. Providing, recording, or filing evidence of workers' compensation insurance coverage as required by chapter 440; or

d. Charging surcharges or other similar fees not directly related to enforcing the Florida Building Code.

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:

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

(1) "Amenity dues" means dues charged in accordance with a recreational covenant. The term does not include the expenses of a homeowners' association.

(2)~~(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.

(9)(a)~~(8)~~ "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)(c), 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.

(11)~~(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.

(14) "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 dues; 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.

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, amenities, ~~and~~ or 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. Amenity dues may not be increased by more than 10 percent from the preceding fiscal year, unless the parcel owners subject to the recreational covenant, by a majority vote, approve an increase in excess of 10 percent.

(3) 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, or the association responsible for governing the parcels, 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. In the event that a recreational covenant recorded before October 1, 2025 contains a purchase price or formula for determining the purchase price, then the terms of the recreational covenant shall govern the purchase and sale of the facilities or amenities.

(4) A recreational covenant recorded on or after October 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.

(d) The manner in which amenity dues 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 for All Urban Consumers released in January of each year.

(e) The rights and remedies that are available relating to payment and collection of amenity dues.

(f) A statement of whether collection rights to enforce payment of amenity dues are subordinate to an association's right to collect assessments.

(g) 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 recreational covenant recorded before October 1, 2025, must comply with the requirements of subsection (4) by October 1, 2026, to remain valid and effective after that date.

(6) Notwithstanding any provision in a recreational covenant to the contrary, 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.

(7) The termination of a recreational covenant or the right of a private amenity owner to suspend the right of a parcel owner to use a privately owned recreational facility or amenity may not:

(a) Prohibit an owner or a tenant of a parcel from having vehicular and pedestrian ingress to and egress from the parcel;

(b) Prohibit an owner or a tenant of a parcel from receiving utilities provided to the parcel by virtue of utility facilities or utility easements located within the privately owned recreational facility or amenity; or

(c) Prohibit an owner or a tenant of a parcel from having access to any mail delivery facility serving the parcel which is located within the privately owned recreational facility or

amenity.

(8) Beginning October 1, 2025, each contract for the sale of a parcel which is governed by an association and is also subject to a recreational covenant must contain in conspicuous type a clause that substantially states the following, if the contract does not already contain a disclosure that meets the requirements of the Interstate Land Sales Full Disclosure Act of 1968, as amended:

DISCLOSURE SUMMARY

YOUR LOT, DWELLING, AND/OR PARCEL IS SUBJECT TO A RECREATIONAL COVENANT, AS DEFINED IN SECTION 720.301, FLORIDA STATUTES. 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 FACILITY OR AMENITY.

(7) MANDATORY MEMBERSHIP REQUIREMENTS OR OTHER OBLIGATIONS TO PAY AMENITY DUES CAN BE FOUND IN THE RECREATIONAL COVENANT.

(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 COVENANT BEFORE PURCHASE. THE RECREATIONAL COVENANT IS A MATTER OF PUBLIC RECORD AND CAN BE OBTAINED FROM THE RECORD OFFICE IN THE COUNTY WHERE THE PROPERTY IS LOCATED.

(9) This section may not be construed to impair the

validity or effectiveness of a recreational covenant recorded before October 1, 2025, except as provided in subsection (5).

(10) The disclosure summary required by this section must be supplied by the developer or, if the sale is by a parcel owner that is not the developer, by the parcel owner. After October 1, 2025, any contract or agreement for sale for a parcel which is governed by a homeowners' association and is also subject to a recreational covenant must refer to and incorporate the disclosure summary and must include, in prominent language, a statement that the potential buyer should not execute the contract or agreement until they have received and read the disclosure summary required by this section.

(11) After October 1, 2025, if the disclosure summary is not provided to a prospective purchaser as required by this section, the purchaser may void the contract by delivering to the seller or the seller's agent or representative written notice canceling the contract within 3 days after receipt of the disclosure summary or before closing, whichever occurs later. This right may not be waived by the purchaser but terminates at closing.

(12) This section shall not apply to a corporation not for profit pursuant to chapter 617 or a local governmental entity, including, but not limited to, a special district created pursuant to chapter 189 or chapter 190.

Section 10. 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(10) ~~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 11. 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(10) ~~s. 720.301(9)~~, or s. 723.075.

Section 12. 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(10) ~~s. 720.301(9)~~, or any corporation regulated under chapter 718 or chapter 719.

Section 13. 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(10) ~~s. 720.301(9)~~, which holds a superior lien interest on the unit. This subparagraph is intended to clarify existing law.

Section 14. 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(10) ~~s. 720.301(9)~~, which holds a superior lien interest on the parcel. This paragraph is intended to clarify existing law.

Section 15. This act shall take effect October 1, 2025.

PCS for CS/HB 643

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 643	**COMPANION BILL:** CS/SB 1184 (DiCeglie)
TITLE: Insurance	**LINKED BILLS:** None
SPONSOR(S): Commerce Committee	**RELATED BILLS:** None

Committee References

Orig. Comm.: Commerce

SUMMARY

Effect of the Bill:

The bill:

- Authorizes the Florida Department of Law Enforcement (FDLE) to process background checks for insurance personnel.
- Requires fair, documented affiliate compensation; mandates fee-for-service model by July 2026; requires the Office of Insurance Regulation (OIR) approval for payments, dividends, and capital transfers to affiliates.
- Requires all affiliate payments to comply with new standards.
- Removes the definition of "diligent effort" relating to surplus lines;
- Revises surplus lines eligibility by eliminating the requirement that agents seek coverage from authorized insurers before placing coverage in the surplus lines market, replacing it with a standard that allows export if the coverage is not generally available from authorized insurers; clarifies that the full amount of insurance may be exported without layering; and retains the required disclosure to insureds; and
- Authorizes Citizens Property Insurance Corporation to offer policyholders the option, at issuance or renewal, to resolve claim disputes through arbitration before the Division of Administrative Hearings, with specific notice and selection requirements.
- Reduces the coursework requirement for general lines agent licensure from 200 to 60 hours.

Fiscal or Economic Impact:

The bill will have an indeterminate fiscal impact.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

Background Checks

The bill authorizes the FDLE to accept and process fingerprints and exchange criminal history records for individuals involved in the insurance industry. The bill requires background checks for a wide range of persons associated with insurers or insurance-related entities, including officers, employees, contractors, or persons who control insurance operations. Fingerprints must be submitted to the OIR or an authorized vendor and will be processed by both the FDLE and the Federal Bureau of Investigation. The results of the background checks will be used by the OIR to determine whether individuals meet eligibility requirements for licensure, certification, or authority to operate under the Florida Insurance Code. The bill also provides procedures for submission, retention, and cost responsibilities associated with fingerprint processing and background checks. (Section 1).

Affiliate Transaction Oversight

The bill provides increased regulatory oversight of financial transactions between insurers and affiliated entities, including managing general agents (MGAs), attorneys in fact, and reciprocal insurers. The bill applies to any authorized insurer that involves compensation to such entities and establishes requirements to ensure those payments are fair, reasonable, and in the insurer's best interest.

The bill defines key terms, including "affiliated entity," which broadly includes affiliates, MGAs, attorneys in fact, and reciprocal insurers involved in compensation with the insurer.

The bill requires insurers to submit documentation to the OIR demonstrating that all fees, commissions, or payments to affiliated entities are fair and reasonable for each service provided. The OIR must evaluate this using specified factors, including the actual cost of services, financial condition of the parties, debt levels, dividends or payments exchanged, and whether the contract terms benefit the insurer.

For all agreements in effect on July 1, 2025, insurers must report by October 1, 2025, the costs incurred by affiliates, amounts charged to the insurer, and any fees forgiven or reimbursed over the past two years. If charges exceed costs, insurers must justify how the fees are fair and reasonable. New contracts after that date must include similar documentation before becoming effective.

Beginning July 1, 2026, all compensation arrangements must follow a fee-for-service model, meaning fixed or hourly rates for itemized services. Compensation may not be based on commissions, premium volume, underwriting profits, or financial performance of the insurer. Dividends or other financial arrangements with affiliates are still allowed but must be reviewed and approved by the OIR.

The bill also provides that:

- All agreements with affiliated entities must include a termination clause and may not exceed three years without undergoing review and reapproval by the OIR.
- The OIR must be notified at least 30 days in advance before an insurer pledges capital or assets to an affiliate, and the OIR may prohibit such arrangements if not in the insurer's best interest.
- During a declared emergency, the OIR may issue orders restricting transfers of funds to affiliates without prior approval, for up to 90 days, with extensions allowed.
- The OIR may recover improper transfers, including those made in violation of approved arrangements or while the insurer was undercapitalized.

Finally, the bill authorizes the OIR to impose penalties for violations of these requirements and requires the Financial Services Commission to adopt rules to implement these provisions. (Section 2).

Affiliate Compensation Compliance

The bill requires that affiliate compensation arrangements comply with the provisions created in the bill, in addition, to the existing requirement that such payments be fair and reasonable. (Section 3).

Surplus Lines

The bill removes the definition of "diligent effort," which previously required agents to seek and be rejected by three authorized insurers before being admitted to the surplus lines market. (Section 4).

The bill revises eligibility standards for surplus lines insurance placements by removing the requirement that a producing agent conduct and document a diligent effort to procure coverage from authorized insurers. Instead, the bill provides that coverage may be exported to the surplus lines market if it is of a kind or class not generally available from authorized insurers transacting insurance in this state. The bill also clarifies that the full amount of insurance may be exported, even if partial coverage might otherwise be available from authorized insurers, thereby eliminating the expectation that the risk be layered before surplus lines placement is permitted. (Section 5).

Citizens Arbitration Procedures

The bill authorizes Citizens Property Insurance Corporation (Citizens) to offer policyholders the option to resolve claim disputes through arbitration proceedings before the Division of Administrative Hearings (DOAH). While current law allows Citizens to use DOAH, the bill clarifies that this option can be offered directly to insureds in policy forms.

At issuance or renewal, Citizens may use forms that let insureds elect DOAH arbitration for disputes involving coverage, scope, or value of a claim. The insured must be given written notice of this option and indicate their choice by marking "ACCEPT" or "DECLINE" on a boldfaced 12-point disclosure immediately before the insured's signing. The selection applies for the entire policy term. (Section 6).

General Lines Agents

The bill decreases the coursework requirement for general lines agent licensure from 200 hours to 60 hours. (Section 7).

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

RULEMAKING:

The bill grants rulemaking authority to the OIR to implement the affiliate transaction oversight provisions created by the bill, and requires rulemaking to implement s. 628.372, F.S., relating to financial arrangements with affiliates.

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 will have an indeterminate fiscal impact.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Regulation of Insurance in Florida

The Office of Insurance Regulation (OIR) regulates specified insurance products, insurers and other risk bearing entities in Florida.[1] As part of their regulatory oversight, the OIR may suspend or revoke an insurer's certificate of authority under certain conditions.[2] 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.[3] 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.[4] The OIR is also authorized to conduct market conduct examinations to determine compliance with applicable provisions of the Insurance Code.[5]

Insurance companies that transact insurance in Florida or that have offices located in the state are required to obtain a certificate of authority (COA) issued by the OIR pursuant to s. 624.401, F.S. These companies, referred to as authorized or admitted insurers,[6] are broadly regulated by the OIR under the Insurance Code as to reserves, surplus as to policyholders, solvency, rates and forms, market conduct, permissible investments, and affiliate relationships.[7] Authorized insurers are also required to participate in a variety of government mandated insurance programs and pay assessments levied by state guaranty funds in the event of insurer insolvencies.[8]

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[1] S. 20.121(3)(a), F.S. The Financial Services Commission, composed of the Governor, the Attorney General, the Chief Financial Officer, and the Commissioner of Agriculture, serves as agency head of the Office of Insurance Regulation for purposes of rulemaking. Further, the Financial Services Commission appoints the commissioner of the Office of Insurance Regulation.
[2] S. 624.418, F.S.
[3] S. 624.316(1)(a), F.S.
[4] S. 624.318(2), F.S.
[5] S. 624.3161, F.S.
[6] An "authorized" or "admitted" insurer is one duly authorized by a COA to transact insurance in this state.
[7] The Insurance Code consists of chs. 624-632, 634, 635, 636, 641, 642, 648, and 651, F.S.
[8] For example, Florida licensed direct writers of property and casualty insurance must be members of the Florida Insurance Guaranty Association, which handles the claims of insolvent insurers under part II of ch. 631, F.S., and insurers offering workers' compensation

Florida Department of Law Enforcement

The Florida Department of Law Enforcement (FDLE) is a state agency created in 1969 to provide investigative, forensic, and criminal justice services in support of Florida's law enforcement community.[9] FDLE operates under the direction of the Florida Cabinet and maintains its headquarters in Tallahassee, with regional operations throughout the state. FDLE's mission is to promote public safety and strengthen domestic security by providing services to local, state, and federal agencies.[10]

FDLE is responsible for processing criminal history background checks and fingerprint submissions for a wide range of professions and regulatory programs, including those involving licensure and employment eligibility.[11] The agency is authorized to exchange fingerprint data with the United States Department of Justice as part of national criminal history checks.[12]

As part of Florida's oversight of the insurance industry, the FDLE provides access to criminal history information to noncriminal justice agencies, such as the Department of Financial Services (DFS), for use in evaluating insurance licensure applications.[13] Individuals applying for licenses—such as insurance agents, adjusters, and other regulated professionals—must submit to fingerprint-based background screenings.[14] Fingerprints must be submitted electronically through a LiveScan vendor approved by FDLE.[15] FDLE processes the fingerprints and transmits the results to the appropriate licensing authority, typically DFS, to determine the applicant's eligibility.[16]

Managing General Agents

Some insurers operate within a holding company system that includes a managing general agent (MGA).[17] An MGA is a specialized type of insurance agent or broker that has underwriting authority from an insurer.[18] MGAs can perform certain functions that insurers typically handle, including binding coverage, underwriting and pricing, agent appointments, and claims adjusting and settlement.[19] An MGA may be an affiliate of an insurer. Section 624.10(1), F.S., defines an affiliate as an entity that exercises control over or is directly or indirectly controlled by an insurer. MGAs must enter into contracts with the insurers they do business with, including those that are affiliates—that is, entities that control or are controlled by the insurer.[20] These contracts must specify the division of responsibilities between the insurer and the MGA.[21]

There is currently no statutory limit on the duration of these contracts.

Examination of Insurers and MGAs

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.[22] The OIR's examination authority extends to MGAs.[23]

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

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coverage in Florida must be members of the Florida Workers' Compensation Insurance Guaranty Association, which provides payment of covered claims for insurers that are declared insolvent under part V of ch. 631, F.S.

[9] s. 943.03, F.S.

[10] FDLE, *Mission Statement*, https://www.fdle.state.fl.us (last visited April 1, 2025).

[11] S. 943.053, F.S.

[12] S. 943.054, F.S.

[13] S. 943.053(3)(a), F.S.

[14] S. 626.171(4), F.S.

[15] Florida Department of Financial Services, *Fingerprinting Information*, https://www.myfloridacfo.com/division/agents/licensing/agents-and-adjusters/fingerprinting-information. (last visited on April 2, 2025).

[16] *Id.*

[17] *See* s. 628.801, F.S. An "insurance holding company system" consists of two or more affiliated persons, one or more of which is an insurer.

[18] S. S. 626.015(16)(a), F.S., *see also*, International Risk Management Institute, https://www.irmi.com/term/insurance-definitions/managing-general-agent (last visited Mar. 28, 2025);

[19] *Id.*

[20] S. 626.7451, F.S.

[21] *Id.*

[22] s. 624.316(1)(a), F.S.

[23] *Id.;* S. 626.7452, F.S.

of the examination.[24] As part of an examination, the OIR reviews contracts between insurers and MGAs, so that it can determine how much an insurer is paying its MGA and what services the insurer is receiving for the fee it pays. The scope of the examination of an insurer's affiliates in a holding company system is limited to information reasonably necessary to ascertain an insurer's financial condition.

Reciprocal Insurers

Reciprocal insurance exchanges are a form of insurance organization in which businesses and individuals exchange insurance contracts and spread the risks associated with such contracts among themselves.[25] Policyholders of a reciprocal insurance exchange are known as "subscribers."[26] A reciprocal insurer operates through a common representative known as the attorney in fact, who manages the day-to-day business and executes insurance contracts on behalf of all subscribers.[27] The authority of the attorney in fact is granted through a power of attorney agreement signed by each subscriber.[28]

Chapter 629, Florida Statutes, governs the regulation of reciprocal insurers in Florida. A reciprocal insurer may transact any type of insurance authorized under the Florida Insurance Code, except title insurance. Reciprocal insurers must be licensed by the OIR and are subject to financial and operational requirements, including annual reporting and minimum surplus standards.[29]

Payments to Affiliates

Each insurer doing business in Florida that pays a fee, commission, or other financial consideration or payment to any affiliate is required to provide, upon request of the OIR, any information the OIR deems necessary. The fee, commission, or other financial consideration or payment to any affiliate must be fair and reasonable. In determining whether the fee, commission, or other financial consideration or payment is fair and reasonable, the OIR must consider, among other things, the actual cost of the service being provided.[30]

Surplus Lines Insurance

Surplus lines insurance is the market of last resort for difficult to place commercial and personal lines risks in Florida.[31] Typically, surplus lines insurers write policies for unusual, high-risk situations that include hazardous materials transporters, commercial trucking enterprises, day care centers, older homes located in coastal areas, professional athletes, hospitals, expensive boats and cars, and medical malpractice. Surplus lines insurance is coverage provided by a company that is not licensed in Florida but is allowed to transact insurance in the state as an "eligible" insurer[32] under the surplus lines law (ss. 626.913-626.937, F.S.). Under this law, insurance may only be purchased from a surplus lines carrier if the necessary amount of coverage cannot be procured after a diligent effort to buy the coverage from authorized insurers.[33]

Rates charged by a surplus lines carrier must not be lower than the rate applicable and in use by the majority of the authorized insurers writing similar coverages on similar risks in Florida.[34] Likewise, a surplus lines policy contract form must not be more favorable to the insured as to the coverage or rate offered by the majority of authorized carriers.[35] Except as specifically stated as applicable, surplus lines insurers are not subject to regulation under

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[24] s. 624.318(2), F.S.

[25] Julia Kagan and Eric Estevez, *Reciprocal Insurance Exchange: Definition, How It Works, Example* (last updated Sep. 28, 2023), Investopedia, https://www.investopedia.com/terms/r/reciprocal-insurance-exchange.asp (last visited Mar. 28, 2024).

[26] *Id.*

[27] Verstein, *supra* note 4 at 264.

[28] *Id.* at 251.

[29] S. 629.041(1), F.S. Such an insurer may purchase reinsurance and may grant reinsurance as to any kind of insurance it is authorized to transact directly. *See* s. 629.041(2), F.S.

[30] S. 624.424(13), F.S.

[31] Surplus lines insurance is insurance coverage provided by an insurer that is not licensed in Florida but is allowed to do business in the state because the particular coverage offered is not available from Florida-licensed or authorized carriers. Surplus lines insurers are governed under the Surplus Lines Law (ss. 626.913-626.937, F.S.).

[32] An "eligible surplus lines insurer" as defined in s. 626.914(2), F.S., is an "unauthorized insurer" which has been made eligible by the Office of Insurance Regulation to issue insurance coverage under the surplus lines law.

[33] *See* s. 626.914(4), F.S. A "diligent effort" is defined as seeking coverage from and being rejected by at least three authorized insurers that write the type of coverage being sought. The rejections must be documented.

[34] S. 626.916(1)(b), F.S.

[35] S. 626.916(1)(c), F.S.

ch. 627, F.S., of the Florida Insurance Code, which includes, in part, provisions related to ratings standard, contracts, and attorney fees for authorized insurers.[36]

The Florida Surplus Lines Service Office (FSLSO) is governed by a nine-person board of governors consisting of eight members appointed by the DFS with the insurance consumer advocate being the ninth member.[37] The FSLSO is required to perform its functions under a plan of operation[38] that is subject to the approval of the OIR.[39] The FSLSO is required to conduct the following activities:

- Receive, record and review all surplus lines insurance policies;
- Maintain records of the policies reported to the FSLSO and perform reports as required by the Financial Services Commission;
- Prepare and deliver to each surplus lines agent quarterly reports of each agent's business;
- Collect and remit to the DFS the surplus lines tax as provided for in s. 626.932, F.S.;
- Reconcile the policies provided by non-admitted insurers with the policies reported to the service office by agents;
- Collect monthly from each surplus lines agent a service fee of up to .03 percent; and
- Other activities as specified by statute.[40]

Diligent Effort

"To export" a policy means that an insurance agent,[41] with the consent of the insurance applicant, places a policy with an unauthorized insurer under the Surplus Lines Law through a surplus lines agent.[42] Unless an exception applies, in order to place business with a surplus lines insurer, the agent must make a "diligent effort" to place the policy with a Florida-authorized insurer, which is shown by having three written rejections of coverage from authorized insurers currently writing the type of insurance being sought.[43] However, if the cost to replace a residential dwelling is $700,000 or more, then diligent effort is seeking and being denied coverage from at least one authorized insurer in the admitted market currently writing that type of coverage.[44]

Export requirements further specify that:

- The premium rate for policies written by a surplus lines insurer cannot be less than the premium rate used by a majority of authorized insurers for the same coverage on similar risks;
- The policy exported cannot provide coverage or rates that are more favorable than those that are used by the majority of authorized insurers actually writing similar coverages on similar risks;
- The deductibles must be the same as those used by one or more authorized insurers, unless the coverage is for fire or windstorm; and
- The policyholder must be advised in writing that coverage may be available and less expensive in the admitted market and persons insured by surplus lines carriers are not protected under the Florida Insurance Guaranty Act with respect to any right of recovery for the obligation of an insolvent unlicensed insurer.[45]

Only four states do not require that an agent make a diligent effort before exporting a policy to a surplus lines insurer.[46] Nineteen states require the agent obtain at least three declinations from authorized insurers before exporting a policy to a surplus lines insurer.[47]

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[36] S. 626.913(4), F.S.
[37] S. 626.921(4), F.S.
[38] S. 626.921(3), F.S.
[39] S. 626.921(5), F.S.
[40] S. 626.921(3), F.S.
[41] Typically, the applicant's usual insurance agent works with the surplus lines agent to arrange the placement, rather than the applicant working directly with the surplus lines agent.
[42] S. 626.914(3), F.S.
[43] Ss. 626.914(4) and 626.916(1)(a), F.S.
[44] S. 626.914(4), F.S.
[45] S. 626.916(1), F.S.
[46] These states are Louisiana, Mississippi, Virgina, and Wisconsin. See Wholesale & Specialty Insurance Association Diligent Effort Compliance Chart, https://www.wsia.org/docs/Diligent%20effort%20chart%202-3-17.pdf (last visited Apr. 3, 2025).
[47] *Id.* Ohio requires five declinations and New Mexico requires four declinations. Idaho and South Carolina require only one declination.

Citizens Property Insurance Corporation

Citizens Property Insurance Corporation (Citizens) is a state-created, not-for-profit, tax-exempt governmental entity whose public purpose is to provide property insurance coverage to those unable to find affordable coverage in the voluntary admitted market.[48] Citizens is not a private insurance company.[49] Citizens was statutorily created in 2002 when the Florida Legislature combined the state's two insurers of last resort, the Florida Residential Property and Casualty Joint Underwriting Association (RPCJUA) and the Florida Windstorm Underwriting Association (FWUA).[50]

Citizens operates in accordance with the provisions in s. 627.351(6), F.S., and is governed by a nine-member Board of Governors (board) that administers its Plan of Operations. The Plan of Operations is reviewed and approved by the Financial Services Commission.[51] The Governor, President of the Senate, Speaker of the House of Representatives, and Chief Financial Officer each appoint two members to the board.[52] The Governor appoints an additional member who serves solely to advocate on behalf of the consumer.[53] Citizens is subject to regulation by the Office of Insurance Regulation (OIR).

Citizens may only appoint as its licensed agents those agents who also hold an appointment by at least three insurers who are authorized to write and are actually writing or renewing personal lines residential property coverage, commercial residential property coverage, or commercial nonresidential property coverage within the state.[54]

The Division of Administrative Hearings (DOAH)

DOAH is a state agency that employs full-time Administrative Law Judges to conduct hearings in most cases in which the substantial interests of a person are determined by an agency and which involve a disputed issue of material fact.[55] When a state agency proposes to take some action that is adverse to a person, the affected person is normally entitled to request an administrative hearing to determine the matter.[56] Requests for hearings are initially made to the appropriate state agency.[57] If the case does not involve disputed facts, the agency itself will conduct a proceeding and subsequently render a decision.[58] If the request for hearing indicates that the affected person disputes facts upon which the proposed action is based, the agency ordinarily refers the case to DOAH for a hearing.[59]

DOAH provides a hearing conducted by an independent and neutral Administrative Law Judge who thereafter enters a Recommendation or Final Order, which is provided to the state agency and the parties in the case. In the case of a Recommended Order, the agency reviews the Recommended Order and issues a Final Order which usually adopts the Judge's factual findings, but, under certain circumstances, the agency may reject or modify certain legal conclusions of the Judge or the recommended penalty, if any. If the Final Order is adverse to the non-agency party, an appeal may be taken within a limited time to a District Court of Appeal.[60]

Integration of DOAH in Citizens' Dispute Resolution Process

Traditionally, disputes between Citizens and its policyholders that couldn't be resolved through informal negotiations or traditional alternative dispute resolution methods often resulted in civil suits filed in circuit court. In July 2022, Citizens' Board of Governors approved a policy endorsement allowing either the insurer or the

[48] The term "admitted market" means insurance companies licensed to transact insurance in Florida.
[49] S. 627.351(6)(a)1., F.S.
[50] S. 2, ch. 2002-240, Laws of Fla.
[51] S. 627.351(6)(a)2., F.S.
[52] S. 627.351(6)(c)4.a., F.S.
[53] S. 627.351(6)(c)4., F.S.
[54] S. 627.351(6)(c)13., F.S.
[55] Ch. 120, F.S.
[56] S.120.68(1), F.S.
[57] See Uniform Rule 28-106.201(2).
[58] S.120.57(2), F.S.
[59] S.120.57(1), F.S.
[60] S.120.68(2)(a), F.S.

insured to direct claims disputes to DOAH. This endorsement was subsequently approved by the OIR in August 2022 and became effective for new and renewing policies on February 1, 2023.[61]

HB 799 (2023) codified Citizens' authority to include DOAH arbitration in its policy forms and to contract with DOAH to conduct claim-related dispute proceedings. Under current law, such proceedings are not governed by ch. 120, F.S., but are instead subject to ss. 57.105 and 768.79, F.S., allowing for attorney fee awards and settlement procedures similar to those in circuit court.[62]

General Lines Agent

A general lines agent[63] is one who sells the following lines of insurance: property;[64] casualty,[65] including commercial liability insurance underwritten by a risk retention group, a commercial self-insurance fund,[66] or a workers' compensation self-insurance fund;[67] surety;[68] health;[69] and, marine.[70] The general lines agent may only transact health insurance for an insurer that the general lines agent also represents for property and casualty insurance. If the general lines agent wishes to represent health insurers that are not also property and casualty insurers, they must be licensed as a health insurance agent.[71] Motor vehicle insurance is a type of casualty insurance.[72]

RECENT LEGISLATION:

YEAR	BILL #	HOUSE SPONSOR(S)	SENATE SPONSOR	OTHER INFORMATION
2023	799	Griffitts and Barnaby	Martin	The bill was approved by the Governor on May 31, 2023.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Orig. Comm.: Commerce Committee			Hamon	Herrera

[61] *See* Insurance Journal, *Citizens Insurance to Begin Using DOAH for Dispute Resolution*, July 14, 2022, https://www.insurancejournal.com/news/southeast/2022/07/14/675721.htm (last visited Apr. 3, 2025); Insurance Journal, *Citizens Insurance Adds DOAH Arbitration Option to Policies*, Feb. 6, 2023. https://www.insurancejournal.com/news/southeast/2023/02/06/706063.htm last visited Apr. 3, 2025).
[62] Ch. 2023-172, § 5, Laws of Fla.; see also § 57.105, 768.79, Fla. Stat. (2023).
[63] S. 626.015(5), F.S.
[64] S. 624.604, F.S.
[65] S. 624.605, F.S.
[66] As defined in s. 624.462, F.S.
[67] Pursuant to s. 624.4621, F.S.
[68] S. 626.606, F.S.
[69] Ss. 624.603 and 627.6482, F.S.
[70] S. 624.607, F.S.
[71] S. 626.829, F.S.
[72] S. 624.605, F.S.

A bill to be entitled

An act relating to insurance; amending s. 626.914, F.S.; removing the definition of the term "diligent effort"; amending s. 626.916, F.S.; removing the diligent effort and other requirements for insurance coverage to be eligible for export; providing that insureds are presumed to have been informed and to know of the availability of certain insurance coverage under specified circumstances; creating s. 624.341, F.S.; providing legislative findings and intent; requiring the Department of Law Enforcement to accept certain fingerprints; specifying procedures for fingerprinting; authorizing the department to exchange certain records with the Office of Insurance Regulation; specifying that fingerprints must be submitted in accordance with certain rules; authorizing that the fingerprints be submitted through a third-party vendor authorized by the department; requiring the department to conduct certain background checks; requiring that certain fingerprints be submitted and entered into a specified system; requiring the office to inform the department of any person whose fingerprints no longer must be retained; specifying who bears the costs of fingerprint processing; specifying that certain criminal records

must be used by the office for certain purposes; creating s. 624.347, F.S.; providing definitions; providing applicability; establishing standards for compensation arrangements and oversight of affiliate transactions involving insurers, managing general agents, and attorneys in fact; providing penalties; requiring the office to adopt rules; amending s. 624.424, F.S.; specifying requirements for affiliate compensation arrangements; removing requirements that the office consider a specified factor in determining whether certain affiliate considerations and payments by an insurer are fair and reasonable; amending s. 626.732, F.S.; revising the requirements for licensing and qualifying for general lines agents; amending s. 627.351, F.S.; requiring notification of arbitration before the Division of Administrative Hearings as an option for dispute resolution procedures under Citizens Property Insurance Corporation; removing obsolete language; providing an effective date.

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

Section 1. Section 624.341, Florida Statutes, is created to read:

624.341 Authority of Department of Law Enforcement to

accept fingerprints of, and exchange criminal history records with respect to, certain persons applying to the Office of Insurance Regulation.—

(1) The Legislature finds that criminal activity of insurers poses a particular danger to the residents of this state. Floridians rely, in good faith, on the honest conduct of those who issue and manage insurance policies and other insurance instruments in this state. To safeguard this state's residents, the Legislature finds it necessary to ensure that incorporators, subscribers, officers, employees, contractors, stockholders, directors, owners, members, managers, or volunteers, or in the organization, operation, or management of any insurer that is authorized to sell insurance do not have a criminal background.

(2) The Department of Law Enforcement shall accept and process fingerprints of incorporators, subscribers, officers, employees, contractors, stockholders, directors, owners, members, managers, or volunteers involved in the organization, operation, or management of:

(a) Any insurer or proposed insurer transacting or proposing to transact insurance in this state.

(b) Any entity that is eligible to be examined or investigated under 624.316, F.S.

(3) Each person required to submit fingerprints to the office, must provide a full set of fingerprints to the office or

to a vendor, an entity, or an agency authorized by s. 943.053(13). The office, vendor, entity, or agency shall forward the fingerprints to the Department of Law Enforcement for state processing, and the Department of Law Enforcement shall forward the fingerprints to the Federal Bureau of Investigation for national processing as described in s. 624.34. Fees for state and federal fingerprint processing must be borne by the person submitting the fingerprints. The state cost for fingerprint processing is as provided in s. 943.053(3)(e).

(4) The Department of Law Enforcement may, to the extent provided by federal law, exchange any state or national criminal history records with the office for the purpose of issuance or continuation of a certificate of authority, certification, or license to operate in this state.

(5) Fingerprints must be submitted in accordance with rules adopted by the commission.

(a) Fingerprints may be submitted through a third-party vendor authorized by the Department of Law Enforcement.

(b) The Department of Law Enforcement shall conduct the state criminal history background check, and a federal criminal history background check shall be conducted through the Federal Bureau of Investigation.

(c) All fingerprints submitted to the Department of Law Enforcement must be submitted and entered into the statewide automated fingerprint identification system established in s.

943.05(2)(b) and available for use in accordance with s. 943.05(2)(g) and (h).

(d) The costs of fingerprint processing, including the cost of retaining the fingerprints, must be borne by the person subject to the background checks.

(e) The office shall review the results of the state and federal criminal history background checks and determine whether the applicant meets the requirements for the certificate of authority, certification, or license to operate in this state.

(6) Statewide criminal records obtained through the Department of Law Enforcement, federal criminal records obtained through the Federal Bureau of Investigation, and local criminal records obtained through local law enforcement agencies must be used by the office for the purpose of issuance, denial, suspension, or revocation of certificates of authority, certifications, or licenses issued to operate in this state.

Section 2. Section 624.347, Florida Statutes, is created to read:

624.347 Affiliate transactions; managing general agents; attorneys in fact; oversight.—

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

(a) "Affiliated entity" means any affiliate of an insurer. The term includes a managing general agent, attorney in fact, and reciprocal insurer when acting in a capacity that involves compensation from the insurer.

(b) "Attorney in fact" has the same meaning as in s. 629.011.

(c) "Managing general agent" has the same meaning as in s. 626.015.

(d) "Reciprocal insurer" has the same meaning as in s. 629.011.

(e) "Insurer" means an authorized property insurer.

(2) APPLICABILITY.—This section applies to any insurer that contracts with or makes payments to an affiliated entity.

(3) COMPENSATION ARRANGEMENTS WITH AFFILIATED ENTITIES.—

(a) Each insurer doing business in this state which pays, directly or indirectly, a fee, commission, or other financial consideration or payment to any affiliated entity must provide to the office documentation demonstrating that such fee, commission, or other financial consideration or payment is fair and reasonable for each service being provided. In determining whether the fee, commission, or other financial consideration or payment is fair and reasonable, the office must consider all of the following:

1. The actual cost of each service provided by an affiliated entity.

2. The relative financial condition of the insurer and the affiliated entity.

3. The level of debt and how that debt is serviced.

4. The amount of the dividends paid by the insurer and the

affiliated entity and for what purpose.

5. Whether the terms of the written contract benefit the insurer and are in the best interest of the policyholders or subscribers.

6. Any other such information as the office reasonably requires in making this determination.

(b) For each agreement with an affiliated entity in force on July 1, 2025, each insurer shall provide to the office no later than October 1, 2025, the cost incurred by the affiliated entity to provide each service, the dollar amount charged to the insurer for each service, and the dollar amount of fees forgiven, waived, or reimbursed by the affiliated entity for the 2 most recent preceding years. If the total dollar amount charged to the insurer was greater than the total cost to provide services for either year, the insurer must explain how it determined the fee was fair and reasonable. For any proposed contract with an affiliated entity effective after July 1, 2025, the insurer must provide documentation to support that the fee, commission, or other financial consideration or payment to the affiliated entity is fair and reasonable.

(c)1. Beginning July 1, 2026, the office may require specific types of compensation arrangements between an insurer and any affiliated entity to be be structured as fee for service. As used in this subparagraph, the term "fee for service" means fixed amounts or hourly rates for itemized

services.

2. Compensation as a fee for service may not be based on:

a. Commission;

b. Premium volume;

c. Underwriting profit; or

d. Financial results of the insurer.

(d) This subsection does not prohibit an insurer from paying a dividend or other financial arrangement to an affiliated entity if such dividend or financial arrangement has been reviewed and approved by the office pursuant to this section, s. 628.372, or any other applicable law.

(e) An agreement between an insurer and an affiliated entity must include a termination clause and may not exceed a term of 3 years. Any extension of such an agreement must be approved by the office before becoming effective. An agreement between an insurer and an affiliated entity may include provisions for extension, but may not remain in effect for longer than 3 years without a review pursuant to paragraph (a) and approval by the office. If the agreement provides for extension, the agreement must clearly state that the extension is subject to approval by the office at least every 3 years.

(4) EMERGENCY RESTRICTIONS.—

(a) During a declared emergency, the office may issue orders restricting fund transfers from an insurer to an affiliated entity without prior approval.

(b) Orders under paragraph (a) may apply to all or specified insurers and may not exceed 90 days unless extended by the office.

(5) ADDITIONAL OVERSIGHT.—

(a) The office may recover improper affiliated entity payment transfers, including, but not limited to, both of the following:

1. Transfers that violate the approved compensation, approved dividend, or any other approved financial arrangement.

2. Transfers made while the insurer was undercapitalized.

(b) An insurer must provide notice to the office at least 30 days before any pledge of capital or assets to any affiliated entity for a loan or financial obligation. Such notice must include a description of the collateral, the nature of the obligation, and the parties involved. The office may reject and prohibit the pledge if such financial arrangement is not in the best interest of the insurer.

(6) ENFORCEMENT.—

(a) The office may impose penalties for violations of this section.

(b) The office shall adopt rules to implement this section.

Section 3. Subsection (13) of section 624.424, Florida Statutes, is amended to read:

624.424 Annual statement and other information.—

(13) Each insurer doing business in this state which pays

a fee, commission, or other financial consideration or payment to any affiliate directly or indirectly is required upon request to provide to the office any information the office deems necessary. The fee, commission, or other financial consideration or payment to any affiliate must be fair and reasonable. Affiliate compensation arrangements must comply with s. 624.347 and with the requirements of this subsection ~~In determining whether the fee, commission, or other financial consideration or payment is fair and reasonable, the office shall consider, among other things, the actual cost of the service being provided~~.

Section 4. Subsection (4) of section 626.914, Florida Statutes, is amended to read:

626.914 Definitions.—As used in this Surplus Lines Law, the term:

~~(4) "Diligent effort" means seeking coverage from and having been rejected by at least three authorized insurers currently writing this type of coverage and documenting these rejections. However, if the residential structure has a dwelling replacement cost of $700,000 or more, the term means seeking coverage from and having been rejected by at least one authorized insurer currently writing this type of coverage and documenting this rejection.~~

Section 5. Paragraphs (a) and (e) of subsection (1) and paragraph (b) of subsection (3) of section 626.916, Florida Statutes, are amended to read:

626.916 Eligibility for export.—

(1) No insurance coverage shall be eligible for export unless it meets all of the following conditions:

(a) The coverage must be of a kind or class not generally available from authorized insurers transacting insurance in this state ~~The full amount of insurance required must not be procurable, after a diligent effort has been made by the producing agent to do so, from among the insurers authorized to transact and actually writing that kind and class of insurance in this state, and the amount of insurance exported shall be only the excess over the amount so procurable from authorized insurers. Surplus lines agents must verify that a diligent effort has been made by requiring a properly documented statement of diligent effort from the retail or producing agent. However, to be in compliance with the diligent effort requirement, the surplus lines agent's reliance must be reasonable under the particular circumstances surrounding the export of that particular risk. Reasonableness shall be assessed by taking into account factors which include, but are not limited to, a regularly conducted program of verification of the information provided by the retail or producing agent. Declinations must be documented on a risk-by-risk basis. If it is not possible to obtain the full amount of insurance required by layering the risk, it is permissible to export the full amount~~.

(e) The insured has signed or otherwise provided documented acknowledgment of a disclosure in substantially the following form: "You are agreeing to place coverage in the surplus lines market. Coverage may be available in the admitted market. Persons insured by surplus lines carriers are not protected under the Florida Insurance Guaranty Act with respect to any right of recovery for the obligation of an insolvent unlicensed insurer." If the acknowledgment of the disclosure is signed by the insured, the insured is presumed to have been informed and to know that other coverage may be available.

(3)

(b) Subsection (1) does not apply to classes of insurance which are related to indemnity of deductibles for property insurance or are subject to s. 627.062(3)(d)1. These classes may be exportable under the following conditions:

1. The insurance must be placed only by or through a surplus lines agent licensed in this state;

2. The insurer must be made eligible under s. 626.918; and

3. The insured has complied with paragraph (1)(e). ~~If the disclosure is signed by the insured, the insured is presumed to have been informed and to know that other coverage may be available, and, with respect to the diligent-effort requirement under subsection (1), there is no liability on the part of, and no cause of action arises against, the retail agent presenting the form.~~

Section 6. Paragraph (ll) of subsection (6) of section 627.351, Florida Statutes, is amended to read:

627.351 Insurance risk apportionment plans.—

(6) CITIZENS PROPERTY INSURANCE CORPORATION.—

(ll)1. In addition to any other method of alternative dispute resolution authorized by state law, the corporation may adopt policy forms that provide an option for the insured to select, at the time of entering into the policy or upon renewal, to have disputes regarding the corporation's claim determinations ~~for the resolution of disputes regarding its claim determinations~~, including disputes regarding coverage for, or the scope and value of, a claim, resolved through arbitration ~~in a proceeding~~ before the Division of Administrative Hearings. Each insured must be notified in writing, at the time of entering into a policy with the corporation and upon each renewal, that the insured must decide whether to resolve disputes through arbitration before the Division of Administrative Hearings. Such notification must be in at least 12-point boldfaced type, immediately preceding the insured's signature in substantially the following form:

AN INSURED MUST CHOOSE AT THE TIME OF ENTERING INTO THIS POLICY OR UPON RENEWAL WHETHER TO RESOLVE DISPUTES THROUGH ARBITRATION BEFORE THE DIVISION OF ADMINISTRATIVE HEARINGS. THE INSURED MUST INDICATE THIS SELECTION BY MARKING 'ACCEPT' OR 'DECLINE' BELOW.

THIS DECISION CANNOT BE CHANGED DURING THE TERM OF THE POLICY.

2. Any such policies are not subject to s. 627.70154. All arbitrations before ~~proceedings in~~ the Division of Administrative Hearings pursuant to such policies are subject to ss. 57.105 and 768.79 as if filed in the courts of this state and are not considered chapter 120 administrative proceedings. Rule 1.442, Florida Rules of Civil Procedure, applies to any offer served pursuant to s. 768.79, except that, notwithstanding any provision in Rule 1.442, Florida Rules of Civil Procedure, to the contrary, an offer shall not be served earlier than 10 days after filing the request for hearing with the Division of Administrative Hearings and shall not be served later than 10 days before the date set for the final hearing. The administrative law judge in such arbitrations ~~proceedings~~ shall award attorney fees and other relief pursuant to ss. 57.105 and 768.79. The corporation may not seek, and the office may not approve, a maximum hourly rate for attorney fees.

~~2. The corporation may contract with the division to conduct proceedings to resolve disputes regarding its claim determinations as may be provided for in the applicable policies of insurance. This subparagraph expires July 1, 2025.~~

Section 7. Subsection (1) of section 626.732, Florida Statutes, is amended to read:

626.732 Requirement as to knowledge, experience, or

instruction.—

(1) Except as provided in subsection (4), an applicant for a license as a general lines agent, except for a chartered property and casualty underwriter (CPCU), may not be qualified or licensed unless, within the 4 years immediately preceding the date the application for license is filed with the department, the applicant has satisfied, at a minimum, one of the following requirements:

(a) Taught or successfully completed 60 ~~200~~ hours of coursework in property, casualty, surety, health, and marine insurance approved by the department, 3 hours of which must be on the subject matter of ethics.~~;~~

(b) Completed at least 1 year in responsible insurance duties as a substantially full-time bona fide employee in all lines of property and casualty insurance as set forth in the definition of a general lines agent under s. 626.015, but without the education requirement described in paragraph (a).~~;~~ ~~or~~

(c) Completed at least 1 year of responsible insurance duties as a licensed and appointed customer representative, service representative, or personal lines agent and 40 hours of coursework approved by the department covering the areas of property, casualty, surety, health, and marine insurance.

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

PCS for CS/HB 991

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 991	**COMPANION BILL:** None
TITLE: Community and Economic Development	**LINKED BILLS:** None
SPONSOR(S): Commerce Committee	**RELATED BILLS:** None

Committee References

Orig. Comm.: Commerce

SUMMARY

Effect of the Bill:

The bill promotes the development of communities and economic growth in Florida by promoting the advancement and growth of rural communities and removing regulatory barriers for businesses and professionals.

Fiscal or Economic Impact:

The Revenue Estimating Conference has not yet met to estimate the impacts of the bill on state and local government revenues.

The bill creates new programs and expands existing programs to provide additional funding opportunities to support rural community advancement and growth. Funding for these programs is subject to appropriation. Local governments in rural areas of the state will likely benefit from participating in the new and expanded programs provided for in the bill to the extent that funding is appropriated for those programs. Local governments may also benefit from the retention of funds that would otherwise be deposited in a redevelopment trust fund. Citizens in rural communities will benefit indirectly from programs designed to increase community investment.

The bill will likely reduce state and local government revenues associated with certain permitting and licensing fees, though these reductions may be offset in whole or in part due to reduced operational and administrative costs associated with these activities. The bill may have a positive impact on the private sector by lowering costs for businesses and professionals.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill promotes the responsible development of communities and economic growth in Florida by removing regulatory barriers for businesses and professions and promoting the advancement of rural communities and opportunity therein. The provisions of the bill are addressed in detail below.

Rural Communities

The Office of Rural Prosperity

The bill creates the Office of Rural Prosperity (Office) within the Department of Commerce (Department) for the purpose of supporting rural communities, helping them navigate available state and federal resources, and representing rural interests across state government. The Office will serve as the state point of contact for rural local governments and will administer various rural-focused grant programs currently administered by the Department, as well as new programs created in the bill. The Office will be led by a director, who will be appointed by the Governor and confirmed by the Senate. (Section 297).

The Office will create and maintain an interactive tool, the "Rural Resource Directory," designed for rural local governments to navigate state and federal grants and resources.

The Office of Program Policy Analysis and Government Accountability (OPPAGA) will review the effectiveness of the Office by December 15, 2026, and each year thereafter until 2028. Beginning in 2029, OPPAGA shall review and evaluate the Office every three years and shall submit a report[1] based on its findings. (Section 297).

The bill transfers the administration of the following programs from the Department to the Office:

- Regional Rural Development Grants Program (Section 300);
- Rural Community Development Revolving Loan Fund (Section 303);
- Rural Infrastructure Fund (Section 304);
- Rural Economic Development Strategy Grants (Section 307).

Regional Rural Community Liaison Centers

The bill requires the Office, by October 1, 2025, to establish and staff seven regional rural community liaison centers across the state for the purpose of providing in-person state support to rural local governments. The Office must, by rule, divide the state into seven regions and assign a liaison center to each region. Each liaison center will be staffed with at least two full-time department personnel who will be responsive to the rural local governments within the respective region. Specifically, liaison centers are required, at a minimum, to do the following:

- Work with local governments to plan and achieve goals for local or regional growth, economic development, and rural prosperity;
- Facilitate access to state and federal resources, such as grants, loans, and other aid or resources;
- Advise on waivers for rural local governments for certain requirements for state and federal programs, such as local financial match waivers;
- Coordinate technical assistance needs with the Department and other state or federal agencies;
- Promote model ordinances, policies, and strategies related to economic development;
- Regularly engage with the Rural Economic Development Initiative; and
- Assist local governments with regulatory and reporting compliance. (Section 297)

Rural Communities Report

The bill requires OPPAGA and the Office of Economic and Demographic Research (EDR) to prepare a report on the impact of the Florida Statutes on rural communities. Specifically, the two entities must review definitions in the Florida Statutes of terms such as "rural community," "rural area of opportunity," and similar terms used to define rural areas of the state to assess whether the current definitions are appropriate, whether appropriate metrics are used to describe these communities, and if statutory changes are needed. OPPAGA and the EDR must also survey rural local governments to evaluate the statutory advantages of qualifying as a rural local government and assess perceived unmet needs in the implementation of current statutory provisions designed to support rural communities. OPPAGA and the EDR must submit a report and recommendations to the President of the Senate and the Speaker of the House of Representatives by December 31, 2025. These provisions expire on July 1, 2026. (Section 294)

Fiscally-Constrained Counties

The bill updates definitions related to fiscally constrained counties (FCC). For example, the bill increases the FCC threshold from a county that raises $5 million in property tax revenue per 1 mill, to $10 million per 1 mill. (Section 293)

The bill changes the formula for distributions to fiscally-constrained counties to use the following distribution factors: sales tax collections, per capita personal income, and population. An FCC with declining per capita sales tax collections or per capital personal income will receive a relatively larger share of the total distribution. Finally, the bill adds spending requirements. Specifically, 50% of the distribution must be used for public safety, 30% for infrastructure, and 20% for any public purpose. Debt service is prohibited. (Section 293)

[1] OPPAGA must submit each report to the President of the Senate and the Speaker of the House of Representatives in accordance with the schedule.

Renaissance Grants for Counties with Declining Population

The bill establishes the Renaissance Grant Program to be administered by the Office of Rural Prosperity (Office). Under the program, the Office, subject to appropriation, will provide block grants to counties that are "growth-impeded," meaning a county that has had a declining population over the last ten years, as certified by the EDR. By October 1, 2025, the EDR must certify to the Office which counties are growth-impeded. After the initial certification, the EDR shall annually certify whether each participating county remains growth-impeded, until the county has three consecutive years of population growth. (Section 298)

Participating counties must enter into an agreement with the Office to receive a block grant and have broad authority to design a specific plan to achieve population growth within the specified parameters. Participating counties must design a plan to make targeted investments in the community to achieve population growth and increase the economic vitality of the community. The plan must incorporate certain features. (Section 298)

Each participating county must hire a renaissance coordinator who is responsible for overseeing the use of funds, coordinating with other entities, and complying with reporting requirements. Upon request, the regional rural community liaison center staff must provide training and assistance to the renaissance coordinator. (Section 298)

The bill directs the Auditor General to conduct an operational audit of each participating county's grant program every two years, beginning in 2026. Additionally, on December 31, 2026, and each year thereafter, the EDR must submit an annual report of grant recipients by county to the President of the Senate and the Speaker of the House of Representatives. (Section 298)

The Renaissance Grant Program expires June 30, 2040. (Section 298)

Rural Economic Development Initiative (REDI)

The bill requires REDI to meet at least monthly and requires each REDI representative or his or her designee to be physically present or available electronically. The bill provides a legislative finding that rural communities are the essential conduits for the economy's distribution, manufacturing, and food supply. The bill removes a reference to "economically distressed" rural communities which broadens REDI's reach to all rural communities. The bill requires:

- Enhanced reporting on projects being coordinated by REDI and enhanced reporting on program requirement waivers granted to rural communities, and
- REDI to provide legislative recommendations for statutory waivers or reductions for economic development programs for rural applicants. (Section 305)

The bill removes language regarding rural enterprise zones, catalyst projects, and catalyst sites. (Section 305)

Agreements Funded with Federal or State Assistance

The bill clarifies provisions regarding the payment of invoices due and requires agencies to expedite such payment requests for local governments. (Section 292)

The bill requires each state agency to annually report to the Office, by August 1, a summary of the implementation of this provision for the previous fiscal year, which shall be incorporated in the office annual report (Section 292).

Small Business Development Center Network

The Small Business Development Center Network (Network) currently funds staff in rural areas to "ride the circuit" of their region and work with local governments and communities to provide services, including access to capital, technical assistance, and other small business services. The bill requires the Network to use funds directly appropriated for the specific purpose of expanding service in rural communities in addition to any funds allocated by the network from other sources. The bill also requires the Network to use such funds to develop, in collaboration with regional economic development organizations, an activity plan focused on network consultants and resources in rural communities. The plan must provide for either full- or part-time consultants to be available for at least 20 hours per week in rural areas or be permanently stationed in rural areas. This may include

establishing a circuit in specific rural locations to ensure the consultants' availability on a regular basis. The bill provides that the Network may dedicate funds to facilitate local or regional events that focus on small business topics, provide consulting services, and leverage partner organizations, such as the regional economic development organizations, local workforce development boards as described in s. 445.07, F.S., and Florida College System institutions (Section 295).

Inventory of Communities Seeking to Recruit Businesses
The bill requires each local government within a Rural Area of Opportunity (RAO) or its local economic development organization to submit certain required information to the Department for inclusion in the inventory of communities seeking to recruit businesses. (Section 296)

Rural Housing

Minimum Allocations for SHIP
Currently, allocations are population-based, with the minimum allocation for each county within the State Housing Initiatives Partnership (SHIP) Program set at $350,000. The bill increases the minimum allocation for each county to $1 million, subject to appropriation, which will provide additional funding to rural communities (Section 319).

Rental Housing in Rural Communities
The bill removes statutory restrictions on the use of SHIP funds. It allows counties and municipalities to use up to 25 percent of their SHIP funds to preserve existing multifamily affordable rental housing financed with USDA loans. This provision expires on June 30, 2031. (Section 320)

The bill appropriates $30 million in nonrecurring funds from the General Revenue Fund to the Florida Housing Finance Corporation (FHFC) to preserve affordable multifamily rental housing funded through USDA loans. Funds must be used to issue competitive requests for application for the rehabilitation or acquisition of such properties to ensure continued affordability. By October 1, 2026, the FHFC must submit a report to the President of the Senate and the Speaker of the House of Representatives on projects funded pursuant to this section. The report must include the number of units preserved and the financing portfolio for each project.

Rural Infrastructure

Rural Infrastructure Fund
The bill:

- Specifically provides that, subject to appropriation, Rural Infrastructure Fund grant funds may be awarded to a unit of local government within a rural community or an RAO, or to a regional economic development organization, a unit of local government, or certain economic development organizations for an infrastructure project located within an unincorporated area that has a population of 15,000 or less, has been in existence for 100 years or more, is contiguous to a rural community, and has been adversely affected by a natural disaster or presents a unique economic development opportunity of regional impact.
- Clarifies that grant funds may be awarded for "site readiness" expenses, which may include clearing title, surveys, permitting, environmental studies, and regulatory compliance costs.
- Requires the Office to consult with the Department of Transportation (FDOT) instead of Visit Florida when reviewing applications for funding.
- Requires enhanced annual reporting of the program. (Section 304)

Rural Community Development Revolving Loan Fund
The bill requires the Office to include in its annual report detailed information about the Rural Community Development Revolving Loan Fund, including loans made during the previous fiscal year, active loans, repaid loans, and unobligated funds. (Section 303).

Coordination for Broadband Programs
The bill improves coordination and technical assistance between the Office of Broadband at the Department and rural communities in need of broadband services. The bill requires the Office of Broadband:

- To consult with each regional rural community liaison center and with the Office to develop and update its strategic plan to increase broadband internet service.
- To submit a quarterly report on the implementation of broadband activities in rural communities and an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives. (Section 310)

Public Infrastructure Smart Technology Grants
The bill creates the Public Infrastructure Smart Technology Grant Program, which will be administered by the Office to fund and support infrastructure projects in rural communities that utilize smart technology to increase efficiency, enhance public services, and promote sustainable development. (Section 299)

The bill directs the Office to contract with one or more not-for-profit entities (smart technology lead organization) that specialize in smart regional planning to provide grants to counties and municipalities within a RAO for public infrastructure smart technology projects. The bill defines "public infrastructure smart technology" as systems and applications that use connectivity, data analytics, automation to improve public infrastructure by increasing efficiency, enhancing public services, and promoting sustainable development. (Section 299)

Rural Economic Development Strategy Grants
The bill provides that grants may be provided to assist with costs associated with marketing sites to potential businesses for an economic development project. The bill requires the regional rural community liaison centers within the Office to aid those applying for grants. The bill provides that marketing grants may include funding to deploy materials through advertising campaigns and costs associated with marketing, site preparation, meetings, trade missions, and professional development. (Section 307)

Florida Arterial Road Modernization (FARM) Program
The bill creates the Florida Arterial Road Modernization (FARM) Program within FDOT to provide capacity and safety improvements to two-lane arterial roads located in rural communities. (Sections 317, 318)

Beginning in fiscal year 2025-2026, subject to appropriation, the bill directs FDOT to allocate from the State Transportation Trust Fund a minimum of $50 million annually to fund the FARM Program. The bill directs FDOT to use certain criteria to prioritize funding projects under the program. (Section 317)

Beginning January 1, 2027, and every two years thereafter, FDOT must issue a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives evaluating the condition of arterial roads in rural communities and the implementation of the FARM Program. (Section 317)

Small County Road Assistance Program
The Small County Road Assistance Program (SCRAP) assists small county governments in resurfacing and reconstructing county roads. The bill amends powers and duties of FDOT to specifically authorize the department to provide technical assistance and support to counties that are not located in a metropolitan planning organization. (Section 312)

The bill requires FDOT to use the additional vehicle title fee revenues allocated by s. 339.0801, F.S., which are currently directed to the state's general revenue fund, to the State Transportation Trust Fund to increase funding available for SCRAP. The bill provides that the current requirement for FDOT to expend $25 million annually on the program is subject to appropriation. (Sections 313, 314, 318).

Small County Outreach Program
The bill amends provisions relating to the Small County Outreach Program (SCOP) to remove obsolete statutory provisions and correct cross-references. Similarly, the bill revises the SCOP funding eligibility requirements to repeal an existing category for certain local governments located within the Everglades Agricultural Area or designated river basins. (Section 316).

Community Redevelopment Agencies

The bill prohibits the creation of new community redevelopment agencies (CRAs) on or after July 1, 2025. It also prohibits a CRA, or the governing body of the county or municipality that created the CRA, from expanding the boundaries of the agency's community redevelopment area 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, unless the new project is completed by, and any new debt issued to finance a new project matures on or before, the agency's termination date. 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 provisions of the bill, except those limiting the creation of new CRAs and expansion of a CRA's boundaries, do not apply to a CRA created by a county if the county that created the CRA is the only taxing authority that contributes to the CRA's redevelopment trust fund and the county's charter establishes a limitation on the amount of revenue the county may collect each year. A CRA that meets this definition may not issue any new bond debt on or after October 1, 2025. (Section 1)

Regulation of Businesses and Professions

The bill repeals the following boards, commissions, and councils within the Department of Business and Professional Regulation (DBPR) and shifts the authority for such boards, commissions, and councils to DBPR:

- Board of Pilot Commissioners (Harbor Pilots).
- Florida Board of Auctioneers.
- Regulatory Council of Community Association Managers.
- Board of Employee Leasing Companies.
- Florida Building Code Administrators and Inspectors Board (Building Officials).
- Board of Professional Engineers.
- Board of Veterinary Medicine.
- Board of Accountancy.
- Florida Real Estate Commission.
- Florida Real Estate Appraisal Board
- Barbers' Board.
- Board of Cosmetology.
- Board of Architecture and Interior Design.
- Board of Landscape Architecture.
- Construction Industry Licensing Board.
- Electrical Contractors' Licensing Board.
- Board of Professional Geologists.
- Drug Wholesale Distributor Advisory Council. (Sections 2, 3, 359)

The bill repeals the following boards and councils within the Department of Agriculture and Consumer Services (DACS) and shifts the authority for such boards and councils to DACS:

- Board of Professional Surveyors and Mappers.
- Pest Control Enforcement Advisory Council.
- Motor Vehicle Repair Advisory Council.
- Agricultural Economic Development Project Review Committee.
- Babcock Ranch Advisory Group. (Sections 3, 268)

Continuing Education

The bill repeals provisions requiring continuing education for the following professions and occupations licensed by DBPR and DACS:

- Barbers. (Section 3)
- Cosmetology. (Sections 3, 144, 146)
- Home Inspectors. (Section 3)
- Mold-Related Services. (Section 3)
- Contractors. (Sections 185, 187, 188)
- Electrical contractors. (Sections 216, 217, 218, 219)
- Engineers. (Section 88)
- Landscape architects. (Sections 171, 172)
- Accountants. (Section 3)
- Asbestos contractors (Sections 80, 81, 82)
- Architects. (Sections 157, 158)
- Community Association Managers. (Section 3, 50, 51)
- Building officials. (Section 74)
- Harbor Pilots. (Section 16)
- Real Estate Brokers and Sales Associates. (Sections 352, 355, 356)
- Veterinarians. (Section 120)
- Surveyors and Mappers. (Section 3)

Private Investigator, Security Officers, and Recovery Agents Secondary Licenses

The bill removes licensure requirements for secondary license types for the following licenses issued by DACS, while maintaining the main license type:

- Private Investigator Interns.
- Private Investigative Agencies.
- Private Investigative Agency Branch Offices.
- Private Investigative Agency Managers.
- Private Investigative/Security Agency Managers.
- Security Agencies.
- Security Agency Branch Offices.
- Security Managers.
- Security Agency/Private Investigative Agency Branch Offices.
- Recovery Agent Interns.
- Recovery Agencies.
- Recovery Agency Branch Offices.
- Recovery Agency Managers. (Sections 247, 250, 255)

The bill **does not** repeal the licensure requirement for private investigators, security officers, and recovery agents.

Division of Alcoholic Beverages and Tobacco (ABT) within DBPR

The bill expands the jurisdiction of ABT's law enforcement bureau to include the investigation, enforcement, and prosecution of crimes related to a business or profession regulated by DBPR including unlicensed activity of a business or profession. (Section 2)

The bill allows ABT to discipline a retail tobacco products dealer or retail nicotine products dealer's permit for any violation of the laws of this state or any state or territory of the United States. (Sections 287 and 288)

The bill authorizes ABT to assist DACS in enforcing the distribution and retail sale of consumable hemp in Florida, including entering any public or private premises during regular business hours in the performance of its duties relating to the retail sale of consumable hemp. (Section 289)

Division of Hotels and Restaurants

The bill allows DBPR's Division of Hotel and Restaurants to discipline a public food service establishment or public lodging establishment for violation of Florida's hemp laws. (Section 285)

Licensure of Engineers and Architects by Endorsements

The bill allows DBPR to approve engineers and architects licensed outside the country for licensure by endorsement. (Sections 275 and 281)

Applicants for endorsement as an engineer must hold a valid license from a foreign jurisdiction and hold an active Council Record with the National Council of Examiners for Engineers and Surveying. Applicants seeking licensure as an architect must hold a valid license from a foreign jurisdiction, pass the licensure examination for architects, and hold a valid certificate issued by the National Council of Architectural Registration Boards. (Sections 275 and 281)

Barbers

The bill provides for the licensure, operation, and inspection of mobile barbershops, as follows:

- Requires DBPR to adopt rules governing the licensure, operation, and inspection of mobile barbershops, including their facilities, personnel, and safety and sanitary requirements.
- Requires mobile barbershops to comply with all licensure and operating requirements specified in the chapter of law governing barbershops, DBPR's general statutes, or DBPR rules that apply to barbershops at fixed locations.
- Requires mobile barbershops to maintain a permanent business address, located in the inspection area of the local department office, at which records of appointments, itineraries, license numbers of employees, and vehicle identification numbers of the licenseholder's mobile barbershop must be kept and made available for verification purposes by department personnel, and where correspondence from the department can be received.
- To facilitate periodic inspections, the bill requires before the beginning of each month, each mobile barbershop license holder to file with DBPR a written monthly itinerary listing the locations where and the dates and hours when the mobile barbershop will be operating.
- Requires the license holder to comply with all local laws and ordinances regulating business establishments, with all applicable requirements of the Americans with Disabilities Act relating to accommodations for persons with disabilities, and with all applicable requirements of the Occupational Safety and Health Administration.
- Pursuant to DBPR rules, authorizes the practice of barbering to be performed in a location other than a licensed barbershop when performed in connection with a special event and by a person who holds the proper license.
    - Barbers are already allowed to shampoo, cut, or arrange hair in locations outside of barbershops. (Section 279)

Certified Public Accountants

The bill revises the requirements for the licensure of Certified Public Accountants (CPAs), as follows:

- Revises the requirements for licensure of CPAs, including licensure by endorsement and of international applicants, by providing four separate pathways to qualify for a license based on education and work experience criteria. Effective January 1, 2026, a person may qualify for a CPA license if he or she:
    - Completes at least 150 semester hours of college education, including a baccalaureate or higher degree conferred by an accredited college or university, with a concentration in accounting and business as prescribed by the department, and have one year of work experience;

- Holds a master's degree in accounting or finance conferred by an accredited college or university with a concentration in accounting and business as prescribed by the department, and have one year of work experience;
- Holds a baccalaureate degree in accounting or finance conferred by an accredited college or university with a concentration in accounting and business as prescribed by the department, and have two years of work experience; or
- Holds a baccalaureate degree in any major course of study conferred by an accredited college or university, have completed coursework required for a concentration in accounting and business as prescribed by the department, and have two years of work experience. (Sections 276 and 277)

The bill requires the department to prescribe the coursework required for a concentration in accounting and business. Under the bill, an applicant may satisfy the coursework requirement if the applicant receives a baccalaureate or higher degree in accounting or finance conferred by an accredited college or university in a state or territory of the United States. If the applicant has received a baccalaureate or higher degree with a major course of study other than accounting or finance, the applicant must complete the coursework required for a concentration in accounting and business as prescribed by the department. (Section 276)

The bill revises the licensure by endorsement requirements for applicants who are licensed in any state or territory of the United States. Under the bill, a person holding a license in another state or a territory of the United States may qualify for licensure by endorsement if they have maintained good moral character and, at the time of licensure by the other state or territory, were required to show evidence of having obtained at least a baccalaureate degree from an accredited college or university and having passed the Uniform CPA Examination. (Section 276)

The bill revises the requirements for the licensure of international applicants. The bill requires international applicants for licensure as a certified public accountant in this state to meet the requirements for education, work experience, and good moral character under s. 473.308, F.S.
(Section 277)

Effective January 1, 2026, the bill permits, a person who holds an active CPA license in good standing in another state or territory to provide accountancy services without obtaining a state license if at the time of licensure by the other state or territory, the individual was required to show evidence of having obtained at least a baccalaureate degree and having passed the Uniform CPA Examination. (Section 278)

Florida Drug and Cosmetic Act
The bill removes the requirement that every prescription drug wholesale distributor must have at least one designated representative, who must be certified by the department. (Section 282)

The bill provides that a permitted entity applying for a new permit from the Division of Drugs, Devices, and Cosmetics because of a sale or transfer of ownership in the permitted entity must apply within 30 days of the sale or transfer instead of before the sale or transfer. (Section 282)

DBPR Information on Professions
The bill requires DBPR to e-mail and post information on their website at the end of each legislative session explaining new laws related to each profession. (Section 2)

Auctioneer Fees
Effective July 1, 2026, requires all fees established by DBPR related to auctioneers to be reduced by 50 percent. (Section 273)

Veterinary Telehealth Prescriptions
The bill extends the duration of treatment for flea and tick control that a licensed veterinarian may prescribe via telehealth from one month to one year. (Section 117)

Building Permits

Home Repairs During States of Emergency
The bill prohibits local governments from requiring a permit for repairs and renovations completed within one year after the issuance of a state of emergency for a natural disaster for single family homes as long as the damage being repaired does not have a total cost that exceeds more than 50 percent of the value of the home, does not include more than 50 percent of such home, and does not change the footprint of the home. (Section 351)

Landscaping Violations During States of Emergency
The bill prohibits local governments from denying a certificate of occupancy based on noncompliance with a Florida-friendly landscaping ordinance for residential or commercial properties issued a permit within one year of a state of emergency for a natural disaster for the county in which the property is located. (Section 351)

Building Permits for Playgrounds, Fences, or Landscape Irrigation
The bill prohibits local enforcement agencies from requiring a building permit for the construction of playground equipment, a fence, or a landscape irrigation system on single-family residential property. (Section 351)

Building Permits for Work Valued Under $7,500
The bill prohibits local governments from requiring an owner or the owner's contractor to obtain a building permit for work, which is valued at less than $7,500, on a parcel containing a single-family dwelling. This does not apply to larger or major projects where the work is divided up into amounts less than $7,500. (Section 351)

Local governments may still require a building permit for any electrical, plumbing, or structural work, not including the repair or replacement of exterior doors or windows, performed on the parcel regardless of the value of the work. (Section 351)

Uniform Permit Applications
The bill requires DBPR to recommend a uniform permit application form for most routine types of building permits and inspections for common building permits and to recommend a uniform process for video inspections. (Section 4)

Landscape Architects Services
The bill requires state agencies and local governments to accept the seal of a landscape architect for any professional services within a landscape architect's scope of work, including, but not limited to, grading and drainage. (Section 357)

Elevator Accessibility
The bill revises elevator accessibility requirements to align with the Florida Building Code. (Section 269)

Licensure Fingerprint Requirements

The bill eliminates the current fingerprint requirement for active duty military personnel, as well as their spouses, who seek licensure in those professions that do not otherwise require fingerprinting for initial licensure. (Section 271)

The bill authorizes the FDLE to accept and process fingerprints and exchange criminal history records for individuals involved in the insurance industry. The bill requires background checks for a wide range of persons associated with insurers or insurance-related entities, including officers, employees, contractors, or persons who control insurance operations. Fingerprints must be submitted to the OIR or an authorized vendor and will be processed by both the FDLE and the Federal Bureau of Investigation. The results of the background checks will be used by the OIR to determine whether individuals meet eligibility requirements for licensure, certification, or authority to operate under the Florida Insurance Code. The bill also provides procedures for submission, retention, and cost responsibilities associated with fingerprint processing and background checks. (Section 358)

RULEMAKING:

The bill requires the Office of Rural Prosperity within the Department of Commerce to promulgate by rule the division of Florida into seven different regions and assign a regional rural community liaison center to each region.

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 yet met to estimate the impacts of the bill on state revenues.

Rural Communities, Housing, and Infrastructure
The bill creates new programs and expands existing programs to provide additional funding opportunities that support rural community advancement and growth. Funding for these programs is subject to appropriation.

Regulation of Businesses and Professions
The bill may have a positive fiscal impact for DBPR and DACS due to the following:

- Reduced operational and administrative costs associated with maintaining the repealed boards, commissions, and councils.
- Decreased continuing education (CE) oversight expenses needed to administer, monitor, or enforce CE requirements.

While the state may lose some fee revenue (e.g., CE-related or certain secondary license fees), this is likely offset by lower enforcement and processing expenses.

DACS estimates an annual revenue decrease of $1,152,033 associated with the repeal of new and renewal intern licenses, agency licenses (including branch agencies) and agency manager licenses. This estimated reduction is based on actual FY 2023-24 revenue collections and final license counts. This revenue decrease does not contemplate decreases at the Florida Department of Law Enforcement for applicant background screenings.[2]

DBPR may incur short-term costs related to reorganizing oversight functions, updating rules, systems, and internal processes that may be absorbed by current resources.

The bill requires DBPR and DACS to conduct studies on uniform permitting processes and licensure pathways based on experience. The cost of these studies may likely be absorbed in existing budgets.

LOCAL GOVERNMENT:

The Revenue Estimating Conference has not yet met to estimate the impacts of this bill on local government revenues.

Rural Communities, Housing, and Infrastructure
Local governments in rural areas of the state will benefit from participating in the new and expanded programs provided for in the bill to the extent that funding is appropriated for those programs.

Community Redevelopment Agencies
The CRA provisions of 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.

[2] Email from Thomas Poucher, Deputy Commissioner, Department of Agriculture & Consumer Services, Info Request (April 11, 2025).

Regulation of Businesses and Professions
Some portions of the bill may have a negative fiscal impact on local governments due to reduced permit fee revenue from small building permits prohibited in the bill. However, these changes may reduce local enforcement burdens and administrative costs, especially after natural disasters.

PRIVATE SECTOR:

Rural Communities, Housing, and Infrastructure
The bill creates new programs and expands existing programs to provide additional funding opportunities that support rural community advancement and growth. Subject to appropriation of funds for these new and expanded programs, these programs may directly or indirectly fund private sector activity, primarily in the transportation, education, and healthcare fields. Citizens in rural communities will benefit indirectly from programs designed to increase community investment as guided by local governments.

Regulation of Businesses and Professions
The bill may have a positive impact on the private sector by lowering costs for professionals. Eliminating required continuing education saves professionals time and money. Private investigators and security firms may experience lower overhead costs through the elimination of secondary licenses. Easier licensure may increase competition in some professions, which could affect wages or business volume for existing licensees.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

The Department of Commerce
The Department of Commerce (Department) is Florida's lead agency for working with the Legislature, state agencies, business leaders, and economic development professionals to formulate and implement coherent and consistent policies and strategies designed to promote economic opportunities for all Floridians.[3] The Department is also the state's chief agency for business recruitment and expansion.[4] The department must also promote viable, sustainable communities by providing technical assistance and guidance on growth and development issues, grants, and other assistance to local communities.[5]

The head of the Department is the Secretary of Commerce, who is appointed by the Governor and confirmed by the Senate.[6] The secretary may create offices within the Office of the Secretary and within the divisions to promote efficient and effective operation of the Department.[7] The Department must also ensure that the state's goals and policies relating to economic development, workforce development, community planning and development, and affordable housing are fully integrated with appropriate implementation strategies.[8]

There are seven divisions and offices within the Department:
- Economic Development
- Community Development
- Workforce Services
- Finance and Administration
- Information Technology
- Office of the Secretary

[3] S. 20.60(4), F.S.
[4] *Id.*
[5] S. 20.60(4)(c), F.S
[6] S. 20.60(2), F.S.
[7] S. 20.60(3)(b), F.S.
[8] S. 20.60(3), F.S.

- Office of Economic Accountability and Transparency[9]

The Department is charged with managing the activities of public-private partnerships and state agencies in order to avoid duplication and promote coordinated and consistent implementation of programs, including rural community development.[10] This includes stimulation of economic development and job creation in rural areas, including strategies for rural marketing and the development of infrastructure in rural areas.[11] Additionally, the Department runs a number of financial and grant programs aimed at helping small rural communities in Florida.

Rural Economic Development Initiative (REDI)

The Rural Economic Development Initiative (REDI) was established by the Legislature to encourage and facilitate the location and expansion of major economic development projects of significant scale in rural communities.[12] REDI operates as a statewide initiative led by the Department to serve Florida's rural communities by providing a more focused and coordinated effort among state and regional agencies to improve the fiscal, economic, and community viability of these areas.[13]

Specified agencies and organizations[14] are required to designate a high-level staff person to serve as their REDI representative. Each REDI representative is responsible for ensuring that their agency or organization is informed about REDI and helps to identify opportunities to accommodate or include rural local governments in their agency programs.

REDI is required to review and evaluate the impact of statutes and rules on rural communities and work to minimize any adverse impact and undertake outreach and capacity-building efforts.[15] A rural community is defined as:

- A county with a population of 75,000 or fewer;
- A county with a population of 125,000 or fewer, if the county is contiguous to a county with a population of 75,000 or fewer;
- Any municipality in a county that meets the above criteria; or
- An unincorporated federal enterprise community or an incorporated rural city with a population of 25,000 or fewer, with an employment base focused on traditional agriculture or resource-based industries, located in a county not defined as rural, and which has at least three or more economic distress factors.[16]

Each REDI member agency is required to review financial match requirements for projects in rural areas, develop a proposal to waive or reduce match requirements, and submit such proposals to REDI.[17] REDI must call a meeting within 30 days of receipt of such proposals for comment and recommendation.[18] Waivers and reductions must be requested by the county or community, and to the fullest extent possible member organizations must expedite rule and amendment adoption to incorporate the reduction in match by rural areas in financial distress.[19] REDI must prepare an annual report as a supplement to the Department's annual report which includes in an evaluation

[9] *Id.*
[10] S. 20.60(4)(e), F.S.
[11] S. 20.60(5)(a)4.c., F.S.
[12] S. 288.0656(1)(a), F.S.
[13] S. 288.0656(3), F.S.
[14] The Department of Transportation, Department of Environmental Protection, Department of Agriculture and Consumer Services, Department of State, Department of Health, Department of Children and Families, Department of Corrections, Department of Education, Department of Juvenile Justice, Fish and Wildlife Conservation Commission, each water management district, CareerSource Florida, Inc., VISIT Florida, the Florida Regional Planning Council Association, Agency for Health Care Administration, and the Institute of Food and Agricultural Sciences. *See* s. 288.0656(6)(a), F.S.
[15] S. 288.0656(4), F.S.
[16] S. 288.0656(2)(e), F.S.
[17] S. 288.06561, F.S.
[18] S. 288.06561(3), F.S.
[19] S. 288.06561(4) and (7), F.S.

on the status of changes to rules, number of awards made with waivers, and recommendations for future changes.[20]

Based on recommendations of the REDI, the Governor may designate up to three rural areas of opportunity (RAOs) by executive order,[21] which establishes certain local governments as a priority for the Department. The orders also permit all state agencies and departments to use all available tools and resources to the extent permissible by law to promote the creation and development of projects designated by the RAO that has been recommended by the department.[22]

Rural Area of Opportunity

A RAO is a rural community,[23] or region comprised of rural communities that has been adversely affected by an extraordinary economic event, severe or chronic distress, or a natural disaster.[24] An area may also be designated as an RAO if it presents a unique economic development opportunity of regional impact.[25] The designation of an RAO must be agreed upon by the Department, as well as the county and municipal governments to be included in the RAO.[26]

This designation establishes these areas as priority assignments for REDI and allows the Governor, acting through REDI, to waive criteria, requirements, or similar provisions of any economic development initiative. Such incentives include, but are not limited to, the Quick Response Training Program[27], the Quick Response Training Program for participants in the welfare transition program[28], transportation projects,[29] the brownfield redevelopment bonus refund[30], and the rural job tax credit program.[31]

Currently, there are three designated RAO areas:

- Northwest RAO: Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Liberty, Wakulla, and Washington counties, and portions of Walton County (the City of Freeport and lands north of the Choctawhatchee Bay and intercoastal waterway).
- South Central RAO: DeSoto, Glades, Hardee, Hendry, Highlands, and Okeechobee counties, and the cities of Pahokee, Belle Glade, and South Bay in Palm Beach County and the city of Immokalee in Collier County.
- North Central RAO: Baker, Bradford, Columbia, Dixie, Gilchrist, Hamilton, Jefferson, Lafayette, Levy, Madison, Putnam, Suwannee, Taylor, and Union counties.[32]

Fiscally Constrained Counties

Fiscally constrained counties are counties entirely within a RAO or where a 1-mill levy would raise no more than $5 million in annual tax revenue.[33] There are 29 counties that currently meet these conditions; Baker, Bradford, Calhoun, Columbia, Desoto, Dixie, Franklin, Gadsden, Gilchrist, Glades, Gulf, Hamilton, Hardee, Hendry, Highlands,

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[20] S. 288.06561(8), F.S.
[21] S. 288.0656(7)(a), F.S.
[22] Executive Orders 20-170, 21-149, and 23-132 available at https://www.flgov.com/eog/sites/default/files/executive-orders/2024/EO_20-170.pdf, https://www.flgov.com/eog/sites/default/files/executive-orders/2024/EO_21-149.pdf, and https://www.flgov.com/eog/sites/default/files/executive-orders/2024/EO-23-132.pdf (last visited Mar. 21, 2025)
[23] S. 288.0656(2)(e), F.S.
[24] S. 288.0656(2)(d), F.S.
[25] *Id.*
[26] S. 288.0656(7)(b), F.S.
[27] S. 288.047, F.S.
[28] S.288.047(8), F.S.
[29] S. 339.2821, F.S.
[30] S. 288.107, F.S.
[31] Ss. 212.098 and 220.1895, F.S.
[32] Department of Commerce, *Rural Areas of Opportunity*, *available at* https://floridajobs.org/community-planning-and-development/rural-community-programs/rural-areas-of-opportunity (last visited Mar.19, 2025). The economic development organizations for these RAOs are named Opportunity Florida, Florida's Heartland Regional Economic Development Initiative, and the North Florida Economic Development Partnership, respectively.
[33] S. 218.67(1), F.S.

Holmes, Jackson, Jefferson, Lafayette, Levy, Liberty, Madison, Okeechobee, Putnam, Suwannee, Taylor, Union, Wakulla, and Washington.[34] Highlands' and Putnam's 1-mill levy currently surpass the $5 million threshold.

Distribution Factors

Each fiscally constrained county receives a portion of the total direct-to-home satellite service distribution. At the beginning of each fiscal year, the Department of Revenue (DOR) determines the amount to be distributed to each fiscally constrained county using the prior fiscal year's certified school taxable value, county millage rate, and latest April 1 county population, excluding prisoners.[35] The following factors were created by DOR to determine each county's relative share of the total distribution available for the coming fiscal year:[36]

The relative revenue-raising-capacity factor is based on a county's certified school taxable value and population and referred to in law as the ability of a county to generate property tax revenues from 1 mill on a per capita basis. 37 Counties that generate less per capita revenue receive a higher factor.[38]

The local-effort factor is based on a county's millage rate and referred to in law as a measure of the relative level of local effort of a county as indicated by the millage rate levied for the prior fiscal year.[39] This factor guarantees that each county receives a portion of the total distribution. It uses the most recently adopted countywide operating millage rate for each eligible county and multiplies that millage rate by 0.1. For example, a county with a countywide operating millage rate of 6.73 would receive a factor value of 0.673.

Florida Office of Broadband

The Office of Broadband (office) is an office created within the Division of Community Development[40] in the Department for the purpose of providing broadband internet service to residents of Florida including: libraries, schools, colleges and universities, health care providers, and community organizations.[41] Under the office, the department may apply for and accept federal funds, enter into contracts, and establish any committee or workgroups to administer the program.[42]

Regional Rural Development Grants Program

The Regional Rural Development Grants Program was established to provide funding, through matching grants, to build the professional capacity of regionally based economic development organizations located in rural communities. The concept of building the professional capacity of an economic development organization includes hiring professional staff to develop, deliver, and provide economic development professional services. Professional services include technical assistance, education and leadership development, marketing, and project recruitment.[43]

Applications submitted to the Department for funding through this program must provide the following:[44]

- Official commitments of support from each of the units of local government represented by the regional organization;
- The regional organization is in existence and actively involved in economic development activities serving the region; and
- The manner in which the organization coordinates its efforts with those other local and state organizations.

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[34] Florida Department of Revenue, *Fiscally Constrained Counties*, available at https://www.floridarevenue.com/property/Documents/fcc_map.pdf (last visited Mar. 21, 2025).
[35] S. 186.901, F.S.
[36] S. 218.67(3)(a), F.S
[37] *Id.*
[38] For example, a county that raises $25 or less per capita receives a factor value of 1; whereas a county that raises more than $50 per capita receives a factor value of 0. In Fiscal Year 2024-2025, only three fiscally constrained counties were eligible for this factor. *See* Email correspondence with staff at the Department of Revenue, Feb. 6, 2025 (on file with the Senate Committee on Finance and Tax).
[39] S. 218.67(3)(b), F.S.
[40] S. 288.9961(4), F.S.
[41] S. 288.9961(1), F.S.
[42] S. 288.9961(5), F.S.
[43] S. 288.018(1)(b), F.S.
[44] S. 288.018(2), F.S.

A contract or agreement that involves the expenditure of grant funds must include:[45]

- The purpose of the contract or agreement.
- Specific performance standards and responsibilities for each entity under the contract or agreement.
- A detailed project or contract budget, if applicable.
- The value of any services provided.
- The projected travel expenses for employees and board members, if applicable.

An organization may receive up to $50,000 a year or $250,000 for any three regional economic development organizations that serve an entire RAO.[46] The Department is authorized to spend up to $750,000 each fiscal year from funds appropriated to the Rural Community Development Revolving Loan Fund to carry out this program.[47]

Rural Infrastructure Fund

The Rural Infrastructure Fund is a grant program created to facilitate the planning, preparing, and financing of infrastructure projects in rural communities.[48] The program provides access to federal and state infrastructure funding programs, including, but not limited to, those offered by the United States Departments of Agriculture and Commerce and including those offered by Rural Economic Development Initiative agencies.[49] The program funds total infrastructure project grants, infrastructure feasibility grants, and preclearance review grants.

The Department may award grants for up to 75 percent of the total infrastructure cost, or up to 100 percent of the total infrastructure project cost for a project that is located in a rural community that is also located in a fiscally constrained county[50] or a RAO.[51] Additionally, projects may include improving any inadequate infrastructure that has resulted in regulatory action that prohibits economic or community growth or reducing the costs to community users of proposed infrastructure improvements that exceed such costs in comparable communities.

Eligible uses of funds include improvements to public infrastructure for industrial or commercial sites and upgrades to or development of public tourism infrastructure.[52] Infrastructure can include public or public-private partnership facilities, such as stormwater systems, telecommunication, roads or other remedies to transportation impediments, nature-based tourism facilities and physical requirements necessary to facilitate tourism, trade, and economic development activities.[53] The Department may award grants of up to $300,000 for infrastructure feasibility studies, design and engineering activities, or other infrastructure planning and preparation activities.[54] The total project participation grant may be used in conjunction with the infrastructure feasibility grant.

To enable local governments to access the resources the Department may award grants for surveys, feasibility studies, and other activities related to the identification and preclearance review of suitable land.[55] Authorized grants under program may not exceed $75,000 each, except in the case of a project in a rural area of opportunity, in which case the grant may not exceed $300,000.[56]

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[45] S. 288.018(3)(a), F.S.
[46] S. 288.018(1)(c), F.S.
[47] S. 288.018(4), F.S.
[48] *See* s. 288.0655, F.S.
[49] S. 288.0655(2)(b), F.S.
[50] A fiscally constrained country is any county that is entirely within a rural area of opportunity as designated by the Governor pursuant to s. 288.0656, F.S., 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., F.S., from the previous July 1. S. 218.67(1), F.S.
[51] S. 288.0655(2)(b), F.S.
[52] *Id.*
[53] Broadband internet service must be provided in partnership with one or more dealers of communications services. S. 288.0655(2)(b), F.S.
[54] S. 288.0655(2)(c), F.S.
[55] S. 288.0655(2)(e), F.S.
[56] *Id.*

Rural Community Development Revolving Loan Fund

The Rural Community Development Revolving Loan Fund Program is administered by the Department to facilitate the use of existing federal, state, and local financial resources by providing local governments with financial assistance to further promote the economic viability of rural communities.[57]

The program provides for long-term loans, loan guarantees, and loan loss reserves to units of local governments, or economic development organizations in counties with populations of 75,000 or fewer, or within any county with a population of 125,000 or fewer which is contiguous to a county with a population of 75,000 or fewer.[58] Loans must be made pursuant to agreements specifying the terms and conditions agreed to between the applicant and the department, and loans are the legal obligations of the applicant.[59] All repayments of principal and interest must be returned to the loan fund and made available for loans to other applicants.

However, in a RAO, repayments of principal and interest may be retained by the applicant if repayments are dedicated and matched to fund regionally based economic development organizations representing the rural area of opportunity.[60]

Rural Economic Development Strategy Grants

The Department accepts and administers money which is appropriated to the department for providing grants to assist rural communities in developing and implementing strategic economic development plans.[61] The rural community must be counties with populations of 75,000 or fewer, or within any county with a population of 125,000 or fewer which is contiguous to a county with a population of 75,000 or fewer, or a municipality therein.[62] The Department must establish criteria for reviewing grant applications under this section. These criteria include, but are not limited to, the degree of participation and commitment by the local community and the application's consistency with local comprehensive planning.[63]

Inventory of Communities Seeking to Recruit Businesses

By September 30 of each year, a county or municipality that has a population of at least 25,000 or its local economic development organization must submit to the Department a brief overview of the strengths, services, and economic development incentives that its community offers.[64] The local government or its local economic development organization also must identify any industries that it is encouraging to locate or relocate to its area.[65] Such local governments and organizations seeking to recruit businesses may submit information and may participate in any activity or initiative resulting from the collection, analysis, and reporting of the information to the Department.[66]

Agreements Funded with Federal or State Assistance

Current law requires an agency agreement that provides state financial assistance to a recipient or subrecipient,[67] or that provides federal financial assistance to a subrecipient, to include the following:

- A provision specifying scope of work that clearly establishes the tasks the recipient or subrecipient is required to perform;
- A provision dividing the agreement into quantifiable units of deliverables that must be received and accepted in writing by the agency before payment. Each deliverable must be directly related to the

[57] S. 288.065, (1) F.S.
[58] S. 288.065, (2)(a) F.S.
[59] S. 288.065 (2)(b), F.S.
[60] S. 288.065 (2)(c), F.S.
[61] S. 288.0657 (2), F.S.
[62] S. 288.0657 (1), F.S.
[63] S. 288.0657(4), F.S.
[64] S. 288.007, F.S.
[65] *Id.*
[66] *Id.*
[67] S. 215.97, F.S., defines a "subrecipient" as a nonstate entity that receives state financial assistance through another nonstate entity.

scope of work and must specify the required minimum level of service to be performed and the criteria for evaluating the successful completion of each deliverable;
- A provision specifying the financial consequences that apply if the recipient or subrecipient fails to perform the minimum level of service required in the agreement. The provision can be excluded in specified situations;
- A provision specifying that a recipient or subrecipient of federal or state financial assistance may expend funds only for allowable costs resulting from obligations incurred during the specified agreement period;
- A provision specifying that any balance of unobligated funds which has been advanced or paid must be refunded to the state agency;
- A provision specifying that any funds paid in excess of the amount to which the recipient or subrecipient is entitled must be refunded to the state agency; and
- Any additional information required pursuant to the Florida Single Audit Act.[68]

Current law prohibits an agency agreement that provides state or federal financial assistance to local government entities within a RAO from requiring the local government entity to expend funds in order to be reimbursed. For these local government entities, an agency is authorized to advance funding based on an analysis of estimated costs, to pay service providers and vendors directly, or to undertake other options to meet the requirements of the agreement, allowing local governments in rural areas to be paid without spending their own capital first.[69]

The Small Business Development Center Network

Established in 2008, the Florida Small Business Development Center Network (SBDC) is the principal business assistance organization for small businesses in the state. The purpose of the SBDC is to serve emerging and established for-profit, privately held businesses that maintain a place of business in the state.[70] The SBDC is a consortium of regional small business development centers throughout the state that offer current and prospective small businesses consulting services, training opportunities, and access to other resources and information.[71] Regional centers are based at several of Florida's colleges and universities.[72] The SBDC is run by a statewide director in consultation with a 19 member statewide advisory board.[73]

The network is funded in part by the U.S. Small Business Administration, Department of Defense, State of Florida through appropriations, and other private and public partners, with the University of West Florida serving as the SBDC's designated lead host institution.[74] Half of any state funds received directly by a host institution which are specifically designated for the network are distributed for the following purposes:
- Ensuring that support services are available statewide, especially in underserved and rural areas of the state, to assist eligible businesses;
- Enhancing participation in the network among state universities and colleges; and
- Facilitating the adoption of innovative small business assistance best practices by the regional small business development centers.

State Housing Initiatives Partnership (SHIP) Program

The SHIP Program was created to provide funds to local governments as an incentive to create partnerships that produce and preserve affordable homeownership and multifamily housing. The SHIP program provides funds to all 67 counties and 52 Community Development Block Grant[75] entitlement cities on a population-based formula to finance and preserve affordable housing based on locally adopted housing plans.[76] The program was designed to

[68] S. 215.971(1)(a)-(g), F.S.
[69] S. 215.971, F.S (h) F.S.
[70] Ch. 2008-149, L.O.F., codified as s. 288.001, F.S.
[71] America's SBDC Florida, *Consulting Services*, available at https://floridasbdc.org/ (last visited Mar. 21, 2025)
[72] America's SBDC Florida, *Our Network*, available at https://floridasbdc.org/ (last visited Mar. 21, 2025).
[73] S. 288.001 (3)-(4), F.S.
[74] America's SBDC Florida, *About Funding*, available at https://floridasbdc.org/about/ (last visited Mar. 21, 2025).
[75] The CDBG program is a federal program created in 1974 that provides funding for housing and community development activities.
[76] *See* ss. 420.907-420.9089, F.S.

serve very-low, low-, and moderate-income families and is administered by Florida Housing Finance Corporation (FHFC). SHIP funds may be used to pay for emergency repairs, rehabilitation, down payment and closing cost assistance, impact fees, construction and gap financing, mortgage buydowns, acquisition of property for affordable housing, matching dollars for federal housing grants and programs, and homeownership counseling.[77]

Funds are expended per each local government's adopted Local Housing Assistance Plan (LHAP), which details the housing strategies it will use.[78] Local governments submit their LHAPs to the FHFC for review to ensure that they meet the broad statutory guidelines and the requirements of the program rules. The guaranteed minimum allocation amount that will be disbursed on a quarterly or more frequent basis by the FHFC to local governments is $350,000.[79]

Certain statutory requirements restrict a local government's use of funds made available under the SHIP program (excluding amounts set aside for administrative costs):

- At least 75 percent of SHIP funds must be reserved for construction, rehabilitation, or emergency repair of affordable, eligible housing;[80] and
- Up to 25 percent of SHIP funds may be reserved for allowed rental services.[81]

Within those distributions by local governments, additional requirements must be met:

- At least 65 percent of SHIP funds must be reserved for home ownership for eligible persons;[82]
- At least 20 percent of SHIP funds must serve persons with special needs;[83]
- Up to 20 percent of SHIP funds may be used for manufactured housing;[84] and
- At least 30 percent of SHIP funds must be used for awards to very-low-income persons or eligible sponsors 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.[85]

USDA Section 515 Rural Affordable Housing

Many of rural America's 65 million residents experience acute housing problems with nearly 30 percent of rural households experiencing at least one major housing problem, such as high cost, physical deficiencies, or overcrowding.[86] The United States Department of Agriculture's (USDA) Section 515 program is a part of the national Rural Rental Housing program. Under the Section 515 program, USDA Rural Development makes direct loans to developers to finance affordable multifamily rental housing for very low-income, low-income, and moderate-income families, for elderly people, and for persons with disabilities.[87]

Section 515 funds can be used for any new construction and for the rehabilitation of existing rural properties. Funding can also be used to buy or improve land, and to provide critical infrastructure for properties such as water

[77] S. 420.9072(7), F.S.
[78] S. 420.9075, F.S. S. 420.9075(3), F.S., outlines 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.
[79] S. 420.9073 (3)(a-b) F.S.
[80] S. 420.9075(5)(c), F.S.
[81] S. 420.9075(5)(b), F.S. However, a local government may not expend money distributed to it to provide ongoing rent subsidies, except for: security and utility deposit assistance; eviction prevention not to exceed six months' rent; or a rent subsidy program for very-low-income households with at least one adult who is a person with special needs or is homeless, not to exceed 12 months' rental assistance.
[82] S. 420.9075(5)(a), F.S. "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.
[83] S. 420.9075(5)(d), F.S.
[84] S. 420.9075(5)(e), F.S.
[85] S. 420.9075(5)(g)2., F.S.
[86] National Low Income Housing Coalition, *USDA Rural Rental Housing Programs,* available at *https://nlihc.org/sites/default/files/AG-2019/04-13_USDA-Rural-Rental-Housing-Programs.pdf* (last visited Mar. 21, 2025).
[87] *Id.*

and waste disposal systems. However, no new rental properties have been developed under Section 515 since 2011.[88]

Small County Road Programs

Small County Road Assistance Program (SCRAP)
FDOT administers SCRAP to assist small county governments in resurfacing or reconstructing county roads that were part of the county road system on June 10, 1995.[89] Counties eligible to compete for funding based on population include those with a population of 75,000 or less according to the 1990 federal census. Under this criterion, there are currently 33 counties eligible to receive funding through the program. Capacity improvements on county roads are not eligible for SCRAP funding, except when FDOT determines that widening existing lanes as part of a resurfacing or reconstruction project is necessary to address safety concerns.[90]

Currently, up to $25 million annually from the State Transportation Trust Fund may be used to fund the SCRAP.[91] Available funds are allocated to the FDOT districts based on the number of counties eligible for funding under the criteria in s. 339.2816, F.S.

Small County Outreach Program (SCOP)
The SCOP assists small counties 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. Small counties eligible to compete for project funding include those with a population of 200,000 or less as determined by the most recent official estimate of the Office of Economic and Demographic Research.[92] Similar to the SCRAP, available funds are allocated to FDOT districts based on the number of counties eligible for funding under the criteria in s. 339.2818, F.S.

FDOT is required to fund 75 percent of the cost of projects on county roads selected for funding under the program and the county must provide 25 percent of such costs.[93] Rural counties qualifying under the Rural Economic Development Initiative[94] may apply for a waiver or reduction of the required 25 percent local match.[95] Subject to specific appropriation, municipalities within a rural area of opportunity may also compete for funding at up to 100 percent of the project costs.[96]

In 2024, the SCOP was amended to incorporate additional eligibility provisions. Specifically, subject to a specific appropriation, a local government either wholly or partially within the Everglades Agricultural Area, the Peace River Basin, or the Suwannee River Basin may compete for additional funding 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.[97]

Arterial Roads

Under Florida's Transportation Code "arterial road" means a route providing service which is relatively continuous and of relatively high traffic volume, long average trip length, high operating speed, and high mobility importance.[98] Arterials include U.S. numbered highways and principal state roads that connect cities and towns.

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[88] *Id.*
[89] S. 339.2816(4), F.S.
[90] FDOT, *Work Program Instructions FY 25/26-29/30*, September 6, 2024, at p. 394, available at https://fdotewp1.dot.state.fl.us/fmsupportapps/Documents/development/WorkProgramInstructions.pdf
[91] S. 339.2816(3), F.S.
[92] S. 339.2818, F.S.
[93] S. 339.2818(4)(a), F.S.
[94] *See* s. 288.056, F.S., for a full description of the Rural Economic Development Initiative.
[95] FDOT, *Work Program Instructions FY 25/26-29/30*, September 6, 2024, at p. 384, available at https://fdotewp1.dot.state.fl.us/fmsupportapps/Documents/development/WorkProgramInstructions.pdf (last visited Mar. 21, 2025).
[96] S. 339.2818(7), F.S.
[97] S. 339.2818(8), F.S.
[98] S. 334.03(1), F.S.

FDOT's Functional Classification system distinguishes between urban and rural designations for arterial roads.[99] FDOT routinely manages and improves arterial roads to increase capacity and facilitate traffic throughput, while at the same time achieving the paramount goal of improving safety.

FDOT is required to identify and include in the work program projects to increase capacity by widening existing two-lane arterial rural roads to four lanes. To be included in a work program project, the road must be classified as an arterial rural road, and truck traffic using the road must amount to at least 15 percent of all such traffic, as determined by the department. FDOT is required to fund at least $20 million annually for such projects.[100]

Community Redevelopment Agencies

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.[101] 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.[102]

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.[103]

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[99] FDOT, *2020 Urban Area Boundary and Functional Classification Handbook*, available at https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/statistics/docs/urbanfunclass.pdf?sfvrsn=84c718c4_15 (last visited Mar. 21, 2025).
[100] S. 339.68, F.S.
[101] 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.
[102] S. 163.340(7), F.S.
[103] S. 163.340(8), F.S.

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.[104]

As of April 17, 2025, there are 213 CRAs in operation.[105]

Creation of a CRA

Before creating a CRA, a county or municipal government must adopt a resolution with a "finding of necessity."[106] 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.[107]

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.[108] 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.[109]

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.[110] 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. [111]

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.[112] 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.[113] 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).[114] 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,[115] excluding any debt service millage, on taxable real property within the boundaries of the community redevelopment area; and

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[104] *Id.*
[105] *See* Florida Department of Commerce, *Official List of Special Districts* (last visited Apr. 17, 2025).
[106] S. 163.355, F.S.
[107] *Id.*
[108] S. 163.356(1), F.S.
[109] S. 163.340(10), F.S.
[110] 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.
[111] S. 163.415, F.S.
[112] S. 163.3755(1), F.S.
[113] S. 163.3755(2), F.S.
[114] S. 163.387, F.S.
[115] 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

- 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 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.[116]

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.[117]

Each taxing authority must transfer TIF funds to the redevelopment trust fund of the CRA by January 1 of each year.[118] 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.[119] 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.[120]

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.[121] 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.[122]
- 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.[123]

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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.

[116] S. 163.387(1), F.S.

[117] *See* ch. 2019-163, s. 8, Laws of Fla.

[118] S. 163.387(2)(a), F.S.

[119] S. 163.387(2)(a), F.S.

[120] S. 163.387(3)(a), F.S.

[121] S. 163.387(2)(b), F.S.

[122] 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.

[123] S. 163.387(6), F.S.

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.[124]

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.[125]

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.[126] 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.[127] 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.[128] 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.[129]

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.[130]

Continuing Education

Continuing education includes any additional required education undertaken by a professional after receiving licensure. Below is a chart of the continuing education requirements for licensed professionals in Florida:[131]

Profession	Continuing Education Requirements
Community Association Managers	• 10 hours of CE annually • 15 classroom hours of CE to reinstate an inactive license
Building Code Officials, Inspectors, and Plans Examiners	• 14 classroom hours biannually

[124] S. 163.387(7), F.S.
[125] S. 163.387(7)(d), F.S.
[126] S. 163.385(1)(a), F.S.
[127] S. 163.387(4), F.S.
[128] S. 163.385(1)(a), F.S.
[129] S. 163.387(4), F.S.
[130] S. 163.387(5), F.S.
[131] *See* Ss. 310.081, 455.2228, 468.4337, 468.4338, 468.627, 468.8316, 468.8317, 468.8416, 471.017, 471.019, 472.018, 472.019, 473.312, 473.313, 474.211, 475.17, 475.182, 475.182, 475.183, 477.019, 477.0212, 481.215, 481.217, 481.313. 481.315, 482.111, 489.115, 489.116, 489.517, 489.519, F.S.; Rules 61E14-4.004, 61-30.403, 61G3-16.0091, 61G10-13.003, 61G10-18.001, 61J2-1.011, 61J2-3.020, and 61H1-33.003 F.A.C.

Profession	Continuing Education Requirements
Home Inspectors	• 14 hours of CE biannually • 14 hours of CE to reinstate an inactive license
Mold-Related Services	• 14 hours of CE biannually
Engineering	• 18 hours of CE biannually • Up to 9 hours of CE for every year the license was inactive to reinstate an inactive license
Public Accountancy	• 80 hours biannually • Up to 120 hours to reinstate inactive license
Veterinary Medicine	• Up to 30 hours of CE biannually
Cosmetologists	• Up to 10 hours of CE biannually • Up 10 hours of CE to reinstate inactive license.
Barbers	• 2 hours of CE biannually
Architects	• 20 hours of CE biannually • Up to 20 hours of CE to reinstate inactive license
Landscape Architects	• 16 hours of CE biannually • Up to 16 hours of CE to reinstate an inactive license.
Construction contractors	• 14 classroom hours of CE biannually • Up to 14 classroom hours of CE to reinstate an inactive license.
Electrical Contractors	• 2 classroom hours of CE biannually if the person is fire alarm system agent. • 6 classroom hours of CE biannually if the person is burglar alarm system agent. • 7 classroom hours of CE biannually if the licensee is an alarm system or specialty contractor. • 11 classroom hours of CE biannually if the licensee is an electrical contractor. • Up to 11 classroom hours of CE to reinstate an inactive license.
Harbor Pilots	• Board approved seminar biannually
Asbestos Contractors	• One-day course of CE biannually for asbestos contractor. • Two-day course of CE biannually for asbestos consultant. • One-day course of CE annually for onsite supervisor.
Land Surveyors and Mappers	• 24 hours of CE biannually • Up to 12 classroom hours of CE for each inactive year to reinstate an inactive license.

Profession	Continuing Education Requirements
Real Estate Brokers and Sales Associates	• 14 hours of CE biannually. • 12 hours of CE for every year a license is inactive to reinstate an inactive license. • 45 hours for sales associates before the first renewal after initial licensure. • 60 hours for brokers before the first renewal after initial licensure.

Department of Business and Professional Regulation

The Florida Department of Business and Professional Regulation (DBPR) regulates and licenses various businesses and professionals in Florida.[132]

The Division of Professions licenses and regulates more than 542,000 professionals through the following professional boards and programs:[133]

- Board of Architecture and Interior Design,
- Asbestos Licensing Unit,
- Athlete Agents,
- Board of Auctioneers,
- Barbers' Board,
- Building Code Administrators and Inspectors Board,
- Regulatory Council of Community Association Managers,
- Construction Industry Licensing Board,
- Board of Cosmetology,
- Electrical Contractors' Licensing Board,
- Board of Employee Leasing Companies,
- Home Inspectors,
- Board of Landscape Architecture,
- Mold-Related Services,
- Board of Pilot Commissioners,
- Board of Professional Geologists,
- Talent Agencies,
- Board of Veterinary Medicine, and
- Florida Board of Professional Engineers.

The Division of Alcoholic Beverages (ABT)

ABT regulates the manufacture, distribution, sale, and service of alcoholic beverages and tobacco products in Florida, including:

- receipt and processing of license applications;
- collection and auditing of taxes, surcharges, and fees paid by licensees; and
- enforcement of the laws and regulations governing the sale of alcoholic beverages and tobacco products.[134]

[132] S. 20.165, F.S.

[133] Florida Department of Business and Professional Regulation, *Division of Professions*, http://www.myfloridalicense.com/DBPR/division-of-professions/ (last visited April 3, 2025).

[134] Florida Department of Business and Professional Regulation, *Division of Alcoholic Beverages and Tobacco*, http://www.myfloridalicense.com/DBPR/alcoholic-beverages-and-tobacco/ (last visited April 3, 2025).

ABT's Bureau of Law Enforcement is an accredited law enforcement agency with law enforcement officers who have the authority to make arrests, carry firearms, serve court process, and seize contraband and the proceeds of illegal activities.[135]

The Bureau's law enforcement officers are responsible for enforcing the Beverage Law and the laws relating to distribution and sale of tobacco and nicotine products. They do not have authority to enforce any other state laws unless it is incidental to enforcing the Beverage Law or the laws relating to the distribution and sale of tobacco and nicotine products.[136]

The Division may discipline an alcoholic beverage license for any violation of the laws of this state or any state or territory of the United States.[137] However, the Division may only discipline a tobacco retailer or nicotine product retailer's permit for violating any of the provisions relating to the retail sale of such products. Such discipline includes administrative fines up to $1,000 and suspension or revocation of a permit.[138]

Board of Auctioneers

The Board of Auctioneers is responsible for licensing and regulating auctioneers. The board generally meets four times a year to consider applications for licensure, to review disciplinary cases, and to conduct informal hearings relating to licensure and discipline. The board engages in rulemaking to implement the provisions set forth in its statutes, administers the Auctioneer Recovery Fund, and conducts other general business, as necessary.[139]

The board consists of five members appointed by the Governor and confirmed by the Senate. Two of the members must be licensed auctioneers with at least five years of experience, two members must be laypersons, and one must be an auction company. Members serve for terms of four years.[140]

[135] S. 20.165(9), F.S.; Department of Business and Professional Regulation, *Alcoholic Beverages & Tobacco – Law Enforcement*, https://www2.myfloridalicense.com/alcoholic-beverages-and-tobacco/law-enforcement/ (last visited April 3, 2025).
[136] *Id.*
[137] S. 561.29, F.S.
[138] Ss. 569.006 and 569.35, F.S.
[139] Florida Department of Business and Professional Regulation, *Auctioneers*, https://www2.myfloridalicense.com/auctioneers/ (last visited April 3, 2025).
[140] S. 468.384, F.S.

Auctioneer Fees

The Board of Auctioneers may establish application, examination, licensure, renewal, and other reasonable and necessary fees, based upon the department's estimate of the costs to regulate licensed auctioneers. Below is a table of the applicable fees for licensed auctioneers:[141]

Type of Fee	Fee amount
Application Fee	• $50 for license by exam • $75 for license by endorsement or reciprocity • $50 apprentice license • $50 auction business
Exam Fee	• $250
Initial Licensure Fee	• $150
Unlicensed Activities Fee	• $5 upon initial license and each renewal
Renewal Fees	• $150
Reactivation Fee	• $50
Examination Review Fee	• 50
Auctioneer Recovery Fund Surcharge	• $100 at the time of renewal
Change of Status	• $50
Delinquent License Fee	• $25
Reinstatement of a Void License Fee	• $150 application • $150 - $300 renewal fee for each biennium when timely renewal was missed. • $105.00 – $210.00 Unlicensed Activity fee for each biennium when timely renewal was missed.

Florida Real Estate Commission

The Florida Real Estate Commission (FREC) is responsible for licensing and regulating real estate sales associates and brokers. The FREC meets for two days every month. The FREC also engages in rulemaking to implement the provisions set forth in its statutes.[142]

The commission consists of seven members appointed by the Governor and confirmed by the Senate. Four members must be licensed brokers with at least five years of experience, one member must be a licensed broker or a licensed sales associate with at least two years of experience, and two members must be laypersons. At least one member must be 60 years of age or older. Members serve for terms of four years.[143]

The Division of Real Estate (DRE) is responsible for supporting the Florida Real Estate Commission and the Florida Real Estate Appraisal Board in the regulation of real estate sales associates, brokers, and appraisers, in conjunction with the.[144] DRE's offices are located in Orlando.[145]

Florida Real Estate Appraisal Board

The Florida Real Estate Appraisal Board (FREAB) administers and enforces the real estate appraiser license law. The FREAB has power to regulate the issuance of appraiser licenses, certifications, registrations, and permits; to discipline appraisers; to establish qualifications for appraiser licenses, certifications, registrations, and permits; to regulate approved courses; to establish standards for real estate appraisals; and to establish standards for and

[141] S. 468.386, F.S.; R. 61G2-3.001, F.A.C.
[142] Florida Department of Business and Professional Regulation, *Real Estate Commission – Commission Information*, https://www2.myfloridalicense.com/real-estate-commission/commission-information/#1493754459693-55f707f3-f1ea (last visited April 3, 2025).
[143] S. 475.02, F.S.
[144] S. 475.021, F.S.
[145] S. 20.165(2), F.S.

regulate supervisory appraisers. Additionally, the board has authority to adopt rules in order to implement its authorized duties and responsibilities.[146] The FREAB generally meets six times a year.[147]

The FREAB consists of nine members who are appointed by the Governor and confirmed by the Senate. Four members must be appraisers with at least five years of experience, one member must represent the appraisal management industry, one member must represent an organization that uses appraisals, and three members must represent the general public and have no connection to the practice of real estate appraisal.[148]

Division of Certified Public Accounting

The Division of Certified Public Accounting (Division of CPA) within DBPR is responsible for the regulation of certified public accountants (CPAs) and accounting firms. The Division of CPA processes applications to sit for the CPA exam, original Florida licensure applications, licensure by endorsement applications, reactivation of a delinquent or inactive CPA license, temporary permit applications, accountancy firm licensure, and continuing education reporting forms. The Division of CPA also provides administrative support to the Board of Accountancy.[149]

The offices for the Division of CPA are located in Gainesville.[150]

The Board of Accountancy is responsible for licensing and regulating CPAs. The board meets 10 times a year to consider applications, review disciplinary cases, and conduct informal hearings relating to licensure and discipline. The board also engages in rulemaking to implement the provisions set forth in its statutes and conducts other general business, as necessary.

The board consists of nine members who are appointed by the Governor and confirmed by the Senate. Seven of the members must be licensed CPAs with at least five years of experience and two must be laypersons. At least one member must be over 60 years old.[151]

In order to obtain licensure as a CPA, an applicant must:[152]

- have at least 150 semester hours of college education, including a baccalaureate or higher degree conferred by an accredited college or university, with a concentration in accounting and business.
- Have one year of experience.
- Have good moral character.
- Pass an examination.

An applicant is also eligible for licensure by endorsement if the applicant has good moral character and meets one of the following requirements:[153]

- Is not licensed, but has otherwise met the licensing requirements and has passed a licensing examination that is substantially equivalent to the Florida examination;
- Holds a valid license to practice public accounting issued by another state or territory of the United States, if the criteria for issuance of such license are substantially equivalent to a Florida license or is otherwise permitted; or

[146] S. 475.613, F.S.; Florida Department of Business and Professional Regulation, Real Estate Appraisal – Board Information, https://www2.myfloridalicense.com/real-estate-appraisal-board/board-information/#1493754459693-55f707f3-f1ea (last visited April 18, 2025).
[147] Florida Department of Business and Professional Regulation, Real Estate Appraisal – Meetings and Workshops, https://www2.myfloridalicense.com/real-estate-appraisal-board/meetings-and-workshops/ (last visited April 19, 2025).
[148] S. 475.613, F.S.
[149] Florida Department of Business and Professional Regulation, *Certified Public Accounting*, https://www2.myfloridalicense.com/certified-public-accounting/ (last visited April 4, 2025).
[150] S. 20.165(2), F.S.
[151] S. 473.303, F.S.
[152] Ss. 473.306, and 473.308, F.S.
[153] 473.308, F.S.; Rule 61H1-29.003, F.A.C

- Holds a valid license to practice public accounting issued by another state or territory of the United States for at least 10 years before the date of application and has passed a licensing examination that is substantially equivalent to the Florida examination.

Barbers' Board

The Barbers' Board is responsible for licensing and regulating barbers. The board meets regularly, which is generally six times a year, to consider applications for licensure, to review disciplinary cases, and to conduct informal hearings relating to licensure and discipline. The board also engages in rulemaking to implement the provisions set forth in its statutes and conducts other general business, as necessary.[154]

The board consists of seven members who are appointed by the Governor and confirmed by the Senate. Five members must be licensed barbers with at least five years of experience, and two members must be laypersons. No member may be connected with the manufacture, rental, or wholesale distribution of barber equipment and supplies. Members serve for terms of four years.[155]

Board of Cosmetology

The Board of Cosmetology is responsible for licensing and regulating cosmetology. The board meets approximately four times a year to consider applications for licensure, to review disciplinary cases, and to conduct informal hearings relating to licensure and discipline. The board engages in rulemaking to implement the provisions set forth in its statutes and conducts other general business, as necessary.[156]

The board consists of seven members who are appointed by the Governor and confirmed by the Senate. Five members must be licensed cosmetologists who have practiced cosmetology in Florida for at least five years and two members must be laypersons.[157]

Barbers and Mobile Cosmetology Salons

Current law requires licensed cosmetologists to only practice in licensed cosmetology salons unless expressly allowed to practice elsewhere. Current law also allows for mobile cosmetology salons, which must meet the following requirements:[158]

- Must comply with all licensure and operating requirements for fixed cosmetology salons.
- Must maintain a permanent business address located in the inspection area of the local department office. The mobile salon's records must be kept at the permanent address.
- Must file a written monthly itinerary with the Board of Cosmetology.
- Must pay a fee, which may not be more than the fee for a fixed cosmetology salon.
- Must comply with all local laws and ordinances regulating business establishments, the applicable Americans with Disabilities Act requirements, and the applicable OSHA requirements.

Licensed barbers are also required to practice only in licensed barbershops unless expressly allowed to practice elsewhere. However, current law does not provide for mobile barbershops.[159]

Construction Industry Licensing Board

The Construction Industry Licensing Board is responsible for licensing and regulating the construction industry. The board meets regularly, which is generally eleven times a year, to consider applications for licensure, to review disciplinary cases, and to conduct informal hearings relating to licensure and discipline. The board engages in

[154] Florida Department of Business and Professional Regulation, *Barbers*, https://www2.myfloridalicense.com/barbers/ (last visited April 3, 2025)
[155] S. 476.054, F.S.
[156] Florida Department of Business and Professional Regulation, *Cosmetology*, https://www2.myfloridalicense.com/cosmetology/ (last visited April 4, 2025).
[157] S. 477.015, F.S.
[158] SS. 477.025(10), and 477.0263, F.S.
[159] S. 476.188, F.S.

rulemaking to implement the provisions set forth in its statutes and conducts other general business, as necessary.[160]

The board consists of 18 members who are appointed by the Governor and confirmed by the Senate. The board must consist of four general contractors, three building or residential contractors (with at least one building contractor and one residential contractor), one sheet metal contractor, one pool contractor, one plumbing contractor, two building officials of a municipality or county, one roofing contractor, one air conditioning contractor, one mechanical contractor, one underground utility and excavation contractor, and two consumer members.[161]

Electrical Contractors' Licensing Board

The Electrical Contractors' Licensing Board is responsible for licensing and regulating electrical contractors. The board meets regularly, which is generally six times a year, to consider applications for licensure, to review disciplinary cases, and to conduct informal hearings relating to licensure and discipline. The board engages in rulemaking to implement the provisions set forth in its statutes and conducts other general business, as necessary.[162]

The board consists of 11 members appointed by the Governor and confirmed by the Senate. Seven members must be certified electrical contractors, two must be consumer members, and 2 must be certified alarm system contractors.[163]

Regulatory Council of Community Association Managers

The Regulatory Council of Community Association Managers duties relate to licensure examination, continuing education requirements, continuing education providers, fees and professional practice standards relative to the Community Association Manager profession.[164] The Council holds quarterly meetings and engages in rulemaking to implement the provisions set forth in its statutes and conducts other general business, as necessary.[165]

The Council consists of seven members who are appointed by the Governor and confirmed by the Senate. Five members must be licensed community association managers and two members must be residents of Florida who must not be or ever have been connected with the business of community association management.[166]

Drug Wholesale Distributor Advisory Council

The Drug Wholesale Distributor Advisory Council of the Division of Drugs, Devices, and Cosmetics (DDC) reviews the Florida Drug and Cosmetic Act (Act) and the rules adopted thereunder, provides input to DBPR regarding all proposed rules to administer the Act, makes recommendations to DBPR to improve the protection of prescription drugs and public health, makes recommendations to improve coordination with other states' regulatory agencies and the federal government concerning the wholesale distribution of drugs, and makes recommendations to

[160] Florida Department of Business and Professional Regulation, *Construction Industry*, https://www2.myfloridalicense.com/construction-industry/ (last visited April 4, 2025).
[161] S. 489.107, F.S.
[162] Florida Department of Business and Professional Regulation, *Electrical Contractors*, https://www2.myfloridalicense.com/electrical-contractors/ (last visited April 4, 2025).
[163] S. 489.507(1), F.S.
[164] A community association manager or community association management firm manages community associations with more than 10 residential units or budgets greater than $100,000 for compensation. Florida Department of Business and Professional Regulation, *Community Association Managers and Firms – Council Information*, https://www2.myfloridalicense.com/community-association-managers-and-firms/council-information/ (last visited April 4, 2025).
[165] Florida Department of Business and Professional Regulation, *Community Association Managers and Firms*, https://www2.myfloridalicense.com/community-association-managers-and-firms/ (last visited April 4, 2025).
[166] S. 468.4315, F.S.

minimize the impact of regulation of the wholesale distribution industry while ensuring protection of the public health.[167]

The Council generally meets three times a year and consists of 12 members. The Council must consist of the Secretary of DBPR (or his or her designee), the Secretary of Health Care Administration (or her or his designee), and 10 DBPR appointees. The DBPR appointees must consist of three employees of different prescription drug wholesale distributors which operate nationally, one employee of a prescription drug wholesale distributor, one employee of a retail pharmacy chain located in Florida, one licensed pharmacist who is a member of the Board of Pharmacy, one licensed physician, one employee of a licensed hospital who is a licensed pharmacist, one employee of a permitted medical gas manufacturer or medical gas wholesale distributor who has been recommended by the Compressed Gas Association,[168] and one employee of a pharmaceutical manufacturer.[169]

Drug Wholesale Distributor Designated Representative

Each establishment that is issued a permit as a prescription drug wholesale distributor or an out-of-state prescription drug wholesale distributor must designate in writing to DBPR at least one natural person to serve as the designated representative of the wholesale distributor. Such person must have an active certification as a designated representative from DBPR.[170]

A designated representative:[171]

- Must be actively involved in and aware of the actual daily operation of the wholesale distributor.
- Must be employed full time in a managerial position by the wholesale distributor.
- Must be physically present at the establishment during normal business hours, except for time periods when absent due to illness, family illness or death, scheduled vacation, or other authorized absence.
- May serve as a designated representative for only one wholesale distributor at any one time.

To be certified as a designated representative, a natural person must:[172]

- Submit an application and pay the appropriate fees.
- Be at least 18 years of age.
- Have at least 2 years of verifiable full-time:
    - Work experience in a pharmacy licensed in Florida or another state, where the person's responsibilities included, but were not limited to, recordkeeping for prescription drugs;
    - Managerial experience with a prescription drug wholesale distributor licensed in Florida or in another state;
    - Managerial experience with the United States Armed Forces, where the person's responsibilities included, but were not limited to, recordkeeping, warehousing, distributing, or other logistics services pertaining to prescription drugs;
    - Managerial experience with a state or federal organization responsible for regulating or permitting establishments involved in the distribution of prescription drugs, whether in an administrative or a sworn law enforcement capacity; or
    - Work experience as a drug inspector or investigator with a state or federal organization, whether in an administrative or a sworn law enforcement capacity, where the person's responsibilities related primarily to compliance with state or federal requirements pertaining to the distribution of prescription drugs.
- Pass the required examination.
- Provide DBPR with a personal information statement and fingerprints.

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[167] Florida Department of Business and Professional Regulation, *Division of Drugs, Devices and Cosmetics – Council Information*, https://www2.myfloridalicense.com/drugs-devices-and-cosmetics/council-information/ (last visited April 4, 2025).
[168] The Compressed Gas Association is an American trade association that develops and promotes safety standards and safe practices for the industrial, medical, and food gases industry. International Society of Beverage Technologists, *Resources*, https://www2.myfloridalicense.com/landscape-architecture/ (last visited April 4, 2025).
[169] S. 499.01211, F.S.
[170] S. 499.012(15), F.S.
[171] *Id.*
[172] *Id.*

If an entity, which has received a permit from DDC, changes a majority of the ownership or the controlling interest, then it must apply for a new permit from DDC **before** the change of ownership or controlling interest.[173]

Board of Landscape Architecture

The Board of Landscape Architecture is responsible for licensing and regulating landscape architects. The board generally meets four times a year to consider applications for licensure, review disciplinary cases, and conduct informal hearings relating to licensure and discipline. The board engages in rulemaking to implement the provisions set forth in its statutes and conducts other general business, as necessary.[174]

The board consists of seven members who are appointed by the Governor and confirmed by the Senate. Five members must be registered landscape architects and two members must be laypersons who are not and have never been registered landscape architects or members of any closely related profession.[175]

Board of Architecture and Interior Design

The Board of Architecture and Interior Design is responsible for licensing and regulating architects and interior designers. The board generally meets four times a year to consider applications for licensure, review disciplinary cases, and conduct informal hearings relating to licensure and discipline. The board engages in rulemaking to implement the provisions set forth in its statutes and conducts other general business, as necessary.[176]

The board consists of eleven members who are appointed by the Governor and confirmed by the Senate. Five members but be registered architects who have been engaged in the practice of architecture for at least five years, three members must be registered interior designers who have been offering interior design services for at least 5 years and who are not also registered architects, and three members must be laypersons who are not, and have never been, architects, interior designers, or members of any closely related profession or occupation. At least one member of the board must be 60 years of age or older.[177]

Board of Pilot Commissioners

The Board of Pilot Commissioners is responsible for licensing and regulating state pilots and deputy pilots.[178] The board meets approximately four times a year to consider applications for licensure, review disciplinary cases, and conduct informal hearings relating to licensure and discipline. The board engages in rulemaking to implement the provisions set forth in its statutes and conducts other general business, as necessary.[179]

The board consists of 10 members who are appointed by the Governor and confirmed by the Senate. The board consists of five licensed and active state pilots, two members who are actively involved in a professional or business capacity in the maritime industry, one CPA who has at least five years of experience in financial management, and two citizens of Florida. The latter three board members may not be involved in, or have any financial interest in, the piloting profession, the maritime industry, the marine shipping industry, or the commercial passenger cruise industry.[180]

Board of Veterinary Medicine

The Board of Veterinary Medicine is responsible for licensing and regulating veterinarians. The board meets approximately four times a year to consider applications for licensure, review disciplinary cases, and conduct

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[173] S. 499.012(6), F.S.
[174] Florida Department of Business and Professional Regulation, Cosmetology, https://www2.myfloridalicense.com/cosmetology/ (last visited April 4, 2025).
[175] S. 481.305, F.S.
[176] Florida Department of Business and Professional Regulation, *Architecture and Interior Design*, https://www2.myfloridalicense.com/architecture-and-interior-design/ (last visited April 4, 2025).
[177] S. 481.205(1), F.S.
[178] State and deputy pilots navigate vessels within channels, waters, harbors, and ports.
[179] Florida Department of Business and Professional Regulation, *Harbor Pilots*, https://www2.myfloridalicense.com/harbor-pilots/ (last visited April 4, 2025).
[180] S. 310.011, F.S.

informal hearings relating to licensure and discipline. The board engages in rulemaking to implement the provisions set forth in its statutes and conducts other general business, as necessary.[181]

The board consists of seven members who are appointed by the Governor and confirmed by the Senate. Five members must be licensed veterinarians and two members must be laypersons who have no connection to the veterinary profession.[182]

Board of Professional Geologists

The Board of Professional Geologists is responsible for licensing and regulating the practice of professional geology. The board meets approximately four times a year to consider applications for licensure, review disciplinary cases, and conduct informal hearings relating to licensure and discipline. The board engages in rulemaking to implement the provisions set forth in its statutes and conducts other general business, as necessary.

The board is comprised of seven members who are appointed by the Governor and confirmed by the Senate and one ex officio member. Five members must be professional geologists and two must be laypersons who have no connection to the geology profession. The chief of the Bureau of Geology in the Department of Environmental Protection (or his or her designee) must serve as an ex officio member of the board.[183]

Building Code Administrators and Inspectors Board

The Building Code Administrators and Inspectors Board is responsible for licensing and regulating building code administrators, building code inspectors, and building code plans examiners. The board meets approximately six times a year to consider applications for licensure, review disciplinary cases, and conduct informal hearings relating to licensure and discipline. The board engages in rulemaking to implement the provisions set forth in its statutes and conducts other general business, as necessary.[184]

The board is comprised of nine members who are appointed by the Governor and confirmed by the Senate. The board must consist of one member who is either a licensed architect, engineer, or contractor, two members serving as building code administrators, two members serving as building code inspectors, one member serving as a plan examiner, one member who is a representative of a city or county, and two consumer members who are not, and have never been, members of such related professions. One of the consumer members must be a person with a disability or a representative of an organization which represents persons with disabilities.[185]

Board of Employee Leasing Companies

The Board of Employee Leasing Companies is responsible for licensing and regulating employee leasing companies.[186] The board meets approximately six times a year to consider applications for licensure, review disciplinary cases, and conduct informal hearings relating to licensure and discipline. The board engages in rulemaking to implement the provisions set forth in its statutes and conducts other general business, as necessary.[187]

The board is comprised of seven members who are appointed by the Governor and confirmed by the Senate. Five members must be engaged in the employee leasing industry and be Florida-licensed, where one of the licensed members is part of an employee leasing company that has an annual gross Florida payroll for its leased employees which is among the smallest 20 percent of licensed employee leasing companies in the state at the time of the

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[181] Florida Department of Business and Professional Regulation, *Veterinary Medicine*, https://www2.myfloridalicense.com/veterinary-medicine/ (last visited April 4, 2025).
[182] S. 474.204, F.S.
[183] S. 492.103, F.S.
[184] Florida Department of Business and Professional Regulation, *Building Code Administrators & Inspectors*, https://www2.myfloridalicense.com/building-code-administrators-and-inspectors/ (last visited April 4, 2025).
[185] S. 468.605, F.S.
[186] "Employee leasing" is an arrangement where a leasing company assigns its employees to a client and allocates the direction of and control over the leased employees between the leasing company and the client. S. 468.520(4), F.S.
[187] Florida Department of Business and Professional Regulation, *Employee Leasing Companies*, https://www2.myfloridalicense.com/employee-leasing-companies/ (last visited April 4, 2025).

member's appointment and each reappointment. The remaining two board members must be Florida residents who must not be, or ever have been, connected with the business of employee leasing.[188]

Florida Board of Professional Engineers

The practice of engineering is regulated by the Florida Board of Professional Engineers (FBPE) under the DBPR. FBPE is responsible for reviewing applications, administering exams, licensing qualified applicants, and regulating and enforcing the proper practice of engineering in the state. The administrative, investigative, and prosecutorial services for FBPE are administered by the Florida Engineers Management Corporation (FEMC). FEMC is a non-profit, single purpose corporation that operates through a contract with DBPR.[189]

Under current law, FBPE is required to certify as qualified for a license by endorsement an applicant who:

- Qualifies to take the fundamentals examination and the principles and practice examination under state law;
- Has passed a United States national, regional, state, or territorial licensing examination that is substantially equivalent to the fundamentals examination and principles and practice examination under state law and has satisfied certain experience requirements; or
- Holds a valid license to practice engineering issued by another state or territory of the United States, if the criteria for issuance of the license were substantially the same as the licensure criteria that existed in Florida at the time the license was issued.

FBPE must deem that an applicant who seeks licensure by endorsement has passed an examination substantially equivalent to the fundamentals examination when such applicant has held a valid professional engineer's license in another state for 10 years. FBPE must deem that an applicant who seeks licensure by endorsement has passed an examination substantially equivalent to the fundamentals examination and the principles and practices examination when such applicant has held a valid professional engineer's license in another state for 15 years.[190]

FBPE meets six times a year and consists of 11 members who are appointed by the Governor for terms of four years each. Nine members must be licensed engineers and two must be laypersons who are not and have never been engineers or members of any closely related profession or occupation. A member of the board who is a licensed engineer must be selected and appointed based on his or her qualifications to provide expertise and experience to the board at all times in civil engineering, structural engineering, electrical or electronic engineering, mechanical engineering, or engineering education.[191]

The board is made up of 11 members appointed by the Governor. Nine members must be licensed engineers and two members must be laypersons. Members are appointed to four-year terms. The board generally meets every month.[192]

Licensure by Endorsement for Engineers and Architects

Current law allows persons licensed as engineers or architects in other states or U.S. territories to receive a licensure by endorsement if the person meets one of the following:[193]

- Holds a valid license to practice engineering or architecture issued by another state or territory of the United States.
    - The criteria for issuance of the license in the other state or territory must be substantially the same as the licensure criteria that existed in Florida at the time the license was issued.
- Qualifies for and passes the licensure exam to be an engineer or architect and meets the experience requirement to be an engineer or architect.

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[188] S. 468.521, F.S.
[189] Ss. 20.165(4)(a), and 471.038(3), F.S.
[190] S. 471.015, F.S.
[191] S. 471.007, F.S.
[192] S. 471.007, F.S.; Florida Board of Professional Engineers, *Agenda, Minutes, & Meetings*, https://fbpe.org/meetings-info/agendas-minutes-meetings/agenda-and-minutes-2024/#october (last visited April 7, 2025).
[193] Ss. 471.015(3) and 481.213(3), F.S.

- Holds a valid certificate issued by the National Council of Architectural Registration Boards, and holds a valid license to practice architecture issued by another state or jurisdiction of the United State (This option only applies to licensure as an architect).

Current law does not provide an option for licensure by endorsement for persons licensed as an engineer or architect in a foreign jurisdiction.

Board of Professional Surveyors and Mappers

The Florida Department of Agriculture and Consumer Services (FDACS) licenses and regulates professional surveyors and mappers in Florida through the Florida Board of Professional Surveyors and Mappers.

The Florida Board of Professional Surveyors and Mappers encourages the entry of qualified individuals into the profession by approving individuals and businesses applying for licensure as professional surveyors and mappers. In addition, the board protects the public by disciplining licensees who violate professional practice standards.[194]

The board must meet at least once a year and consists of nine members who are appointed by the Commissioner of Agriculture and confirmed by the Senate. Seven members must be registered surveyors and mappers who are primarily engaged in the practice of surveying and mapping and two must be laypersons who are not and have never been surveyors and mappers or members of any closely related profession or occupation. Members serve four-year staggered terms.[195]

Division of Hotels and Restaurants

The Division of Hotels and Restaurants of the DBPR licenses, inspects and regulates public lodging and food service establishments in Florida. The division also licenses and regulates elevators, escalators and other vertical conveyance devices.[196]

The division is authorized to revoke or suspend licenses, or issue fines, for public lodging or public food service establishments found to be operating in violation of ch. 509, F.S.[197]

Fingerprinting for Military Spouse Licensure

Under certain circumstances, DBPR is required to issue professional licenses to applicants who are a spouse or surviving spouse of active duty members of the U.S. Armed Forces. To be eligible for such licensure, the spouse must provide the following to the department:[198]

- Proof that the applicant is or was married to a member of the U.S. Armed Forces serving on active duty.
- Proof that the applicant holds a valid license for the profession issued by another state, the District of Columbia, any possession or territory of the United States, or any foreign jurisdiction.
- Proof that the applicant, where required by the specific practice act, has complied with insurance or bonding requirements.
- A complete set of the applicant's fingerprints to the Department of Law Enforcement (FDLE) for a statewide criminal history check.

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[194] Professional surveyors and mappers make exact measurements and determine property boundaries. They provide data relevant to the shape, contour, gravitation, location, elevation, or dimension of land or land features on or near the earth's surface for engineering, mapmaking, mining, land evaluation, construction and other purposes. Florida Department of Agriculture and Consumer Services, *Professional Surveyors and Mappers*, https://www.fdacs.gov/Business-Services/Surveyors-and-Mappers (last visited April 8, 2025).

[195] S. 472.007, F.S.

[196] Florida Department of Business and Professional Regulation, *Division of Hotels and Restaurants*, https://www2.myfloridalicense.com/hotels-restaurants/ (last visited April 8, 2025).

[197] S. 509.261, F.S.

[198] S. 455.02(3), F.S.

FDLE must forward the fingerprints to the Federal Bureau of Investigation for a national criminal history check. DBPR must, and the board may, review the results of the criminal history checks, and determine whether the applicant meets the licensure requirements.[199]

The costs of fingerprint processing are borne by the applicant. If the applicant's fingerprints are submitted through an authorized agency or vendor, the agency or vendor shall collect the required processing fees and remit the fees to the Department of Law Enforcement.[200]

Elevator Regulation

The Elevator Safety Act, located in ch. 399, F.S., establishes the minimum standards for elevator personnel in order "to provide for the safety of life and limb and to promote public safety awareness".[201]

The Elevator Safety Act requires buildings more than three stories high, or buildings in which the vertical distance between the bottom terminal landing and the top terminal landing exceeds 25 feet, to contain at least one passenger elevator that will accommodate an ambulance stretcher 76 inches long and 24 inches wide in the horizontal position.[202]

Building Permits

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.[203]

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.[204] Every local government must enforce the Florida Building Code and issue building permits.[205]

A building permit is an official document or certificate issued by the local building official that authorizes performance of a specific activity.[206] 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.[207]

Local governments may not require an owner of a residence to obtain a permit to paint such residence.[208]

Current law requires local governments to post their building permit applications, including a list of all required attachments, drawings, and documents for each application, on its website. However, other than fire alarm building permit applications, local governments are not required to have uniform building permit applications, and they are free to create their own applications with their own requirements.[209]

Any construction work that requires a building permit also requires plans and inspections to ensure the work complies with the Florida Building Code. The Florida Building Code requires certain building, electrical, plumbing, mechanical, and gas inspections. Construction work may not be done beyond a certain point until it passes an inspection. Generally speaking, a permit for construction work that passes the required

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199 *Id.*
200 *Id.*
201 S. 399.001, F.S.
202 S. 399.035(2), F.S.
203 553.72(1), F.S.
204 S. 553.72, F.S.
205 Ss. 125.01(1)(bb), 125.56(1), and 553.80(1), F.S.
206 S. 468.603, F.S.; S. 202 of the Eighth edition of the Florida Building Code (Building).
207 Ss. 125.56(4)(a) and 553.79(1), F.S.
208 Ss. 125.571, and 166.0483, F.S.
209 Ss. 553.79(1), and 553.7921, F.S.

inspections is considered completed or closed.[210]

Consumptive Water Use Permitting

A person must apply for and obtain a consumptive use permit (CUP) from the applicable water management district (WMD) before using surface or groundwater of the state, unless the person is solely using the water for domestic use.[211] To obtain a CUP, an applicant must satisfy three requirements, commonly referred to as the "the three-prong test." To satisfy the test, an applicant must establish that the proposed use of water:

- Is for a "reasonable-beneficial use," meaning the use of water in such quantity as is necessary for economic and efficient utilization for a purpose and in a manner, which is both reasonable and consistent with the public interest;[212]
- Will not interfere with any presently existing legal use of water; and
- Is consistent with the public interest.[213]

Department of Agriculture and Consumer Services

The Department of Agriculture and Consumer Services (DACS) supports and promotes Florida agriculture, protects the environment, safeguards consumers, and ensures the safety and wholesomeness of food.[214] The Division of Licensing (Division) within DACS administers Florida's concealed weapon licensing program[215] and oversees Florida's private investigative, private security, and recovery services industries.[216] The Division's regulatory oversight of those services includes licensing, enforcing compliance standards, and ensuring public protection from unethical business practices and unlicensed activity.[217]

Private Investigative, Private Security, and Recovery Services Industries

Currently, the Division offers 22 different types of private investigative, private security, and recovery services licenses and four different types of concealed weapon or firearm licenses. As of March 31, 2025, the Division had issued a total of 213,977 private investigative, private security, and recovery services licenses. The following chart provides a breakdown of the total number of each license type.[218]

License Type	License Title	Total
C	Private Investigators	6,884
CC	Private Investigator Interns	1,380
A	Private Investigative Agencies	2,555
AA	Private Investigative Agency Branch Offices	18
MA	Private Investigative Agency Managers	82
M	Private Investigative/Security Agency Managers	438
D	Security Officers	167,488
B	Security Agencies	2,108
BB	Security Agency Branch Offices	178
MB	Security Managers	1,549
AB	Security Agency/Private Investigative Agency Branch Offices	10
DS	Security Officer Schools	483

[210] Section 110 of Eighth Edition of the Florida Building Code (Building).
[211] S. 373.219, F.S.
[212] S. 373.019(16), F.S.
[213] S. 373.223, F.S.
[214] Department of Agriculture and Consumer Services, *About*, https://www.fdacs.gov/About-Us (last visited April 4, 2025).
[215] S. 790.06, F.S.
[216] Ch. 493, F.S.
[217] Office of Program Policy Analysis and Government Accountability, Government Program Summaries, *Department of Agriculture and Consumer Services Licensing*, https://www.fdacs.gov/Divisions-Offices/Licensing (last visited April 4, 2025).
[218] The Florida Department of Agriculture and Consumer Services, *Division of Licensing Statistical Reports,* https://www.fdacs.gov/Divisions-Offices/Licensing/Statistical-Reports (last visited April 4, 2025).

DI	Security Officer Instructors	1,788
G	Statewide Firearm Licenses	26,790
K	Firearms Instructors	654
E	Recovery Agents	799
EE	Recovery Agent Interns	417
R	Recovery Agencies	293
RR	Recovery Agency Branch Offices	43
MR	Recovery Agency Managers	4
RS	Recovery Agent Schools	8
RI	Recovery Agent Instructors	8
Total of Private Investigative, Private Security, and Recovery Services Licenses		**213,977**

In order to receive a license for private investigative, private security, and recovery services industries from DACS, a person must meet the following in addition to any other specific requirements for each license:[219]

- Be at least 18 years old;
- Be one of the following:
  - A United States citizen,
  - A permanent legal resident, or
  - A holder of a work visa from the United States Citizenship and Immigration Service;
- Have no disqualifying criminal history;
- Be of good moral character;
- Have no history of:
  - Mental illness,
  - Alcohol abuse, or
  - Substance abuse;
- Submit an application with certain identifying information.

Private Investigators

A private investigator is any individual who, for consideration, advertises as providing or performs private investigations.[220] Any individual who performs the services of a private investigator must have a private investigator Class "C" license. In order to obtain a license a person must:[221]

- have two years of lawfully gained, verifiable, full-time experience to qualify for the license. This experience can be acquired through a combination of:
  - Private investigative work or related fields of work that provided equivalent experience or training;
  - College coursework related to criminal justice, criminology or law enforcement administration, or successful completion of any law enforcement-related training which may count for one year; or
  - A Class "CC" licensed private investigator intern.
- pay a fee of $75
- pass an examination.

A private investigator intern is a person interning under a private investigator. Any person who wants to intern with a private investigator must have private investigator intern Class "CC" license. In order to obtain a license a person must:[222]

- Pay a fee of $60
- Complete 40 hours of professional training pertaining to general investigative techniques.

[219] Ss. 493.6105 and 493. 6106, F.S.
[220] S. 493.6101(17), F.S.
[221] Ss. 493.6202, and 493.6203, F.S.
[222] *Id.*

Any person, firm, company, partnership or corporation that engages in business as a private investigative agency must have a Class "A" license for its main location. A Class "A" license is valid for only one location. In order to obtain a Class "A" license a person must pay a fee of $450.[223]

A Class "A" license is valid for only one location. Any satellite or additional locations within a private investigative agency must obtain a Class "AA" license. In order to obtain a Class "AA" license a person must:[224]

- Have a Class "A" license for the main location.
- Pay a fee of $125.

Every location with a Class "A" license or branch location with a Class "AA" license must have a licensed manager. A manager may supervise up to three locations within a 150-mile radius. A private investigator with a Class "C" license may act as a manager; however, any person who wants to be a licensed manager must have a Class "MA" license. In order to obtain such license a person must:

- Have two years of experience in the private investigative work or related fields of work that provided equivalent experience or training;
- Pass an exam; and
- Pay a fee of $75.

Security Officers

A security officer is any individual who, for consideration, advertises or performs the following:[225]

- Providing bodyguard protection.
- Guarding property.
- Transporting prisoners.
- Providing armored car services.
- Assisting in prevention of theft.
- Assisting in prevention of the misappropriation or concealment of articles of value or assisting in the return of such articles.

In order to be a security officer, an individual must have security officer Class "D" license from DACS.[226]

Any person, firm, company, partnership or corporation that engages in business as a security agency must have a security agency Class "B" license for its main location. A Class "B" license is valid for only one location. In order to obtain a Class "B" license a person must pay a fee of $450.[227]

A Class "B" license is valid for only one location. Any satellite or additional locations within a security must obtain a security agency branch office Class "BB" license. In order to obtain a Class "BB" license a person must:[228]

- Have a Class "B" license for a different location.
- Pay a fee of $125.

Every location with a Class "B" license or branch location with a Class "BB" license must have a licensed manager or a licensed security officer with at least two years of experience. Any person who wants to be a licensed manager must have a manager of a security agency Class "MB" license. In order to obtain such license a person must:[229]

- Have two years of experience in security work or related fields of work that provided equivalent experience or training (College coursework, law enforcement-related training, or managerial experience may count towards one year of experience); and
- Pay a fee of $75.

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[223] *Id.*
[224] *Id.*
[225] S. 493.6101(19), F.S.
[226] S. 493.6301, F.S.
[227] Ss. 493.6301, and 493.6302, F.S.
[228] *Id.*
[229] *Id.*

Dual Private Investigator and Security Agency Licenses

If a person, firm, company, partnership or corporation holds both a private investigative agency Class "A" and security agency Class "B" license, each additional or branch office must have a Class "AB" license. In order to obtain a Class "AB" license a person must:[230]

- Have a Class "A" and Class "B" license for the main location.
- Pay a fee of $125.

A person who qualifies as manager for a private investigative agency and a security agency may obtain a manager Class "M" license, which allows the person to be a manager for both types of agencies. In order to obtain a Class "M" license a person must:[231]

- Qualify for a private investigator manager Class "MA" license;
- Qualify for a security agency manager Class "MB" license;
- Pass an exam; and
- Pay a fee of $75.

Repossession Services

Repossession means the recovery of a motor vehicle, a mobile home, a motorboat, an aircraft, a personal watercraft, an all-terrain vehicle, farm equipment, or industrial equipment, by an individual who is authorized by the legal owner, lienholder, or lessor to recover that which has been sold or leased under a security agreement that contains a repossession clause.[232]

Any individual who performs repossession services must be licensed as a recovery agent and have a recovery agent Class "E" license issued by DACs. In order to obtain a license a person must:[233]

- Have one year of lawfully gained, verifiable, full-time experience to qualify for the license. This experience can be acquired through a combination of:
  - Repossession work; or
  - Completing a repossession internship
- Complete 40 hours of professional training
- Pay a fee of $75.

A recovery agent intern is a person interning under a licensed recovery agent. Any person who wants to enter the internship must have Class "EE" license issued by DACS. In order to obtain a license a person must:[234]

- Pay a fee of $60
- Complete 40 hours of professional training pertaining to general investigative techniques.

Any person, firm, company, partnership or corporation that engages in business as a recovery must have a recovery agency main office Class "R" license for their main office. A Class "R" license is valid for only one location. In order to obtain a Class "R" license a person must:[235]

- Pay a fee of $450.

Any satellite or additional locations within a recovery agency must obtain a recovery agent intern Class "RR" license. In order to obtain a Class "RR" license a person must:[236]

- Have a Class "R" license for the main location.
- Pay a fee of $125.

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[230] Ss. 493.6201, and 493.6202, F.S.
[231] Ss. 493.6203, and 493.6303, F.S.
[232] S. 493.6101(22), F.S.
[233] Ss. 493.6402, and 493.6403, F.S.
[234] *Id.*
[235] *Id.*
[236] *Id.*

Every location with a Class "R" license or branch location with a Class "RR" license must have a licensed manager. However, a licensed recovery agent may also act as a manager. A licensed manager must have a manager of a recovery agency Class "MR" license. In order to obtain such license a person must:[237]

- Have one year of experience as a licensed recovery agent; and
- Pay a fee of $75.

Motor Vehicle Repair Advisory Council

The Motor Vehicle Repair Advisory Council advises and assists DACS in carrying out and reviewing the rules relating to the Florida Motor Vehicle Repair Act. The council also advises DACS on matters relating to educational grants, advancements in industry standards and practices, and other issues that require technical expertise and consultation or that promise better consumer protection in the motor vehicle repair industry.[238]

The council is made up of nine members appointed by the Commissioner of Agriculture. One person must be a motor vehicle mechanic, two persons must be laymen, and six members from the motor vehicle repair business including one from each of the below categories:[239]

- Independent automotive mechanics shop.
- Franchise or company-owned automotive mechanics shop.
- Automotive collision shop.
- Tire dealer.
- Independent motor vehicle dealer.
- Franchise motor vehicle dealer.

Pest Control Enforcement Advisory Council

The Pest Control Enforcement Advisory Council advises the Commissioner of Agriculture regarding the regulation of pest control practices. The council also advises government agencies with respect to those activities related to their responsibilities regarding pest control. The council shall serve as the statewide forum for the coordination of pest control related activities to eliminate duplication of effort and maximize protection of the public.[240]

The council shall consist of 11 members appointed to 4-year terms by the Commissioner of Agriculture. The 11 members must include the following:[241]

- A representative of DACS.
- A citizen not involved in the conduct of pest control;
- A state university urban entomologist.
- Two pest control operators actively involved in termite control.
- Two pest control operators actively involved in general household pest control.
- Two pest control operators actively involved in structural fumigation.
- Two pest control operators actively involved in lawn and landscape pest control.

Babcock Ranch Advisory Group

The Babcock Ranch Advisory Group assists DACS by providing guidance and advice concerning the management and stewardship of the Babcock Ranch Preserve.[242]

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[237] *Id.*
[238] S. 559.9221, F.S.
[239] *Id.*
[240] S. 482.243, F.S.
[241] *Id.*
[242] S. 259.1053(4), F.S.; The "Babcock Ranch Preserve constitutes a unique land mass that has significant scientific, cultural, historical, recreational, ecological, wildlife, fisheries, and productive values. The property is part of a potential greenway of undeveloped land extending from Lake Okeechobee to the east and Charlotte Harbor to the west. The natural beauty and abundant resources of the ranch provide numerous public recreational opportunities such as hiking, fishing, camping, horseback riding, and hunting. Ss. 259.1052, and 259.1053, F.S.

The Advisory Group is composed of nine members appointed to 5-year terms. Members are appointed by the Commissioner of Agriculture based on recommendations from the Governor and Cabinet, and the governing boards of Charlotte County and Lee County. The nine members must include:[243]

- One member with experience in sustainable management of forest lands for commodity purposes.
- One member with experience in financial management, budget and program analysis, and small business operations.
- One member with experience in management of game and nongame wildlife and fish populations, including hunting, fishing, and other recreational activities.
- One member with experience in domesticated livestock management, production, and marketing, including range management and livestock business management.
- One member with experience in agriculture operations or forestry management.
- One member with experience in hunting, fishing, nongame species management, or wildlife habitat management, restoration, and conservation.
- One member with experience in public outreach and education.
- One member who is a resident of Lee County, to be designated by the Board of County Commissioners of Lee County.
- One member who is a resident of Charlotte County, to be designated by the Board of County Commissioners of Charlotte County.

Agriculture Economic Development Project Review Committee

In 1991, the Legislature created the Agriculture Economic Development Program within DACS to promote and coordinate efficient and beneficial agricultural economic development within agriculturally depressed areas of the state.[244]

The program is administered by the Division of Marketing and Development within DACS. At that time, an Agriculture Economic Development Project Review Committee was created within DACS to facilitate the project selection process and to make recommendations to the Commissioner regarding project prioritization and selection.[245]

The Agricultural Economic Development Project Review Committee includes five members appointed by the commissioner and should include: The commissioner; One representative from the Farm Credit Service; One representative from the Department of Commerce; One representative from the Florida Farm Bureau Federation; One agricultural economist from the Institute of Food and Agricultural Sciences or from Florida Agricultural and Mechanical University. The committee reviews each application for assistance that meets the basic program criteria and makes recommendations to the commissioner regarding all aspects of each eligible application, including the acceptance or rejection of each application. It also prioritizes the applications recommended for assistance and forwards all written comments and recommendations to the commissioner, which shall be included in the annual report of the department. If the commissioner does not accept the recommendations or priorities of the review committee, the annual report of the department shall include justification for any or all rejections.[246]

Florida Department of Law Enforcement

The Florida Department of Law Enforcement (FDLE) is a state agency created in 1969 to provide investigative, forensic, and criminal justice services in support of Florida's law enforcement community.[247] FDLE operates under the direction of the Florida Cabinet and maintains its headquarters in Tallahassee, with regional operations throughout the state. FDLE's mission is to promote public safety and strengthen domestic security by providing services to local, state, and federal agencies.[248]

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[243] S. 259.1053(4), F.S.
[244] Ch. 91-268, Laws of Florida
[245] S. 570.248, F.S.
[246] *Id.*
[247] s. 943.03, F.S.
[248] FDLE, *Mission Statement*, https://www.fdle.state.fl.us (last visited April 1, 2025).

FDLE is responsible for processing criminal history background checks and fingerprint submissions for a wide range of professions and regulatory programs, including those involving licensure and employment eligibility.[249] The agency is authorized to exchange fingerprint data with the United States Department of Justice as part of national criminal history checks.[250]

As part of Florida's oversight of the insurance industry, the FDLE provides access to criminal history information to noncriminal justice agencies, such as the Department of Financial Services (DFS), for use in evaluating insurance licensure applications.[251] Individuals applying for licenses—such as insurance agents, adjusters, and other regulated professionals—must submit to fingerprint-based background screenings.[252] Fingerprints must be submitted electronically through a LiveScan vendor approved by FDLE.[253] FDLE processes the fingerprints and transmits the results to the appropriate licensing authority, typically DFS, to determine the applicant's eligibility.[254]

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Orig. Comm.: Commerce Committee			Hamon	Keating

[249] S. 943.053, F.S.
[250] S. 943.054, F.S.
[251] S. 943.053(3)(a), F.S.
[252] S. 626.171(4), F.S.
[253] Florida Department of Financial Services, *Fingerprinting Information*, https://www.myfloridacfo.com/division/agents/licensing/agents-and-adjusters/fingerprinting-information. (last visited on April 2, 2025).
[254] *Id.*

A bill to be entitled

An act relating to community and economic development; 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 initiating new projects or issuing new debt on or after a specified date unless certain requirements are met; 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; prohibiting the expansion of community redevelopment areas on or after a specified date; providing applicability; authorizing existing agencies before a specified date to continue to operate; amending s. 20.165, F.S.; renaming, removing, and redesignating specified boards, commissions, and councils established within the Department of Business and Professional Regulation; changing the office locations of certain divisions; requiring the department to provide to the Division of Professions a summary of changes to statutory law within a specified time period after adjournment of session; repealing ss. 310.011, 310.032, 310.042, 455.2124, 455.2228,

468.384, 468.399, 468.4315, 468.4337, 468.4338, 468.521, 468.522, 468.523, 468.605, 468.8316, 468.8416, 471.007, 471.008, 471.009, 471.019, 471.0195, 471.038, 472.007, 472.008, 472.009, 472.018, 472.019, 473.303, 473.312, 474.204, 474.206, 475.02, 475.03, 475.04, 475.045, 475.05, 475.10, 476.054, 476.064, 477.015, 481.205, 481.2055, 481.305, 482.243, 489.107, 489.507, 492.103, 493.6116, 499.01211, 559.9221, and 570.81, F.S., relating to Board of Pilot Commissioners; oath of members of the Board of Pilot Commissioners; organization and meetings of the board; proration of continuing education; barbers and cosmetologists and instruction on HIV and AIDS; Florida Board of Auctioneers; expenditure of excess funds; Regulatory Council of Community Association Managers; continuing education; reactivation and continuing education; the Board of Employee Leasing Companies, membership, appointments, and terms; rules of the board; applicability of s. 20.165 and chapter 455; Florida Building Code Administrators and Inspectors Board; continuing education; Board of Professional Engineers; rulemaking authority of the board; board headquarters; reactivation; Florida Building Code training for engineers; Florida Engineers Management Corporation; Board of

Professional Surveyors and Mappers; rules of the board; board headquarters; continuing education; continuing education for reactivating a license; Board of Veterinary Medicine; renewal of license; Board of Accountancy; continuing education; Barbers' Board; organization, headquarters, personnel, and meetings of the board; Board of Cosmetology; Board of Architecture and Interior Design; authority of the board to make rules; Florida Real Estate Commission; delegation of powers and duties; legal services; duty of commission to educate members of profession; Florida Real Estate Commission Education and Research Foundation; power of commission to enact bylaws and rules and decide questions of practice; seal; Board of Landscape Architecture; Pest Control Enforcement Advisory Council; Construction Industry Licensing Board; Electrical Contractors' Licensing Board; Board of Professional Geologists; sponsorship of interns; Drug Wholesale Distributor Advisory Council; Motor Vehicle Repair Advisory Council; and Agricultural Economic Development Project Review Committee, respectively; requiring the department to conduct a specified study; amending ss. 212.08, 215.5586, 215.55871, 309.01, 310.0015, 310.002, 310.051, 310.061, 310.071, 310.073, 310.075, 310.081, 310.101, 310.102, 310.111, 310.1115,

310.121, 310.131, 310.142, 310.151, 310.183, 310.185, 319.28, 326.002, 326.006, 376.303, 381.0065, 403.868, 403.9329, 440.02, 448.26, 468.382, 468.385, 468.3852, 468.3855, 468.387, 468.388, 468.389, 468.392, 468.393, 468.395, 468.396, 468.397, 468.398, 468.431, 468.433, 468.4336, 468.435, 468.436, 468.520, 468.522, 468.524, 468.5245, 468.525, 468.526, 468.527, 468.5275, 468.529, 468.530, 468.531, 468.532, 468.603, 468.606, 468.607, 468.613, 468.619, 468.621, 468.627, 468.629, 468.631, 468.8312, 468.8315, 468.8415, 468.8417, 468.8419, 469.004, 469.012, 469.013, 471.003, 471.0035, 471.005, 471.011, 471.013, 471.017, 471.021, 471.023, 471.025, 471.031, 471.033, 471.045, 471.055, 472.003, 472.005, 473.302, 473.3035, 473.304, 473.305, 473.306, 473.309, 473.3101, 473.311, 473.3125, 473.313, 473.314, 473.315, 473.316, 473.319, 473.3205, 473.321, 473.322, 473.323, 474.202, 474.2065, 474.207, 474.211, 474.2125, 474.213, 474.214, 474.215, 474.216, 474.2165, 474.217, 474.221, 476.034, 476.074, 476.114, 476.134, 476.144, 476.154, 476.155, 476.192, 476.204, 476.214, 476.234, 477.013, 477.0135, 477.016, 477.018, 477.019, 477.0201, 477.0212, 477.022, 477.025, 477.026, 477.0263, 477.028, 477.029, 481.203, 481.207, 481.209, 481.211, 481.215, 481.217, 481.219, 481.221, 481.222, 481.223, 481.225, 481.2251, 481.303, 481.306,

481.307, 481.309, 481.310, 481.311, 481.313, 481.315, 481.317, 481.319, 481.321, 481.323, 481.325, 489.103, 489.105, 489.108, 489.109, 489.111, 489.113, 489.1131, 489.1136, 489.114, 489.115, 489.116, 489.117, 489.118, 489.119, 489.1195, 489.121, 489.126, 489.127, 489.129, 489.131, 489.132, 489.133, 489.1401, 489.1402, 489.141, 489.142, 489.1425, 489.143, 489.1455, 489.146, 489.509, 489.510, 489.511, 489.513, 489.514, 489.515, 489.516, 489.5161, 489.517, 489.518, 489.5185, 489.519, 489.520, 489.521, 489.522, 489.523, 489.525, 489.533, 489.5335, 489.537, 489.552, 492.102, 492.104, 492.105, 492.1051, 492.106, 492.107, 492.108, 492.1101, 492.111, 492.113, 493.6101, 493.6105, 493.6106, 493.6111, 493.6113, 493.6118, 493.6120, 493.6123, 493.6201, 493.6202, 493.6203, 493.6301, 493.6302, 493.6303, 493.6304, 493.631, 493.6401, 493.6402, 493.6403, 493.6406, 514.0315, 514.075, 533.791, 553.998, 569.34, 627.192, 633.216, 713.01, and 1006.12, F.S.; providing licensing authority to the department rather than licensing boards; removing continuing education requirements; conforming provisions to changes made by the act; amending s. 474.2021, F.S.; revising requirements related to prescriptions by veterinarians practicing telehealth; providing licensing authority to the department rather

than licensing boards; amending s. 259.1053, F.S.; removing the Babcock Ranch Advisory Group; amending s. 399.035, F.S.; revising the requirements for accessibility of elevators for the physically handicapped; amending s. 373.219, F.S.; providing an exception to the permit requirement for certain landscape irrigation water users; amending s. 455.02, F.S.; specifying that certain license application requirements apply only to certain professions; amending s. 455.213, F.S.; providing regulation authority to the department to regulate a cosmetologist or cosmetology specialist review an applicant's criminal record; amending s. 468.386, F.S.; requiring the department to reduce fees by a specified percentage on a certain date; amending s. 468.609, F.S.; revising the standards for certification as a building code inspector or plans examiner; amending s. 471.015, F.S.; revising who the department must certify as qualified for a license by endorsement for the practice of engineering; amending s. 473.308, F.S.; revising the education and work experience requirements for a certified public accountant license; directing the department to prescribe specified coursework for licensure; revising requirements for licensure by endorsement; removing

provisions relating to licensure of applicants with work experience in foreign countries; providing applicability; creating s. 473.3085, F.S.; requiring an international applicant who seeks licensure as a certified public accountant in this state to meet specified criteria prescribed by the department; requiring such applicants to apply to the department; requiring such applicants to create and maintain an online account with the department; providing that the applicant's e-mail address serves as the primary means of communication from the department; requiring an applicant to submit any change in certain information within a specified timeframe through the department's online system; requiring the department to certify an applicant who meets certain requirements; requiring the department to adopt rules; amending s. 473.3141, F.S.; revising requirements for certified public accountants licensed in another state or a territory of the United States to practice in this state without obtaining a license; amending s. 476.184, F.S.; requiring the department to adopt rules; requiring a mobile barbershop to comply with all licensure and operating requirements that apply to a barbershop at a fixed location; providing an exception; requiring a mobile barbershop to have a permanent business address

in a specified location; requiring that certain records be kept at the permanent business address; requiring a mobile barbershop licenseholder to file with the department a written monthly itinerary that provides certain information; requiring that a licenseholder comply with certain laws and ordinances; amending s. 476.188, F.S.; providing that a barbershop must be licensed with the department, rather than registered; authorizing the practice of barbering to be performed in a location other than a licensed barbershop under certain circumstances; amending s. 481.213, F.S.; revising who the department shall certify as qualified for a license by endorsement in the practice of architecture; amending s. 499.012, F.S.; revising permit application requirements for sale, transfer, assignment, or lease; removing permit application requirements for a prescription drug wholesale distributor to include a designated representative; amending s. 499.0121, F.S.; removing a designated representative as a responsible person who must be listed by a wholesale distributor; amending s. 499.041, F.S.; removing a requirement that the department assess each person applying for certification as a designated representative a fee, plus the cost of processing a criminal history record

check; amending s. 509.261, F.S.; prohibiting a lodging establishment or a public food service establishment from selling hemp in violation of the state hemp program; reordering and amending s. 569.002, F.S; making technical changes; amending s. 569.006, F.S.; revising the violations for which retail tobacco products dealers are penalized; amending 569.35, F.S.; revising retail nicotine product dealer administrative penalties; amending s. 581.217, F.S.; defining the term "division"; authorizing the Division of Alcoholic Beverages and Tobacco to assist any agent of the Department of Agriculture and Consumer Services in enforcing the state hemp program; authorizing the division to enter any public or private premises during a specified timeframe in the performance of its duties; reenacting and amending s. 20.60, F.S.; revising the list of divisions and offices within the Department of Commerce to conform to changes made by the act; revising the annual program reports that must be included in the annual report of the Department of Commerce; amending s. 163.3168, F.S.; requiring the state land planning agency to give preference for technical assistance funding to local governments located in a rural area of opportunity; requiring the

agency to consult with the Office of Rural Prosperity when awarding certain funding; amending s. 215.971, F.S.; providing construction regarding agreements funded with federal or state assistance; requiring the agency to expedite payment requests from a county, municipality, or rural area of opportunity for a specified purpose; requiring each state agency to report to the Office of Rural Prosperity by a certain date with a summary of certain information; requiring the office to summarize the information it receives for its annual report; amending s. 218.67, F.S.; revising the conditions required for a county to be considered a fiscally constrained county; authorizing eligible counties to receive a distribution of sales and use tax revenue; revising the sources that the Department of Revenue must use to determine the amount distributed to fiscally constrained counties; revising the factors for allocation of the distribution of revenue to fiscally constrained counties; requiring that the computation and amount distributed be calculated based on a specified rounding algorithm; authorizing specified uses for the revenue; conforming a cross-reference; amending s. 288.0001, F.S.; requiring the Office of Economic and Demographic Research and the Office of Program Policy Analysis and

Government Accountability (OPPAGA) to prepare a report for a specified purpose; specifying requirements for the report; providing that the Office of Economic and Demographic Research and OPPAGA must be provided with all data necessary to complete the rural communities or areas report upon request; authorizing the Office of Economic and Demographic Research and OPPAGA to collaborate on all data collection and analysis; requiring the Office of Economic and Demographic Research and OPPAGA to submit the report to the Legislature by a specified date; providing additional requirements for the report; providing for expiration; amending s. 288.001, F.S.; requiring the Florida Small Business Development Center Network to use certain funds appropriated for a specified purpose; authorizing the network to dedicate funds to facilitate certain events; amending s. 288.007, F.S.; revising which local governments and economic development organizations seeking to recruit businesses are required to submit a specified report; creating s. 288.013, F.S.; providing legislative findings; creating the Office of Rural Prosperity within the Department of Commerce; requiring the Governor to appoint a director, subject to confirmation by the Senate; providing that the

director reports to and serves at the pleasure of the secretary of the department; providing the duties of the office; requiring the office to establish by a specified date a certain number of regional rural community liaison centers across this state for a specified purpose; providing the powers, duties, and functions of the liaison centers; requiring the liaison centers, to the extent possible, to coordinate with certain entities; requiring the liaison centers to engage with the Rural Economic Development Initiative (REDI); requiring at least one staff member of a liaison center to attend the monthly meetings in person or by means of electronic communication; requiring the director of the office to submit an annual report to the Administration Commission in the Executive Office of the Governor; specifying requirements for the annual report; requiring that the annual report also be submitted to the Legislature by a specified date and published on the office's website; requiring the director of the office to attend the next Administration Commission meeting to present detailed information from the annual report; requiring OPPAGA to review the effectiveness of the office by a certain date annually until a specified date; requiring OPPAGA to review the office at

specified intervals; requiring such reviews to include certain information to be considered by the Legislature; requiring that such reports be submitted to the Legislature; requiring OPPAGA to review certain strategies from other states; requiring OPPAGA to submit to the Legislature its findings at certain intervals; creating s. 288.014, F.S.; providing legislative findings; requiring the Office of Rural Prosperity to administer the Renaissance Grants Program to provide block grants to eligible communities; requiring the Office of Economic and Demographic Research to certify to the Office of Rural Prosperity certain information by a specified date; defining the term "growth-impeded"; requiring the Office of Economic and Demographic Research to certify annually that a county remains growth-impeded until such county has positive population growth for a specified amount of time; providing that such county, after 3 consecutive years of population growth, is eligible to participate in the program for 1 additional year; requiring a county eligible for the program to enter into an agreement with the Office of Rural Prosperity in order to receive the block grant; giving such counties broad authority to design their specific plans; prohibiting the Office of Rural

Prosperity from determining how such counties implement the block grant; requiring regional rural community liaison center staff to provide assistance, upon request; requiring participating counties to report annually to the Office of Rural Prosperity with certain information; providing that a participating county receives a specified amount from funds appropriated to the program; requiring participating counties to make all attempts to limit the amount spent on administrative costs; authorizing participating counties to contribute other funds for block grant purposes; requiring participating counties to hire a renaissance coordinator; providing that funds from the block grant may be used to hire the renaissance coordinator; providing the responsibilities of the renaissance coordinator; requiring the regional rural community liaison center staff to provide assistance and training to the renaissance coordinator, upon request; requiring participating counties to design a plan to make targeted investments to achieve population growth and increase economic vitality; providing requirements for such plans; requiring participating counties to develop intergovernmental agreements with certain entities in order to implement the plan; requiring the

Auditor General to conduct an operational audit every 2 years for a specified purpose; requiring the Office of Economic and Demographic Research to provide an annual report on a specified date of renaissance block grant recipients by county; providing requirements for the annual report; requiring that the report be submitted to the Legislature; prohibiting funds appropriated for the program from being subject to reversion; providing for an expiration of the section; creating s. 288.0175, F.S.; creating the Public Infrastructure Smart Technology Grant Program within the Office of Rural Prosperity; defining terms; requiring the office to contract with one or more smart technology lead organizations to administer a grant program for a specified purpose; providing the criteria for such contracts; requiring that projects funded by the grant program be included in the office's annual report; amending s. 288.018, F.S.; requiring the office, rather than the Department of Commerce, to establish a grant program to provide funding for regional economic development organizations; revising who may apply for such grants; providing that a grant award may not exceed a certain amount in a year; providing exceptions to a provision that the department may expend a certain amount for a

certain purpose; amending s. 288.019, F.S.; revising the program criteria and procedures that agencies and organizations of REDI are required to review; revising the list of impacts each REDI agency and organization must consider in its review; requiring REDI agencies and organizations to develop a proposal for modifications which minimizes the financial and resource impacts to a rural community; requiring that ranking of evaluation criteria and scoring procedures be used only when ranking is a component of the program; requiring that match requirements be waived or reduced for rural communities; providing that donations of land may be treated as in-kind matches; requiring each agency and organization that applies for or receives federal funding to request federal approval to waive or reduce the financial match requirements, if any, for projects in rural communities; requiring that proposals be submitted to the office, rather than the department; requiring each REDI agency and organization to modify rules or policies as necessary to reflect the finalized proposal; requiring that information about authorized waivers be included on the office's online rural resource directory; conforming a cross-reference; amending s. 288.021, F.S.; requiring, when

practicable, the economic development liaison to serve as the agency representative for REDI; amending s. 288.065, F.S.; defining the term "unit of local government"; requiring the office to include in its annual report certain information about the Rural Community Development Revolving Loan Fund; conforming provisions to changes made by the act; amending s. 288.0655, F.S.; revising the list of grants that may be awarded by the office; deleting the authorization for local match requirements to be waived for a catalyst site; revising the list of departments the office must consult with to certify applicants; requiring the office to include certain information about the Rural Infrastructure Trust Fund in its annual report; conforming provisions to changes made by the act; amending s. 288.0656, F.S.; providing legislative findings; providing that REDI is created within the Office of Rural Prosperity, rather than the department; deleting the definitions of the terms "catalyst project" and "catalyst site"; requiring that an alternate for each designated deputy secretary be a deputy secretary or higher-level staff person; requiring that the names of such alternates be reported to the director of the office; requiring at least one rural liaison to participate in REDI

meetings; requiring REDI to meet at least each month; deleting a provision that a rural area of opportunity may designate catalyst projects; requiring REDI to submit a certain report to the office, rather than to the department; specifying requirements for such report; conforming provisions to changes made by the act; repealing s. 288.06561, F.S., relating to reduction or waiver of financial match requirements; amending s. 288.0657, F.S.; requiring the office, rather than the department, to provide grants to assist rural communities; providing that such grants may be used for specified purposes; requiring the rural liaison to assist those applying for such grants; providing that marketing grants may include certain funding; amending s. 288.1226, F.S.; revising required components of the 4-year marketing plan of the Florida Tourism Industry Marketing Corporation; repealing s. 288.12266, F.S., relating to the Targeted Marketing Assistance Program; amending s. 288.9961, F.S.; revising the definition of the term "underserved"; requiring the office to consult with regional rural community liaison centers on development of a certain strategic plan; requiring rural liaisons to assist rural communities with providing feedback in applying for federal grants for

broadband Internet services; requiring the office to submit reports with specified information to the Governor and the Legislature within certain timeframes; repealing s. 290.06561, F.S., relating to designation of rural enterprise zones as catalyst sites; amending s. 334.044, F.S.; revising the powers and duties of the Department of Transportation; amending s. 339.0801, F.S.; revising the allocation of funds received in the State Transportation Trust Fund; amending s. 339.2816, F.S.; requiring, rather than authorizing, that certain funds received from the State Transportation Trust Fund be used for the Small County Road Assistance Program; requiring the department to use other additional revenues for the Small County Road Assistance Program; providing an exception from the prohibition against funding capacity improvements on county roads; amending s. 339.2817, F.S.; revising the criteria that the Department of Transportation must consider for evaluating projects for County Incentive Grant Program assistance; requiring the department to give priority to counties located either wholly or partially within the Everglades Agricultural Area and which request a specified percentage of project costs for eligible projects; specifying a limitation on such requests;

providing for future expiration; amending s. 339.2818, F.S.; deleting a provision that the funds allocated under the Small County Outreach Program are in addition to the Small County Road Assistance Program; deleting a provision that a local government within the Everglades Agricultural Area, the Peace River Basin, or the Suwannee River Basin may compete for additional funding; conforming provisions to changes made by the act; making a technical change; amending s. 339.68, F.S.; providing legislative findings; creating the Florida Arterial Road Modernization Program within the Department of Commerce; defining the term "rural community"; requiring the department to allocate from the State Transportation Trust Fund a minimum sum in each fiscal year to fund the program; providing that such funding is in addition to any other funding provided to the program; providing criteria the department must use to prioritize projects for funding under the program; requiring the department to submit a report to the Governor and the Legislature by a specified date; requiring that such report be submitted every 2 years thereafter; providing the criteria for such report; requiring the Department of Transportation to allocate additional funds to implement the Small County Road Assistance

Program and amend the tentative work program for a specified number of fiscal years; requiring the department to submit a budget amendment before the adoption of the work program; requiring the department to allocate sufficient funds to implement the Florida Arterial Road Modernization Program; requiring the department to amend the current tentative work program for a specified number of fiscal years to include the program's projects; requiring the department to submit a budget amendment before the implementation of the program; requiring that the revenue increases in the State Transportation Trust Fund which are derived from the act be used to fund the work program; amending s. 420.9073, F.S.; revising the calculation of guaranteed amounts distributed from the Local Government Housing Trust Fund; reenacting and amending s. 420.9075, F.S.; authorizing a certain percentage of the funds made available in each county and eligible municipality from the local housing distribution to be used to preserve multifamily affordable rental housing; specifying what such funds may be used for; providing an expiration; amending ss. 163.3187, 212.205, 257.191, 257.193, 265.283, 288.11621, 288.11631, 443.191, 571.26, and 571.265, F.S.; conforming cross-references and provisions to changes made by the act;

reenacting s. 288.9935(8), F.S., relating to the Microfinance Guarantee Program, to incorporate the amendment made to s. 20.60, F.S., in a reference thereto; reenacting ss. 125.0104(5)(c), 193.624(3), 196.182(2), 218.12(1), 218.125(1), 218.135(1), 218.136(1), 252.35(2)(cc), 288.102(4), 403.064(16)(g), 589.08(2) and (3), and 1011.62(1)(f), F.S., relating to authorized uses of tourist development tax; applicability of assessments of renewable energy source devices; application of exemptions of renewable energy source devices; appropriations to offset reductions in ad valorem tax revenue in fiscally constrained counties; offset for tax loss associated with certain constitutional amendments affecting fiscally constrained counties; offset for tax loss associated with reductions in value of certain citrus fruit packing and processing equipment; offset for ad valorem revenue loss affecting fiscally constrained counties; Division of Emergency Management powers; one-to-one match requirement under the Supply Chain Innovation Grant Program; applicability of provisions related to reuse of reclaimed water; land acquisition restrictions; and funds for operation of schools, respectively, to incorporate the amendment made to s. 218.67, F.S., in references thereto; reenacting s.

403.0741(6)(c), F.S., relating to grease waste removal and disposal, to incorporate the amendments made to ss. 218.67 and 339.2818, F.S., in references thereto; reenacting s. 163.3177(7)(e), F.S., relating to required and optional elements of comprehensive plans and studies and surveys, to incorporate the amendment made to s. 288.0656, F.S., in a reference thereto; reenacting s. 288.9962(7)(a), F.S., relating to the Broadband Opportunity Program, to incorporate the amendment made to s. 288.9961, F.S., in a reference thereto; reenacting s. 339.66(5) and (6), F.S., relating to upgrades of arterial highways with controlled access facilities, to incorporate the amendment made to s. 339.68, F.S., in references thereto; reenacting ss. 420.9072(4) and (6), 420.9076(7)(b), and 420.9079(2), F.S., relating to the State Housing Initiatives Partnership Program, adoption of affordable housing incentive strategies and committees, and the Local Government Housing Trust Fund, respectively, to incorporate the amendment made to s. 420.9073, F.S., in references thereto; amending s. 553.79, F.S.; prohibiting a local enforcement agency from denying the issuance of a certificate of occupancy to an owner of residential or commercial property based on noncompliance with Florida-friendly

landscaping ordinances in certain circumstances; prohibiting a local enforcement agency from denying the issuance of a building permit for the alteration, modification, or repair of a single-family residential structure in certain circumstances; prohibiting a local enforcement agency from requiring a building permit for the construction of playground equipment or a fence on certain property; amending s. 475.17, F.S.; removing postlicensure education requirements for brokers, broker associates, and sales associates; amending ss. 475.175 and 475.180, F.S.; conforming provisions to changes made by the act; amending s. 475.182, F.S.; removing continuing education requirements for licensure renewal as a broker, a broker associate, and a sales associate; amending s. 475.183, F.S.; removing continuing education requirements for licensure renewal due to inactive status; amending s. 481.321, F.S.; revising provisions relating to seals and display of certificate number of registered landscape architects; amending s. 624.341, F.S.; providing legislative findings and intent; requiring the Department of Law Enforcement to accept certain fingerprints; specifying procedures for fingerprinting; authorizing the department to exchange certain records with the Office of Insurance

Regulation; specifying that fingerprints must be submitted in accordance with certain rules; authorizing that the fingerprints be submitted through a third-party vendor authorized by the department; requiring the department to conduct certain background checks; requiring that certain fingerprints be submitted and entered into a specified system; requiring the office to inform the department of any person whose fingerprints no longer must be retained; specifying who bears the costs of fingerprint processing; specifying that certain criminal records must be used by the office for certain purposes; amending s. 475.613, F.S.; granting certain authority to the department, rather than the Florida Real Estate Appraisal Board; amending ss. 475.25, 475.611, 475.612, 475.614, 475.6145, 475.6147, 475.615, 475.617, 475.6171, 475.618, 475.619, 475.621, 475.6222, 475.6235, 475.624, 475.6245, 475.625, 475.626, 475.627, 475.628, 475.629, 475.630, and 475.631, F.S.; revising provisions pertaining to the board to transfer powers, duties, and responsibilities of the board to the Department of Business and Professional Regulation; providing effective dates.

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 and expansion.—

(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 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, 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.

(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) Subsections (1), (2), and (3) do not apply to a community redevelopment agency created by a county if the county that created such agency is the only taxing authority that contributes to the community redevelopment agency's redevelopment trust fund pursuant to s. 163.387 and the county charter establishes a limitation on the amount of revenue the

county may collect. However, such community redevelopment agency may not issue any new bond debt on or after October 1, 2025.

(5)(a) A community redevelopment agency may not be created on or after July 1, 2025.

(b) A community redevelopment agency, or the governing body of the county or municipality that created the community redevelopment agency, may not expand the boundaries of its community redevelopment area on or after July 1, 2025.

(c) A community redevelopment agency in existence before July 1, 2025, may continue to operate within its community redevelopment area as provided in this part.

Section 2. Section 20.165, Florida Statutes, is amended to read:

20.165 Department of Business and Professional Regulation.—There is created a Department of Business and Professional Regulation.

(1) The head of the Department of Business and Professional Regulation is the Secretary of Business and Professional Regulation. The secretary shall be appointed by the Governor, subject to confirmation by the Senate. The secretary shall serve at the pleasure of the Governor.

(2) The following divisions of the Department of Business and Professional Regulation are established:

(a) Division of Administration.

(b) Division of Alcoholic Beverages and Tobacco.

(c) Division of Certified Public Accounting.

1. The director of the division shall be appointed by the secretary of the department~~, subject to approval by a majority of the Board of Accountancy~~.

2. The offices of the division shall be located in Tallahassee ~~Gainesville~~.

(d) Division of Drugs, Devices, and Cosmetics.

(e) Division of Florida Condominiums, Timeshares, and Mobile Homes.

(f) Division of Hotels and Restaurants.

(g) Division of Professions.

(h) Division of Real Estate.

1. The director of the division shall be appointed by the secretary of the department~~, subject to approval by a majority of the Florida Real Estate Commission~~.

2. The offices of the division shall be located in Tallahassee ~~Orlando~~.

(i) Division of Regulation.

(j) Division of Technology.

(k) Division of Service Operations.

(3) The secretary shall appoint a director for each division established within this section. Each division director shall directly administer the division and shall be responsible to the secretary. The secretary may appoint deputy and assistant secretaries as necessary to aid the secretary in fulfilling the

secretary's statutory obligations.

(4) ~~(a)~~ The following ~~boards and~~ programs are established within the Division of Professions:

(a) ~~1.~~ ~~Board of~~ Architecture and Interior Design licensing program, created under parts ~~part~~ I and II of chapter 481.

(b) ~~2.~~ ~~Florida Board of~~ Auctioneers licensing program, created under part VI of chapter 468.

(c) ~~3.~~ Barbers' licensing program ~~Board~~, created under chapter 476.

(d) ~~4.~~ Florida Building Code Administrators and Inspectors licensing program ~~Board~~, created under part XII of chapter 468.

(e) ~~5.~~ Construction Industry licensing program ~~Board~~, created under part I of chapter 489.

(f) ~~6.~~ ~~Board of~~ Cosmetology licensing program, created under chapter 477.

(g) ~~7.~~ Electrical Contractors' licensing program ~~Board~~, created under part II of chapter 489.

(h) ~~8.~~ ~~Board of~~ Employee Leasing Companies licensing program, created under part XI of chapter 468.

(i) ~~9.~~ ~~Board of~~ Landscape Architecture licensing program, created under part II of chapter 481.

(j) ~~10.~~ ~~Board of~~ Pilot Commissioners licensing program, created under chapter 310.

(k) ~~11.~~ ~~Board of~~ Professional Engineers licensing program, created under chapter 471.

(l)~~12.~~ ~~Board of~~ Professional Geologists licensing program, created under chapter 492.

(m)~~13.~~ ~~Board of~~ Veterinary Medicine licensing program, created under chapter 474.

(n)~~14.~~ Home inspection services licensing program, created under part XV of chapter 468.

(o)~~15.~~ Mold-related services licensing program, created under part XVI of chapter 468.

(p) Talent agency licensing program, created under part VII of chapter 468.

(q) The Florida Building Commission, created under chapter 553.

(r) The Community Association Managers Licensing Program, created under part VIII of chapter 468.

(s) Yacht and ship brokers licensing program, created under chapter 326.

~~(b) The following board and commission are established within the Division of Real Estate:~~

~~1. Florida Real Estate Appraisal Board, created under part II of chapter 475.~~

~~2. Florida Real Estate Commission, created under part I of chapter 475.~~

~~(c) The following board is established within the Division of Certified Public Accounting: Board of Accountancy, created under chapter 473.~~

~~(5) The members of each board established pursuant to subsection (4) shall be appointed by the Governor, subject to confirmation by the Senate. Consumer members on the board shall be appointed pursuant to subsection (6). Members shall be appointed for 4-year terms, and such terms shall expire on October 31. However, a term of less than 4 years may be utilized to ensure that:~~

~~(a) No more than two members' terms expire during the same calendar year for boards consisting of seven or eight members.~~

~~(b) No more than 3 members' terms expire during the same calendar year for boards consisting of 9 to 12 members.~~

~~(c) No more than 5 members' terms expire during the same calendar year for boards consisting of 13 or more members.~~

~~A member whose term has expired shall continue to serve on the board until such time as a replacement is appointed. A vacancy on the board shall be filled for the unexpired portion of the term in the same manner as the original appointment. No member may serve for more than the remaining portion of a previous member's unexpired term, plus two consecutive 4-year terms of the member's own appointment thereafter.~~

~~(6) Each board with five or more members shall have at least two consumer members who are not, and have never been, members or practitioners of the profession regulated by such board or of any closely related profession. Each board with~~

~~fewer than five members shall have at least one consumer member who is not, and has never been, a member or practitioner of the profession regulated by such board or of any closely related profession.~~

~~(7) No board, with the exception of joint coordinatorships, shall be transferred from its present location unless authorized by the Legislature in the General Appropriations Act.~~

(5)~~(8)~~ Notwithstanding any other provision of law, the department shall ~~is authorized to~~ establish uniform application forms and certificates of licensure for use by the divisions within the department. However, ~~Nothing in~~ this subsection does not authorize ~~authorizes~~ the department to vary any substantive requirements, duties, or eligibilities for licensure or certification as provided by law.

(6)~~(9)~~

(a) All employees authorized by the Division of Alcoholic Beverages and Tobacco shall have access to, and shall have the right to inspect, premises licensed by the division, to collect taxes and remit them to the officers entitled to them, and to examine the books and records of all licensees. The authorized employees shall require of each licensee strict compliance with the laws of this state relating to the transaction of such business.

(b) Each employee serving as a law enforcement officer for

the division must meet the qualifications for employment or appointment as a law enforcement officer set forth under s. 943.13 and must be certified as a law enforcement officer by the Department of Law Enforcement under chapter 943. Upon certification, each law enforcement officer is subject to and has the same authority as provided for law enforcement officers generally in chapter 901 and has statewide jurisdiction. Each officer also has arrest authority as provided for state law enforcement officers in s. 901.15. Each officer possesses the full law enforcement powers granted to other peace officers of this state, including the authority to make arrests, carry firearms, serve court process, and seize contraband and the proceeds of illegal activities.

1. The primary responsibility of each officer appointed under this section is to investigate, enforce, and prosecute, throughout this ~~the~~ state, violations and violators of parts I and II of chapter 210; chapter 310; chapter 326; parts I and III of chapter 450; chapter 455; parts VI-IX, XI, XII, XV, and XVI of chapter 468; chapter 469; chapter 471; chapters 473-477; chapter 481; parts I and II of chapter 489; chapter 499; chapter 509; chapter 548; chapter 553; ~~,~~ part VII of chapter 559; ~~, and~~ chapters 561-569; chapters 718-719; chapter 721; and chapter 723; ~~,~~ and the rules adopted thereunder, as well as other state laws that the division, all state law enforcement officers, or beverage enforcement agents are specifically authorized to

enforce.

2. The secondary responsibility of each officer appointed under this section is to enforce all other state laws, provided that the enforcement is incidental to exercising the officer's primary responsibility as provided in subparagraph 1., and the officer exercises the powers of a deputy sheriff, only after consultation or coordination with the appropriate local sheriff's office or municipal police department or when the division participates in the Florida Mutual Aid Plan during a declared state emergency.

(7) The Department of Business and Professional Regulation shall provide, via email, to each person licensed by the department, as promptly after the adjournment of the legislative session as possible, a summary of changes to existing law relating to each business and profession, and the effective date of each change.

Section 3. Sections 310.011, 310.032, 310.042, 455.2124, 455.2228, 468.384, 468.399, 468.4315, 468.4337, 468.4338, 468.521, 468.522, 468.523, 468.605, 468.8316, 468.8416, 471.007, 471.008, 471.009, 471.019, 471.0195, 471.038, 472.007, 472.008, 472.009, 472.018, 472.019, 473.303, 473.312, 474.204, 474.206, 475.02, 475.03, 475.04, 475.045, 475.05, 475.10, 476.054, 476.064, 477.015, 481.205, 481.2055, 481.305, 482.243, 489.107, 489.507, 492.103, 493.6116, 499.01211, 559.9221, and 570.81, Florida Statutes, are repealed.

Section 4. (1) The Department of Business and Professional Regulation created under s. 20.165, Florida Statutes, shall conduct a study to evaluate and make recommendations regarding:

(a) The department's recommendations for creating a uniform process for permit inspections, including a uniform process for virtual inspections. The department's recommendations shall include how building officials can most efficiently perform the most common building inspections and how to reduce the number of inspections performed by such officials.

(b) The creation of a uniform permitting process in this state for common building permits issued pursuant to chapter 553, Florida Statutes.

(2) The department, created under s. 20.165, Florida Statutes, and the Department of Agriculture and Consumer Services, created under s. 20.14, Florida Statutes, shall conduct a study to evaluate and make recommendations regarding the inclusion of a pathway to licensure for all professions, regulated and licensed by the respective departments, that includes work experience only or work experience plus an examination and submit a report to the Legislature on or before January 1, 2026.

Section 5. Paragraph (uuu) of subsection (7) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and

storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any entity by this chapter do not inure to any transaction that is otherwise taxable under this chapter when payment is made by a representative or employee of the entity by any means, including, but not limited to, cash, check, or credit card, even when that representative or employee is subsequently reimbursed by the entity. In addition, exemptions provided to any entity by this subsection do not inure to any transaction that is otherwise taxable under this chapter unless the entity has obtained a sales tax exemption certificate from the department or the entity obtains or provides other documentation as required by the department. Eligible purchases or leases made with such a certificate must be in strict compliance with this subsection and departmental rules, and any person who makes an exempt purchase with a certificate that is not in strict compliance with this subsection and the rules is liable for and shall pay the tax. The department may adopt rules to administer this subsection.

(uuu) *Small private investigative agencies.*—

1. As used in this paragraph, the term:

a. "Private investigation services" has the same meaning as "private investigation," as defined in s. 493.6101(14) ~~s. 493.6101(17)~~.

b. "Small private investigative agency" means a private investigator licensed under s. 493.6201 which:

(I) Employs three or fewer full-time or part-time employees, including those performing services pursuant to an employee leasing arrangement as defined in s. 468.520 ~~s. 468.520(4)~~, in total; and

(II) During the previous calendar year, performed private investigation services otherwise taxable under this chapter in which the charges for the services performed were less than $150,000 for all its businesses related through common ownership.

2. The sale of private investigation services by a small private investigative agency to a client is exempt from the tax imposed by this chapter.

3. The exemption provided by this paragraph may not apply in the first calendar year a small private investigative agency conducts sales of private investigation services taxable under this chapter.

Section 6. Paragraph (f) of subsection (1) of section 215.5586, Florida Statutes, is amended to read:

215.5586 My Safe Florida Home Program.—There is established within the Department of Financial Services the My

Safe Florida Home Program. The department shall provide fiscal accountability, contract management, and strategic leadership for the program, consistent with this section. This section does not create an entitlement for property owners or obligate the state in any way to fund the inspection or retrofitting of residential property in this state. Implementation of this program is subject to annual legislative appropriations. It is the intent of the Legislature that, subject to the availability of funds, the My Safe Florida Home Program provide licensed inspectors to perform hurricane mitigation inspections of eligible homes and grants to fund hurricane mitigation projects on those homes. The department shall implement the program in such a manner that the total amount of funding requested by accepted applications, whether for inspections, grants, or other services or assistance, does not exceed the total amount of available funds. If, after applications are processed and approved, funds remain available, the department may accept applications up to the available amount. The program shall develop and implement a comprehensive and coordinated approach for hurricane damage mitigation pursuant to the requirements provided in this section.

(1) HURRICANE MITIGATION INSPECTIONS.—

(f) To qualify for selection by the department as a wind certification entity to provide hurricane mitigation inspections, the entity must, at a minimum, meet the following

requirements:

1. Use hurricane mitigation inspectors who are licensed or certified as:

a. A building inspector under s. 468.607;

b. A general, building, or residential contractor under s. 489.111;

c. A professional engineer under s. 471.015;

d. A professional architect under s. 481.213; or

e. A home inspector under s. 468.8314 and who have completed at least 3 hours of hurricane mitigation training approved by the department ~~Construction Industry Licensing Board~~, which training must include hurricane mitigation techniques, compliance with the uniform mitigation verification form, and completion of a proficiency exam.

2. Use hurricane mitigation inspectors who also have undergone drug testing and a background screening. The department may conduct criminal record checks of inspectors used by wind certification entities. Inspectors must submit a set of fingerprints to the department for state and national criminal history checks and must pay the fingerprint processing fee set forth in s. 624.501. The fingerprints must be sent by the department to the Department of Law Enforcement and forwarded to the Federal Bureau of Investigation for processing. The results must be returned to the department for screening. The fingerprints must be taken by a law enforcement agency,

designated examination center, or other department-approved entity.

3. Provide a quality assurance program including a reinspection component.

Section 7. Paragraph (b) of subsection (3) of section 215.55871, Florida Statutes, is amended 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.

(3) HURRICANE MITIGATION INSPECTORS.—

(b) The department shall contract with wind certification entities to provide hurricane mitigation inspections. To qualify for selection by the department as a wind certification entity to provide hurricane mitigation inspections, the entity must, at

a minimum, meet all of the following requirements:

1. Use hurricane mitigation inspectors who are licensed or certified as:

a. A building inspector under s. 468.607;

b. A general, building, or residential contractor under s. 489.111;

c. A professional engineer under s. 471.015;

d. A professional architect under s. 481.213; or

e. A home inspector under s. 468.8314 who has completed at least 3 hours of hurricane mitigation training approved by the department ~~Construction Industry Licensing Board~~, which must include hurricane mitigation techniques, compliance with the uniform mitigation verification form, and completion of a proficiency exam.

2. Use hurricane mitigation inspectors who have undergone drug testing and a background screening. The department may conduct criminal record checks of inspectors used by wind certification entities. Inspectors must submit a full set of fingerprints to the department or to a vendor, an entity, or an agency authorized under s. 943.053(13). The department, vendor, entity, or agency shall forward the fingerprints to the Department of Law Enforcement for state processing, and the Department of Law Enforcement shall forward the fingerprints to the Federal Bureau of Investigation for national processing. Fees for state and federal fingerprint processing shall be borne

by the inspector. The state cost for fingerprint processing shall be as provided in s. 943.053(3)(e). The results must be returned to the department for screening. The fingerprints must be taken by a law enforcement agency, designated examination center, or other department-approved entity.

3. Provide a quality assurance program including a reinspection component.

Section 8. Subsection (1) of section 309.01, Florida Statutes, is amended to read:

309.01 Deposit of material in tidewater regulated.—

(1) It is not lawful for any person to discharge or cause to be discharged or deposit or cause to be deposited, in the tide or salt waters of any bay, port, harbor, or river of this state, any ballast or material of any kind other than clear stone or rock, free from gravel or pebbles, which said clear stone or rock shall be deposited or discharged only in the construction of enclosures in connection with wharves, piers, quays, jetties, or in the construction of permanent bulkheads connecting the solid and permanent portion of wharves. It is lawful to construct three characters of bulkheads for retention of material in solid wharves. First, clear stone or rock enclosures, or bulkheads, may be built upon all sides to a height not less than 2 1/2 feet above high watermark; and after the enclosures have been made so solid, tight, and permanent as to prevent any sand, mud, gravel, or other material that may be

discharged or deposited in them from drifting or escaping through such enclosures, any kind of ballast may be discharged or deposited within the enclosures. The enclosures may be constructed of wood, stone, and rock combined, the stone and rocks to be placed on the outside of the wood to a height not less at any point than 2 1/2 feet above high watermark. Second, a bulkhead may be built by a permanent wharf consisting of thoroughly creosoted piles not less than 12 inches in diameter at the butt end, to be driven close together and to be capped with timber not less than 10 or 14 inches drift, bolted to each pile, and one or more longitudinal stringers to be placed on the outside of the bulkhead and securely anchored by means of iron rods to piles driven within the bulkheads, clear rock to be on the inside of the bulkhead, to a height of not less than 2 1/2 feet above high water; and after this is done, ballast or other material may be deposited within the permanent enclosure so constructed. Third, a bulkhead may be constructed to consist of creosoted piles, as described herein, driven not exceeding 4 feet apart from center to center, inside of which two or more longitudinal stringers may be placed and securely bolted to the piles. Inside of these longitudinal pieces, two thicknesses of creosoted sheet piling are to be driven, each course of the sheet piling to make a joint with the other so as to form an impenetrable wharf; and within this permanent bulkhead so constructed, any ballast or other material may be deposited. No

such enclosure, pier, quay, or jetty may not begin ~~shall be begun~~ until the point at which ~~whereat~~ it is to be built shall have been connected by a substantial wharf with a shore or with a permanent wharf; except that the owners of wharves may at any time, with the consent of the ~~Board of Pilot Commissioners of the Division of Professions of the~~ Department of Business and Professional Regulation, build wharves of clear stone or rock, or creosoted walls as hereinafter provided, on each side of their wharves from the shore to a point at which the water is not more than 15 feet deep, and when such walls have attained a height of 2 1/2 feet above high watermark and have been securely closed at the deepwater end by stone or creosoted walls of the same height, any kind of ballast may be deposited in them. Nothing contained in this section shall interfere with any rights or privileges now enjoyed by riparian owners. While this section empowers those who desire to construct the several characters of wharves, piers, quays, jetties, and bulkheads provided for and described herein, nothing in this section shall be so construed as to require any person not desiring to construct a permanent wharf by filling up with ballast, stone, or other material to construct under the specifications contained herein; and nothing in this chapter shall be so construed as to prevent any person from constructing any wharf or placing any pilings, logs, or lumber in any waters where the person would have heretofore had the right so to do.

Section 9. Subsection (3) of section 310.0015, Florida Statutes, is amended to read:

310.0015 Piloting regulation; general provisions.—

(3) The rate-setting process, the issuance of licenses only in numbers deemed necessary or prudent by the department ~~board~~, and other aspects of the economic regulation of piloting established in this chapter are intended to protect the public from the adverse effects of unrestricted competition which would result from an unlimited number of licensed pilots being allowed to market their services on the basis of lower prices rather than safety concerns. This system of regulation benefits and protects the public interest by maximizing safety, avoiding uneconomic duplication of capital expenses and facilities, and enhancing state regulatory oversight. The system seeks to provide pilots with reasonable revenues, taking into consideration the normal uncertainties of vessel traffic and port usage, sufficient to maintain reliable, stable piloting operations. Pilots have certain restrictions and obligations under this system, including, but not limited to, the following:

(a) Pilots may not refuse to provide piloting services to any person or entity that may lawfully request such services, except for justifiable concerns relating to safety, or, in the case of a vessel planning a departure, for nonpayment of pilotage.

(b) Pilots may not unilaterally determine the pilotage

rates they charge. Such pilotage rates shall instead be determined by the Pilotage Rate Review Committee, in the public interest, as set forth in s. 310.151.

(c) Pilots shall maintain or secure adequate pilot boats, office facilities and equipment, dispatch systems, communication equipment and other facilities, and equipment and support services necessary for a modern, dependable piloting operation.

(d) The pilot or pilots in a port shall train and compensate all member deputy pilots in that port. Failure to train or compensate such deputy pilots constitutes a ground for disciplinary action under s. 310.101. Nothing in this subsection may be deemed to create an agency or employment relationship between a pilot or deputy pilot and the pilot or pilots in a port.

(e) In any instance of a payment or transfer of funds, a request for the payment or transfer of funds, or a contractual obligation assumed in respect to the payment or transfer of funds from a licensee payor to a pilot or group of pilots, or to any legal entity or fund administered or controlled by or under common control with such pilot or group of pilots, the pilot or group of pilots shall provide to the licensee payor, at the time the payment or transfer or request for the payment or transfer is made or the obligation is assumed in respect to the payment or transfer, a detailed accounting of the specific assets, tangible or intangible, in which an interest is being directly

or indirectly purchased or for which the licensee payor is being granted an interest in return for such payment or transfer of funds or such contractual obligation. This paragraph does not apply to either payments or transfers of funds if their aggregate amounts are less than $1,000. As used in this paragraph, "licensee payor" means any current or prospective state pilot or deputy pilot.

Section 10. Subsection (3) of section 310.002, Florida Statutes, is amended to read:

310.002 Definitions.—As used in this chapter, except where the context clearly indicates otherwise:

~~(3) "Board" means the Board of Pilot Commissioners.~~

Section 11. Section 310.051, Florida Statutes, is amended to read:

310.051 Personnel; employment.—

(1) The department may appoint or employ such personnel as may be necessary to assist the department and the department ~~board~~ in doing and performing any and all of the powers, duties, and obligations set forth in this chapter. Such personnel need not be licensed state pilots or members of the department ~~board~~. Such personnel shall be authorized to do and perform such duties and work as may be assigned by the department. Except as otherwise provided in this chapter, the department shall provide all legal services necessary in carrying out the provisions of this chapter.

(2) The department shall hire a person knowledgeable and experienced in matters related to piloting. Such person shall act for the department on matters of examination and investigation and, when he or she deems it necessary, in the selection of legal counsel qualified in admiralty law. ~~On an annual basis, the board shall recommend to the department a person knowledgeable and experienced in matters related to piloting to fill this post, and the department may accept or reject the recommendation. If the department rejects the board's recommendation, the board shall continue to submit recommendations until one is accepted by the department. Unless there is affirmative action by both the board and the department, at the end of each year, the position shall be declared vacant and the board shall submit a new recommendation for a person to fill such position.~~

Section 12. Section 310.061, Florida Statutes, is amended to read:

310.061 State pilots; number; cross licensing.—The department ~~board~~ shall determine the number of pilots based on the supply and demand for piloting services and the public interest in maintaining efficient and safe piloting services. Based on the economic conditions of the port, the department ~~board~~ may adopt rules authorizing cross licensing between ports, if this will best serve the public interest.

Section 13. Paragraphs (b), (c), and (d) of subsection (1)

and subsections (2) and (3) of section 310.071, Florida Statutes, are amended to read:

310.071 Deputy pilot certification.—

(1) In addition to meeting other requirements specified in this chapter, each applicant for certification as a deputy pilot must:

(b) Have successfully completed 12 years of formal education, as evidenced by a high school diploma or by equivalent evidence thereof that is satisfactory to the department ~~board~~.

(c) Be in good physical and mental health, as evidenced by documentary proof of having satisfactorily passed a complete physical examination administered by a licensed physician within the preceding 6 months. The department ~~board~~ shall adopt rules to establish requirements for passing the physical examination, which rules shall establish minimum standards for the physical or mental capabilities necessary to carry out the professional duties of a certificated deputy pilot. Such standards shall include zero tolerance for any controlled substance regulated under chapter 893 unless that individual is under the care of a physician, an advanced practice registered nurse, or a physician assistant and that controlled substance was prescribed by that physician, advanced practice registered nurse, or physician assistant. To maintain eligibility as a certificated deputy pilot, each certificated deputy pilot must annually provide

documentary proof of having satisfactorily passed a complete physical examination administered by a licensed physician. The physician must know the minimum standards and certify that the certificateholder satisfactorily meets the standards. The standards for certificateholders shall include a drug test.

(d) Have had maritime experience satisfactory to the department ~~board~~ prior to taking the examination required under s. 310.081(2), as evidenced by documentation of the following service while holding a United States Coast Guard license:

1. At least 2 years of service at sea during the 5-year period immediately preceding the examination, 1 year of which must have been in at least the capacity of an unlimited second mate;

2. At least 2 years of service during the 5-year period immediately preceding the examination in a deepwater United States port as an active first-class unlimited pilot serving on at least an unlimited second mate's license or a license as master of freight and towing vessel of at least 1,600 gross registered tons upon oceans, and acting under authority of a duly constituted governmental regulatory entity;

3. At least 2 years of service during the 5-year period immediately preceding the examination as an active first-class unlimited pilot serving on a Great Lakes unlimited master's license;

4. At least 2 years of towing experience during the 5-year

period immediately preceding the examination, 1 year of which must have been in the capacity of master of a tugboat/barge combination of at least 5,000 gross registered tons, combined tonnage, while holding a license as master of freight and towing vessel of at least 1,600 gross registered tons upon oceans; or

5. At least 3 years of experience as a deck watch officer during the 10-year period immediately preceding the examination, 1 year of which in the 5-year period immediately preceding the exam must have been as the commanding officer, executive officer, or operations officer of a United States Navy vessel or a United States Coast Guard vessel of at least 1,600 gross tons, and must currently hold a United States Coast Guard license of at least an unlimited second mate.

(2) The department ~~board~~ may adopt rules authorizing equivalent combinations of service from two or more of the areas specified in subparagraphs (1)(d)1., 2., 3., 4., and 5. However, the department ~~board~~ may waive the maritime experience requirements prescribed in paragraph (1)(d) when necessary to fill an opening, provided an applicant meeting such requirements has not applied for the opening and the opening has been advertised more than once.

(3) The initial certificate issued to a deputy pilot shall be valid for a period of 12 months, and at the end of this period, the certificate shall automatically expire and may ~~shall~~ not be renewed. During this period, the department ~~board~~ shall

thoroughly evaluate the deputy pilot's performance for suitability to continue training ~~and shall make appropriate recommendations to the department~~. Upon the finding ~~receipt~~ of a favorable evaluation ~~recommendation by the board~~, the department shall issue a certificate to the deputy pilot, which shall be valid for a period of 2 years. The certificate may be renewed only two times, except in the case of a fully licensed pilot who is cross-licensed as a deputy pilot in another port, and provided the deputy pilot meets the requirements specified for pilots in paragraph (1)(c).

Section 14. Section 310.073, Florida Statutes, is amended to read:

310.073 State pilot licensing.—In addition to meeting other requirements specified in this chapter, each applicant for license as a state pilot must:

(1) Be at least 21 years of age, as evidenced by a copy of a birth certificate or other legal proof of age.

(2) Have successfully completed 12 years of formal education, as evidenced by a high school diploma or by equivalent evidence thereof that is satisfactory to the department ~~board~~.

(3) Be in good physical and mental health, as evidenced by documentary proof of having satisfactorily passed a complete physical examination administered by a licensed physician within the preceding 6 months. The department ~~board~~ shall adopt rules

to establish requirements for passing the physical examination, which rules shall establish minimum standards for the physical or mental capabilities necessary to carry out the professional duties of a licensed state pilot. Such standards shall include zero tolerance for any controlled substance regulated under chapter 893 unless that individual is under the care of a physician, an advanced practice registered nurse, or a physician assistant and that controlled substance was prescribed by that physician, advanced practice registered nurse, or physician assistant. To maintain eligibility as a licensed state pilot, each licensed state pilot must annually provide documentary proof of having satisfactorily passed a complete physical examination administered by a licensed physician. The physician must know the minimum standards and certify that the licensee satisfactorily meets the standards. The standards for licensees shall include a drug test.

(4) Have had at least 2 years of service as a deputy pilot in the port in which license as a licensed state pilot is desired, which service must have been attained during the period immediately preceding the examination required under s. 310.081(1). Further, at the time of application, each applicant must have a valid United States Coast Guard first-class unlimited pilot's license covering all of the waters of the port in which license as a state pilot is desired and must have successfully completed the department-approved ~~board-approved~~

deputy pilot training program in the port in which license as a state pilot is desired.

Section 15. Section 310.075, Florida Statutes, is amended to read:

310.075 Deputy pilot training program.—The licensed state pilots in each port shall submit to the department ~~board~~ for its approval a deputy pilot training program of not less than 2 years' duration, applicable to all deputy pilots appointed to serve at such port. The following requirements constitute the parameters within which deputy pilot training programs are to be established and carried out by the licensed state pilots at all ports in this state:

(1) Upon receiving his or her appointment, a deputy pilot must report to the licensed state pilots at the port he or she is appointed to serve and must serve a period of not less than 90 days as an observer trainee. During such period:

(a) The observer trainee must accompany licensed state pilots, becoming thoroughly familiar with all of the waters, the channels, the harbor, and the port under varied conditions.

(b) The observer trainee must obtain a valid United States Coast Guard first-class unlimited pilot's license covering all of the waters of the port before the department ~~board~~ may authorize him or her to pilot vessels within the limits and specifications established by the licensed state pilots of the port.

(2) Upon completion of the observer-trainee period, the deputy pilot must submit to the department ~~board~~ a deputy pilot vessel handling form for each vessel upon which he or she has accompanied a licensed state pilot. Each such form must be signed by the pilot in charge who accompanied the deputy pilot and must accurately recite:

(a) The vessel's registry, length, gross tonnage, and draft;

(b) The name of the berth from which or to which the vessel was piloted;

(c) The weather and sea conditions encountered;

(d) The time of day;

(e) Any marine incidents required to be reported under s. 310.111; and

(f) The comments of the pilot in charge, including whether, under his or her supervision, the pilot in charge turned the navigation of the vessel over to the deputy pilot.

(3) Each request to increase the limits and specifications under which a deputy pilot is authorized to pilot must be submitted to the department ~~board~~ and must be accompanied by a deputy pilot vessel handling form as provided in subsection (2) for each vessel the deputy pilot has piloted since his or her limits and specifications were last increased by the department ~~board~~.

(4) For successful completion of the deputy pilot training

program, a deputy pilot must have gradually been increased in his or her authorized limits and specifications until the deputy pilot has been authorized by the department ~~board~~ to pilot vessels with a maximum draft of not more than 3 feet less than the normal maximum draft allowable in the port in which the deputy pilot is authorized to pilot, as proposed by the licensed state pilots in that port and approved by the department ~~board~~.

Section 16. Section 310.081, Florida Statutes, is amended to read:

310.081 Department to examine and license state pilots and certificate deputy pilots; vacancies.—

(1) The department shall examine persons who file application as state pilot in all matters pertaining to the management of vessels and in regard to their knowledge of the channels, waters, harbors, and port where they wish to serve, and, if upon examination to determine proficiency the department finds them qualified to pilot all classes of vessels liable to enter that port and thoroughly familiar with the waters, the channels, the harbor, and the port, the department shall appoint and license as state pilots such number of pilots as in the discretion of the department ~~board~~ are required to act in the ports of the state. However, the number of pilots appointed and licensed by the department may ~~shall~~ not exceed the number provided for in s. 310.061.

(2) The department shall similarly examine persons who

file applications for certificate as deputy pilot, and, if upon examination to determine proficiency the department finds them qualified, the department must certify as qualified all applicants who pass the examination, provided that not more than five persons who passed the examination are certified for each declared opening. If more than five applicants per opening pass the examination, the persons having the highest scores must be certified as qualified up to the number of openings times five. The department shall appoint and certificate such number of deputy pilots from those applicants deemed qualified as in the discretion of the department ~~board~~ are required in the respective ports of the state. A deputy pilot shall be authorized by the department to pilot vessels within the limits and specifications established by the licensed state pilots at the port where the deputy is appointed to serve.

(3) Pilots shall hold their licenses or certificates pursuant to the requirements of this chapter so long as they:

(a) Possess the qualifications set out in this chapter.

(b) Are in good physical and mental health as evidenced by documentary proof of having satisfactorily passed a physical examination administered by a licensed physician or physician assistant within each calendar year. The department ~~board~~ shall adopt rules to establish requirements for passing the physical examination, which rules shall establish minimum standards for the physical or mental capabilities necessary to carry out the

professional duties of a licensed state pilot or a certificated deputy pilot. Such standards shall include zero tolerance for any controlled substance regulated under chapter 893 unless that individual is under the care of a physician, an advanced practice registered nurse, or a physician assistant and that controlled substance was prescribed by that physician, advanced practice registered nurse, or physician assistant. To maintain eligibility as a certificated deputy pilot or licensed state pilot, each certificated deputy pilot or licensed state pilot must annually provide documentary proof of having satisfactorily passed a complete physical examination administered by a licensed physician. The physician must know the minimum standards and certify that the certificateholder or licensee satisfactorily meets the standards. The standards for certificateholders and for licensees shall include a drug test.

(c) Are subject to a substance abuse program that has been approved by the department ~~board~~, which includes provisions for drug testing.

~~(d) Attend a board-approved seminar for continuing education which includes radar certification.~~

(d) ~~(c)~~ Remain in active service in the ports for which they are appointed.

Upon resignation or in the case of disability permanently affecting a pilot's ability to serve, the state license or

certificate issued under this chapter shall be revoked by the department.

Section 17. Paragraphs (d), (g), and (h) of subsection (1) and subsections (2), (3), and (4) of section 310.101, Florida Statutes, are amended to read:

310.101 Grounds for disciplinary action by the department ~~board~~.—

(1) Any act of misconduct, inattention to duty, negligence, or incompetence; any willful violation of any law or rule, including the rules of the road, applicable to a licensed state pilot or certificated deputy pilot; or any failure to exercise that care which a reasonable and prudent licensed state pilot or certificated deputy pilot would exercise under the same or similar circumstances may result in disciplinary action. Examples of acts by a licensed state pilot or certificated deputy pilot which constitute grounds for disciplinary action include, but are not limited to:

(d) Navigating in channels where the depth of water under the keel is less than the prescribed bottom clearance as recommended by the licensed state pilots of that port and approved by the department ~~board~~.

(g) Making or filing, or inducing another person to make or file, a report which the pilot knows to be false or intentionally or negligently failing to file, or willfully impeding or obstructing the filing of, a report or record

required by state law or by rule of the ~~board or the~~ department. Such reports or records include only those which are signed by the pilot in his or her capacity as a licensed state pilot or certificated deputy pilot.

(h) Being unable to perform the duties of a pilot with reasonable skill and safety by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition such as, but not limited to, poor eyesight or hearing, heart disease, or diabetes. In enforcing this paragraph, the department shall have authority, upon recommendation of the probable cause panel of the department ~~board~~, to compel a licensed state pilot or certificated deputy pilot to submit to a mental or physical examination by physicians designated by the department. The failure of a pilot to submit to such an examination when so directed constitutes an admission of the allegations against the pilot, unless the failure is due to circumstances beyond his or her control, consequent upon which an emergency suspension order may be entered by the department suspending the pilot's license until he or she complies with the order for a compulsory mental or physical examination. A licensed state pilot or certificated deputy pilot affected under this paragraph must be afforded, at reasonable intervals, an opportunity to demonstrate that he or she can resume the competent practice of piloting with reasonable skill and safety.

(2) When the department ~~board~~ finds any person has committed any act set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(a) Refusing to certify to the department an application for license or certification.

(b) Revoking or suspending the license or certificate.

(c) Restricting the practice of the violator.

(d) Imposing an administrative fine not to exceed $5,000 for each count or separate offense.

(e) Issuing a reprimand.

(f) Placing the licensed state pilot or certificated deputy pilot on probation for such period of time and subject to such conditions as the department ~~board~~ may specify, including, but not limited to, requiring the pilot to submit to treatment, submit to additional or remedial training, submit to reexamination, or undergo a complete physical examination.

(3) The department ~~board~~ shall not reinstate the license or certificate of a state pilot or deputy pilot or cause a license or certificate to be issued to a person whom it has determined to be unqualified until the department ~~board~~ is satisfied that such person has complied with all the terms and conditions set forth in the final order and that such person is capable of safely engaging in the practice of piloting.

(4) In any foreign vessel or foreign trading vessel movement that an individual holding a state pilot license or

deputy pilot certificate is engaged in directing, whether movement of the vessel in or out of the port or movement in close proximity to a dock or any other movement undertaken in furtherance of his or her piloting duties, such individual is operating under the authority of his or her state license or certificate and is accountable to the department ~~board~~ for his or her actions.

Section 18. Subsections (4) and (6) of section 310.102, Florida Statutes, are amended to read:

310.102 Treatment programs for impaired pilots and deputy pilots.—

(4) In any disciplinary action for a violation other than impairment, if a pilot or deputy pilot establishes that the violation for which the pilot or deputy pilot is being prosecuted was due to or connected with impairment and further establishes that the pilot or deputy pilot is satisfactorily progressing through or has successfully completed an approved treatment program pursuant to this section, such information may be considered by the department ~~board~~ as a mitigating factor in determining the appropriate penalty. This subsection does not limit mitigating factors the department ~~board~~ may consider.

(6) A consultant, licensee, or approved treatment provider who makes a disclosure pursuant to this section is not subject to civil liability for such disclosure or its consequences. The provisions of s. 766.101 apply to any officer, employee, or

agent of the department or the department ~~board~~ and to any officer, employee, or agent of any entity with which the department has contracted pursuant to this section.

Section 19. Section 310.111, Florida Statutes, is amended to read:

310.111 Marine incident reports.—Each collision, grounding, stranding, or other marine peril sustained or caused by a vessel on which there was employed a licensed state pilot or certificated deputy pilot shall be reported to the office of the department ~~board~~ or the piloting consultant within 48 hours of the occurrence. In addition, a written report shall be submitted to the department on forms and in the manner prescribed by the department within 7 days of the occurrence. However, any marine incident involving oil spillage, pollution, physical injury, or death shall be reported to the department ~~board~~ or the piloting consultant by telephone or telegram within 24 hours of the occurrence in addition to submission of the required written report.

Section 20. Subsection (1) of section 310.1115, Florida Statutes, is amended to read:

310.1115 Bridge electronic navigation protection equipment; duty of pilot.—

(1) When a piloted vessel passes under a bridge located in a harbor, in the approaches to a harbor, or in a river, and when electronic navigation protection equipment is available, it is

the duty of the pilot or certificated deputy pilot on department ~~board~~ to use the electronic navigation protection equipment. If the electronic navigation protection equipment can be utilized only in conjunction with a portable device or devices located on department ~~board~~ the piloted vessel, it is the responsibility of the pilot to bring such device or devices on department ~~board~~ the piloted vessel and to remove such device or devices upon completion of the pilot's duties aboard the piloted vessel.

Section 21. Section 310.121, Florida Statutes, is amended to read:

310.121 Application, examination, and biennial fees.—

(1) The department shall, in accordance with rules set by the department ~~board~~, assess and collect the following fees:

(a) A fee not to exceed $300 for each application for licensure as a state pilot or certification as a deputy pilot. This fee shall be nonrefundable.

(b) A fee not to exceed $300 for each examination for licensure as a state pilot or certification as a deputy pilot.

(c) A fee not to exceed $300 for each examination review.

(2) The department shall assess and collect biennially from each licensed state pilot and each certificated deputy pilot a fee, not to exceed $200 in the case of a licensed state pilot or $100 in the case of a certificated deputy pilot, such fees to be set by the department ~~board~~.

Section 22. Section 310.131, Florida Statutes, is amended

to read:

310.131 Assessment of percentage of gross pilotage.—The department shall assess the licensed state pilots in the respective ports of the state a percentage of the gross amount of pilotage earned by such pilots during each year, which percentage will be established by the department ~~board~~ not to exceed 2 percent, to be paid into the Professional Regulation Trust Fund by such pilots at such time and in such manner as the department ~~board~~ prescribes or as is set forth in the General Appropriations Act. The financial records of all pilots and deputy pilots relating to pilotage are subject to audit by the department and the Auditor General. The department shall by rule set a procedure for verifying the amount of pilotage at each port and may charge costs to the appropriate port if the port does not comply with such procedure.

Section 23. Section 310.142, Florida Statutes, is amended to read:

310.142 Pilotage at St. Marys Entrance.—The department may exercise ~~board is authorized to enter into an agreement with the Board of Pilotage Commissioners for the~~ corporate authority of St. Marys, Georgia, for reciprocal pilotage of vessels in the boundary waters and tributaries of St. Marys Entrance.

Section 24. Subsections (1) and (7) of section 310.151, Florida Statutes, are amended to read:

310.151 Rates of pilotage; Pilotage Rate Review

Committee.—

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

1. "Committee" means the Pilotage Rate Review Committee established under this section ~~as part of the Board of Pilot Commissioners~~.

2. "Department" means the Department of Business and Professional Regulation.

~~2. "Board" means the Board of Pilot Commissioners.~~

(b) To carry out ~~the provisions of~~ this section, the Pilotage Rate Review Committee is established as part of the ~~Board of Pilot Commissioners within the~~ department ~~of Business and Professional Regulation~~. The committee shall consist of the following seven members ~~of the board~~: two ~~board~~ members who are licensed state pilots actively practicing their profession~~, who shall be appointed by majority vote of the licensed state pilots serving on the board~~; two ~~board~~ members who are actively involved in a professional or business capacity in the maritime industry, marine shipping industry, or commercial passenger cruise industry; one ~~board~~ member who is a certified public accountant with at least 5 years of experience in financial management; and two ~~board~~ members who are citizens of the state.

(c) Committee members shall comply with the disclosure requirements of s. 112.3143(4) if participating in any matter that would result in special private gain or loss as described in that subsection.

(d) The committee may ~~has authority to~~ adopt rules pursuant to ss. 120.536(1) and 120.54 to implement ~~provisions of~~ this section conferring duties upon it. The department shall provide the staff required by the committee to carry out its duties under this section.

(e) All funds received pursuant to this section shall be placed in the account of the department ~~Board of Pilot Commissioners~~, and the department ~~Board of Pilot Commissioners~~ shall pay for all expenses incurred pursuant to this section.

(7) The decisions of the committee regarding rates are not appealable to the department ~~board~~.

Section 25. Section 310.183, Florida Statutes, is amended to read:

310.183 Immediate inactivation of license or certificate for certain violations.—The department shall issue an emergency order placing on inactive status, for a period not to exceed 15 days, the license of any pilot or certificate of any deputy pilot who, while providing piloting services, is involved in a marine incident that results in the death of a human or, as determined by rule ~~of the board~~, substantial physical injury to a human or significant property or environmental damage, unless the department determines that the incident is clearly not the result of the actions of the pilot or deputy pilot.

Section 26. Subsection (1) of section 310.185, Florida Statutes, is amended to read:

310.185 Rulemaking.—

(1) The department ~~board~~ has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement ~~the provisions of~~ this chapter.

Section 27. Subsection (3) of section 319.28, Florida Statutes, is amended to read:

319.28 Transfer of ownership by operation of law.—

(3) A dealer of industrial equipment who conducts a repossession, as defined in s. 493.6101(19) ~~s. 493.6101(22)~~, of such equipment is not subject to licensure as a recovery agent or recovery agency if the dealer is regularly engaged in the sale of the equipment for a particular manufacturer, the lender is affiliated with that manufacturer, and the dealer uses his or her own employees to make such repossessions.

Section 28. Subsections (2) of section 326.002, Florida Statutes, is amended to read:

326.002 Definitions.—As used in ss. 326.001-326.006, the term:

(2) "Division" means the Division of Professions ~~Florida Condominiums, Timeshares, and Mobile Homes~~ of the Department of Business and Professional Regulation.

Section 29. Subsection (3) of section 326.006, Florida Statutes, is amended to read:

326.006 Powers and duties ~~of division~~.—

(3) All fees must be deposited in the Professional

Regulation ~~Division of Florida Condominiums, Timeshares, and Mobile Homes~~ Trust Fund as provided by law.

Section 30. Paragraph (a) of subsection (3) of section 376.303, Florida Statutes, is amended to read:

376.303 Powers and duties of the Department of Environmental Protection.—

(3)(a) The department may inspect the installation of any pollutant storage tank. Any person installing a pollutant storage tank, as defined in s. 489.105(16) ~~s. 489.105(17)~~, shall certify that such installation is in accordance with the standards adopted pursuant to this section. The department shall promulgate a form for such certification which shall at a minimum include:

1. A signed statement by the certified pollutant storage systems contractor, as defined in s. 489.105(2)(p) ~~s. 489.105(3)(p)~~, that such installation is in accordance with standards adopted pursuant to this section; and

2. Signed statements by the onsite persons performing or supervising the installation of a pollutant storage tank, which statements shall be required of tasks that are necessary for the proper installation of such tank.

Section 31. Paragraph (n) of subsection (3) of section 381.0065, Florida Statutes, is amended to read:

381.0065 Onsite sewage treatment and disposal systems; regulation.—

(3) DUTIES AND POWERS OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION.—The department shall:

(n) Regulate and permit maintenance entities for performance-based treatment systems and aerobic treatment unit systems. To ensure systems are maintained and operated according to manufacturer's specifications and designs, the department shall establish by rule minimum qualifying criteria for maintenance entities. The criteria shall include training, access to approved spare parts and components, access to manufacturer's maintenance and operation manuals, and service response time. The maintenance entity shall employ a contractor licensed under s. 489.105(2)(m) ~~s. 489.105(3)(m)~~, or part III of chapter 489, or a state-licensed wastewater plant operator, who is responsible for maintenance and repair of all systems under contract.

Section 32. Section 403.868, Florida Statutes, is amended to read:

403.868 Requirements by a utility.—A utility may have more stringent requirements than set by law, including certification requirements for water distribution systems and domestic wastewater collection systems operations, except that a utility may not require a licensed contractor, as defined in s. 489.105(2) ~~s. 489.105(3)~~ to have any additional license for work in water distribution systems or domestic wastewater collection systems.

Section 33. Paragraph (e) of subsection (1) of section 403.9329, Florida Statutes, is amended to read:

403.9329 Professional mangrove trimmers.—

(1) For purposes of ss. 403.9321-403.9333, the following persons are considered professional mangrove trimmers:

(e) Persons licensed under part II of chapter 481. The Department of Business and Professional Regulation ~~Board of Landscape Architecture~~ shall establish appropriate standards ~~and continuing legal education requirements~~ to assure the competence of licensees to conduct the activities authorized under ss. 403.9321-403.9333. Trimming by landscape architects as professional mangrove trimmers is not allowed until the establishment of standards by the department ~~board~~. The department ~~board~~ shall also establish penalties for violating ss. 403.9321-403.9333. Only those landscape architects who are certified in the state may qualify as professional mangrove trimmers under ss. 403.9321-403.9333, notwithstanding any reciprocity agreements that may exist between this state and other states;

Section 34. Paragraph (a) of subsection (19) of section 440.02, Florida Statutes, is amended to read:

440.02 Definitions.—When used in this chapter, unless the context clearly requires otherwise, the following terms shall have the following meanings:

(19)(a) "Employer" means the state and all political

subdivisions thereof, all public and quasi-public corporations therein, every person carrying on any employment, and the legal representative of a deceased person or the receiver or trustees of any person. The term also includes employee leasing companies, as defined in s. 468.520(4) ~~s. 468.520(5)~~, and employment agencies that provide their own employees to other persons. If the employer is a corporation, parties in actual control of the corporation, including, but not limited to, the president, officers who exercise broad corporate powers, directors, and all shareholders who directly or indirectly own a controlling interest in the corporation, are considered the employer for the purposes of ss. 440.105, 440.106, and 440.107.

Section 35. Section 448.26, Florida Statutes, is amended to read:

448.26 Application.—Nothing in this part shall exempt any client of any labor pool or temporary help arrangement entity as defined in s. 468.520(3)(a) ~~s. 468.520(4)(a)~~ or any assigned employee from any other license requirements of state, local, or federal law. Any employee assigned to a client who is licensed, registered, or certified pursuant to law shall be deemed an employee of the client for such licensure purposes but shall remain an employee of the labor pool or temporary help arrangement entity for purposes of chapters 440 and 443.

Section 36. Subsection (4) of section 468.382, Florida Statutes, is amended to read:

468.382 Definitions.—As used in this act, the term:

~~(4) "Board" means the Florida Board of Auctioneers.~~

Section 37. Subsections (1), (4), (5), (6) and (7) of section 468.385, Florida Statutes, are amended, and subsection (3) of that section is republished, to read:

468.385 Licenses required; qualifications; examination.—

(1) The department shall license any applicant who ~~the board certifies~~ is certified and qualified to practice auctioneering.

(3) A ~~No~~ person may not ~~shall~~ be licensed as an auctioneer or apprentice if he or she:

(a) Is under 18 years of age; or

(b) Has committed any act or offense in this state or any other jurisdiction which would constitute a basis for disciplinary action under s. 468.389.

(4) Any person seeking a license as an auctioneer must pass a written examination approved by the department ~~board~~ which tests his or her general knowledge of the laws of this state relating to provisions of the Uniform Commercial Code that are relevant to auctions, the laws of agency, and ~~the provisions of~~ this act.

(5) Each apprentice application and license shall name a licensed auctioneer who has agreed to serve as the supervisor of the apprentice. An ~~No~~ apprentice may not conduct, or contract to conduct, an auction without the express approval of his or her

supervisor. The supervisor shall regularly review the apprentice's records, which are required by the department ~~board~~ to be maintained, to determine whether ~~if~~ such records are accurate and current.

(6) A ~~No~~ person may not ~~shall~~ be licensed as an auctioneer unless he or she:

(a) Has held an apprentice license and has served as an apprentice for 1 year or more, or has completed a course of study, consisting of not less than 80 classroom hours of instruction, that meets standards adopted by the department ~~board~~;

(b) Has passed the required examination; and

(c) Is approved by the department ~~board~~.

(7)(a) Any auction that is subject to ~~the provisions of~~ this part must be conducted by an auctioneer who has an active license or an apprentice who has an active apprentice auctioneer license and who has received prior written sponsor consent.

(b) A ~~No~~ business may not ~~shall~~ auction or offer to auction any property in this state unless it is licensed as an auction business by the department ~~board~~ or is exempt from licensure under this act. An ~~Each~~ application for licensure must ~~shall~~ include the names of the owner and the business, the business mailing address and location, and any other information which the department ~~board~~ may require. The owner of an auction business shall report to the department ~~board~~ within 30 days

after ~~of~~ any change in this required information.

Section 38. Section 468.3852, Florida Statutes, is amended to read:

468.3852 Reactivation of license; fee.—The department ~~board~~ shall prescribe a fee not to exceed $250 for the reactivation of an inactive license. The fee shall be in addition to the current biennial renewal fee.

Section 39. Subsections (2), (3), (4), (5), and (8) of section 468.3855, Florida Statutes, are amended to read:

468.3855 Apprenticeship training requirements.—

(2) Any auctioneer who undertakes the sponsorship of an apprentice shall ensure that the apprentice receives training as required by department ~~board~~ rule.

(3) An apprentice must actively participate in auction sales as required by department ~~board~~ rule, and a record of each auction for which participation credit is claimed must be made as required by department ~~board~~ rule.

(4) Apprentices are prohibited from conducting any auction without the prior express written consent of the sponsor. The apprentice's sponsor must be present at the auction site at any time the apprentice is actively participating in the conduct of the auction. If the apprentice's sponsor cannot attend a particular auction, the sponsor may appoint a qualified auctioneer who meets the requirements of department ~~board~~ rule to attend the auction in his or her place. Prior written consent

must be given by the apprentice's sponsor for each substitution.

(5) Each apprentice and sponsor shall file reports as required by department ~~board~~ rule.

(8) All apprentice applications shall be valid for a period of 6 months after department ~~board~~ approval. Any applicant who fails to complete the licensure process within that time shall be required to make application as a new applicant.

Section 40. Section 468.387, Florida Statutes, is amended to read:

468.387 Licensing of nonresidents; endorsement; reciprocity.—The department shall issue a license by endorsement to practice auctioneering to an applicant who, upon applying to the department and remitting the required fee, set by the department ~~board~~, demonstrates to the department ~~board~~ that he or she satisfies the requirements of s. 468.385(3) and holds a valid license to practice auctioneering in another state, provided that the requirements for licensure in that state are substantially equivalent to or more stringent than those existing in this state. The endorsement and reciprocity provisions of this section shall apply to auctioneers only and not to professions or occupations regulated by other statutes.

Section 41. Subsections (3) and (9) and paragraph (b) of subsection (10) of section 468.388, Florida Statutes, are amended to read:

468.388 Conduct of an auction.—

(3) Each auctioneer or auction business shall maintain a record book of all sales. The record book shall be open to inspection by the department ~~board~~ at reasonable times.

(9) The auction business under which the auction is conducted is responsible for all other aspects of the auction as required by department ~~board~~ rule. The auction business may delegate in whole, or in part, different aspects of the auction only to the extent that such delegation is permitted by law and that such delegation will not impede the principal auctioneer's ability to ensure the proper conduct of his or her independent responsibility for the auction. The auction business under whose auspices the auction is conducted is responsible for ensuring compliance as required by department ~~board~~ rule.

(10)

(b) Each auction business shall maintain, for not less than 2 years, a separate ledger showing the funds held for another person deposited and disbursed by the auction business for each auction. The escrow or trust account must be reconciled monthly with the bank statement. A signed and dated record shall be maintained for a 2-year period and be available for inspection by the department or at the request of the department ~~board~~.

Section 42. Paragraph (j) of subsection (1), subsection (2), and paragraph (a) of subsection (3) of section 468.389,

Florida Statutes, are amended to read:

468.389 Prohibited acts; penalties.—

(1) The following acts shall be grounds for the disciplinary activities provided in subsections (2) and (3):

(j) Violating a statute or administrative rule regulating practice under this part or a lawful disciplinary order of the ~~board or the~~ department.

(2) When the department ~~board~~ finds any person guilty of any of the prohibited acts set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(a) Refusal to certify to the department an application for licensure.

(b) Revocation or suspension of a license.

(c) Imposition of an administrative fine not to exceed $1,000 for each count or separate offense.

(d) Issuance of a reprimand.

(e) Placement of the auctioneer on probation for a period of time and subject to conditions as the department ~~board~~ may specify, including requiring the auctioneer to successfully complete the licensure examination.

(f) Requirement that the person in violation make restitution to each consumer affected by that violation. Proof of such restitution shall be a signed and notarized release executed by the consumer or the consumer's estate.

(3)(a) Failure to pay a fine within a reasonable time, as

prescribed by department ~~board~~ rule, may be grounds for disciplinary action.

Section 43. Section 468.392, Florida Statutes, is amended to read:

468.392 Auctioneer Recovery Fund.—There is created the Auctioneer Recovery Fund as a separate account in the Professional Regulation Trust Fund. The fund shall be administered by the department ~~Florida Board of Auctioneers~~.

(1) The Chief Financial Officer shall invest the money not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited to the credit of the Auctioneer Recovery Fund and shall be available for the same purposes as other moneys deposited in the Auctioneer Recovery Fund.

(2) All payments and disbursements from the Auctioneer Recovery Fund shall be made by the Chief Financial Officer upon a voucher signed by the Secretary of Business and Professional Regulation or the secretary's designee.

(3) If at any time the moneys in the Auctioneer Recovery Fund are insufficient to satisfy any valid claim or portion thereof, the department ~~board~~ shall satisfy such unpaid claim or portion thereof as soon as a sufficient amount has been deposited in or transferred to the fund. When there is more than one unsatisfied claim outstanding, such claims shall be paid in

the order in which the claims were made.

(4) Upon the payment of any amount from the Auctioneer Recovery Fund in settlement of a claim in satisfaction of a judgment against an auctioneer or auction business as described in s. 468.395, the license of such auctioneer or auction business shall be automatically suspended until the licensee has complied with s. 468.398. A discharge of bankruptcy does ~~shall~~ not relieve a person from the penalties and disabilities provided in this section.

(5) Moneys in the fund at the end of a fiscal year shall be retained in the fund and shall accrue for the benefit of auctioneers and auction businesses. When the fund exceeds the amount as set forth in s. 468.393(2), all surcharges shall be suspended until such time as the fund is reduced below the amount as set forth in s. 468.393(3).

Section 44. Subsections (1), (3), and (4) of section 468.393, Florida Statutes, are amended to read:

468.393 Surcharge to license fee; assessments.—

(1) At the time of licensure under s. 468.385, s. 468.3851, or s. 468.3852, each licensee shall pay, in addition to an application and license fee, a surcharge in an amount to be determined by the department ~~board~~, not to exceed $300, which shall be deposited in the Auctioneer Recovery Fund.

(3) After October 1, 1995, if the total amount in the Auctioneer Recovery Fund, including principal and interest, is

less than $200,000 at the end of the fiscal year after the payment of all claims and expenses, the department ~~board~~ shall assess, in addition to any other fees under s. 468.3852, a surcharge against a licensee at the time of initial licensure or at the time of license renewal, according to the following formula in order to maintain the fund at $500,000:

(a) Determine the amount remaining in the fund at the end of the state fiscal year after all expenses and claims have been paid.

(b) Subtract the amount determined under paragraph (a) from $500,000.

(c) Determine the number of initial licenses and license renewals in the fiscal year that precedes the current fiscal year.

(d) Divide the amount determined under paragraph (b) by the number determined under paragraph (c).

(4) The department ~~board~~ shall assess the surcharge described in subsection (3) against each licensee who receives an initial license or receives a renewal license during the fiscal year that follows the year in which the amount remaining in the fund was less than $200,000.

Section 45. Subsections (1) and (4) of section 468.395, Florida Statutes, are amended to read:

468.395 Conditions of recovery; eligibility.—

(1) Recovery from the Auctioneer Recovery Fund may be

obtained as follows:

(a) Any aggrieved person is eligible to receive recovery from the Auctioneer Recovery Fund if the department ~~Florida Board of Auctioneers~~ has issued a final order directing an offending licensee to pay restitution to the claimant as the result of the licensee violating, within this state, any provision of s. 468.389 or any rule adopted by the department ~~board~~ and if the department ~~board~~ determined that the order of restitution cannot be enforced; or

(b) Any aggrieved person who obtains a final judgment in any court against any licensee to recover damages for any actual loss that results from the violation, within this state, by a licensee of any provision of s. 468.389 or any rule adopted by the department ~~board~~ may, upon termination of all proceedings, including appeals and proceedings supplemental to judgment for collection purposes, file a verified application to the department ~~board~~ for an order directing payment out of the Auctioneer Recovery Fund of the amount of actual loss in the transaction that remains unpaid upon the judgment. The amount of actual loss may include court costs, but may ~~shall~~ not include attorney's fees or punitive damages awarded.

(4) The department ~~board~~ may ~~shall~~ not issue an order for payment of a claim from the Auctioneer Recovery Fund unless the claimant has reasonably established to the department ~~board~~ that she or he has taken proper and reasonable action to collect the

amount of her or his claim from the licensee responsible for the loss and that any recovery made has been applied to reduce the amount of the claim on the Auctioneer Recovery Fund.

Section 46. Subsections (2) and (3) of section 468.396, Florida Statutes, are amended to read:

468.396 Claims against a single licensee in excess of dollar limitation; joinder of claims, payment; insufficient funds.—

(2) Upon petition of the department ~~board~~, the court may require all claimants and prospective claimants against one licensee to be joined in one action, to the end that the respective rights of all the claimants to the department ~~board~~ may be equitably adjudicated and settled.

(3) On June 30 and December 31 of each year, the department ~~board~~ shall identify each claim that the court orders to be paid during the 6-month period that ended on that day. The department ~~board~~ shall pay the part of each claim that is so identified within 15 days after the end of the 6-month period in which the claim is ordered paid. However, if the balance in the fund is insufficient to pay the full payable amount of each claim that is ordered to be paid during a 6-month period, the department ~~board~~ shall pay a prorated portion of each claim that is ordered to be paid during the period. Any part of the payable amount of a claim left unpaid due to the prorating of payments under this subsection shall be paid, subject to the $50,000

limit described in s. 468.395, before the payment of claims ordered to be paid during the following 6 months.

Section 47. Section 468.397, Florida Statutes, is amended to read:

468.397 Payment of claim.—Upon a final order of the court directing that payment be made out of the Auctioneer Recovery Fund, the department ~~board~~ shall, subject to the provisions of this part, make the payment out of the Auctioneer Recovery Fund as provided in s. 468.395.

Section 48. Section 468.398, Florida Statutes, is amended to read:

468.398 Suspension of judgment debtor's license; repayment by licensee; interest.—If the department ~~board~~ is required to make any payment from the Auctioneer Recovery Fund in settlement of a claim or toward the satisfaction of a judgment under this part, the department ~~board~~ shall suspend the judgment debtor's license. The licensee is not eligible to be licensed again as either an auctioneer or auction business until the licensee has repaid in full the amount paid from the Auctioneer Recovery Fund, with interest at the current applicable rate.

Section 49. Subsection (5) of section 468.431, Florida Statutes, is amended to read:

468.431 Definitions.—As used in this part:

~~(5) "Council" means the Regulatory Council of Community Association Managers.~~

Section 50. Paragraph (d) of subsection (2) and subsection (3) of section 468.433, Florida Statutes, are amended to read:

468.433 Licensure by examination.—

(2) The department shall examine each applicant who is at least 18 years of age, who has successfully completed all prelicensure education requirements, and who the department certifies is of good moral character.

(d) The department ~~council~~ shall establish by rule the required amount of prelicensure education, which shall consist of not more than 24 hours of in-person instruction by a department-approved provider and which shall cover all areas of the examination specified in subsection (3). Such instruction shall be completed within 12 months before ~~prior to~~ the date of the examination. ~~Prelicensure education providers shall be considered continuing education providers for purposes of establishing provider approval fees. A licensee shall not be required to comply with the continuing education requirements of s. 468.4337 prior to the first license renewal.~~ The department shall, by rule, set standards for exceptions to the requirement of in-person instruction in cases of hardship or disability.

(3) The department ~~council~~ shall approve an examination for licensure. The examination must demonstrate that the applicant has a fundamental knowledge of state and federal laws relating to the operation of all types of community associations and state laws relating to corporations and nonprofit

corporations, proper preparation of community association budgets, proper procedures for noticing and conducting community association meetings, insurance matters relating to community associations, and management skills.

Section 51. Subsection (1) of section 468.4336, Florida Statutes, is amended to read:

468.4336 Renewal of license.—

(1) The department shall renew a license upon receipt of the renewal application and fee ~~and upon proof of compliance with the continuing education requirements of s. 468.4337~~.

Section 52. Section 468.435, Florida Statutes, is amended to read:

468.435 Fees; establishment; disposition.—

(1) The department ~~council~~ shall establish fees for the described purposes and within the ranges specified in this section:

(a) Application fee: not less than $25, or more than $50.

(b) Examination fee: not less than $25, or more than $100.

(c) Initial license fee: not less than $25, or more than $100.

(d) Renewal of license fee: not less than $25, or more than $100.

(e) Delinquent license fee: not less than $25, or more than $50.

(f) Inactive license fee: not less than $10, or more than

$25.

(2) Until the department ~~council~~ establishes fees under subsection (1), the lower amount in each range shall apply.

(3) Fees collected under this section shall be deposited to the credit of the Professional Regulation Trust Fund.

(4) The department ~~council~~ shall establish fees that are adequate to fund the cost to implement the provisions of this part. Fees shall be based on the department estimates of the revenue required to implement this part and the provisions of law with respect to the regulation of community association managers.

Section 53. Paragraph (b) of subsection (2) and subsection (3) of section 468.436, Florida Statutes, are amended to read:

468.436 Disciplinary proceedings.—

(2) The following acts constitute grounds for which the disciplinary actions in subsection (4) may be taken:

(b)1. Violation of this part.

2. Violation of any lawful order or rule rendered or adopted by the department ~~or the council~~.

3. Being convicted of or pleading nolo contendere to a felony in any court in the United States.

4. Obtaining a license or certification or any other order, ruling, or authorization by means of fraud, misrepresentation, or concealment of material facts.

5. Committing acts of gross misconduct or gross negligence

in connection with the profession.

6. Contracting, on behalf of an association, with any entity in which the licensee has a financial interest that is not disclosed.

7. Failing to disclose any conflict of interest as required by s. 468.4335.

8. Violating chapter 718, chapter 719, or chapter 720 during the course of performing community association management services pursuant to a contract with a community association as defined in s. 468.431(1).

(3) The department ~~council~~ shall specify by rule the acts or omissions that constitute a violation of subsection (2).

Section 54. Subsection (2) of section 468.520, Florida Statutes, is amended to read:

468.520 Definitions.—As used in this part:

~~(2) "Board" means the Board of Employee Leasing Companies.~~

Section 55. Section 468.522, Florida Statutes, is amended to read:

468.522 Rules of the department ~~board~~.—The department ~~board~~ has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this part. Every licensee shall be governed and controlled by this part and the rules adopted by the department ~~board~~.

Section 56. Subsection (2) and paragraph (b) of subsection (4) of section 468.524, Florida Statutes, are amended to read:

468.524 Application for license.—

(2) The department ~~board~~ may require information and certifications necessary to determine that the applicant is of good moral character and meets other licensure requirements of this part.

(4) An applicant or licensee is ineligible to reapply for a license for a period of 1 year following final agency action on the denial or revocation of a license applied for or issued under this part. This time restriction does not apply to administrative denials or revocations entered because:

(b) The experience documented to the department ~~board~~ was insufficient at the time of the previous application;

Section 57. Section 468.5245, Florida Statutes, is amended to read:

468.5245 Change of ownership.—

(1) A license or registration issued to any entity under this part may not be transferred or assigned. The department ~~board~~ shall adopt rules to provide for a licensee's or registrant's change of name or location.

(2) A person or entity that seeks to purchase or acquire control of an employee leasing company or group licensed or registered under this part must first apply to the department ~~board~~ for a certificate of approval for the proposed change of ownership. However, prior approval is not required if, at the time the purchase or acquisition occurs, a controlling person of

the employee leasing company or group maintains a controlling person license under this part. Notification must be provided to the department ~~board~~ within 30 days after the purchase or acquisition of such company in the manner prescribed by the department ~~board~~.

(3) Any application that is submitted to the department ~~board~~ under this section shall be deemed approved if the board has not approved the application or rejected the application, and provided the applicant with the basis for a rejection, within 90 days after the receipt of the completed application.

(4) The department ~~board~~ shall establish filing fees for a change-of-ownership application in accordance with s. 468.524(1).

Section 58. Subsection (2) and paragraphs (c), (d), (e), and (f) of subsection (3) of section 468.525, Florida Statutes, are amended to read:

468.525 License requirements.—

(2)(a) As used in this part, "good moral character" means a personal history of honesty, trustworthiness, fairness, a good reputation for fair dealings, and respect for the rights of others and for the laws of this state and nation. A thorough background investigation of the individual's good moral character shall be instituted by the department. Such investigation shall require:

1. The submission of fingerprints, for processing through

appropriate law enforcement agencies, by the applicant and the examination of police records by the department ~~board~~.

2. Such other investigation of the individual as the department ~~board~~ may deem necessary.

(b) The department ~~board~~ may deny an application for licensure or renewal citing lack of good moral character. Conviction of a crime within the last 7 years may ~~shall~~ not automatically bar any applicant or licensee from obtaining a license or continuing as a licensee. The department ~~board~~ shall consider the type of crime committed, the crime's relevancy to the employee leasing industry, the length of time since the conviction and any other factors deemed relevant by the department ~~board~~.

(3) Each employee leasing company licensed by the department shall have a registered agent for service of process in this state and at least one licensed controlling person. In addition, each licensed employee leasing company shall comply with the following requirements:

(c) An applicant for initial or renewal license of an employee leasing company license or employee leasing company group shall have an accounting net worth or shall have guaranties, letters of credit, or other security acceptable to the department ~~board~~ in sufficient amounts to offset any deficiency. A guaranty will not be acceptable to satisfy this requirement unless the applicant submits sufficient evidence to

satisfy the department ~~board~~ that the guarantor has adequate resources to satisfy the obligation of the guaranty.

(d) Each employee leasing company shall maintain an accounting net worth and positive working capital, as determined in accordance with generally accepted accounting principles, or shall have guaranties, letters of credit, or other security acceptable to the department ~~board~~ in sufficient amounts to offset any deficiency. A guaranty will not be acceptable to satisfy this requirement unless the licensee submits sufficient evidence, as defined by rule, that the guarantor has adequate resources to satisfy the obligation of the guaranty. In determining the amount of working capital, a licensee shall include adequate reserves for all taxes and insurance, including plans of self-insurance or partial self-insurance for claims incurred but not paid and for claims incurred but not reported. Compliance with the requirements of this paragraph is subject to verification by department ~~or board~~ audit.

(e) Each employee leasing company or employee leasing company group shall submit annual financial statements audited by an independent certified public accountant, with the application and within 120 days after the end of each fiscal year, in a manner and time prescribed by the department ~~board~~, provided however, that any employee leasing company or employee leasing company group with gross Florida payroll of less than $2.5 million during any fiscal year may submit financial

statements reviewed by an independent certified public accountant for that year.

(f) The licensee shall notify the department ~~or board~~ in writing within 30 days after any change in the application or status of the license.

Section 59. Subsections (3) and (5) of section 468.526, Florida Statutes, are amended to read:

468.526 License required; fees.—

(3) Each employee leasing company and employee leasing company group licensee shall pay to the department upon the initial issuance of a license and upon each renewal thereafter a license fee not to exceed $2,500 to be established by the department ~~board~~. In addition to the license fee, the department ~~board~~ shall establish an annual assessment for each employee leasing company and each employee leasing company group sufficient to cover all costs for regulation of the profession pursuant to this chapter, chapter 455, and any other applicable provisions of law. The annual assessment shall:

(a) Be due and payable upon initial licensure and subsequent renewals thereof and 1 year before the expiration of any licensure period; and

(b) Be based on a fixed percentage, variable classes, or a combination of both, as determined by the department ~~board~~, of gross Florida payroll for employees leased to clients by the applicant or licensee during the period beginning five quarters

before and ending one quarter before each assessment. It is the intent of the Legislature that the greater weight of total fees for licensure and assessments should be on larger companies and groups.

(5) Each controlling person licensee shall pay to the department upon the initial issuance of a license and upon each renewal thereafter a license fee to be established by the department ~~board~~ in an amount not to exceed $2,000.

Section 60. Subsection (1) of section 468.527, Florida Statutes, is amended to read:

468.527 Licensure and license renewal.—

(1) The department shall license any applicant who the department ~~board~~ certifies is qualified to practice employee leasing as an employee leasing company, employee leasing company group, or controlling person.

Section 61. Subsection (2) of section 468.5275, Florida Statutes, is amended to read:

468.5275 Registration and exemption of de minimis operations.—

(2) A registration is valid for 1 year. Each registrant shall pay to the department upon initial registration, and upon each renewal thereafter, a registration fee to be established by the department ~~board~~ in an amount not to exceed:

(a) Two hundred and fifty dollars for an employee leasing company.

(b) Five hundred dollars for an employee leasing company group.

Section 62. Subsections (2), (4), and (5) of section 468.529, Florida Statutes, are amended to read:

468.529 Licensee's insurance; employment tax; benefit plans.—

(2) An initial or renewal license may not be issued to any employee leasing company unless the employee leasing company first files with the department ~~board~~ evidence of workers' compensation coverage for all leased employees in this state. Each employee leasing company shall maintain and make available to its workers' compensation carrier the following information:

(a) The correct name and federal identification number of each client company.

(b) A listing of all covered employees provided to each client company, by classification code.

(c) The total eligible wages by classification code and the premiums due to the carrier for the employees provided to each client company.

(4) An initial or renewal license may not be issued to any employee leasing company unless the employee leasing company first provides evidence to the department ~~board~~, as required by department ~~board~~ rule, that the employee leasing company has paid all of the employee leasing company's obligations for payroll, payroll-related taxes, workers' compensation insurance,

and employee benefits. All disputed amounts must be disclosed in the application.

(5) The provisions of this section are subject to verification by department ~~or board~~ audit.

Section 63. Subsections (3) and (4) of section 468.530, Florida Statutes, are amended to read:

468.530 License, contents; posting.—

(3) A ~~No~~ license is not ~~shall be~~ valid for any person or entity who engages in the business under any name other than that specified in the license. A license issued under this part is ~~shall~~ not ~~be~~ assignable, and a ~~no~~ licensee may not conduct a business under a fictitious name without prior written authorization of the department ~~board~~ to do so. The department ~~board~~ may not authorize the use of a name which is so similar to that of a public officer or agency, or of that used by another licensee, that the public may be confused or misled thereby. A ~~No~~ licensee ~~shall be~~ permitted to conduct business under more than one name unless it has obtained a separate license. A licensee desiring to change its licensed name at any time except upon license renewal shall notify the department ~~board~~ and pay a fee not to exceed $50 for each authorized change of name.

(4) Each employee leasing company or employee leasing company group licensed under this part shall be properly identified in all advertisements, which must include the license number, licensed business name, and other appropriate

information in accordance with rules established by the department ~~board~~.

Section 64. Paragraph (e) of subsection (1) of section 468.531, Florida Statutes, is amended to read:

468.531 Prohibitions; penalties.—

(1) No person or entity shall:

(e) Knowingly give false or forged evidence to the department ~~board~~ or a member thereof; or

Section 65. Section 468.532, Florida Statutes, is amended to read:

468.532 Discipline.—

(1) The following constitute grounds for which disciplinary action against a licensee may be taken by the department ~~board~~:

(a) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, bribery, fraud, or willful misrepresentation in obtaining, attempting to obtain, or renewing a license.

(b) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the operation of an employee leasing business or the ability to engage in business as an employee leasing company.

(c) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, fraud,

deceit, or misconduct in the classification of employees pursuant to chapter 440.

(d) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, fraud, deceit, or misconduct in the establishment or maintenance of self-insurance, be it health insurance or workers' compensation insurance.

(e) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, fraud, deceit, or misconduct in the operation of an employee leasing company.

(f) Conducting business without an active license.

(g) Failing to maintain workers' compensation insurance as required in s. 468.529.

(h) Transferring or attempting to transfer a license issued pursuant to this part.

(i) Violating any provision of this part or any lawful order or rule issued under the provisions of this part or chapter 455.

(j) Failing to notify the department ~~board~~, in writing, of any change of the primary business address or the addresses of any of the licensee's offices in the state.

(k) Having been confined in any county jail, postadjudication, or being confined in any state or federal prison or mental institution, or when through mental disease or

deterioration, the licensee can no longer safely be entrusted to deal with the public or in a confidential capacity.

(l) Having been found guilty for a second time of any misconduct that warrants suspension or being found guilty of a course of conduct or practices which shows that the licensee is so incompetent, negligent, dishonest, or untruthful that the money, property, transactions, and rights of investors, or those with whom the licensee may sustain a confidential relationship, may not safely be entrusted to the licensee.

(m) Failing to inform the department ~~board~~ in writing within 30 days after being convicted or found guilty of, or entering a plea of nolo contendere to, any felony, regardless of adjudication.

(n) Failing to conform to any lawful order of the department ~~board~~.

(o) Being determined liable for civil fraud by a court in any jurisdiction.

(p) Having adverse material final action taken by any state or federal regulatory agency for violations within the scope of control of the licensee.

(q) Failing to inform the department ~~board~~ in writing within 30 days after any adverse material final action by a state or federal regulatory agency.

(r) Failing to meet or maintain the requirements for licensure as an employee leasing company or controlling person.

(s) Engaging as a controlling person any person who is not licensed as a controlling person by the department ~~board~~.

(t) Attempting to obtain, obtaining, or renewing a license to practice employee leasing by bribery, misrepresentation, or fraud.

(2) When the department ~~board~~ finds any violation of subsection (1), it may do one or more of the following:

(a) Deny an application for licensure.

(b) Permanently revoke, suspend, restrict, or not renew a license.

(c) Impose an administrative fine not to exceed $5,000 for every count or separate offense.

(d) Issue a reprimand.

(e) Place the licensee on probation for a period of time and subject to such conditions as the department ~~board~~ may specify.

(f) Assess costs associated with investigation and prosecution.

(3) Upon revocation or suspension of a license, the licensee must immediately return to the department the license that was revoked or suspended.

(4) The department ~~board~~ shall specify the penalties for any violation of this part.

Section 66. Subsection (1) of section 468.603, Florida Statutes, is amended to read:

468.603 Definitions.—As used in this part:

~~(1) "Board" means the Florida Building Code Administrators and Inspectors Board.~~

Section 67. Section 468.606, Florida Statutes, is amended to read:

468.606 Authority of the department ~~board~~.—The department may ~~board is authorized to~~:

(1) Adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this part.

(2) Certify individuals as being qualified under the provisions of this part to be building code administrators, plans examiners, and building code inspectors.

Section 68. Section 468.607, Florida Statutes, is amended to read:

468.607 Certification of building code administration and inspection personnel.—The department ~~board~~ shall issue a certificate to any individual whom the department ~~board~~ determines to be qualified, within such class and level as provided in this part and with such limitations as the department ~~board~~ may place upon it. A ~~No~~ person may not be employed by a state agency or local governmental authority to perform the duties of a building code administrator, plans examiner, or building code inspector after October 1, 1993, without possessing the proper valid certificate issued in accordance with the provisions of this part. Any person who acts

as an inspector and plans examiner under s. 1013.37 while conducting activities authorized by certification under that section is certified to continue to conduct inspections for a local enforcement agency until the person's UBCI certification expires, after which time such person must possess the proper valid certificate issued in accordance with this part.

Section 69. Section 468.613, Florida Statutes, is amended to read:

468.613 Certification by endorsement.—The department ~~board~~ shall examine other certification or training programs, as applicable, upon submission to the department ~~board~~ for its consideration of an application for certification by endorsement. The department ~~board~~ shall waive its examination, qualification, education, or training requirements, to the extent that such examination, qualification, education, or training requirements of the applicant are determined by the department ~~board~~ to be comparable with those established by the department ~~board~~. The department ~~board~~ shall waive its examination, qualification, education, or training requirements if an applicant for certification by endorsement is at least 18 years of age; is of good moral character; has held a valid building administrator, inspector, plans examiner, or the equivalent, certification issued by another state or territory of the United States for at least 10 years before the date of application; and has successfully passed an applicable

examination administered by the International Code Council. Such application must be made either when the license in another state or territory is active or within 2 years after such license was last active.

Section 70. Subsections (5) and (7) of section 468.619, Florida Statutes, are amended to read:

468.619 Building code enforcement officials' bill of rights.—

(5) The enforcement official shall be considered an agent of the governmental entity employing him or her and as such shall be defended by that entity in any action brought by the department ~~or the board~~, provided the enforcement official is working within the scope of his or her employment.

(7) If any action taken against the enforcement official by the department ~~or the board~~ is found to be without merit by a court of competent jurisdiction, or if judgment in such an action is awarded to the enforcement official, the department ~~or the board~~, or the assignee of the department ~~or board~~, shall reimburse the enforcement official or his or her employer, as appropriate, for reasonable legal costs and reasonable attorney's fees incurred. The amount awarded may ~~shall~~ not exceed the limit provided in s. 120.595.

Section 71. Paragraph (a) of subsection (1) and subsections (2), (3), and (4) of section 468.621, Florida Statutes, are amended to read:

468.621 Disciplinary proceedings.—

(1) The following acts constitute grounds for which the disciplinary actions in subsection (2) may be taken:

(a) Violating or failing to comply with any provision of this part, or a valid rule or lawful order of the ~~board or~~ department pursuant thereto.

(2) When the department ~~board~~ finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(a) Denial of an application for certification.

(b) Permanent revocation.

(c) Suspension of a certificate.

(d) Imposition of an administrative fine not to exceed $5,000 for each separate offense. Such fine must be rationally related to the gravity of the violation.

(e) Issuance of a reprimand.

(f) Placement of the certificateholder on probation for a period of time and subject to such conditions as the department ~~board~~ may impose, including alteration of performance level.

(g) Satisfactory completion of continuing education.

(h) Issuance of a citation.

(3) Where a certificate is suspended, placed on probation, or has conditions imposed, the department ~~board~~ shall reinstate the certificate of a disciplined building code administrator, plans examiner, or building code inspector upon proof the

disciplined individual has complied with all terms and conditions set forth in the final order.

(4) A ~~No~~ person may not ~~be allowed to~~ apply for certification under this part for a minimum of 5 years after the date of revocation of any certificate issued pursuant to this part. The department ~~board~~ may by rule establish additional criteria for certification following revocation.

Section 72. Subsections (1) and (5) of section 468.627, Florida Statutes, are amended to read:

468.627 Application; examination; renewal; fees.—

(1) The department ~~board~~ shall establish by rule fees to be paid for application, examination, reexamination, certification and certification renewal, inactive status application, and reactivation of inactive certificates. The department ~~board~~ may establish by rule a late renewal penalty. The department ~~board~~ shall establish fees which are adequate, when combined with revenue generated by the provisions of s. 468.631, to ensure the continued operation of this part. Fees shall be based on department estimates of the revenue required to implement this part.

~~(5) The certificateholder shall provide proof, in a form established by board rule, that the certificateholder has completed at least 14 classroom hours of at least 50 minutes each of continuing education courses during each biennium since the issuance or renewal of the certificate, including the~~

~~specialized or advanced coursework approved by the Florida Building Commission, as part of the building code training program established pursuant to s. 553.841, appropriate to the licensing category sought. A minimum of 3 of the required 14 classroom hours must be on state law, rules, and ethics relating to professional standards of practice, duties, and responsibilities of the certificateholder. The board shall by rule establish criteria for approval of continuing education courses and providers, and may by rule establish criteria for accepting alternative nonclassroom continuing education on an hour-for-hour basis.~~

Section 73. Paragraph (d) of subsection (1) of section 468.629, Florida Statutes, is amended to read:

468.629 Prohibitions; penalties.—

(1) No person may:

(d) Give false or forged evidence to the ~~board or the~~ department, or a member, an employee, or an officer thereof, for the purpose of obtaining a certificate.

Section 74. Subsection (1) of section 468.631, Florida Statutes, is amended to read:

468.631 Building Code Administrators and Inspectors Fund.—

(1) This part shall be funded through a surcharge, to be assessed pursuant to s. 125.56(4) or s. 166.201 at the rate of 1.5 percent of all permit fees associated with enforcement of the Florida Building Code as defined by the uniform account

criteria and specifically the uniform account code for building permits adopted for local government financial reporting pursuant to s. 218.32. The minimum amount collected on any permit issued shall be $2. The unit of government responsible for collecting permit fees pursuant to s. 125.56 or s. 166.201 shall collect such surcharge and shall remit the funds to the department on a quarterly calendar basis beginning not later than December 31, 2010, for the preceding quarter, and continuing each third month thereafter; and such unit of government shall retain 10 percent of the surcharge collected to fund the participation of building departments in the national and state building code adoption processes and to provide education related to enforcement of the Florida Building Code. There is created within the Professional Regulation Trust Fund a separate account to be known as the Building Code Administrators and Inspectors Fund, which shall deposit and disburse funds as necessary for the implementation of this part. The proceeds from this surcharge shall be allocated equally to fund the Florida Homeowners' Construction Recovery Fund established by s. 489.140 ~~and the functions of the Building Code Administrators and Inspectors Board~~. The department may transfer excess cash to the Florida Homeowners' Construction Recovery Fund that it determines is not required to fund the implementation of this part ~~board from the board's account within the Professional Regulation Trust Fund~~. However, the department may not transfer

excess cash that would exceed the amount appropriated in the General Appropriations Act, and any amount approved by the Legislative Budget Commission pursuant to s. 216.181, to be used for the payment of claims from the Florida Homeowners' Construction Recovery Fund.

Section 75. Subsection (7) of section 468.8312, Florida Statutes, is amended to read:

468.8312 Fees.—

~~(7) The fee for applications from providers of continuing education may not exceed $500.~~

Section 76. Subsection (1) of section 468.8315, Florida Statutes, is amended to read:

468.8315 Renewal of license.—

(1) The department shall renew a license upon receipt of the renewal application ~~and upon certification by the department that the licensee has satisfactorily completed the continuing education requirements of s. 468.8316~~.

Section 77. Subsection (1) of section 468.8415, Florida Statutes, is amended to read:

468.8415 Renewal of license.—

(1) The department shall renew a license upon receipt of the renewal application ~~and fee and upon certification by the department that the licensee has satisfactorily completed the continuing education requirements of s. 468.8416~~.

Section 78. Subsection (2) of section 468.8417, Florida

Statutes, is amended to read:

468.8417 Inactive license.—

(2) A license that becomes inactive may be reactivated upon application to the department. ~~The department may prescribe by rule continuing education requirements as a condition of reactivating a license. The rules may not require more than one renewal cycle of continuing education to reactivate a license.~~

Section 79. Paragraph (d) of subsection (1) and paragraph (d) of subsection (2) of section 468.8419, Florida Statutes, are amended to read:

468.8419 Prohibitions; penalties.—

(1) A person may not:

(d) Perform or offer to perform any mold remediation to a structure on which the mold assessor or the mold assessor's company provided a mold assessment within the last 12 months. This paragraph does not apply to a certified contractor who is classified in s. 489.105(2) ~~s. 489.105(3)~~ as a Division I contractor. However, the department may adopt rules requiring that, if such contractor performs the mold assessment and offers to perform the mold remediation, the contract for mold remediation provided to the homeowner discloses that he or she has the right to request competitive bids.

(2) A mold remediator, a company that employs a mold remediator, or a company that is controlled by a company that also has a financial interest in a company employing a mold

remediator may not:

(d) Perform or offer to perform any mold assessment to a structure on which the mold remediator or the mold remediator's company provided a mold remediation within the last 12 months. This paragraph does not apply to a certified contractor who is classified in s. 489.105(2) ~~s. 489.105(3)~~ as a Division I contractor. However, the department may adopt rules requiring that, if such contractor performs the mold remediation and offers to perform the mold assessment, the contract for mold assessment provided to the homeowner discloses that he or she has the right to request competitive bids.

Section 80. Subsection (4) of section 469.004, Florida Statutes, is amended to read:

469.004 License; asbestos consultant; asbestos contractor.—

(4) A license issued under this chapter must be renewed every 2 years. ~~Before an asbestos contractor's license may be renewed, the licensee must complete a 1-day course of continuing education during each of the preceding 2 years. Before an asbestos consultant's license may be renewed, the licensee must complete a 2-day course of continuing education during each of the preceding 2 years.~~

Section 81. Subsection (5) of section 469.012, Florida Statutes, is renumbered as subsection (4) and subsection (1) and present subsection (4) of that section are amended, to read:

469.012 Course requirements for onsite supervisors and asbestos abatement workers.—

(1) Each asbestos contractor's onsite supervisor must complete an asbestos contractor/supervisor course of not less than 5 days before ~~prior to~~ engaging in onsite supervision. Such training shall cover the nature of the health risks, the medical effects of exposure, federal and state asbestos laws and regulations, worker protection, and work area protection. ~~Each onsite supervisor must also complete a continuing education course of not less than 1 day in length each year.~~

~~(4) All asbestos abatement workers, including onsite supervisors, must complete, as a condition of renewal of accreditation, such courses of continuing education each year as are approved and required by the department.~~

Section 82. Subsection (1) of section 469.013, Florida Statutes, is amended to read:

469.013 Course requirements for asbestos surveyors, management planners, project monitors, and project designers.—

(1) All asbestos surveyors, management planners, and project monitors must comply with the requirements under ~~set forth in~~ this section before ~~prior to~~ commencing such activities ~~and must also complete the continuing education necessary to maintain accreditation each year~~.

(a) Management planners must complete all requirements of s. 469.005(2)(b) and (d).

(b) Asbestos surveyors must complete all requirements of s. 469.005(2)(a).

(c) Project monitors must complete all requirements of s. 469.005(3)(a) and must also complete an asbestos sampling course which is equivalent to NIOSH Course 582.

(d) Project designers must complete all requirements of s. 469.005(2)(d).

Section 83. Paragraph (b) of subsection (2) of section 471.003, Florida Statutes, is amended to read:

471.003 Qualifications for practice; exemptions.—

(2) The following persons are not required to be licensed under the provisions of this chapter as a licensed engineer:

(b)1. A person acting as a public officer employed by any state, county, municipal, or other governmental unit of this state when working on any project the total estimated cost of which is $10,000 or less.

2. Persons who are employees of any state, county, municipal, or other governmental unit of this state and who are the subordinates of a person in responsible charge licensed under this chapter, to the extent that the supervision meets standards adopted by rule of the department ~~board~~.

Section 84. Section 471.0035, Florida Statutes, is amended to read:

471.0035 Instructors in postsecondary educational institutions; exemption from licensure requirement.—For the sole

purpose of teaching the principles and methods of engineering design, notwithstanding the provisions of s. 471.005(6) ~~s. 471.005(7)~~, a person employed by a public postsecondary educational institution, or by an independent postsecondary educational institution licensed or exempt from licensure pursuant to the provisions of chapter 1005, is not required to be licensed under the provisions of this chapter as a professional engineer.

Section 85. Subsections (2) through (12) of section 471.005, Florida Statutes, are renumbered as subsections (1) through (11), respectively, and present subsections (1), (6), and (10) of that section are amended, to read:

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

~~(1) "Board" means the Board of Professional Engineers.~~

(5)~~(6)~~ "Engineer intern" means a person who has graduated from an engineering curriculum approved by the department ~~board~~ and has passed the fundamentals of engineering examination as provided by rules adopted by the department ~~board~~.

(9)~~(10)~~ "Retired professional engineer" or "professional engineer, retired" means a person who has been duly licensed as a professional engineer by the department ~~board~~ and who chooses to relinquish or not to renew his or her license and applies to and is approved by the department ~~board~~ to be granted the title "Professional Engineer, Retired."

Section 86. Subsection (1) of section 471.011, Florida

Statutes, is amended to read:

471.011 Fees.—

(1) The department ~~board~~ by rule may establish fees to be paid for applications, examination, reexamination, licensing and renewal, inactive status application and reactivation of inactive licenses, and recordmaking and recordkeeping. The department ~~board~~ may also establish by rule a delinquency fee. ~~The board shall establish fees that are adequate to ensure the continued operation of the board.~~ Fees shall be based on department estimates of the revenue required to implement this chapter and the provisions of law with respect to the regulation of engineers.

Section 87. Section 471.013, Florida Statutes, is amended to read:

471.013 Examinations; prerequisites.—

(1)(a) A person shall be entitled to take an examination for the purpose of determining whether she or he is qualified to practice in this state as an engineer if the person is of good moral character and:

1. Is a graduate from an approved engineering science curriculum of 4 years or more in a school, college, or university which has been approved by the department ~~board~~; or

2. Is a graduate of an approved engineering technology curriculum of 4 years or more in a school, college, or university which has been approved by the department ~~board~~.

The department ~~board~~ shall adopt rules providing for the review and approval of schools or colleges and the courses of study in engineering in such schools and colleges. The rules shall be based on the educational requirements for engineering as defined in s. 471.005. The department ~~board~~ may adopt rules providing for the acceptance of the approval and accreditation of schools and courses of study by a nationally accepted accreditation organization.

(b) A person shall be entitled to take the fundamentals examination for the purpose of determining whether she or he is qualified to practice in this state as an engineer intern if she or he is in the final year of, or is a graduate of, an approved engineering curriculum in a school, college, or university approved by the department ~~board~~.

(c) A person may ~~shall~~ not be entitled to take the principles and practice examination until that person has successfully completed the fundamentals examination.

(2)~~(d)~~ The department ~~board~~ shall deem that an applicant who seeks licensure by examination has passed the fundamentals examination when such applicant has received a doctorate degree in engineering from an institution that has an undergraduate engineering program that is accredited by the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology, Inc., and has taught engineering

full time for at least 3 years, at the baccalaureate level or higher, after receiving that degree.

(3) ~~(c)~~ Every applicant who is qualified to take the fundamentals examination or the principles and practice examination shall be allowed to take either examination three times, notwithstanding the number of times either examination has been previously failed. If an applicant fails either examination three times, the department ~~board~~ shall require the applicant to complete additional college-level education courses or a department-approved ~~board-approved~~ relevant examination review course as a condition of future eligibility to take that examination. If the applicant is delayed in taking the examination due to reserve or active duty service in the United States Armed Forces or National Guard, the applicant is allowed an additional two attempts to take the examination before the department ~~board~~ may require additional college-level education or review courses.

(4) ~~(2)~~(a) The department ~~board~~ may refuse to certify an applicant for failure to satisfy the requirement of good moral character only if:

1. There is a substantial connection between the lack of good moral character of the applicant and the professional responsibilities of a licensed engineer; and

2. The finding by the department ~~board~~ of lack of good moral character is supported by clear and convincing evidence.

(b) When an applicant is found to be unqualified for a license because of a lack of good moral character, the department ~~board~~ shall furnish the applicant a statement containing the findings of the department ~~board~~, a complete record of the evidence upon which the determination was based, and a notice of the rights of the applicant to a rehearing and appeal.

Section 88. Section 471.017, Florida Statutes, is amended to read:

471.017 Renewal of license.—

(1) The department ~~management corporation~~ shall renew a license upon receipt of the renewal application and fee.

(2) The department ~~board~~ shall adopt rules establishing a procedure for the biennial renewal of licenses.

~~(3)(a) The board shall require a demonstration of continuing professional competency of engineers as a condition of license renewal or relicensure. Every licensee must complete 9 continuing education hours for each year of the license renewal period, totaling 18 continuing education hours for the license renewal period. For each renewal period for such continuing education:~~

~~1. One hour must relate to this chapter and the rules adopted under this chapter.~~

~~2. One hour must relate to professional ethics.~~

~~3. Four hours must relate to the licensee's area of~~

~~practice.~~

~~4. The remaining hours may relate to any topic pertinent to the practice of engineering.~~

~~Continuing education hours may be earned by presenting or attending seminars, in-house or nonclassroom courses, workshops, or professional or technical presentations made at meetings, webinars, conventions, or conferences, including those presented by vendors with specific knowledge related to the licensee's area of practice. Up to 4 hours may be earned by serving as an officer or actively participating on a committee of a board-recognized professional or technical engineering society. The 2 required continuing education hours relating to this chapter, the rules adopted pursuant to this chapter, and ethics may be earned by serving as a member of the Legislature or as an elected state or local official. The hours required pursuant to s. 471.0195 may apply to any requirements of this section except for those required under subparagraph 1.~~

~~(b) The board shall adopt rules that are substantially consistent with the most recent published version of the Continuing Professional Competency Guidelines of the National Council of Examiners for Engineering and Surveying, and shall allow nonclassroom hours to be credited. The board may, by rule, exempt from continuing professional competency requirements retired professional engineers who no longer sign and seal~~

~~engineering documents and licensees in unique circumstances that severely limit opportunities to obtain the required continuing education hours.~~

Section 89. Subsections (1) and (2) of section 471.021, Florida Statutes, are amended to read:

471.021 Engineers and firms of other states; temporary registration to practice in Florida.—

(1) Upon approval of the department ~~board~~ and payment of the fee set in s. 471.011, the department ~~management corporation~~ shall issue a temporary registration for work on one specified project in this state for a period not to exceed 1 year to an engineer holding a certificate to practice in another state, provided Florida licensees are similarly permitted to engage in work in such state and provided that the engineer be qualified for licensure by endorsement.

(2) Upon approval by the department ~~board~~ and payment of the fee set in s. 471.011, the department ~~management corporation~~ shall issue a temporary registration for work on one specified project in this state for a period not to exceed 1 year to an out-of-state corporation, partnership, or firm, provided one of the principal officers of the corporation, one of the partners of the partnership, or one of the principals in the fictitiously named firm has obtained a temporary registration in accordance with subsection (1).

Section 90. Subsection (4) of section 471.023, Florida

Statutes, is amended to read:

471.023 Qualification of business organizations.—

(4) Each qualifying agent of a business organization qualified under this section must notify the department ~~board~~ within 30 days after any change in the information contained in the application upon which the qualification is based.

(a) A qualifying agent who terminates an affiliation with a qualified business organization shall notify the department ~~management corporation~~ of such termination within 24 hours. If such qualifying agent is the only qualifying agent for that business organization, the business organization must be qualified by another qualifying agent within 60 days after the termination. Except as provided in paragraph (b), the business organization may not engage in the practice of engineering until it is qualified by another qualifying agent.

(b) In the event a qualifying agent ceases employment with a qualified business organization and the qualifying agent is the only licensed individual affiliated with the business organization, the executive director of the department ~~management corporation or the chair of the board~~ may authorize another licensee employed by the business organization to temporarily serve as its qualifying agent for a period of no more than 60 days to proceed with incomplete contracts. The business organization is not authorized to operate beyond such period under this chapter absent replacement of the qualifying

agent.

(c) A qualifying agent shall notify the department in writing before engaging in the practice of engineering in the licensee's name or in affiliation with a different business organization.

Section 91. Subsections (1) and (2) of section 471.025, Florida Statutes, are amended to read:

471.025 Seals.—

(1) The department ~~board~~ shall prescribe, by rule, one or more forms of seal to be used by licensees. Each licensee shall obtain at least one seal in the form approved by rule of the department ~~board~~ and may, in addition, register his or her seal electronically in accordance with ss. 668.001-668.006. All final drawings, specifications, plans, reports, or documents prepared or issued by the licensee and being filed for public record and all final documents provided to the owner or the owner's representative shall be signed by the licensee, dated, and sealed with said seal. Such signature, date, and seal shall be evidence of the authenticity of that to which they are affixed. Drawings, specifications, plans, reports, final documents, or documents prepared or issued by a licensee may be transmitted electronically and may be signed by the licensee, dated, and sealed electronically with said seal in accordance with ss. 668.001-668.006.

(2) It is unlawful for any person to seal or digitally

sign any document with a seal or digital signature after his or her license has expired or been revoked or suspended, unless such license has been reinstated or reissued. When an engineer's license has been revoked or suspended by the department ~~board~~, the licensee shall, within a period of 30 days after the revocation or suspension has become effective, surrender his or her seal to the executive director of the department ~~board~~ and confirm to the department ~~executive director~~ the cancellation of the licensee's digital signature in accordance with ss. 668.001-668.006. In the event the engineer's license has been suspended for a period of time, his or her seal shall be returned to him or her upon expiration of the suspension period.

Section 92. Paragraphs (b) and (d) of subsection (1) of section 471.031, Florida Statutes, are amended to read:

471.031 Prohibitions; penalties.—

(1) A person may not:

(b)1. Except as provided in subparagraph 2. or subparagraph 3., use the name or title "professional engineer" or any other title, designation, words, letters, abbreviations, or device tending to indicate that such person holds an active license as an engineer when the person is not licensed under this chapter, including, but not limited to, the following titles: "agricultural engineer," "air-conditioning engineer," "architectural engineer," "building engineer," "chemical engineer," "civil engineer," "control systems engineer,"

"electrical engineer," "environmental engineer," "fire protection engineer," "industrial engineer," "manufacturing engineer," "mechanical engineer," "metallurgical engineer," "mining engineer," "minerals engineer," "marine engineer," "nuclear engineer," "petroleum engineer," "plumbing engineer," "structural engineer," "transportation engineer," "software engineer," "computer hardware engineer," or "systems engineer."

2. Any person who is exempt from licensure under s. 471.003(2)(j) may use the title or personnel classification of "engineer" in the scope of his or her work under that exemption if the title does not include or connote the term "professional engineer," "registered engineer," "licensed engineer," "registered professional engineer," or "licensed professional engineer."

3. Any person who is exempt from licensure under s. 471.003(2)(c) or (e) may use the title or personnel classification of "engineer" in the scope of his or her work under that exemption if the title does not include or connote the term "professional engineer," "registered engineer," "licensed engineer," "registered professional engineer," or "licensed professional engineer" and if that person is a graduate from an approved engineering curriculum of 4 years or more in a school, college, or university which has been approved by the department ~~board~~.

(d) Give false or forged evidence to the department ~~board~~

or a member thereof.

Section 93. Paragraphs (a) and (k) of subsection (1) and subsections (2), (3), and (4) of section 471.033, Florida Statutes, are amended to read:

471.033 Disciplinary proceedings.—

(1) The following acts constitute grounds for which the disciplinary actions in subsection (3) may be taken:

(a) Violating any provision of s. 455.227(1), s. 471.025, or s. 471.031, or any other provision of this chapter or rule of the ~~board or~~ department.

(k) Violating any order of the ~~board or~~ department previously entered in a disciplinary hearing.

(2) The department ~~board~~ shall specify, by rule, what acts or omissions constitute a violation of subsection (1).

(3) When the department ~~board~~ finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(a) Denial of an application for licensure.

(b) Revocation or suspension of a license.

(c) Imposition of an administrative fine not to exceed $5,000 for each count or separate offense.

(d) Issuance of a reprimand.

(e) Placement of the licensee on probation for a period of time and subject to such conditions as the department ~~board~~ may specify.

(f) Restriction of the authorized scope of practice by the licensee.

(g) Restitution.

(4) The department ~~management corporation~~ shall reissue the license of a disciplined engineer or business upon certification by the department ~~board~~ that the disciplined person has complied with all of the terms and conditions set forth in the final order.

Section 94. Section 471.045, Florida Statutes, is amended to read:

471.045 Professional engineers performing building code inspector duties.—Notwithstanding any other provision of law, a person who is currently licensed under this chapter to practice as a professional engineer may provide building code inspection services described in s. 468.603(4) and (7) ~~s. 468.603(5) and (8)~~ to a local government or state agency upon its request, without being certified by the Florida Building Code Administrators and Inspectors licensing program ~~Board~~ under part XII of chapter 468. When performing these building code inspection services, the professional engineer is subject to the disciplinary guidelines of this chapter and s. 468.621(1)(c)-(h). Any complaint processing, investigation, and discipline that arise out of a professional engineer's performing building code inspection services shall be conducted by the department ~~Board of Professional Engineers rather than the Florida Building~~

~~Code Administrators and Inspectors Board~~. A professional engineer may not perform plans review as an employee of a local government upon any job that the professional engineer or the professional engineer's company designed.

Section 95. Subsections (1), (2), and (5) of section 471.055, Florida Statutes, are amended to read:

471.055 Structural Engineering Recognition Program for Professional Engineers.—

(1) The department ~~board~~ shall establish the Structural Engineering Recognition Program for Professional Engineers to recognize professional engineers who specialize in structural engineering and have gone above and beyond the required minimum professional engineer licensing standards. The department ~~board~~ shall establish minimum requirements to receive recognition through the program. The department ~~board~~ must recognize any licensed professional engineer who has successfully passed the National Council of Examiners for Engineering and Surveying Structural Engineering 16-hour PE Structural examination or any other examination approved by the department ~~board~~. In addition, the department ~~board~~ may recognize any licensed professional engineer who specializes in structural engineering based on alternative criteria determined by the department ~~board~~.

(2) Upon application to the department ~~board~~, a professional engineer who has the minimum program requirements shall be recognized as a professional engineer who has gone

above and beyond in the field of structural engineering. The department ~~board~~ may not collect a fee for such application or for recognition by the program.

(5) The department ~~board~~ shall adopt rules to implement this section.

Section 96. Subsection (4) of section 472.003, Florida Statutes, is amended to read:

472.003 Persons not affected by ss. 472.001-472.037.—Sections 472.001-472.037 do not apply to:

(4) Persons employed by county property appraisers, as defined at s. 192.001(3), and persons employed by the Department of Revenue, to prepare maps for property appraisal purposes only, but only to the extent that they perform mapping services which do not include any surveying activities as described in s. 472.005(3)(a) and (b) ~~s. 472.005(4)(a) and (b)~~.

Section 97. Subsection (1) of section 472.005, Florida Statutes, is amended to read:

472.005 Definitions.—As used in ss. 472.001-472.037:

~~(1) "Board" means the Board of Professional Surveyors and Mappers.~~

Section 98. Subsections (2) through (9) of section 473.302, Florida Statutes, are renumbered as subsections (1) through (8), respectively, and subsection (1), paragraph (c) of present subsection (8), and present subsection (9) of that section are amended, to read:

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

~~(1) "Board" means the Board of Accountancy.~~

(7)~~(8)~~ "Practice of," "practicing public accountancy," or "public accounting" means:

(c) Offering to perform or performing for the public one or more types of service involving the preparation of financial statements not included within paragraph (a), by a certified public accountant who holds an active license, issued pursuant to this chapter, or who is authorized to practice public accounting pursuant to the practice privileges granted in s. 473.3141; by a firm of certified public accountants; or by a firm in which a certified public accountant has an ownership interest, including the performance of such services in the employ of another person. The department ~~board~~ shall adopt rules establishing standards of practice for such reports and financial statements; provided, however, that nothing in this paragraph shall be construed to permit the department ~~board~~ to adopt rules that have the result of prohibiting Florida certified public accountants employed by unlicensed firms from preparing financial statements as authorized by this paragraph; or

(8)~~(9)~~ "Uniform Accountancy Act" means the Uniform Accountancy Act, Eighth Edition, dated January 2018 and published by the American Institute of Certified Public Accountants and the National Association of State Boards of

Accountancy.

However, these terms may ~~shall~~ not include services provided by the American Institute of Certified Public Accountants or the Florida Institute of Certified Public Accountants, or any full service association of certified public accounting firms whose plans of administration have been approved by the department ~~board~~, to their members or services performed by these entities in reviewing the services provided to the public by members of these entities.

Section 99. Section 473.3035, Florida Statutes, is amended to read:

473.3035 Division of Certified Public Accounting.—

(1) All services concerning this chapter, including, but not limited to, recordkeeping services, examination services, legal services, and investigative services, and those services in chapter 455 necessary to perform the duties of this chapter shall be provided by the Division of Certified Public Accounting. The department ~~board~~ may~~, by majority vote,~~ delegate a duty or duties to the appropriate division within the department. The department ~~board~~ may~~, by majority vote,~~ rescind any such delegation of duties at any time.

(2) The Division of Certified Public Accounting shall be funded by fees and assessments of the department ~~board~~, and funds collected by the department ~~board~~ shall be used only to

fund public accounting regulation. Funding for the Division of Certified Public Accounting shall be governed by ss. 215.37 and 455.219.

Section 100. Section 473.304, Florida Statutes, is amended to read:

473.304 Rules of department ~~board~~; powers and duties; legal services.—

(1) The department ~~board~~ shall adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this act. Every certified public accountant and firm shall be governed and controlled by this act and the rules adopted by the department ~~board~~.

(2) Subject to the prior approval of the Attorney General, the department ~~board~~ may retain independent legal counsel to provide legal advice to the department ~~board~~ on a specific matter.

(3) An attorney employed or used by the department ~~board~~ may not both prosecute a matter and provide legal services to the department ~~board~~ with respect to the same matter.

Section 101. Section 473.305, Florida Statutes, is amended to read:

473.305 Fees.—The department ~~board~~, by rule, may establish fees to be paid for applications, examination, reexamination, licensing and renewal, reinstatement, and recordmaking and recordkeeping. The fee for the examination shall be established

at an amount that covers the costs for the procurement or development, administration, grading, and review of the examination. The fee for the examination is refundable if the applicant is found to be ineligible to sit for the examination. The fee for initial application is nonrefundable, and the combined fees for application and examination may not exceed $250 plus the actual per applicant cost to the department for purchase of the examination from the American Institute of Certified Public Accountants or a similar national organization. The biennial renewal fee may not exceed $250. The department ~~board~~ may also establish, by rule, a reactivation fee, and a delinquency fee not to exceed $50 for continuing professional education reporting forms. The department ~~board~~ shall establish fees which are adequate to ensure the continued operation of the department ~~board~~ and to fund the proportionate expenses incurred by the department which are allocated to the regulation of public accountants. Fees shall be based on department estimates of the revenue required to implement this chapter and the provisions of law with respect to the regulation of certified public accountants.

Section 102. Paragraph (b) of subsection (3) and subsections (4), (5), and (6) of section 473.306, Florida Statutes, are amended to read:

473.306 Examinations.—

(3) An applicant is entitled to take the licensure

examination to practice in this state as a certified public accountant if:

(b) The applicant shows that she or he has good moral character. For purposes of this paragraph, the term "good moral character" has the same meaning as provided in s. 473.308(6)(a) ~~s. 473.308(7)(a)~~. The department ~~board~~ may refuse to allow an applicant to take the licensure examination for failure to satisfy this requirement if:

1. The department ~~board~~ finds a reasonable relationship between the lack of good moral character of the applicant and the professional responsibilities of a certified public accountant; and

2. The finding by the department ~~board~~ of lack of good moral character is supported by competent substantial evidence.

If an applicant is found pursuant to this paragraph to be unqualified to take the licensure examination because of a lack of good moral character, the department ~~board~~ shall furnish to the applicant a statement containing the findings of the department ~~board~~, a complete record of the evidence upon which the determination was based, and a notice of the rights of the applicant to a rehearing and appeal.

(4) The department ~~board~~ shall have the authority to establish the standards for determining and shall determine:

(a) What constitutes a passing grade for each subject or

part of the licensure examination;

(b) Which educational institutions, in addition to the universities in the State University System of Florida, shall be deemed to be accredited colleges or universities;

(c) What courses and number of hours constitute a major in accounting; and

(d) What courses and number of hours constitute additional accounting courses acceptable under s. 473.308(4).

(5) The department ~~board~~ may adopt an alternative licensure examination for persons who have been licensed to practice public accountancy or its equivalent in a foreign country so long as the International Qualifications Appraisal Board of the National Association of State Boards of Accountancy has ratified an agreement with that country for reciprocal licensure.

(6) For the purposes of maintaining the proper educational qualifications for licensure under this chapter, the department ~~board~~ may appoint an Educational Advisory Committee, which shall be composed of one member of the department ~~board~~, two persons in public practice who are licensed under this chapter, and four academicians on faculties of universities in this state.

Section 103. Subsections (1), (2), and (3) of section 473.309, Florida Statutes, are amended to read:

473.309 Practice requirements for partnerships, corporations, and limited liability companies; business entities

practicing public accounting.—

(1) A partnership may not engage in the practice of public accounting, as defined in s. 473.302(7)(a) ~~s. 473.302(8)(a)~~, or meet the requirements of s. 473.3101(1)(b), unless:

(a) It is a form of partnership recognized by Florida law.

(b) Partners owning at least 51 percent of the financial interest and voting rights of the partnership are certified public accountants in some state. However, each partner who is a certified public accountant in another state and is domiciled in this state must be a certified public accountant of this state and hold an active license.

(c) At least one general partner is a certified public accountant of this state and holds an active license or, in the case of a firm that must have a license pursuant to s. 473.3101(1)(c), at least one general partner is a certified public accountant in some state and meets the requirements of s. 473.3141(1) ~~s. 473.3141(1)(a) or (b)~~.

(d) All partners who are not certified public accountants in any state are engaged in the business of the partnership as their principal occupation.

(e) It is in compliance with rules adopted by the department ~~board~~ pertaining to minimum capitalization, letters of credit, and adequate public liability insurance.

(2) A corporation may not engage in the practice of public accounting, as defined in s. 473.302(7)(a) ~~s. 473.302(8)(a)~~, or

meet the requirements of s. 473.3101(1)(b), unless:

(a) It is a corporation duly organized in this or some other state.

(b) Shareholders of the corporation owning at least 51 percent of the financial interest and voting rights of the corporation are certified public accountants in some state and are principally engaged in the business of the corporation. However, each shareholder who is a certified public accountant in another state and is domiciled in this state must be a certified public accountant of this state and hold an active license.

(c) The principal officer of the corporation is a certified public accountant in some state.

(d) At least one shareholder of the corporation is a certified public accountant and holds an active license in this state or, in the case of a firm that must have a license pursuant to s. 473.3101(1)(c), at least one shareholder is a certified public accountant in some state and meets the requirements of s. 473.3141(1) ~~s. 473.3141(1)(a) or (b)~~.

(e) All shareholders who are not certified public accountants in any state are engaged in the business of the corporation as their principal occupation.

(f) It is in compliance with rules adopted by the department ~~board~~ pertaining to minimum capitalization, letters of credit, and adequate public liability insurance.

(3) A limited liability company may not engage in the practice of public accounting, as defined in s. 473.302(7)(a) ~~s. 473.302(8)(a)~~, or meet the requirements of s. 473.3101(1)(b), unless:

(a) It is a limited liability company duly organized in this or some other state.

(b) Members of the limited liability company owning at least 51 percent of the financial interest and voting rights of the company are certified public accountants in some state. However, each member who is a certified public accountant in some state and is domiciled in this state must be a certified public accountant of this state and hold an active license.

(c) At least one member of the limited liability company is a certified public accountant and holds an active license in this state or, in the case of a firm that must have a license pursuant to s. 473.3101(1)(c), at least one member is a certified public accountant in some state and meets the requirements of s. 473.3141(1) ~~s. 473.3141(1)(a) or (b)~~.

(d) All members who are not certified public accountants in any state are engaged in the business of the company as their principal occupation.

(e) It is in compliance with rules adopted by the department ~~board~~ pertaining to minimum capitalization, letters of credit, and adequate public liability insurance.

(f) It is currently licensed as required by s. 473.3101.

Section 104. Subsections (1) and (4) of section 473.3101, Florida Statutes, are amended to read:

473.3101 Licensure of firms or public accounting firms.—

(1) The following must hold a license issued under this section:

(a) Any firm with an office in this state which performs services as defined in s. 473.302(7)(a) ~~s. 473.302(8)(a)~~;

(b) Any firm with an office in this state which uses the title "CPA," "CPA firm," or any other title, designation, words, letters, abbreviations, or device tending to indicate that it is a CPA firm. The department ~~board~~ shall define by rule what constitutes a CPA firm; or

(c)1. Any firm that does not have an office in this state but performs the services described in s. 473.3141(4) for a client having its home office in this state, unless it:

a. Complies with the qualifications described in s. 473.309.

b. Is enrolled in a peer review program pursuant to s. 473.3125(4).

c. Performs services through an individual with practice privileges under s. 473.3141.

d. Lawfully performs services in a state where an individual with practice privileges granted under s. 473.3141 has his or her principal place of business.

2. The department ~~board~~ shall define by rule what

constitutes an office.

(4) The department ~~board~~ shall determine whether the firm or public accounting firm meets the requirements for practice and, pending that determination, may certify to the department the firm or public accounting firm for provisional licensure.

Section 105. Subsection (1) of section 473.311, Florida Statutes, is amended to read:

473.311 Renewal of license.—

(1)~~(a)~~ The department shall renew a license issued under s. 473.308 upon receipt of the renewal application and fee ~~and upon certification by the board that the Florida certified public accountant has satisfactorily completed the continuing education requirements of s. 473.312~~.

~~(b) A nonresident licensee seeking renewal of a license in this state shall be determined to have met the continuing education requirements in s. 473.312, except for the requirements in s. 473.312(1)(c), if the licensee has complied with the continuing education requirements applicable in the state in which his or her office is located. If the state in which the nonresident licensee's office is located has no continuing education requirements for license renewals, the nonresident licensee must comply with the continuing education requirements in s. 473.312.~~

Section 106. Paragraph (a) of subsection (1), and subsections (2), (3), and (4) of section 473.3125, Florida

Statutes, are amended to read:

473.3125 Peer review.—

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

(a) "Licensee" means a licensed firm or public accounting firm as defined in s. 473.302 ~~s. 473.302(7)~~ and engaged in the practice of public accounting as defined in s. 473.302(7)(a) ~~s. 473.302(8)(a)~~ that is required to be licensed under s. 473.3101.

(2) The department ~~board~~ shall adopt rules establishing minimum standards for peer review programs, including, but not limited to, standards for administering, performing, and reporting peer reviews. The department ~~board~~ shall also adopt rules establishing minimum criteria for the department's ~~board's~~ approval of one or more organizations that facilitate and administer peer review programs.

(3) For the purposes of maintaining oversight of the license renewal requirements of s. 473.311(2), the department ~~board~~ may establish a peer review oversight committee, which shall be composed of at least three, but no more than five, members who are licensed under this chapter and whose firms are subject to s. 473.311(2) and have received a review rating of "pass" on the most recent peer review.

(4) Effective January 1, 2015, a licensed firm or public accounting firm as defined in s. 473.302 ~~s. 473.302(7)~~ and licensed under s. 473.3101 and engaged in the practice of public accounting as defined in s. 473.302(7)(a) ~~s. 473.302(8)(a)~~,

except for the performance of compilations and reviews as those terms are defined by the department ~~board~~, must be enrolled in a peer review program.

Section 107. Section 473.313, Florida Statutes, is amended to read:

473.313 Inactive status; retired status.—

(1) A Florida certified public accountant may request that her or his license be placed in an inactive status by making application to the department. The department ~~board~~ may prescribe by rule fees for placing a license on inactive status, renewal of inactive status, and reactivation of an inactive license.

~~(a) A license that has become inactive under this subsection or for failure to complete the requirements in s. 473.312 may be reactivated under s. 473.311 upon application to the department. The board may prescribe by rule continuing education requirements as a condition of reactivating a license. The maximum continuing education requirements for reactivating a license are 120 hours, including at least 30 hours in accounting-related and auditing-related subjects, not more than 30 hours in behavioral subjects, and a minimum of 8 hours in ethics subjects approved by the board, for the reactivation of a license that is inactive or delinquent.~~

~~(b) A license that is delinquent for failure to report completion of the requirements in s. 473.312 may be reactivated~~

~~under s. 473.311 upon application to the department. Reactivation requires the payment of an application fee as determined by the board and certification by the Florida certified public accountant that the applicant satisfactorily completed the continuing education requirements set forth under s. 473.311. If the license is delinquent on January 1 because of failure to report completed continuing education requirements, the applicant must submit a complete application to the board by March 15 immediately after the delinquent period.~~

(a) ~~(c)~~ Any Florida certified public accountant holding an inactive license may be permitted to reactivate such license in a conditional manner. The conditions of reactivation shall require the payment of fees ~~and the completion of required continuing education~~.

(b) ~~(d)~~ Notwithstanding ~~the provisions of~~ s. 455.271, the department ~~board~~ may, at its discretion, reinstate the license of an individual whose license has become null and void if the individual has made a good faith effort to comply with this section but has failed to comply because of illness or unusual hardship. The individual shall apply to the department ~~board~~ for reinstatement in a manner prescribed by rules of the department ~~board~~ and shall pay an application fee in an amount determined by rule of the department ~~board~~. The department ~~board~~ shall require that the individual ~~meet all continuing education requirements as provided in paragraph (a),~~ pay appropriate

licensing fees~~,~~ and otherwise be eligible for renewal of licensure under this chapter.

(2) A Florida certified public accountant who is at least 65 years of age, currently holds an active or inactive license in good standing under this chapter, and is not the subject of any sanction or disciplinary action may request that her or his license be placed on retired status by making application to the department. The department ~~board~~ may prescribe by rule the application for placing a license on retired status, which must state that the applicant has no association with accounting or any of the services described in s. 473.302 ~~s. 473.302(8)~~. If a licensee who has been granted retired status reenters the workforce in a position that has an association with accounting or any of the services described in s. 473.302 ~~s. 473.302(8)~~, the licensee automatically loses her or his retired status.

(a) A retired licensee may, without losing her or his retired status, ~~serve without compensation on a board of directors or board of trustees,~~ provide volunteer tax preparation services, participate in a government-sponsored business mentoring program such as the Internal Revenue Service's Volunteer Income Tax Assistance program or the Small Business Administration's SCORE program, or participate in an advisory role for a similar charitable, civic, or other non-profit organization.

(b) The department ~~board~~ shall require a retired licensee

to affirm in writing her or his understanding of the limited types of activities in which she or he may engage while in retired status and that she or he has a professional duty to ensure that she or he holds the professional competencies necessary to participate in such activities.

(c) A retired licensee may accept routine reimbursement for actual costs of travel and meals associated with volunteer services or de minimis per diem amounts paid to the licensee to cover such expenses as allowed by law.

(d) A retired licensee may use the title of "retired CPA" on any business card or letterhead or any other printed or electronic document. However, such title must not be applied in such a manner that could confuse the public as to the current status of the licensee. The licensee is not required to have a certificate issued with the word "retired" on the certificate.

~~(e) A retired licensee is not required to maintain the continuing education requirements under s. 473.312.~~

(e)~~(f)~~ A retired licensee may not offer or render professional services that require her or his signature and the use of the CPA title, regardless of whether "retired" is attached to such title.

(f)~~(g)~~ A retired licensee may be permitted to reactivate her or his license in a conditional manner as determined by the department ~~board~~. The conditions of reactivation must require the payment of fees ~~and the completion of required continuing~~

~~education~~. The department ~~board~~ may prescribe by rule an application for reactivating a license placed on retired status ~~and continuing education requirements as a condition of reactivating a license placed on retired status~~. ~~The minimum continuing education requirements for reactivating a license placed on retired status are those of the most recent biennium plus one-half of the requirements in s. 473.312 for each biennium or part thereof during which the license was on retired status.~~

For the purposes of this subsection, the term "retired licensee" means a licensee whose license has been placed in retired status by the department.

Section 108. Subsections (1), (2), and (4) of section 473.314, Florida Statutes, are amended to read:

473.314 Temporary license.—

(1) The department ~~board~~ shall adopt rules providing for the issuance of temporary licenses to certified public accountants or firms of other states who do not meet the requirements of s. 473.3141, for the purpose of enabling them or their employees to perform specific engagements involving the practice of public accountancy in this state. No temporary license shall be valid for more than 90 days after its issuance, and no license shall cover more than one engagement. After the expiration of 90 days, a new license shall be required.

(2) Each application for a temporary license shall state the names of all persons who are to enter this state and shall be accompanied by a fee in an amount established by the department ~~board~~ not to exceed $400.

(4) Upon certification of the applicant by the department ~~board~~, the department shall issue a temporary license to the applicant.

Section 109. Subsections (3) and (4) of section 473.315, Florida Statutes, are amended to read:

473.315 Independence, technical standards.—

(3) The department ~~board~~ shall adopt rules establishing the standards of practice of public accounting, including, but not limited to, independence, competence, and technical standards.

(4) Attorneys who are admitted to practice law by the Supreme Court of Florida are exempt from the standards of practice of public accounting as defined in s. 473.302(7)(b) and (c) ~~s. 473.302(8)(b) and (c)~~ when such standards conflict with the rules of The Florida Bar or orders of the Florida Supreme Court.

Section 110. Subsections (5) and (6) of section 473.316, Florida Statutes, are amended to read:

473.316 Communications between the accountant and client privileged.—

(5) Communications are not privileged from disclosure in

any disciplinary investigation or proceeding conducted pursuant to this act by the department or before the department ~~board~~ or in any judicial review of such a proceeding. In any such proceeding, a certified public accountant or public accountant, without the consent of her or his client, may testify with respect to any communication between the accountant and the accountant's client or be compelled, pursuant to a subpoena of the department ~~or the board~~, to testify or produce records, books, or papers. Such a communication disclosed to the department ~~board~~ and records of the department ~~board~~ relating to the communication shall for all other purposes and proceedings be a privileged communication in all of the courts of this state.

(6) The proceedings, records, and workpapers of a review committee are privileged and are not subject to discovery, subpoena, or other means of legal process or to introduction into evidence in a civil action or arbitration, administrative proceeding~~, or state accountancy board proceeding~~. A member of a review committee or person who was involved in a quality review may not testify in a civil action or arbitration, administrative proceeding~~, or state accountancy board proceeding~~ as to any matter produced or disclosed during the quality review or as to any findings, recommendations, evaluations, opinions, or other actions of the review committee or any members thereof. Public records and materials prepared for a particular engagement are

not privileged merely because they were presented during the quality review. This privilege does not apply to disputes between a review committee and a person subject to a quality review.

Section 111. Section 473.319, Florida Statutes, is amended to read:

473.319 Contingent fees.—Public accounting services as defined in s. 473.302(7)(a) and (c) ~~s. 473.302(8)(a) and (c)~~, and those that include tax filings with federal, state, or local government, may ~~shall~~ not be offered or rendered for a fee contingent upon the findings or results of such service. This section does not apply to services involving federal, state, or other taxes in which the findings are those of the tax authorities and not those of the certified public accountant or firm. Fees to be fixed by courts or other public authorities, which are of an indeterminate amount at the time a public accounting service is undertaken, may ~~shall~~ not be regarded as contingent fees for purposes of this section.

Section 112. Section 473.3205, Florida Statutes, is amended to read:

473.3205 Commissions or referral fees.—A certified public accountant or firm may not accept or pay a commission or referral fee in connection with the sale or referral of public accounting services as defined in s. 473.302(7)(a) and (c) ~~s. 473.302(8)(a) and (c)~~. Any certified public accountant or firm

that is engaged in the practice of public accounting and that accepts a commission for the sale of a product or service to a client must disclose that fact to the client in writing in accordance with rules adopted by the department ~~board~~. However, this section may ~~shall~~ not prohibit:

(1) Payments for the purchase of an accounting practice;

(2) Retirement payments to individuals formerly engaged in the practice of public accounting or payments to their heirs or estates; or

(3) Payment of fees to a referring certified public accountant or firm for public accounting services to the successor certified public accountant or firm or the client in connection with an engagement.

Section 113. Subsection (3) of section 473.321, Florida Statutes, is amended to read:

473.321 Fictitious names.—

(3) The department ~~board~~ shall adopt rules for interpretation of this section.

Section 114. Paragraphs (c) and (e) of subsection (1) of section 473.322, Florida Statutes, are amended to read:

473.322 Prohibitions; penalties.—

(1) A person may not knowingly:

(c) Perform or offer to perform any services described in s. 473.302(7)(a) or (d) ~~s. 473.302(8)(a) or (d)~~ unless such person holds an active license under this chapter and is a

licensed firm, provides such services through a licensed firm, or complies with ss. 473.3101 and 473.3141. This paragraph does not prohibit the performance by persons other than certified public accountants of other services involving the use of accounting skills, including the preparation of tax returns and the preparation of financial statements without expression of opinion thereon;

(e) Give false or forged evidence to the department ~~board or a member thereof~~;

Section 115. Paragraph (m) of subsection (1) and subsections (2), (3), and (4) of section 473.323, Florida Statutes, are amended to read:

473.323 Disciplinary proceedings.—

(1) The following acts constitute grounds for which the disciplinary actions in subsection (3) may be taken:

(m) Failing to provide any written disclosure to a client or the public which is required by this chapter or rule of the department ~~board~~.

(2) The department ~~board~~ shall specify, by rule, what acts or omissions constitute a violation of subsection (1).

(3) When the department ~~board~~ finds any certified public accountant or firm guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(a) Denial of an application for licensure.

(b) Revocation or suspension of the certified public accountant or firm's license or practice privileges in this state.

(c) Imposition of an administrative fine not to exceed $5,000 for each count or separate offense.

(d) Issuance of a reprimand.

(e) Placement of the certified public accountant on probation for a period of time and subject to such conditions as the department ~~board~~ may specify, including requiring the certified public accountant to attend continuing education courses or to work under the supervision of another licensee.

(f) Restriction of the authorized scope of practice by the certified public accountant.

(4) The department shall reissue the license of a disciplined licensee upon certification by the department ~~board~~ that the disciplined licensee has complied with all of the terms and conditions set forth in the final order.

Section 116. Subsections (2) of section 474.202, Florida Statutes, is amended to read:

474.202 Definitions.—As used in this chapter:

~~(2) "Board" means the Board of Veterinary Medicine.~~

Section 117. Subsection (3) and paragraph (e) of subsection (4) of section 474.2021, Florida Statutes, are amended to read:

474.2021 Veterinary telehealth.—

(3) The department ~~board~~ has jurisdiction over a veterinarian practicing veterinary telehealth, regardless of where the veterinarian's physical office is located. The practice of veterinary medicine is deemed to occur when the veterinarian, the patient, or both are located within this state at the time the veterinarian practices veterinary telehealth.

(4) A veterinarian practicing veterinary telehealth:

(e) Shall prescribe all drugs and medications in accordance with all federal and state laws and the following requirements:

1. A veterinarian practicing veterinary telehealth may order, prescribe, or make available medicinal drugs or drugs specifically approved for use in animals by the United States Food and Drug Administration, the use of which conforms to the approved labeling. Prescriptions based solely on a telehealth evaluation may be issued for up to 1 year ~~month~~ for products labeled solely for flea and tick control and up to 14 days of treatment for other animal drugs. Prescriptions based solely on a telehealth evaluation may not be renewed without an in-person examination.

2. A veterinarian practicing veterinary telehealth may not order, prescribe, or make available medicinal drugs or drugs as defined in s. 465.003 approved by the United States Food and Drug Administration for human use or compounded antibacterial, antifungal, antiviral, or antiparasitic medications, unless the

veterinarian has conducted an in-person physical examination of the animal or made medically appropriate and timely visits to the premises where the animal is kept.

3. A veterinarian may not use veterinary telehealth to prescribe a controlled substance as defined in chapter 893 unless the veterinarian has conducted an in-person physical examination of the animal or made medically appropriate and timely visits within the past year to the premises where the animal is kept.

4. A veterinarian practicing veterinary telehealth may not prescribe a drug or other medication for use on a horse engaged in racing or training at a facility under the jurisdiction of the Florida Gaming Control Commission or on a horse that is a covered horse as defined in the federal Horseracing Integrity and Safety Act, 15 U.S.C. ss. 3051 et seq.;

Section 118. Section 474.2065, Florida Statutes, is amended to read:

474.2065 Fees.—The department ~~board~~, by rule, shall establish fees for application and examination, reexamination, license renewal, inactive status, renewal of inactive status, license reactivation, periodic inspection of veterinary establishments, and duplicate copies of licenses, certificates, and permits. The fee for the initial application and examination may not exceed $650 plus the actual per applicant cost to the department for purchase of portions of the examination from the

Professional Examination Service for the American Veterinary Medical Association or a similar national organization. The fee for licensure by endorsement may not exceed $500. The fee for temporary licensure may not exceed $200. The department ~~board~~ shall establish fees that are adequate to ensure its continued operation and to fund the proportionate expenses incurred by the department which are allocated to the regulation of veterinarians. Fees shall be based on departmental estimates of the revenue required to administer this chapter and the provisions relating to the regulation of veterinarians.

Section 119. Subsections (1) through (4) of section 474.207, Florida Statutes, are amended to read:

474.207 Licensure by examination.—

(1) Any person desiring to be licensed as a veterinarian shall apply to the department to take a licensure examination. The department ~~board~~ may by rule adopt use of a national examination in lieu of part or all of the examination required by this section, with a reasonable passing score to be set by rule of the department ~~board~~.

(2) The department shall license each applicant who the board certifies has:

(a) Completed the application form and remitted an examination fee set by the department ~~board~~.

(b)1. Graduated from a college of veterinary medicine accredited by the American Veterinary Medical Association

Council on Education; or

2. Graduated from a college of veterinary medicine listed in the American Veterinary Medical Association Roster of Veterinary Colleges of the World and obtained a certificate from the Education Commission for Foreign Veterinary Graduates or the Program for the Assessment of Veterinary Education Equivalence.

(c) Successfully completed the examination provided by the department for this purpose, or an examination determined by the department ~~board~~ to be equivalent.

(d) Demonstrated knowledge of the laws and rules governing the practice of veterinary medicine in Florida in a manner designated by rules of the department ~~board~~.

The department may ~~shall~~ not issue a license to any applicant who is under investigation in any state or territory of the United States or in the District of Columbia for an act which would constitute a violation of this chapter until the investigation is complete and disciplinary proceedings have been terminated, at which time the provisions of s. 474.214 shall apply.

(3) Notwithstanding ~~the provisions of~~ paragraph (2)(b), an applicant shall be deemed to have met the education requirements for licensure upon submission of evidence that the applicant meets one of the following:

(a) The applicant was certified for examination by the

board prior to October 1, 1989; or

(b) The applicant immigrated to the United States after leaving her or his home country because of political reasons, provided such country is located in the Western Hemisphere and lacks diplomatic relations with the United States; and

1. Was a Florida resident immediately preceding her or his application for licensure;

2. Demonstrates to the department ~~board~~, through submission of documentation verified by the applicant's respective professional association in exile, that she or he received a professional degree in veterinary medicine from a college or university located in the country from which she or he emigrated. However, the department ~~board~~ may not require receipt transcripts from the Republic of Cuba as a condition of eligibility under this section; and

3. Lawfully practiced her or his profession for at least 3 years.

(4) Applicants certified for examination or reexamination under subsection (3) who fail the examination three times subsequent to October 1, 1989, shall be required to demonstrate to the department ~~board~~ that they meet the requirements of paragraph (2)(b) before ~~prior to~~ any further reexamination or certification for licensure.

Section 120. Section 474.211, Florida Statutes, is amended to read:

474.211 Renewal of license.—

(1) The department shall renew a license upon receipt of the renewal application and fee ~~and an affidavit of compliance with continuing education requirements set by rule of the board~~.

(2) The department shall adopt rules establishing a procedure for the biennial renewal of licenses.

~~(3) The board may by rule prescribe continuing education, not to exceed 30 hours biennially, as a condition for renewal of a license or certificate. The criteria for such programs, providers, and courses shall be approved by the board.~~

Section 121. Subsections (1), (2), and (3) of section 474.2125, Florida Statutes, are amended to read:

474.2125 Temporary license.—

(1) The department ~~board~~ shall adopt rules providing for the issuance of a temporary license to a licensed veterinarian of another state for the purpose of enabling her or him to provide veterinary medical services in this state for the animals of a specific owner or, as may be needed in an emergency as defined in s. 252.34(4), for the animals of multiple owners, provided the applicant would qualify for licensure by endorsement under s. 474.217. No temporary license shall be valid for more than 30 days after its issuance, and no license shall cover more than the treatment of the animals of one owner except in an emergency as defined in s. 252.34(4). After the expiration of 30 days, a new license is required.

(2) Each application for a temporary license shall state the names of all persons who are to enter this state and shall be accompanied by a fee in an amount established by the department ~~board~~.

(3) Upon certification of the applicant by the department ~~board~~, the department shall issue a temporary license to the applicant.

Section 122. Paragraph (d) of subsection (1) of section 474.213, Florida Statutes, is amended to read:

474.213 Prohibitions; penalties.—

(1) No person shall:

(d) Give false or forged evidence to the department ~~board~~ or a member thereof for the purpose of obtaining a license;

Section 123. Paragraphs (a), (f), (h), (j), (v), (aa), (ee), (jj), and (nn) of subsection (1) and subsections (2) and (3) of section 474.214, Florida Statutes, are amended to read:

474.214 Disciplinary proceedings.—

(1) The following acts shall constitute grounds for which the disciplinary actions in subsection (2) may be taken:

(a) Attempting to procure a license to practice veterinary medicine by bribery, by fraudulent representations, or through an error of the department ~~or the board~~.

(f) Violating any provision of this chapter or chapter 455, a rule of the ~~board or~~ department, or a lawful order of the ~~board or~~ department previously entered in a disciplinary

hearing, or failing to comply with a lawfully issued subpoena of the department.

(h) Being unable to practice veterinary medicine with reasonable skill or safety to patients by reason of illness, drunkenness, use of drugs, narcotics, chemicals, or any other material or substance or as a result of any mental or physical condition. In enforcing this paragraph, upon a finding by the secretary, the secretary's designee, or the probable cause panel of the department ~~board~~ that probable cause exists to believe that the licensee is unable to practice the profession because of the reasons stated in this paragraph, the department shall have the authority to compel a licensee to submit to a mental or physical examination by a physician designated by the department. If the licensee refuses to comply with the department's order, the department may file a petition for enforcement in the circuit court of the circuit in which the licensee resides or does business. The licensee may ~~shall~~ not be named or identified by initials in any other public court records or documents and the enforcement proceedings shall be closed to the public. The department shall be entitled to the summary procedure provided in s. 51.011. A licensee affected under this paragraph shall be afforded an opportunity at reasonable intervals to demonstrate that she or he can resume the competent practice for which she or he is licensed with reasonable skill and safety to patients. Neither the record of

proceedings nor the orders entered by the department ~~board~~ in any proceedings under this paragraph shall be used against a licensee in any other proceedings.

(j) Knowingly maintaining a professional connection or association with any person who is in violation of the provisions of this chapter or the rules of the ~~board or~~ department. However, if the licensee verifies that the person is actively participating in a department-approved ~~board-approved~~ program for the treatment of a physical or mental condition, the licensee is required only to report such person to the consultant.

(v) Failing to keep the equipment and premises of the business establishment in a clean and sanitary condition, having a premises permit suspended or revoked pursuant to s. 474.215, or operating or managing premises that do not comply with requirements established by rule of the department ~~board~~.

(aa) Failing to report to the department any person the licensee knows to be in violation of this chapter or of the rules of the department ~~or board~~. However, if the licensee verifies that the person is actively participating in a department-approved ~~board-approved~~ program for the treatment of a physical or mental condition, the licensee is required only to report such person to the consultant.

(ee) Failing to keep contemporaneously written medical records as required by rule of the department ~~board~~.

(jj) Failing to report to the department ~~board~~ within 30 days, in writing, any action set forth in paragraph (b) that has been taken against the practitioner's license to practice veterinary medicine by any jurisdiction, including any agency or subdivision thereof.

(nn) Failing to report a change of address to the department ~~board~~ within 60 days thereof.

(2) When the department ~~board~~ finds any applicant or veterinarian guilty of any of the grounds set forth in subsection (1), regardless of whether the violation occurred before ~~prior to~~ licensure, it may enter an order imposing one or more of the following penalties:

(a) Denial of certification for examination or licensure.

(b) Revocation or suspension of a license.

(c) Imposition of an administrative fine not to exceed $5,000 for each count or separate offense.

(d) Issuance of a reprimand.

(e) Placement of the veterinarian on probation for a period of time and subject to such conditions as the department ~~board~~ may specify, including requiring the veterinarian to attend continuing education courses or to work under the supervision of another veterinarian.

(f) Restricting the authorized scope of practice.

(g) Imposition of costs of the investigation and prosecution.

(h) Requiring the veterinarian to undergo remedial education.

In determining appropriate action, the department ~~board~~ must first consider those sanctions necessary to protect the public. Only after those sanctions have been imposed may the disciplining authority consider and include in its order requirements designed to rehabilitate the veterinarian. All costs associated with compliance with any order issued under this subsection are the obligation of the veterinarian.

(3) The department shall reissue the license of a disciplined veterinarian upon certification by the department ~~board~~ that the disciplined veterinarian has complied with all of the terms and conditions set forth in the final order and is capable of competently and safely engaging in the practice of veterinary medicine.

Section 124. Subsections (1), (5), (7), (8), and (9) of section 474.215, Florida Statutes, are amended to read:

474.215 Premises permits.—

(1) Any establishment, permanent or mobile, where a licensed veterinarian practices must have a premises permit issued by the department. Upon application and payment of a fee not to exceed $250, ~~as set by rule of the board,~~ the department shall cause such establishment to be inspected. A premises permit shall be issued if the establishment meets minimum

standards, to be adopted by rule of the department ~~board~~, as to sanitary conditions, recordkeeping, equipment, radiation monitoring, services required, and physical plant.

(5) The department may issue a temporary premises permit to a responsible veterinarian who has submitted the application fee and a completed application form affirming compliance with the standards set by rule of the department ~~board~~. If the department inspects the establishment and discovers that it is not in compliance with the department's standards, the department shall notify the veterinarian in writing of the deficiencies and shall provide 30 days for correction of the deficiencies and reinspection. Such temporary permit shall become void upon notification by the department that the establishment has failed, after reinspection, to meet those standards. Upon receipt of such notice, the responsible veterinarian shall close the establishment until completion of a subsequent inspection affirming that the required standards have been met and until another permit has been issued by the department.

(7) The department ~~board~~ by rule shall establish minimum standards for the operation of limited service veterinary medical practices. Such rules may ~~shall~~ not restrict limited service veterinary medical practices and shall be consistent with the type of limited veterinary medical service provided.

(a) Any person that offers or provides limited service

veterinary medical practice shall obtain a biennial permit from the department ~~board~~ the cost of which may ~~shall~~ not exceed $250. The limited service permittee shall register each location where a limited service clinic is held and shall pay a fee set by rule not to exceed $25 to register each such location.

(b) All permits issued under this subsection are subject to the provisions of ss. 474.213 and 474.214.

(c) Notwithstanding any provision of this subsection to the contrary, any temporary rabies vaccination effort operated by a county health department in response to a public health threat, as declared by the State Health Officer in consultation with the State Veterinarian, is not subject to any preregistration, time limitation, or fee requirements, but must adhere to all other requirements for limited service veterinary medical practice as prescribed by rule. The fee charged to the public for a rabies vaccination administered during such temporary rabies vaccination effort may not exceed the actual cost of administering the rabies vaccine. Such rabies vaccination efforts may not be used for any purpose other than to address the public health consequences of the rabies outbreak. The department ~~board~~ shall be immediately notified in writing of any temporary rabies vaccination effort operated under this paragraph.

(8) Any person who is not a veterinarian licensed under this chapter but who desires to own and operate a veterinary

medical establishment or limited service clinic shall apply to the department ~~board~~ for a premises permit. If the department ~~board~~ certifies that the applicant complies with the applicable laws and rules of the department ~~board~~, the department shall issue a premises permit. No permit shall be issued unless a licensed veterinarian is designated to undertake the professional supervision of the veterinary medical practice and the minimum standards set by rule of the department ~~board~~ for premises where veterinary medicine is practiced. Upon application, the department shall submit the permittee's name for a statewide criminal records correspondence check through the Department of Law Enforcement. The permittee shall notify the department ~~board~~ within 10 days after any designation of a new licensed veterinarian responsible for such duties. A permittee under this subsection is subject to the provisions of subsection (9) and s. 474.214.

(9)(a) The department ~~or the board~~ may deny, revoke, or suspend the permit of any permittee under this section and may fine, place on probation, or otherwise discipline any such permittee who has:

1. Obtained a permit by misrepresentation or fraud or through an error of the department ~~or board~~;

2. Attempted to procure, or has procured, a permit for any other person by making, or causing to be made, any false representation;

3. Violated any of the requirements of this chapter or any rule of the department ~~board~~; or

4. Been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a felony in any court of this state, of any other state, or of the United States.

(b) If the permit is revoked or suspended, the owner, manager, or proprietor shall cease to operate the premises as a veterinary medical practice as of the effective date of the suspension or revocation. In the event of such revocation or suspension, the owner, manager, or proprietor shall remove from the premises all signs and symbols identifying the premises as a veterinary medical practice. The period of any such suspension shall be prescribed by rule of the department ~~board~~, but may not exceed 1 year. If the permit is revoked, the person owning or operating the establishment may not apply for a permit to operate a premises for a period of 1 year after the effective date of such revocation. Upon the effective date of such revocation, the permittee must advise the department ~~board~~ of the disposition of all medicinal drugs and must provide for ensuring the security, confidentiality, and availability to clients of all patient medical records.

Section 125. Section 474.216, Florida Statutes, is amended to read:

474.216 License and premises permit to be displayed.—Each

person to whom a license or premises permit is issued shall keep such document conspicuously displayed in her or his office, place of business, or place of employment, whether a permanent or mobile veterinary establishment or clinic, and shall, whenever required, exhibit said document to any member or authorized representative of the department ~~board~~.

Section 126. Subsections (6), (8), (10), and (11) of section 474.2165, Florida Statutes, are amended to read:

474.2165 Ownership and control of veterinary medical patient records; report or copies of records to be furnished.—

(6) The department may obtain patient records pursuant to a subpoena without written authorization from the client if the department ~~and the probable cause panel of the board~~ find reasonable cause to believe that a veterinarian has excessively or inappropriately prescribed any controlled substance specified in chapter 893 in violation of this chapter or that a veterinarian has practiced his or her profession below that level of care, skill, and treatment required as defined by this chapter.

(8) Notwithstanding the provisions of s. 455.242, records owners shall notify the department ~~board office~~ when they are terminating practice, retiring, or relocating and are no longer available to patients, specifying who the new records owner is and where the medical records can be found.

(10) Veterinarians in violation of the provisions of this

section shall be disciplined by the department ~~board~~.

(11) A records owner furnishing copies of reports or records pursuant to this section shall charge no more than the actual cost of copying, including reasonable staff time, or the amount specified in administrative rule by the department ~~board~~.

Section 127. Subsection (1) of section 474.217, Florida Statutes, is amended to read:

474.217 Licensure by endorsement.—

(1) The department shall issue a license by endorsement to any applicant who, upon applying to the department and remitting a fee set by the department ~~board~~, demonstrates to the department ~~board~~ that she or he:

(a) Has demonstrated, in a manner designated by rule of the department ~~board~~, knowledge of the laws and rules governing the practice of veterinary medicine in this state; and

(b)1. Holds, and has held for the 3 years immediately preceding the application for licensure, a valid, active license to practice veterinary medicine in another state of the United States, the District of Columbia, or a territory of the United States, provided that the applicant has successfully completed a state, regional, national, or other examination that is equivalent to or more stringent than the examination required by the department ~~board~~; or

2. Meets the qualifications of s. 474.207(2)(b) and has successfully completed a state, regional, national, or other

examination which is equivalent to or more stringent than the examination given by the department and has passed the ~~board's~~ clinical competency examination or another clinical competency examination specified by rule of the department ~~board~~.

Section 128. Section 474.221, Florida Statutes, is amended to read:

474.221 Impaired practitioner provisions; applicability.—Notwithstanding the transfer of the Division of Medical Quality Assurance to the Department of Health or any other provision of law to the contrary, veterinarians licensed under this chapter shall be governed by the impaired practitioner program provisions of s. 456.076 as if they were under the jurisdiction of the Division of Medical Quality Assurance, except that for veterinarians the Department of Business and Professional Regulation shall, at its option, exercise any of the powers granted to the Department of Health by that section~~, and "board" shall mean board as defined in this chapter~~.

Section 129. Subsection (4) of section 476.034, Florida Statutes, is amended to read:

476.034 Definitions.—As used in this act:

~~(4) "Board" means the Barbers' Board.~~

Section 130. Subsection (2) of section 476.074, Florida Statutes, is amended to read:

476.074 Legal, investigative, and inspection services.—

(2) The department shall provide all investigative

services required by the ~~board or the~~ department in carrying out ~~the provisions of~~ this act.

Section 131. Paragraph (c) of subsection (2) and subsection (3) of section 476.114, Florida Statutes, are amended to read:

476.114 Examination; prerequisites.—

(2) An applicant is eligible for licensure by examination to practice barbering if the applicant:

(c) Has received a minimum of 900 hours of training in sanitation, safety, and laws and rules, as established by the department ~~board~~, which must include, but is not limited to, the equivalent of completion of services directly related to the practice of barbering at one of the following:

1. A school of barbering licensed pursuant to chapter 1005;

2. A barbering program within the public school system; or

3. A government-operated barbering program in this state.

The department ~~board~~ shall establish by rule procedures whereby the school or program may certify that a person is qualified to take the required examination after the completion of a minimum of 600 actual school hours. If the person passes the examination, she or he has satisfied this requirement; but if the person fails the examination, she or he may not be qualified to take the examination again until the completion of the full

requirements provided by this section.

(3) An applicant who meets the requirements set forth in paragraph (2)(c) who fails to pass the examination may take subsequent examinations as many times as necessary to pass, except that the department ~~board~~ may specify by rule reasonable timeframes for rescheduling the examination and additional training requirements for applicants who, after the third attempt, fail to pass the examination. Before ~~Prior to~~ reexamination, the applicant must file the appropriate form and pay the reexamination fee as required by rule.

Section 132. Subsections (1) and (2) of section 476.134, Florida Statutes, are amended to read:

476.134 Examinations.—

(1) Examinations of applicants for licenses as barbers shall be offered not less than four times each year. The examination of applicants for licenses as barbers shall include a written test. The department may ~~board shall have the authority to~~ adopt rules with respect to the examination of applicants for licensure. The department ~~board~~ may provide rules with respect to written examinations in such manner as the department ~~board~~ may deem fit.

(2) The department ~~board~~ shall adopt rules specifying the areas of competency to be covered by the examination. Such rules shall include the relative weight assigned in grading each area. All areas tested shall be reasonably related to the protection

of the public and the applicant's competency to practice barbering in a manner which will not endanger the public.

Section 133. Subsections (1), (2), (5), and (6) of section 476.144, Florida Statutes, are amended to read:

476.144 Licensure.—

(1) The department shall license any applicant who the department ~~board~~ certifies is qualified to practice barbering in this state.

(2) The department ~~board~~ shall certify for licensure any applicant who satisfies the requirements of s. 476.114, and who passes the required examination, achieving a passing grade as established by department ~~board~~ rule.

(5) The department ~~board~~ shall certify as qualified for licensure by endorsement as a barber in this state an applicant who holds a current active license to practice barbering in another state. The department ~~board~~ shall adopt rules specifying procedures for the licensure by endorsement of practitioners desiring to be licensed in this state who hold a current active license in another country and who have met qualifications substantially similar to, equivalent to, or greater than the qualifications required of applicants from this state.

(6) A person may apply for a restricted license to practice barbering. The department ~~board~~ shall adopt rules specifying procedures for an applicant to obtain a restricted license if the applicant:

(a)1. Has successfully completed a restricted barber course, as established by rule of the department ~~board~~, at a school of barbering licensed pursuant to chapter 1005, a barbering program within the public school system, or a government-operated barbering program in this state; or

2.a. Holds or has within the previous 5 years held an active valid license to practice barbering in another state or country or has held a Florida barbering license which has been declared null and void for failure to renew the license, and the applicant fulfilled the requirements of s. 476.114(2)(c) for initial licensure; and

b. Has not been disciplined relating to the practice of barbering in the previous 5 years; and

(b) Passes a written examination on the laws and rules governing the practice of barbering in Florida, as established by the department ~~board~~.

The restricted license shall limit the licensee's practice to those specific areas in which the applicant has demonstrated competence pursuant to rules adopted by the department ~~board~~.

Section 134. Subsection (2) of section 476.154, Florida Statutes, is amended to read:

476.154 Biennial renewal of licenses.—

(2) Any license or certificate of registration issued pursuant to this act for a period less than the established

biennial issuance period may be issued for that lesser period of time, and the department shall adjust the required fee accordingly. The department ~~board~~ shall adopt rules providing for such partial period fee adjustments.

Section 135. Subsection (2) of section 476.155, Florida Statutes, is amended to read:

476.155 Inactive status; reactivation of inactive license.—

(2) The department ~~board~~ shall adopt ~~promulgate~~ rules relating to licenses which have become inactive and for the renewal of inactive licenses. The department ~~board~~ shall prescribe by rule a fee not to exceed $100 for the reactivation of an inactive license and a fee not to exceed $50 for the renewal of an inactive license.

Section 136. Subsection (1) of section 476.192, Florida Statutes, is amended to read:

476.192 Fees; disposition.—

(1) The department ~~board~~ shall set by rule fees according to the following schedule:

(a) For barbers, fees for original licensing, license renewal, and delinquent renewal may ~~shall~~ not exceed $100.

(b) For barbers, fees for endorsement application, examination, and reexamination may ~~shall~~ not exceed $150.

(c) For barbershops, fees for license application, original licensing, license renewal, and delinquent renewal may

~~shall~~ not exceed $150.

(d) For duplicate licenses and certificates, fees may ~~shall~~ not exceed $25.

Section 137. Paragraph (i) of subsection (1) and subsection (2) of section 476.204, Florida Statutes, are amended to read:

476.204 Penalties.—

(1) It is unlawful for any person to:

(i) Violate or refuse to comply with any provision of this chapter or chapter 455 or a rule or final order of the department ~~board~~.

(2) Any person who violates any provision of this section shall be subject to one or more of the following penalties, as determined by the department ~~board~~:

(a) Revocation or suspension of any license or registration issued pursuant to this chapter.

(b) Issuance of a reprimand or censure.

(c) Imposition of an administrative fine not to exceed $500 for each count or separate offense.

(d) Placement on probation for a period of time and subject to such reasonable conditions as the department ~~board~~ may specify.

(e) Refusal to certify to the department an applicant for licensure.

Section 138. Section 476.214, Florida Statutes, is amended

to read:

476.214 Grounds for suspending, revoking, or refusing to grant license or certificate.—

(1) The department may ~~board shall have the power to~~ revoke or suspend any license, registration card, or certificate of registration issued pursuant to this act, or to reprimand, censure, deny subsequent licensure of, or otherwise discipline any holder of a license, registration card, or certificate of registration issued pursuant to this act, for any of the following causes:

(a) Gross malpractice or gross incompetency in the practice of barbering;

(b) Practice by a person knowingly having an infectious or contagious disease; or

(c) Commission of any of the offenses described in s. 476.194.

(2) The department ~~board~~ shall keep a record of its disciplinary proceedings against holders of licenses or certificates of registration issued pursuant to this act.

(3) The department may ~~shall~~ not issue or renew a license or certificate of registration under this chapter to any person against whom or barbershop against which the department ~~board~~ has assessed a fine, interest, or costs associated with investigation and prosecution until the person or barbershop has paid in full such fine, interest, or costs associated with

investigation and prosecution or until the person or barbershop complies with or satisfies all terms and conditions of the final order.

Section 139. Section 476.234, Florida Statutes, is amended to read:

476.234 Civil proceedings.—In addition to any other remedy, the department may file a proceeding in the name of the state seeking issuance of a restraining order, injunction, or writ of mandamus against any person who is or has been violating any of the provisions of this act or the lawful rules or orders of the ~~board,~~ commission~~,~~ or department.

Section 140. Subsections (2) through (13) of section 477.013, Florida Statutes, are renumbered as subsections (1) through (12), respectively, and present subsections (1) and (8) of that section are amended, to read:

477.013 Definitions.—As used in this chapter:

~~(1) "Board" means the Board of Cosmetology.~~

(7)~~(8)~~ "Specialty salon" means any place of business wherein the practice of one or all of the specialties as defined in subsection (5) ~~(6)~~ are engaged in or carried on.

Section 141. Subsections (7), (8), and (9) of section 477.0135, Florida Statutes, are amended to read:

477.0135 Exemptions.—

(7) A license or registration is not required for a person whose occupation or practice is confined solely to hair braiding

as defined in s. 477.013(8) ~~s. 477.013(9)~~.

(8) A license or registration is not required for a person whose occupation or practice is confined solely to hair wrapping as defined in s. 477.013(9) ~~s. 477.013(10)~~.

(9) A license or registration is not required for a person whose occupation or practice is confined solely to body wrapping as defined in s. 477.013(11) ~~s. 477.013(12)~~.

Section 142. Section 477.016, Florida Statutes, is amended to read:

477.016 Rulemaking.—

(1) The department ~~board~~ may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter conferring duties upon it.

(2) The department ~~board~~ may by rule adopt any restriction established by a regulation of the United States Food and Drug Administration related to the use of a cosmetic product or any substance used in the practice of cosmetology if the department ~~board~~ finds that the product or substance poses a risk to the health, safety, and welfare of clients or persons providing cosmetology services.

Section 143. Section 477.018, Florida Statutes, is amended to read:

477.018 Investigative services.—The department shall provide all investigative services required by the ~~board or the~~ department in carrying out the provisions of this act.

Section 144. Subsections (2), (3), (5), (6), and (7) of section 477.019, Florida Statutes, are amended to read:

477.019 Cosmetologists; qualifications; licensure; supervised practice; license renewal; endorsement~~; continuing education~~.—

(2) An applicant is eligible for licensure by examination to practice cosmetology if the applicant:

(a) Is at least 16 years of age or has received a high school diploma;

(b) Pays the required application fee, which is not refundable, and the required examination fee, which is refundable if the applicant is determined to not be eligible for licensure for any reason other than failure to successfully complete the licensure examination; and

(c) Has received a minimum of 1,200 hours of training as established by the department ~~board~~, which must include, but is not limited to, the equivalent of completion of services directly related to the practice of cosmetology at one of the following:

1. A school of cosmetology licensed pursuant to chapter 1005.

2. A cosmetology program within the public school system.

3. The Cosmetology Division of the Florida School for the Deaf and the Blind, provided the division meets the standards of this chapter.

4. A government-operated cosmetology program in this state.

The department ~~board~~ shall establish by rule procedures whereby the school or program may certify that a person is qualified to take the required examination after the completion of a minimum of 1,000 actual school hours. If the person then passes the examination, he or she has satisfied this requirement; but if the person fails the examination, he or she may not be qualified to take the examination again until the completion of the full requirements provided by this section.

(3) Upon an applicant receiving a passing grade, as established by department ~~board~~ rule, on the examination and paying the initial licensing fee, the department shall issue a license to practice cosmetology.

(5) Renewal of license registration shall be accomplished pursuant to rules adopted by the department ~~board~~.

(6) The department ~~board~~ shall certify as qualified for licensure by endorsement as a cosmetologist in this state an applicant who holds a current active license to practice cosmetology in another state.

~~(7)(a) The board shall prescribe by rule continuing education requirements intended to ensure protection of the public through updated training of licensees and registered specialists, not to exceed 10 hours biennially, as a condition~~

~~for renewal of a license or registration as a specialist under this chapter. Continuing education courses shall include, but not be limited to, the following subjects as they relate to the practice of cosmetology: human immunodeficiency virus and acquired immune deficiency syndrome; Occupational Safety and Health Administration regulations; workers' compensation issues; state and federal laws and rules as they pertain to cosmetologists, cosmetology, salons, specialists, specialty salons, and booth renters; chemical makeup as it pertains to hair, skin, and nails; and environmental issues. Courses given at cosmetology conferences may be counted toward the number of continuing education hours required if approved by the board.~~

~~(b) The board may, by rule, require any licensee in violation of a continuing education requirement to take a refresher course or refresher course and examination in addition to any other penalty. The number of hours for the refresher course may not exceed 48 hours.~~

Section 145. Paragraphs (b) and (c) of subsection (1) and subsections (4) and (5) of section 477.0201, Florida Statutes, are amended to read:

477.0201 Specialty registration; qualifications; registration renewal; endorsement.—

(1) Any person is qualified for registration as a specialist in any specialty practice within the practice of cosmetology under this chapter who:

(b) Has received a certificate of completion for:

1. One hundred and eighty hours of training, as established by the department ~~board~~, which shall focus primarily on sanitation and safety, to practice specialties as defined in s. 477.013(11)(a) and (b) ~~s. 477.013(6)(a) and (b)~~;

2. Two hundred and twenty hours of training, as established by the department ~~board~~, which shall focus primarily on sanitation and safety, to practice the specialty as defined in s. 477.013(11)(c) ~~s. 477.013(6)(c)~~; or

3. Four hundred hours of training or the number of hours of training required to maintain minimum Pell Grant requirements, as established by the department ~~board~~, which shall focus primarily on sanitation and safety, to practice the specialties as defined in s. 477.013(11)(a)-(c) ~~s. 477.013(6)(a)-(c)~~.

(c) The certificate of completion specified in paragraph (b) must be from one of the following:

1. A school licensed pursuant to s. 477.023.

2. A school licensed pursuant to chapter 1005 or the equivalent licensing authority of another state.

3. A specialty program within the public school system.

4. A specialty division within the Cosmetology Division of the Florida School for the Deaf and the Blind, provided the training programs comply with minimum curriculum requirements established by the department ~~board~~.

(4) Renewal of registration shall be accomplished pursuant to rules adopted by the department ~~board~~.

(5) The department ~~board~~ shall adopt rules specifying procedures for the registration of specialty practitioners desiring to be registered in this state who have been registered or licensed and are practicing in states which have registering or licensing standards substantially similar to, equivalent to, or more stringent than the standards of this state.

Section 146. Subsection (2) of section 477.0212, Florida Statutes, is amended to read:

477.0212 Inactive status.—

(2) The department ~~board~~ shall adopt rules relating to licenses that become inactive and for the renewal of inactive licenses. ~~The rules may not require more than one renewal cycle of continuing education to reactivate a license.~~ The department ~~board~~ shall prescribe by rule a fee not to exceed $50 for the reactivation of an inactive license and a fee not to exceed $50 for the renewal of an inactive license.

Section 147. Subsections (1) and (2) of section 477.022, Florida Statutes, are amended to read:

477.022 Examinations.—

(1) The department ~~board~~ shall ensure that examinations adequately measure both an applicant's competency and her or his knowledge of related statutory requirements. Professional testing services may be utilized to formulate the examinations.

The department ~~board~~ may offer a written clinical examination or a performance examination, or both, in addition to a written theory examination.

(2) The department ~~board~~ shall ensure that examinations comply with state and federal equal employment opportunity guidelines.

Section 148. Subsections (2), (8), (9), and (10) of section 477.025, Florida Statutes, are amended to read:

477.025 Cosmetology salons; specialty salons; requisites; licensure; inspection; mobile cosmetology salons.—

(2) The department ~~board~~ shall adopt rules governing the licensure and operation of salons and specialty salons and their facilities, personnel, safety and sanitary requirements, and the license application and granting process.

(8) Renewal of license registration for cosmetology salons or specialty salons shall be accomplished pursuant to rules adopted by the department ~~board~~. The department ~~board~~ is further authorized to adopt rules governing delinquent renewal of licenses and may impose penalty fees for delinquent renewal.

(9) The department ~~board~~ is authorized to adopt rules governing the periodic inspection of cosmetology salons and specialty salons licensed under this chapter.

(10)(a) The department ~~board~~ shall adopt rules governing the licensure, operation, and inspection of mobile cosmetology salons, including their facilities, personnel, and safety and

sanitary requirements.

(b) Each mobile salon must comply with all licensure and operating requirements specified in this chapter or chapter 455 or rules of the ~~board or~~ department that apply to cosmetology salons at fixed locations, except to the extent that such requirements conflict with this subsection or rules adopted pursuant to this subsection.

(c) A mobile cosmetology salon must maintain a permanent business address, located in the inspection area of the local department office, at which records of appointments, itineraries, license numbers of employees, and vehicle identification numbers of the licenseholder's mobile salon shall be kept and made available for verification purposes by department personnel, and at which correspondence from the department can be received.

(d) To facilitate periodic inspections of mobile cosmetology salons, before ~~prior to~~ the beginning of each month each mobile salon licenseholder must file with the department ~~board~~ a written monthly itinerary listing the locations where and the dates and hours when the mobile salon will be operating.

(e) The department ~~board~~ shall establish fees for mobile cosmetology salons, not to exceed the fees for cosmetology salons at fixed locations.

(f) The operation of mobile cosmetology salons must be in compliance with all local laws and ordinances regulating

business establishments, with all applicable requirements of the Americans with Disabilities Act relating to accommodations for persons with disabilities, and with all applicable OSHA requirements.

Section 149. Section 477.026, Florida Statutes, is amended to read:

477.026 Fees; disposition.—

(1) The department ~~board~~ shall set fees according to the following schedule:

(a) For cosmetologists, fees for original licensing, license renewal, and delinquent renewal may ~~shall~~ not exceed $50.

(b) For cosmetologists, fees for endorsement application, examination, and reexamination may ~~shall~~ not exceed $50.

(c) For cosmetology and specialty salons, fees for license application, original licensing, license renewal, and delinquent renewal may ~~shall~~ not exceed $50.

(d) For specialists, fees for application and endorsement registration may ~~shall~~ not exceed $30.

(e) For specialists, fees for initial registration, registration renewal, and delinquent renewal may ~~shall~~ not exceed $50.

(2) All moneys collected by the department from fees authorized by this chapter shall be paid into the Professional Regulation Trust Fund, which fund is created in the department,

and shall be applied in accordance with ss. 215.37 and 455.219. The Legislature may appropriate any excess moneys from this fund to the General Revenue Fund.

(3) The department, with the advice of the department ~~board~~, shall prepare and submit a proposed budget in accordance with law.

Section 150. Subsections (2) and (4) of section 477.0263, Florida Statutes, are amended to read:

477.0263 Cosmetology services to be performed in licensed salon; exceptions.—

(2) Pursuant to rules established by the department ~~board~~, cosmetology services may be performed by a licensed cosmetologist in a location other than a licensed salon, including, but not limited to, a nursing home, hospital, or residence, when a client for reasons of ill health is unable to go to a licensed salon. Arrangements for the performance of such cosmetology services in a location other than a licensed salon shall be made only through a licensed salon.

(4) Pursuant to rules adopted by the department ~~board~~, any cosmetology or specialty service may be performed in a location other than a licensed salon when the service is performed in connection with a special event and is performed by a person who holds the proper license or specialty registration.

Section 151. Section 477.028, Florida Statutes, is amended to read:

477.028 Disciplinary proceedings.—

(1) The department may ~~board shall have the power to~~ revoke or suspend the license of a cosmetologist licensed under this chapter, or the registration of a specialist registered under this chapter, and to reprimand, censure, deny subsequent licensure or registration of, or otherwise discipline a cosmetologist or a specialist licensed or registered under this chapter in any of the following cases:

(a) Upon proof that a license or registration has been obtained by fraud or misrepresentation.

(b) Upon proof that the holder of a license or registration is guilty of fraud or deceit or of gross negligence, incompetency, or misconduct in the practice or instruction of cosmetology or a specialty.

(c) Upon proof that the holder of a license or registration is guilty of aiding, assisting, procuring, or advising any unlicensed person to practice as a cosmetologist.

(2) The department may ~~board shall have the power to~~ revoke or suspend the license of a cosmetology salon or a specialty salon licensed under this chapter, to deny subsequent licensure of such salon, or to reprimand, censure, or otherwise discipline the owner of such salon in either of the following cases:

(a) Upon proof that a license has been obtained by fraud or misrepresentation.

(b) Upon proof that the holder of a license is guilty of fraud or deceit or of gross negligence, incompetency, or misconduct in the operation of the salon so licensed.

(3) Disciplinary proceedings shall be conducted pursuant to the provisions of chapter 120.

(4) The department may ~~shall~~ not issue or renew a license or certificate of registration under this chapter to any person against whom or salon against which the department ~~board~~ has assessed a fine, interest, or costs associated with investigation and prosecution until the person or salon has paid in full such fine, interest, or costs associated with investigation and prosecution or until the person or salon complies with or satisfies all terms and conditions of the final order.

Section 152. Paragraph (i) of subsection (1) and subsection (2) of section 477.029, Florida Statutes, are amended to read:

477.029 Penalty.—

(1) It is unlawful for any person to:

(i) Violate or refuse to comply with any provision of this chapter or chapter 455 or a rule or final order of the ~~board or the~~ department.

(2) Any person who violates the provisions of this section shall be subject to one or more of the following penalties, as determined by the department ~~board~~:

(a) Revocation or suspension of any license or registration issued pursuant to this chapter.

(b) Issuance of a reprimand or censure.

(c) Imposition of an administrative fine not to exceed $500 for each count or separate offense.

(d) Placement on probation for a period of time and subject to such reasonable conditions as the department ~~board~~ may specify.

(e) Refusal to certify to the department an applicant for licensure.

Section 153. Subsections (4) through (16) of section 481.203, Florida Statutes, are renumbered as subsections (3) through (15), respectively, and subsection (3) and present subsection (8) of that section are amended, to read:

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

~~(3) "Board" means the Board of Architecture and Interior Design.~~

(7)~~(8)~~ "Diversified interior design experience" means experience which substantially encompasses the various elements of interior design services set forth under the definition of "interior design" in subsection (9) ~~(10)~~.

Section 154. Section 481.207, Florida Statutes, is amended to read:

481.207 Fees.—The department ~~board~~, by rule, may establish fees for architects and registered interior designers, to be

paid for applications, examination, reexamination, licensing and renewal, delinquency, reinstatement, and recordmaking and recordkeeping. The examination fee shall be in an amount that covers the cost of obtaining and administering the examination and shall be refunded if the applicant is found ineligible to sit for the examination. The application fee is nonrefundable. The fee for initial application and examination for architects may not exceed $775 plus the actual per applicant cost to the department for purchase of the examination from the National Council of Architectural Registration Boards or similar national organizations. The initial nonrefundable fee for registered interior designers may not exceed $75. The biennial renewal fee for architects may not exceed $200. The biennial renewal fee for registered interior designers may not exceed $75. The delinquency fee may not exceed the biennial renewal fee established by the department ~~board~~ for an active license. The department ~~board~~ shall establish fees that are adequate to ensure the continued operation of the department ~~board~~ and to fund the proportionate expenses incurred by the department which are allocated to the regulation of architects and registered interior designers. Fees shall be based on department estimates of the revenue required to implement this part and the provisions of law with respect to the regulation of architects and interior designers.

Section 155. Subsection (1) of section 481.209, Florida

Statutes, is amended to read:

481.209 Examinations.—

(1) A person desiring to be licensed as a registered architect by initial examination shall apply to the department, complete the application form, and remit a nonrefundable application fee. The department shall license any applicant who the department ~~board~~ certifies has passed the licensure examination prescribed by department ~~board~~ rule and is a graduate of a school or college of architecture with a program accredited by the National Architectural Accreditation Board.

Section 156. Section 481.211, Florida Statutes, is amended to read:

481.211 Architecture internship required.—An applicant for licensure as a registered architect shall complete, before licensure, an internship of diversified architectural experience approved by the department ~~board~~, which meets the requirements set forth by rule.

Section 157. Subsections (3), (4), and (5) of section 481.215, Florida Statutes, are amended to read:

481.215 Renewal of license or certificate of registration.—

~~(3) A license or certificate of registration renewal may not be issued to an architect or a registered interior designer by the department until the licensee or registrant submits proof satisfactory to the department that, during the 2 years before~~

~~application for renewal, the licensee or registrant participated per biennium in not less than 20 hours of at least 50 minutes each per biennium of continuing education approved by the board. The board shall approve only continuing education that builds upon the basic knowledge of architecture or interior design. The board may make exception from the requirements of continuing education in emergency or hardship cases.~~

~~(4) The board shall by rule establish criteria for the approval of continuing education courses and providers and shall by rule establish criteria for accepting alternative nonclassroom continuing education on an hour-for-hour basis.~~

~~(5) For a license or certificate of registration, the board shall require, by rule adopted pursuant to ss. 120.536(1) and 120.54, 2 hours in specialized or advanced courses on any portion of the Florida Building Code, adopted pursuant to part IV of chapter 553, relating to the licensee's respective area of practice. Such hours count toward the continuing education hours required under subsection (3). A licensee may complete the courses required under this subsection online.~~

Section 158. Section 481.217, Florida Statutes, is amended to read:

481.217 Inactive status.—

~~(1) The board may prescribe by rule continuing education requirements as a condition of reactivating a license. The rules may not require more than one renewal cycle of continuing~~

~~education to reactivate a license or registration for a registered architect or registered interior designer.~~

~~(2)~~ The department ~~board~~ shall adopt rules relating to application procedures for inactive status and for the reactivation of inactive licenses and registrations.

Section 159. Subsection (2), paragraph (b) of subsection (3), and subsection (5) of section 481.219, Florida Statutes, are amended to read:

481.219 Qualification of business organizations.—

(2) If a licensee or an applicant proposes to engage in the practice of architecture as a business organization, the licensee or applicant shall qualify the business organization upon approval of the department ~~board~~.

(3)

(b) In the event a qualifying agent ceases employment with a qualified business organization, the department ~~executive director or the chair of the board~~ may authorize another registered architect employed by the business organization to temporarily serve as its qualifying agent for a period of no more than 60 days. The business organization is not authorized to operate beyond such period under this chapter absent replacement of the qualifying agent who has ceased employment.

(5) The department ~~board~~ shall allow a licensee or an applicant to qualify one or more business organizations to offer architectural services, or to use a fictitious name to offer

such services, if one or more of the principal officers of the corporation or limited liability company, or one or more partners of the partnership, and all personnel of the corporation, limited liability company, or partnership who act in its behalf in this state as architects, are registered as provided by this part.

Section 160. Subsections (1), (2), (6), (11), and (12) of section 481.221, Florida Statutes, are amended to read:

481.221 Seals; display of certificate number.—

(1) The department ~~board~~ shall prescribe, by rule, one or more forms of seals to be used by registered architects holding valid certificates of registration.

(2) Each registered architect shall obtain one seal in a form approved by rule of the department ~~board~~ and may, in addition, register her or his seal electronically in accordance with ss. 668.001-668.006. All final construction documents and instruments of service which include drawings, plans, specifications, or reports prepared or issued by the registered architect and being filed for public record shall bear the signature and seal of the registered architect who prepared or approved the document and the date on which they were sealed. The signature, date, and seal shall be evidence of the authenticity of that to which they are affixed. Final plans, specifications, or reports prepared or issued by a registered architect may be transmitted electronically and may be signed by

the registered architect, dated, and sealed electronically with the seal in accordance with ss. 668.001-668.006.

(6) No registered architect shall affix her or his signature or seal to any final construction document or instrument of service which includes drawings, plans, specifications, or architectural documents which were not prepared by her or him or under her or his responsible supervising control or by another registered architect and reviewed, approved, or modified and adopted by her or him as her or his own work according to rules adopted by the department ~~board~~.

(11) When the certificate of registration of a registered architect or interior designer has been revoked or suspended by the department ~~board~~, the registered architect or interior designer shall surrender her or his seal to the secretary of the department ~~board~~ within a period of 30 days after the revocation or suspension has become effective. If the certificate of the registered architect or interior designer has been suspended for a period of time, her or his seal shall be returned to her or him upon expiration of the suspension period.

(12) A person may not sign and seal by any means any final plan, specification, or report after her or his certificate of registration has expired or is suspended or revoked. A registered architect or interior designer whose certificate of registration is suspended or revoked shall, within 30 days after

the effective date of the suspension or revocation, surrender her or his seal to the department ~~executive director of the board~~ and confirm in writing to the department ~~executive director~~ the cancellation of the registered architect's or interior designer's electronic signature in accordance with ss. 668.001-668.006. When a registered architect's or interior designer's certificate of registration is suspended for a period of time, her or his seal shall be returned upon expiration of the period of suspension.

Section 161. Section 481.222, Florida Statutes, is amended to read:

481.222 Architects performing building code inspection services.—Notwithstanding any other provision of law, a person who is currently licensed to practice as an architect under this part may provide building code inspection services described in s. 468.603(4) and (7) ~~s. 468.603(5) and (8)~~ to a local government or state agency upon its request, without being certified by the Florida Building Code Administrators and Inspectors licensing program ~~Board~~ under part XII of chapter 468. With respect to the performance of such building code inspection services, the architect is subject to the disciplinary guidelines of this part and s. 468.621(1)(c)-(h). Any complaint processing, investigation, and discipline that arise out of an architect's performance of building code inspection services shall be conducted by the Department of

Business and Professional Regulation ~~Board of Architecture and Interior Design rather than the Florida Building Code Administrators and Inspectors Board~~. An architect may not perform plans review as an employee of a local government upon any job that the architect or the architect's company designed.

Section 162. Paragraphs (a) and (d) of subsection (1) of section 481.223, Florida Statutes, are amended to read:

481.223 Prohibitions; penalties; injunctive relief.—

(1) A person may not knowingly:

(a) Practice architecture unless the person is an architect or a registered architect; however, a licensed architect who has been licensed by the department ~~board~~ and who chooses to relinquish or not to renew his or her license may use the title "Architect, Retired" but may not otherwise render any architectural services.

(d) Give false or forged evidence to the department ~~board or a member thereof~~.

Section 163. Paragraphs (a), (g), and (i) of subsection (1) and subsections (2), (3), and (4) of section 481.225, Florida Statutes, are amended to read:

481.225 Disciplinary proceedings against registered architects.—

(1) The following acts constitute grounds for which the disciplinary actions in subsection (3) may be taken:

(a) Violating any provision of s. 455.227(1), s. 481.221,

or s. 481.223, or any rule of the ~~board or~~ department lawfully adopted pursuant to this part or chapter 455.

(g) Committing an act of fraud or deceit, or of negligence, incompetency, or misconduct, in the practice of architecture, including, but not limited to, allowing the preparation of any architectural studies, plans, or other instruments of service in an office that does not have a full-time Florida-registered architect assigned to such office or failing to ensure the responsible supervising control of services or projects, as required by department ~~board~~ rule.

(i) Aiding, assisting, procuring, or advising any unlicensed person to practice architecture contrary to this part or to a rule of the department ~~or the board~~.

(2) The department ~~board~~ shall specify, by rule, what acts or omissions constitute a violation of subsection (1).

(3) When the department ~~board~~ finds any registered architect guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(a) Denial of an application for licensure.

(b) Revocation or suspension of a license.

(c) Imposition of an administrative fine not to exceed $1,000 for each count or separate offense and a fine of up to $5,000 for matters pertaining to a material violation of the Florida Building Code as reported by a local jurisdiction.

(d) Issuance of a reprimand.

(e) Placement of the registered architect on probation for a period of time and subject to such conditions as the department ~~board~~ may specify, including requiring the registered architect to attend continuing education courses or to work under the supervision of another registered architect.

(f) Restriction of the authorized scope of practice by the registered architect.

(4) The department shall reissue the license of a disciplined registered architect upon certification by the department ~~board~~ that he or she has complied with all of the terms and conditions set forth in the final order.

Section 164. Paragraph (a) of subsection (1) and subsection (2) of section 481.2251, Florida Statutes, are amended to read:

481.2251 Disciplinary proceedings against registered interior designers.—

(1) The following acts constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(a) Attempting to register or renewing registration by bribery, by fraudulent misrepresentation, or through an error of the department ~~board~~;

(2) When the department ~~board~~ finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order taking the following action or imposing one or more of the

following penalties:

(a) Refusal to register the applicant;

(b) Refusal to renew an existing registration;

(c) Removal from the state registry; or

(d) Imposition of an administrative fine not to exceed $500 for each violation or separate offense and a fine of up to $2,500 for matters pertaining to a material violation of the Florida Building Code as reported by a local jurisdiction.

Section 165. Subsection (1) of section 481.303, Florida Statutes, is amended to read:

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

~~(1) "Board" means the Board of Landscape Architecture.~~

Section 166. Section 481.306, Florida Statutes, is amended to read:

481.306 Authority to make rules.—The department may ~~board has authority to~~ adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter and chapter 455 conferring duties upon it.

Section 167. Section 481.307, Florida Statutes, is amended to read:

481.307 Fees.—The department ~~board~~, by rule, may establish fees to be paid for applications, examination, reexamination, licensing and renewal, delinquency, reinstatement, and recordmaking and recordkeeping. The examination fee shall be in an amount that covers the costs of obtaining and administering

the examination and shall be refunded if the applicant is found ineligible to sit for the examination. The application fee is nonrefundable. The combined fees for initial application and examination may not exceed $800 plus the actual per applicant cost to the department for purchase of portions of the examination from the Council of Landscape Architectural Registration Boards or a similar national organization. The biennial renewal fee may not exceed $600. The delinquency fee may not exceed the biennial renewal fee established by the department ~~board~~ for an active license. The department ~~board~~ shall establish fees that are adequate to ensure the continued operation of the department ~~board~~ and to fund the proportionate expenses incurred by the department which are allocated to the regulation of landscape architects. Fees shall be based on department estimates of the revenue required to implement this part and the provisions of law with respect to the regulation of landscape architects.

Section 168. Subsection (1) of section 481.309, Florida Statutes, is amended to read:

481.309 Examinations.—

(1) A person desiring to be licensed as a registered landscape architect shall apply to the department to take the licensure examination. The department shall examine each applicant who the department ~~board~~ certifies:

(a) Has completed the application form and remitted a

nonrefundable application fee and an examination fee which is refundable if the applicant is found to be ineligible to take the examination; and

(b)1. Has completed a professional degree program in landscape architecture as approved by the department ~~Landscape Architectural Accreditation Board~~; or

2. Presents evidence of not less than 6 years of actual practical experience in landscape architectural work of a grade and character satisfactory to the department ~~board~~. Each year of education completed in a recognized school shall be considered to be equivalent to 1 year of experience, with a maximum credit of 4 years.

Section 169. Section 481.310, Florida Statutes, is amended to read:

481.310 Practical experience requirement.—Beginning October 1, 1990, every applicant for licensure as a registered landscape architect shall demonstrate, before ~~prior to~~ licensure, 1 year of practical experience in landscape architectural work. An applicant who holds a master of landscape architecture degree and a bachelor's degree in a related field is not required to demonstrate 1 year of practical experience in landscape architectural work to obtain licensure. The department ~~board~~ shall adopt rules providing standards for the required experience. An applicant who qualifies for examination pursuant to s. 481.309(1)(b)1. may obtain the practical experience after

completing the required professional degree. Experience used to qualify for examination pursuant to s. 481.309(1)(b)2. may not be used to satisfy the practical experience requirement under this section.

Section 170. Section 481.311, Florida Statutes, is amended to read:

481.311 Licensure.—

(1) The department shall license any applicant who the department ~~board~~ certifies is qualified to practice landscape architecture and who has paid the initial licensure fee.

(2) The department ~~board~~ shall certify for licensure any applicant who:

(a) Passes the examination required by s. 481.309; and

(b) Satisfies the experience requirement of s. 481.310.

(3) The department ~~board~~ shall certify as qualified for a license by endorsement an applicant who:

(a) Qualifies to take the examination as set forth in s. 481.309; and has passed a national, regional, state, or territorial licensing examination which is substantially equivalent to the examination required by s. 481.309;

(b) Holds a valid license to practice landscape architecture issued by another state or territory of the United States, if the criteria for issuance of such license were substantially identical to the licensure criteria which existed in this state at the time the license was issued; or

(c) Has held a valid license to practice landscape architecture in another state or territory of the United States for at least 10 years before the date of application and has successfully completed a state, regional, national, or other examination that is equivalent to or more stringent than the examination required by the department ~~board~~, subject to subsection (5). An applicant who has met the requirements to be qualified for a license by endorsement, except for successful completion of an examination that is equivalent to or more stringent than the examination required by the department ~~board~~, may take the examination required by the department ~~board~~ without completing additional education requirements. Such application must be submitted to the department ~~board~~ while the applicant holds a valid license in another state or territory or within 2 years after the expiration of such license.

(4) The department ~~board~~ may refuse to certify any applicant who is under investigation in any jurisdiction for any act which would constitute a violation of this act or of chapter 455, until the investigation is complete and disciplinary proceedings have been terminated.

(5) The department ~~board~~ may refuse to certify any applicant who has violated any of the provisions of s. 481.325.

Section 171. Subsections (3), (4), and (5) of section 481.313, Florida Statutes, are amended to read:

481.313 Renewal of license.—

~~(3) No license renewal shall be issued to a landscape architect by the department until the licensee submits proof, satisfactory to the department, that during the 2-year period prior to application for renewal, the licensee participated in such continuing education courses required by the board. The board shall approve only continuing education courses that relate to and increase the basic knowledge of landscape architecture. The board may make an exception from the requirements of continuing education in emergency or hardship cases.~~

~~(4) The board, by rule adopted pursuant to ss. 120.536(1) and 120.54, shall establish criteria for the approval of continuing education courses and providers, and shall by rule establish criteria for accepting alternative nonclassroom continuing education on an hour-for-hour basis. A landscape architect shall receive hour-for-hour credit for attending continuing education courses approved by the Landscape Architecture Continuing Education System or another nationally recognized clearinghouse for continuing education that relate to and increase his or her basic knowledge of landscape architecture, as determined by the board, if the landscape architect submits proof satisfactory to the board that such course was approved by the Landscape Architecture Continuing Education System or another nationally recognized clearinghouse for continuing education, along with the syllabus or outline for~~

~~such course and proof of course attendance.~~

~~(5) The board shall require, by rule adopted pursuant to ss. 120.536(1) and 120.54, a specified number of hours in specialized or advanced courses, approved by the Florida Building Commission, on any portion of the Florida Building Code, adopted pursuant to part IV of chapter 553, relating to the licensee's respective area of practice.~~

Section 172. Section 481.315, Florida Statutes, is amended to read:

481.315 Inactive status.—

(1) A license that has become inactive or delinquent may be reactivated under this section upon application to the department and payment of any applicable biennial renewal or delinquency fee, or both, and a reactivation fee. ~~The board may not require a licensee to complete more than one renewal cycle of continuing education requirements.~~

(2) The department ~~board~~ shall adopt rules relating to application procedures for inactive status and for the reactivation of inactive licenses.

Section 173. Subsection (1) of section 481.317, Florida Statutes, is amended to read:

481.317 Temporary certificates.—

(1) Upon the approval by the department ~~board~~ and payment of the fee set in s. 481.307, the department shall grant a temporary certificate of registration for work on a specified

project in this state for a period not to exceed 1 year to an applicant who is licensed in another state or territory to practice landscape architecture.

Section 174. Subsection (3) of section 481.319, Florida Statutes, is amended to read:

481.319 Corporate and partnership practice of landscape architecture.—

(3) A landscape architect applying to practice in the name of a corporation must file with the department the names and addresses of all officers and department ~~board~~ members of the corporation, including the principal officer or officers, duly registered to practice landscape architecture in this state and, also, of all individuals duly registered to practice landscape architecture in this state who shall be in responsible charge of the practice of landscape architecture by the corporation in this state. A landscape architect applying to practice in the name of a partnership must file with the department the names and addresses of all partners of the partnership, including the partner or partners duly registered to practice landscape architecture in this state and, also, of an individual or individuals duly registered to practice landscape architecture in this state who shall be in responsible charge of the practice of landscape architecture by said partnership in this state.

Section 175. Subsections (1) and (2) of section 481.321, Florida Statutes, are amended to read:

481.321 Seals; display of certificate number.—

(1) The department ~~board~~ shall prescribe, by rule, one or more forms of seals for use by a registered landscape architect who holds a valid certificate of registration. Each registered landscape architect shall obtain one seal in a form approved by rule of the department ~~board~~ and may, in addition, register her or his seal electronically in accordance with ss. 668.001-668.006. All final plans, specifications, or reports prepared or issued by the registered landscape architect and filed for public record shall be signed by the registered landscape architect, dated, and stamped or sealed electronically with her or his seal. The signature, date, and seal constitute evidence of the authenticity of that to which they are affixed. Final plans, specifications, or reports prepared or issued by a registered landscape architect may be transmitted electronically and may be signed by the registered landscape architect, dated, and sealed electronically with the seal in accordance with ss. 668.001-668.006.

(2) It is unlawful for any person to sign and seal by any means any final plan, specification, or report after her or his certificate of registration is expired, suspended, or revoked. A registered landscape architect whose certificate of registration is suspended or revoked shall, within 30 days after the effective date of the suspension or revocation, surrender her or his seal to the department ~~executive director of the board~~ and

confirm in writing to the department ~~executive director~~ the cancellation of the landscape architect's electronic signature in accordance with ss. 668.001-668.006. When a landscape architect's certificate of registration is suspended for a period of time, her or his seal shall be returned upon expiration of the period of suspension.

Section 176. Paragraph (d) of subsection (1) of section 481.323, Florida Statutes, is amended to read:

481.323 Prohibitions; penalties.—

(1) A person may not knowingly:

(d) Give false or forged evidence to the department ~~board~~ or a member thereof;

Section 177. Subsections (2), (3), and (4) of section 481.325, Florida Statutes, are amended to read:

481.325 Disciplinary proceedings.—

(2) The department ~~board~~ shall specify, by rule, what acts or omissions constitute a violation of subsection (1).

(3) When the department ~~board~~ finds any registered landscape architect guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(a) Denial of an application for licensure.

(b) Revocation or suspension of a license.

(c) Imposition of an administrative fine not to exceed $1,000 for each count or separate offense and a fine of up to

$5,000 for matters pertaining to a material violation of the Florida Building Code as reported by a local jurisdiction.

(d) Issuance of a reprimand.

(e) Placement of the registered landscape architect on probation for a period of time and subject to such conditions as the department ~~board~~ may specify, including requiring the registered landscape architect to attend continuing education courses or to work under the supervision of another registered landscape architect.

(f) Restriction of the authorized scope of practice by the registered landscape architect.

(4) The department shall reissue the license of a disciplined registered landscape architect upon certification by the department ~~board~~ that she or he has complied with all of the terms and conditions set forth in the final order.

Section 178. Paragraph (c) of subsection (7) of section 489.103, Florida Statutes, is amended to read:

489.103 Exemptions.—This part does not apply to:

(7)

(c) To qualify for exemption under this subsection, an owner must personally appear and sign the building permit application and must satisfy local permitting agency requirements, if any, proving that the owner has a complete understanding of the owner's obligations under the law as specified in the disclosure statement in this section. However,

for purposes of implementing a "United States Department of Energy SunShot Initiative: Rooftop Solar Challenge" grant and the participation of county and municipal governments, including local permitting agencies under the jurisdiction of such county and municipal governments, an owner's notarized signature or personal appearance to sign the permit application is not required for a solar project, as described in subparagraph (a)3., if the building permit application is submitted electronically to the permitting agency and the owner certifies the application and disclosure statement using the permitting agency's electronic confirmation system. If any person violates the requirements of this subsection, the local permitting agency shall withhold final approval, revoke the permit, or pursue any action or remedy for unlicensed activity against the owner and any person performing work that requires licensure under the permit issued. The local permitting agency shall provide the person with a disclosure statement in substantially the following form:

DISCLOSURE STATEMENT

1. I understand that state law requires construction to be done by a licensed contractor and have applied for an owner-builder permit under an exemption from the law. The exemption specifies that I, as the owner of the property listed, may act as my own contractor with certain restrictions even though I do not have a license.

2. I understand that building permits are not required to be signed by a property owner unless he or she is responsible for the construction and is not hiring a licensed contractor to assume responsibility.

3. I understand that, as an owner-builder, I am the responsible party of record on a permit. I understand that I may protect myself from potential financial risk by hiring a licensed contractor and having the permit filed in his or her name instead of my own name. I also understand that a contractor is required by law to be licensed in Florida and to list his or her license numbers on permits and contracts.

4. I understand that I may build or improve a one-family or two-family residence or a farm outbuilding. I may also build or improve a commercial building if the costs do not exceed $75,000. The building or residence must be for my own use or occupancy. It may not be built or substantially improved for sale or lease, unless I am completing the requirements of a building permit where the contractor listed on the permit substantially completed the project. If a building or residence that I have built or substantially improved myself is sold or leased within 1 year after the construction is complete, the law will presume that I built or substantially improved it for sale or lease, which violates the exemption.

5. I understand that, as the owner-builder, I must provide direct, onsite supervision of the construction.

6. I understand that I may not hire an unlicensed person to act as my contractor or to supervise persons working on my building or residence. It is my responsibility to ensure that the persons whom I employ have the licenses required by law and by county or municipal ordinance.

7. I understand that it is a frequent practice of unlicensed persons to have the property owner obtain an owner-builder permit that erroneously implies that the property owner is providing his or her own labor and materials. I, as an owner-builder, may be held liable and subjected to serious financial risk for any injuries sustained by an unlicensed person or his or her employees while working on my property. My homeowner's insurance may not provide coverage for those injuries. I am willfully acting as an owner-builder and am aware of the limits of my insurance coverage for injuries to workers on my property.

8. I understand that I may not delegate the responsibility for supervising work to a licensed contractor who is not licensed to perform the work being done. Any person working on my building who is not licensed must work under my direct supervision and must be employed by me, which means that I must comply with laws requiring the withholding of federal income tax and social security contributions under the Federal Insurance Contributions Act (FICA) and must provide workers' compensation for the employee. I understand that my failure to follow these laws may subject me to serious financial risk.

9. I agree that, as the party legally and financially responsible for this proposed construction activity, I will abide by all applicable laws and requirements that govern owner-builders as well as employers. I also understand that the construction must comply with all applicable laws, ordinances, building codes, and zoning regulations.

10. I understand that I may obtain more information regarding my obligations as an employer from the Internal Revenue Service, the United States Small Business Administration, the Florida Department of Financial Services, and the Florida Department of Revenue. I also understand that I may contact the Department of Business and Professional Regulation ~~Florida Construction Industry Licensing Board~~ at ...(telephone number)... or ...(Internet website address)... for more information about licensed contractors.

11. I am aware of, and consent to, an owner-builder building permit applied for in my name and understand that I am the party legally and financially responsible for the proposed construction activity at the following address: ...(address of property)....

12. I agree to notify ...(issuer of disclosure statements)... immediately of any additions, deletions, or changes to any of the information that I have provided on this disclosure.

Licensed contractors are regulated by laws designed to protect the public. If you contract with a person who does not have a

license, the ~~Construction Industry Licensing Board and~~ Department of Business and Professional Regulation may be unable to assist you with any financial loss that you sustain as a result of a complaint. Your only remedy against an unlicensed contractor may be in civil court. It is also important for you to understand that, if an unlicensed contractor or employee of an individual or firm is injured while working on your property, you may be held liable for damages. If you obtain an owner-builder permit and wish to hire a licensed contractor, you will be responsible for verifying whether the contractor is properly licensed and the status of the contractor's workers' compensation coverage.

Before a building permit can be issued, this disclosure statement must be completed and signed by the property owner and returned to the local permitting agency responsible for issuing the permit. A copy of the property owner's driver license, the notarized signature of the property owner, or other type of verification acceptable to the local permitting agency is required when the permit is issued.

Signature: ...(signature of property owner)....

Date: ...(date)....

Section 179. Subsections (2) through (19) of section 489.105, Florida Statutes, are renumbered as subsections (1) through (18), respectively, and subsection (1) and present subsection (6) of that section are amended, to read:

489.105 Definitions.—As used in this part:

~~(1) "Board" means the Construction Industry Licensing Board.~~

(5) ~~(6)~~ "Contracting" means, except as exempted in this part, engaging in business as a contractor and includes, but is not limited to, performance of any of the acts as set forth in subsection (2) ~~(3)~~ which define types of contractors. The attempted sale of contracting services and the negotiation or bid for a contract on these services also constitutes contracting. If the services offered require licensure or agent qualification, the offering, negotiation for a bid, or attempted sale of these services requires the corresponding licensure. However, the term "contracting" does ~~shall~~ not extend to an individual, partnership, corporation, trust, or other legal entity that offers to sell or sells completed residences on property on which the individual or business entity has any legal or equitable interest, or to the individual or business entity that offers to sell or sells manufactured or factory-built buildings that will be completed on site on property on which either party to a contract has any legal or equitable interest, if the services of a qualified contractor certified or registered pursuant to the requirements of this chapter have been or will be retained for the purpose of constructing or completing such residences.

Section 180. Section 489.108, Florida Statutes, is amended

to read:

489.108 Rulemaking authority.—The department ~~board~~ has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter conferring duties upon it.

Section 181. Paragraphs (c), (e), (f), and (g) of subsection (1) and subsection (2) of section 489.109, Florida Statutes, are amended to read:

489.109 Fees.—

(1) The department ~~board~~, by rule, shall establish reasonable fees to be paid for applications, certification and renewal, registration and renewal, and recordmaking and recordkeeping. The fees shall be established as follows:

(c) The department ~~board~~, by rule, may establish delinquency fees, not to exceed the applicable renewal fee for renewal applications made after the expiration date of the certificate or registration.

(e) The department ~~board~~, by rule, shall impose a renewal fee for an inactive status certificate or registration, not to exceed the renewal fee for an active status certificate or registration. Neither the inactive certification fee nor the inactive registration fee may exceed $50. The department ~~board~~, by rule, may provide for a different fee for inactive status where such status is sought by a building code administrator, plans examiner, or inspector certified pursuant to part XII of

chapter 468 who is employed by a local government and is not allowed by the terms of such employment to maintain a certificate on active status issued pursuant to this part.

(f) The department ~~board~~, by rule, shall impose an additional late fee on a delinquent status certificateholder or registrant when such certificateholder or registrant applies for active or inactive status.

(g) The department ~~board~~, by rule, shall impose an additional fee, not to exceed the applicable renewal fee, which reasonably reflects the costs of processing a certificateholder's or registrant's request to change licensure status at any time other than at the beginning of a licensure cycle.

(2) ~~The board shall establish fees that are adequate to ensure the continued operation of the board.~~ Fees shall be based on department estimates of the revenue required to implement this part and the provisions of law with respect to the regulation of the construction industry.

Section 182. Paragraph (c) of subsection (2) and subsection (3) of section 489.111, Florida Statutes, are amended to read:

489.111 Licensure by examination.—

(2) A person shall be eligible for licensure by examination if the person:

(c) Meets eligibility requirements according to one of the

following criteria:

1. Has received a baccalaureate degree from an accredited 4-year college in the appropriate field of engineering, architecture, or building construction and has 1 year of proven experience in the category in which the person seeks to qualify. For the purpose of this part, a minimum of 2,000 person-hours shall be used in determining full-time equivalency. An applicant who is exempt from passing an examination under s. 489.113(1) is eligible for a license under this section.

2. Has a total of at least 4 years of active experience as a worker who has learned the trade by serving an apprenticeship as a skilled worker who is able to command the rate of a mechanic in the particular trade or as a foreman who is in charge of a group of workers and usually is responsible to a superintendent or a contractor or his or her equivalent; provided, however, that at least 1 year of active experience shall be as a foreman.

3. Has a combination of not less than 1 year of experience as a foreman and not less than 3 years of credits for any accredited college-level courses; has a combination of not less than 1 year of experience as a skilled worker, 1 year of experience as a foreman, and not less than 2 years of credits for any accredited college-level courses; or has a combination of not less than 2 years of experience as a skilled worker, 1 year of experience as a foreman, and not less than 1 year of

credits for any accredited college-level courses. All junior college or community college-level courses shall be considered accredited college-level courses.

4.a. An active certified residential contractor is eligible to receive a certified building contractor license after passing or having previously passed the building contractors' examination if he or she possesses a minimum of 3 years of proven experience in the classification in which he or she is certified.

b. An active certified residential contractor is eligible to receive a certified general contractor license after passing or having previously passed the general contractors' examination if he or she possesses a minimum of 4 years of proven experience in the classification in which he or she is certified.

c. An active certified building contractor is eligible to receive a certified general contractor license after passing or having previously passed the general contractors' examination if he or she possesses a minimum of 4 years of proven experience in the classification in which he or she is certified.

5.a. An active certified air-conditioning Class C contractor is eligible to receive a certified air-conditioning Class B contractor license after passing or having previously passed the air-conditioning Class B contractors' examination if he or she possesses a minimum of 3 years of proven experience in the classification in which he or she is certified.

b. An active certified air-conditioning Class C contractor is eligible to receive a certified air-conditioning Class A contractor license after passing or having previously passed the air-conditioning Class A contractors' examination if he or she possesses a minimum of 4 years of proven experience in the classification in which he or she is certified.

c. An active certified air-conditioning Class B contractor is eligible to receive a certified air-conditioning Class A contractor license after passing or having previously passed the air-conditioning Class A contractors' examination if he or she possesses a minimum of 1 year of proven experience in the classification in which he or she is certified.

6.a. An active certified swimming pool servicing contractor is eligible to receive a certified residential swimming pool contractor license after passing or having previously passed the residential swimming pool contractors' examination if he or she possesses a minimum of 3 years of proven experience in the classification in which he or she is certified.

b. An active certified swimming pool servicing contractor is eligible to receive a certified commercial swimming pool contractor license after passing or having previously passed the swimming pool commercial contractors' examination if he or she possesses a minimum of 4 years of proven experience in the classification in which he or she is certified.

c. An active certified residential swimming pool contractor is eligible to receive a certified commercial swimming pool contractor license after passing or having previously passed the commercial swimming pool contractors' examination if he or she possesses a minimum of 1 year of proven experience in the classification in which he or she is certified.

d. An applicant is eligible to receive a certified swimming pool/spa servicing contractor license after passing or having previously passed the swimming pool/spa servicing contractors' examination if he or she has satisfactorily completed 60 hours of instruction in courses related to the scope of work covered by that license and approved by the department ~~Construction Industry Licensing Board~~ by rule and has at least 1 year of proven experience related to the scope of work of such a contractor.

(3)(a) The department ~~board~~ may refuse to certify an applicant for failure to satisfy the requirement of good moral character only if:

1. There is a substantial connection between the lack of good moral character of the applicant and the professional responsibilities of a certified contractor; and

2. The finding by the department ~~board~~ of lack of good moral character is supported by clear and convincing evidence.

(b) When an applicant is found to be unqualified for a

certificate because of a lack of good moral character, the department ~~board~~ shall furnish the applicant a statement containing the findings of the department ~~board~~, a complete record of the evidence upon which the determination was based, and a notice of the rights of the applicant to a rehearing and appeal.

Section 183. Subsections (1) and (2), paragraph (f) of subsection (3), and subsections (6), (7), and (8) of section 489.113, Florida Statutes, are amended to read:

489.113 Qualifications for practice; restrictions.—

(1) Any person who desires to engage in contracting on a statewide basis shall, as a prerequisite thereto, establish his or her competency and qualifications to be certified pursuant to this part. To establish competency, a person shall pass the appropriate examination approved ~~by the board~~ and certified by the department. If an applicant has received a baccalaureate degree in building construction from an accredited 4-year college, or a related degree as approved by the department ~~board~~ by rule, and has a grade point average of 3.0 or higher, such applicant is only required to take and pass the business and finance portion of the examination. Any person who desires to engage in contracting on other than a statewide basis shall, as a prerequisite thereto, be registered pursuant to this part, unless exempted by this part.

(2) A person must be certified or registered in order to

engage in the business of contracting in this state. However, for purposes of complying with the provisions of this chapter, a subcontractor who is not certified or registered may perform construction work under the supervision of a person who is certified or registered, provided that the work is within the scope of the supervising contractor's license, the supervising contractor is responsible for the work, and the subcontractor being supervised is not engaged in construction work that would require a license as a contractor under any of the categories listed in s. 489.105(2)(d)-(o) ~~s. 489.105(3)(d)-(o)~~. This subsection does not affect the application of any local construction licensing ordinances. To enforce this subsection:

(a) The department shall issue a cease and desist order to prohibit any person from engaging in the business of contracting who does not hold the required certification or registration for the work being performed under this part. For the purpose of enforcing a cease and desist order, the department may file a proceeding in the name of the state seeking issuance of an injunction or a writ of mandamus against any person who violates any provision of such order.

(b) A county, municipality, or local licensing board created by special act may issue a cease and desist order to prohibit any person from engaging in the business of contracting who does not hold the required certification or registration for the work being performed under this part.

(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:

(f) A solar contractor may ~~shall~~ not be required to subcontract minor, as defined by department ~~board~~ rule, electrical, mechanical, plumbing, or roofing work so long as that work is within the scope of the license held by the solar contractor and where such work exclusively pertains to the installation of residential solar energy equipment as defined by rules of the department ~~board adopted in conjunction with the Electrical Contracting Licensing Board~~.

(6)(a) The department ~~board~~ shall, by rule, designate those types of specialty contractors which may be certified under this part. The limit of the scope of work and responsibility of a specialty contractor shall be established by the department ~~board~~ by rule. However, a certified specialty contractor category established by department ~~board~~ rule exists as a voluntary statewide licensing category and does not create a mandatory licensing requirement. Any mandatory statewide construction contracting licensure requirement may only be established through specific statutory provision.

(b) By July 1, 2025, the department ~~board~~ shall, by rule, establish certified specialty contractor categories for

voluntary licensure for all of the following:

1. Structural aluminum or screen enclosures.

2. Marine seawall work.

3. Marine bulkhead work.

4. Marine dock work.

5. Marine pile driving.

6. Structural masonry.

7. Structural prestressed, precast concrete work.

8. Rooftop solar heating installation.

9. Structural steel.

10. Window and door installation, including garage door installation and hurricane or windstorm protection.

11. Plaster and lath.

12. Structural carpentry.

(7) If an eligible applicant fails any contractor's written examination, except the general and building contractors' examination, and provides the department ~~board~~ with acceptable proof of lack of comprehension of written examinations, the applicant may petition the department ~~board~~ to be administered a uniform oral examination, subject to the following conditions:

(a) The applicant documents 10 years of experience in the appropriate construction craft.

(b) The applicant files written recommendations concerning his or her competency in the appropriate construction craft.

(c) The applicant is administered only one oral examination within a period of 1 year.

(8) Any public record of the department ~~board~~, when certified by the department ~~executive director of the board or the executive director's representative~~, may be received as prima facie evidence in any administrative or judicial proceeding.

Section 184. Subsection (1) of section 489.1131, Florida Statutes, is amended to read:

489.1131 Credit for relevant military training and education.—

(1) The department shall provide a method by which honorably discharged veterans may apply for licensure. The method must include a veteran-specific application and provide:

(a) To the fullest extent possible, credit toward the requirements for licensure for military experience, training, and education received and completed during service in the United States Armed Forces if the military experience, training, or education is substantially similar to the experience, training, or education required for licensure.

(b) Acceptance of up to 3 years of active duty service in the United States Armed Forces, regardless of duty or training, to meet the experience requirements of s. 489.111(2)(c). At least 1 additional year of active experience as a foreman in the trade, either civilian or military, is required to fulfill the

experience requirement of s. 489.111(2)(c).

The department ~~board~~ may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this subsection.

Section 185. Subsection (1) of section 489.1136, Florida Statutes, is amended to read:

489.1136 Medical gas certification.—

(1)(a) In addition to the certification or registration required to engage in business as a plumbing contractor, any plumbing contractor who wishes to engage in the business of installation, improvement, repair, or maintenance of any tubing, pipe, or similar conduit used to transport gaseous or partly gaseous substances for medical purposes shall take~~, as part of the contractor's continuing education requirement, at least once during the holding of such license,~~ a course of at least 6 hours before any installation, improvement, repair, or maintenance of any tubing, pipe, or similar conduit used to transport gaseous or partly gaseous substances for medical purposes. Such course shall be given by an instructional facility or teaching entity that has been approved by the department ~~board~~. In order for a course to be approved, the department ~~board~~ must find that the course is designed to teach familiarity with the National Fire Prevention Association Standard 99C (Standard on Gas and Vacuum Systems, latest edition) and also designed to teach familiarity and practical ability in performing and inspecting brazing

duties required of medical gas installation, improvement, repair, or maintenance work. Such course shall issue a certificate of completion to the taker of the course, which certificate shall be available for inspection by any entity or person seeking to have such contractor engage in the business of installation, improvement, repair, or maintenance of a medical gas system.

(b) Any other natural person who is employed by a licensed plumbing contractor to provide work on the installation, improvement, repair, or maintenance of a medical gas system, except as noted in paragraph (c), shall, as a prerequisite to his or her ability to provide such service, take a course approved by the department ~~board~~. Such course shall be at least 8 hours and consist of both classroom and practical work designed to teach familiarity with the National Fire Prevention Association Standard 99C (Standard on Gas and Vacuum Systems, latest edition) and also designed to teach familiarity and practical ability in performing and inspecting brazing duties required of medical gas installation, improvement, repair, or maintenance work. Such course shall also include the administration of a practical examination in the skills required to perform work as outlined above, including brazing, and each examination shall be reasonably constructed to test for knowledge of the subject matter. The person taking such course and examination must, upon successful completion of both, be

issued a certificate of completion by the giver of such course, which certificate shall be made available by the holder for inspection by any person or entity seeking to have such person perform work on the installation, improvement, repair, or maintenance of a medical gas system.

(c) Any other natural person who wishes to perform only brazing duties incidental to the installation, improvement, repair, or maintenance of a medical gas system shall pass an examination designed to show that person's familiarity with and practical ability in performing brazing duties required of medical gas installation, improvement, repair, or maintenance. Such examination shall be from a test approved by the department ~~board~~. Such examination must test for knowledge of National Fire Prevention Association Standard 99C (Standard on Gas and Vacuum Systems, latest edition). The person taking such examination must, upon passing such examination, be issued a certificate of completion by the giver of such examination, and such certificate shall be made available by the holder for inspection by any person or entity seeking to have or employ such person to perform brazing duties on a medical gas system.

(d) It is the responsibility of the licensed plumbing contractor to ascertain whether members of his or her workforce are in compliance with this subsection, and such contractor is subject to discipline under s. 489.129 for violation of this subsection.

(e) Training programs in medical gas piping installation, improvement, repair, or maintenance shall be reviewed annually by the department ~~board~~ to ensure that programs have been provided equitably across the state.

(f) Periodically, the department ~~board~~ shall review training programs in medical gas piping installation for quality in content and instruction in accordance with the National Fire Prevention Association Standard 99C (Standard on Gas and Vacuum Systems, latest edition). The department ~~board~~ shall also respond to complaints regarding approved programs.

Section 186. Section 489.114, Florida Statutes, is amended to read:

489.114 Evidence of workers' compensation coverage.—Except as provided in s. 489.115(5)(d), any person, business organization, or qualifying agent engaged in the business of contracting in this state and certified or registered under this part shall, as a condition precedent to the issuance or renewal of a certificate or registration of the contractor, provide to the department ~~Construction Industry Licensing Board~~, as provided by department ~~board~~ rule, evidence of workers' compensation coverage pursuant to chapter 440. In the event that the Division of Workers' Compensation of the Department of Financial Services receives notice of the cancellation of a policy of workers' compensation insurance insuring a person or entity governed by this section, the Division of Workers'

Compensation shall certify and identify all persons or entities by certification or registration license number to the department after verification is made by the Division of Workers' Compensation that persons or entities governed by this section are no longer covered by workers' compensation insurance. Such certification and verification by the Division of Workers' Compensation may result from records furnished to the Division of Workers' Compensation by the persons or entities governed by this section or an investigation completed by the Division of Workers' Compensation. The department shall notify the persons or entities governed by this section who have been determined to be in noncompliance with chapter 440, and the persons or entities notified shall provide certification of compliance with chapter 440 to the department and pay an administrative fine in the amount of $500. The failure to maintain workers' compensation coverage as required by law shall be grounds for the department ~~board~~ to revoke, suspend, or deny the issuance or renewal of a certificate or registration of the contractor under the provisions of s. 489.129.

Section 187. Paragraph (a) of subsection (2), subsection (3), paragraph (b) of subsection (4), and subsections (5), (6), (7), and (9) of section 489.115, Florida Statutes, are amended to read:

489.115 Certification and registration; endorsement; reciprocity; renewals~~; continuing education~~.—

(2)(a) The department shall issue a certificate or registration to each person qualified by the department ~~board~~ and upon receipt of the original license fee.

(3) The department ~~board~~ shall certify as qualified for certification by endorsement any applicant who:

(a) Meets the requirements for certification as set forth in this section; has passed a national, regional, state, or United States territorial licensing examination that is substantially equivalent to the examination required by this part; and has satisfied the requirements set forth in s. 489.111;

(b) Holds a valid license to practice contracting issued by another state or territory of the United States, if the criteria for issuance of such license were substantially equivalent to Florida's current certification criteria;

(c) Holds a valid, current license to practice contracting issued by another state or territory of the United States, if the state or territory has entered into a reciprocal agreement with the department ~~board~~ for the recognition of contractor licenses issued in that state, based on criteria for the issuance of such licenses that are substantially equivalent to the criteria for certification in this state; or

(d) Has held a valid, current license to practice contracting issued by another state or territory of the United States for at least 10 years before the date of application and

is applying for the same or similar license in this state, subject to subsections (5)-(9). The department ~~board~~ may consider an applicant's technical competence to ensure the applicant is able to meet the requirements of this state's codes and standards for wind mitigation and water intrusion. The department ~~board~~ may also consider whether such applicant has had a license to practice contracting revoked, suspended, or otherwise acted against by the licensing authority of another state, territory, or country. Such application must be made either when the license in another state or territory is active or within 2 years after such license was last active. Division I contractors and roofing contractors must complete a 2-hour course on the Florida Building Code which includes information on wind mitigation techniques. The required courses may be completed online.

(4)

~~(b)1. Each certificateholder or registrant shall provide proof, in a form established by rule of the board, that the certificateholder or registrant has completed at least 14 classroom hours of at least 50 minutes each of continuing education courses during each biennium since the issuance or renewal of the certificate or registration. The board shall establish by rule that a portion of the required 14 hours must deal with the subject of workers' compensation, business practices, workplace safety, and, for applicable licensure~~

~~categories, wind mitigation methodologies, and 1 hour of which must deal with laws and rules. The board shall by rule establish criteria for the approval of continuing education courses and providers, including requirements relating to the content of courses and standards for approval of providers, and may by rule establish criteria for accepting alternative nonclassroom continuing education on an hour-for-hour basis. The board shall prescribe by rule the continuing education, if any, which is required during the first biennium of initial licensure. A person who has been licensed for less than an entire biennium must not be required to complete the full 14 hours of continuing education.~~

~~2. In addition, the board may approve specialized continuing education courses on compliance with the wind resistance provisions for one and two family dwellings contained in the Florida Building Code and any alternate methodologies for providing such wind resistance which have been approved for use by the Florida Building Commission. Division I certificateholders or registrants who demonstrate proficiency upon completion of such specialized courses may certify plans and specifications for one and two family dwellings to be in compliance with the code or alternate methodologies, as appropriate, except for dwellings located in floodways or coastal hazard areas as defined in ss. 60.3D and E of the National Flood Insurance Program.~~

~~3. The board shall require, by rule adopted pursuant to ss. 120.536(1) and 120.54, a specified number of hours in specialized or advanced module courses, approved by the Florida Building Commission, on any portion of the Florida Building Code, adopted pursuant to part IV of chapter 553, relating to the contractor's respective discipline.~~

(5)(a) As a prerequisite to the initial issuance or the renewal of a certificate or registration, the applicant shall submit an affidavit on a form provided by the department ~~board~~ attesting to the fact that the applicant has obtained workers' compensation insurance as required by chapter 440, public liability insurance, and property damage insurance for the safety and welfare of the public, in amounts determined by rule of the department ~~board~~. The department ~~board~~ shall by rule establish a procedure to verify the accuracy of such affidavits based upon a random sample method.

(b) In addition to the affidavit of insurance, as a prerequisite to the initial issuance of a certificate, the applicant shall furnish a credit report from a nationally recognized credit agency that reflects the financial responsibility of the applicant and evidence of financial responsibility, credit, and business reputation of either himself or herself or the business organization he or she desires to qualify. The department ~~board~~ shall adopt rules defining financial responsibility based upon the applicant's

credit history, ability to be bonded, and any history of bankruptcy or assignment of receivers. The department ~~board~~ may also adopt rules that would allow applicants to demonstrate financial responsibility, as an alternative to the foregoing, by providing minimum credit scores or bonds payable as prescribed for financially responsible officers. Such rules shall specify the financial responsibility grounds on which the department ~~board~~ may refuse to qualify an applicant for certification.

(c) If, within 60 days from the date the applicant is notified that he or she has qualified, he or she does not provide the evidence required, he or she shall apply to the department for an extension of time which shall be granted upon a showing of just cause.

(d) An applicant for initial issuance of a certificate or registration shall submit as a prerequisite to qualifying for an exemption from workers' compensation coverage requirements under s. 440.05 an affidavit attesting to the fact that the applicant will obtain an exemption within 30 days after the date the initial certificate or registration is issued by the department ~~board~~.

(6) An applicant for initial issuance of a certificate or registration shall submit to a statewide criminal history records check through the Department of Law Enforcement. The Department of Business and Professional Regulation shall submit the requests for the criminal history records check to the

Department of Law Enforcement for state processing, and the Department of Law Enforcement shall return the results to the department to determine if the applicant meets certification or registration requirements. If the applicant has been convicted of a felony, the department ~~board~~ may deny licensure to the applicant based upon the severity of the crime, the relationship of the crime to contracting, or the potential for public harm. The department ~~board~~ shall also, in denying or approving licensure, consider the length of time since the commission of the crime and the rehabilitation of the applicant. The department ~~board~~ may not deny licensure to an applicant based solely upon a felony conviction or the applicant's failure to provide proof of restoration of civil rights.

(7) An initial applicant shall, along with the application, and a certificateholder or registrant shall, upon requesting a change of status, submit to the department ~~board~~ a credit report from a nationally recognized credit agency that reflects the financial responsibility of the applicant or certificateholder or registrant. The credit report required for the initial applicant shall be considered the minimum evidence necessary to satisfy the department ~~board~~ that he or she is financially responsible to be certified, has the necessary credit and business reputation to engage in contracting in the state, and has the minimum financial stability necessary to avoid the problem of financial mismanagement or misconduct. The

department ~~board~~ shall, by rule, adopt guidelines for determination of financial stability, which may include minimum requirements for net worth, cash, and bonding for Division I certificateholders of no more than $20,000 and for Division II certificateholders of no more than $10,000. Fifty percent of the financial requirements may be met by completing a 14-hour financial responsibility course approved by the department ~~board~~.

(9) An initial applicant shall submit, along with the application, a complete set of fingerprints to the department. The fingerprints shall be submitted to the Department of Law Enforcement for state processing, and the Department of Law Enforcement shall forward them to the Federal Bureau of Investigation for national processing for the purpose of determining if the applicant has a criminal history record. The department shall and the department ~~board~~ may review the background results to determine if an applicant meets licensure requirements. The cost for the fingerprint processing shall be borne by the person subject to the background screening. These fees are to be collected by the authorized agencies or vendors. The authorized agencies or vendors are responsible for paying the processing costs to the Department of Law Enforcement.

Section 188. Subsections (7) and (8) of section 489.116, Florida Statutes, are renumbered as subsections (6) and (7), respectively, and subsections (2) through (5) and subsection (6)

and present subsection (7) of that section are amended, to read:

489.116 Inactive and delinquent status; renewal and cancellation notices.—

(2) The department ~~board~~ shall permit a certificateholder or registrant to elect, at the time of licensure renewal, an active or inactive status.

(3) An inactive status certificateholder or registrant may change to active status at any time, if the certificateholder or registrant meets all requirements for active status, pays any additional licensure fees necessary to equal those imposed on an active status certificateholder or registrant, pays any applicable late fees, and meets all ~~continuing education~~ requirements prescribed by the department ~~board~~.

(4) A certificateholder or registrant shall apply with a completed application, as determined by department ~~board~~ rule, to renew an active or inactive status certificate or registration before the certificate or registration expires. Failure of a certificateholder or registrant to so apply shall cause the certificate or registration to become a delinquent certificate or registration. Further, any delinquent certificateholder or registrant who fails to apply to renew licensure on either active or inactive status before expiration of the current licensure cycle must reapply in the same manner as an applicant for initial certification or registration.

(5) A delinquent status certificateholder or registrant

must apply with a completed application, as determined by department ~~board~~ rule, for active or inactive status during the current licensure cycle. Failure by a delinquent status certificateholder or registrant to become active or inactive before the expiration of the current licensure cycle renders the certificate or registration void, and any subsequent licensure shall be subject to all procedures and requirements imposed on an applicant for initial licensure.

~~(6) The board may not require an inactive certificateholder or registrant to complete more than one renewal cycle of continuing education for reactivating a certificate or registration.~~

(6)~~(7)~~ The status or any change in status of a certificateholder or registrant may ~~shall~~ not alter in any way the department's ~~board's~~ right to impose discipline or to enforce discipline previously imposed on a certificateholder or registrant for acts or omissions committed by the certificateholder or registrant while holding a certificate or registration.

Section 189. Paragraphs (a) and (c) of subsection (1), subsection (2), paragraph (a) of subsection (3), and subsection (4) of section 489.117, Florida Statutes, are amended to read:

489.117 Registration; specialty contractors.—

(1)(a) A person engaged in the business of a contractor as defined in s. 489.105(2)(a)-(o) ~~s. 489.105(3)(a)-(o)~~ must be

registered before engaging in business as a contractor in this state, unless he or she is certified. Except as provided in paragraph (2)(b), to be initially registered, the applicant must submit the required fee and file evidence of successful compliance with the local examination and licensing requirements, if any, in the area for which registration is desired. An examination is not required for registration.

(c) Each registrant shall report to the department ~~board~~ each local jurisdiction and each category of registration in which the registrant holds a certificate of competency or license, or where the registrant has been granted a certificate of competency or license by reciprocal agreement, for which registration is required by this part, within 30 days after obtaining such certificate or license.

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

to process and investigate complaints and to take disciplinary action against locally licensed contractors.

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

1. The applicant held, in any local jurisdiction in this state during 2021, 2022, or 2023, a certificate of registration issued by the state or a local license issued by a local jurisdiction to perform work in a category of contractor defined in s. 489.105(2)(a)-(o) ~~s. 489.105(3)(a)-(o)~~.

2. The applicant submits all of the following to the department ~~board~~:

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

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

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

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

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

(c) The department ~~board~~ is responsible for disciplining licensees issued a registration under paragraph (b). The department ~~board~~ shall make such licensure and disciplinary information available through the automated information system provided pursuant to s. 455.2286.

(d) The fees for an applicant seeking a registration under paragraph (b) and renewal of such registration every 2 years are the same as the fees established by the department ~~board~~ for applications, registration and renewal, and record making and recordkeeping, as set forth in s. 489.109. The department shall provide license, renewal, and cancellation notices pursuant to ss. 455.273 and 455.275.

(3)(a) Upon findings of fact supporting the need therefor, the department ~~board~~ may grant a limited nonrenewable registration to a contractor not domiciled in the state, for one project. During the period of such registration the department ~~board~~ may require compliance with this and any other statute of the state.

(4)(a)1. A person whose job scope does not substantially correspond to either the job scope of one of the contractor

categories defined in s. 489.105(2)(a)-(o) ~~s. 489.105(3)(a)-(o)~~, or the job scope of one of the certified specialty contractor categories established by department ~~board~~ rule, is not required to register with the department ~~board~~. A local government, as defined in s. 163.211, may not require a person to obtain a license, issued by the local government or the state, for a job scope which does not substantially correspond to the job scope of one of the contractor categories defined in s. 489.105(2)(a)-(o) and (q) ~~s. 489.105(3)(a)-(o) and (q)~~ or authorized in s. 489.1455(1), or the job scope of one of the certified specialty contractor categories established pursuant to s. 489.113(6). A local government may not require a state or local license to obtain a permit for such job scopes. For purposes of this section, job scopes for which a local government may not require a license include, but are not limited to, painting; flooring; cabinetry; interior remodeling when the scope of the project does not include a task for which a state license is required; driveway or tennis court installation; handyman services; decorative stone, tile, marble, granite, or terrazzo installation; plastering; pressure washing; stuccoing; caulking; and canvas awning and ornamental iron installation.

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

January 1, 2021.

3. A local government may continue to offer a license for veneer, including aluminum or vinyl gutters, siding, soffit, or fascia; rooftop painting, coating, and cleaning above three stories in height; or fence installation and erection if the local government imposed such a licensing requirement before January 1, 2021.

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

(b) The local jurisdictions are responsible for providing the following information to the department ~~board~~ within 30 days after licensure of, or any disciplinary action against, a locally licensed contractor who is registered under this part:

1. Licensure information.

2. Code violation information pursuant to s. 553.781.

3. Disciplinary information.

The department ~~board~~ shall maintain such licensure and disciplinary information as it is provided to the department ~~board~~ and shall make the information available through the automated information system provided pursuant to s. 455.2286.

(c) Providing discipline to such locally licensed contractors is the responsibility of the local jurisdiction.

(d) Any person who is not required to obtain registration or certification pursuant to s. 489.105(2)(d)-(o) ~~s. 489.105(3)(d)-(o)~~ may perform contracting services for the construction, remodeling, repair, or improvement of single-family residences, including a townhouse as defined in the Florida Building Code, without obtaining a local license if such person is under the supervision of a certified or registered general, building, or residential contractor. As used in this paragraph, supervision may ~~shall~~ not be deemed to require the existence of a direct contract between the certified or registered general, building, or residential contractor and the person performing specialty contracting services.

(e) Any person who is not certified or registered may perform the work of a specialty contractor whose scope of practice is limited to the type of work specified under s. 489.105(2)(j), (k), or (l) ~~s. 489.105(3)(j), (k), or (l)~~ for the construction, remodeling, repair, or improvement of commercial or residential swimming pools, interactive water features as defined in the Florida Building Code, hot tubs, and spas without obtaining a local license or certification as a specialty contractor if he or she is supervised by a contractor who is certified or registered under s. 489.105(2)(j), (k), or (l) ~~s. 489.105(3)(j), (k), or (l)~~; the work is within the scope of the supervising contractor's license; the supervising contractor is responsible for the work; and the work does not require

certification or registration under s. 489.105(2)(d)-(i), (m)-(o) ~~s. 489.105(3)(d)-(i), (m)-(o), or s. 489.505~~. Such supervision does not require a direct contract between the contractor certified or registered under s. 489.105(2)(j), (k), or (l) ~~s. 489.105(3)(j), (k), or (l)~~ and the person performing the work, or for the person performing the work to be an employee of the contractor certified or registered under s. 489.105(2)(j), (k), or (l) ~~s. 489.105(3)(j), (k), or (l)~~. This paragraph does not limit the exemptions provided in s. 489.103 and may not be construed to expand the scope of a contractor certified or registered under s. 489.105(2)(j), (k), or (l) ~~s. 489.105(3)(j), (k), or (l)~~ to provide plumbing or electrical services for which certification or registration is required by this part or part II.

Section 190. Section 489.118, Florida Statutes, is amended to read:

489.118 Certification of registered contractors; grandfathering provisions.—The department ~~board~~ shall, upon receipt of a completed application and appropriate fee, issue a certificate in the appropriate category to any contractor registered under this part who makes application to the department ~~board~~ and can show that he or she meets each of the following requirements:

(1) Currently holds a valid registered local license in one of the contractor categories defined in s. 489.105(3)(a)-(p)

~~s. 489.105(3)(a)-(p)~~.

(2) Has, for that category, passed a written examination that the department ~~board~~ finds to be substantially similar to the examination required to be licensed as a certified contractor under this part. For purposes of this subsection, a written, proctored examination such as that produced by the National Assessment Institute, Block and Associates, NAI/Block, Experior Assessments, Professional Testing, Inc., or Assessment Systems, Inc., shall be considered to be substantially similar to the examination required to be licensed as a certified contractor. The department ~~board~~ may not impose or make any requirements regarding the nature or content of these cited examinations.

(3) Has at least 5 years of experience as a contractor in that contracting category, or as an inspector or building administrator with oversight over that category, at the time of application. For contractors, only time periods in which the contractor license is active and the contractor is not on probation shall count toward the 5 years required by this subsection.

(4) Has not had his or her contractor's license revoked at any time, had his or her contractor's license suspended within the last 5 years, or been assessed a fine in excess of $500 within the last 5 years.

(5) Is in compliance with the insurance and financial

responsibility requirements in s. 489.115(5).

Section 191. Paragraphs (b), (c), and (e) of subsection (2), paragraph (a) of subsection (3), paragraphs (a), (b), and (e) of subsection (5), subsection (6), and paragraphs (a) and (b) of subsection (7) of section 489.119, Florida Statutes, are amended to read:

489.119 Business organizations; qualifying agents.—

(2) If the applicant proposes to engage in contracting as a business organization, including any partnership, corporation, business trust, or other legal entity, or in any name other than the applicant's legal name or a fictitious name where the applicant is doing business as a sole proprietorship, the applicant must apply for registration or certification as the qualifying agent of the business organization.

(b)1. An application for registration or certification to qualify a business organization must include an affidavit on a form provided by the department ~~board~~ attesting that the applicant has final approval authority for all construction work performed by the business organization and that the applicant has final approval authority on all business matters, including contracts, specifications, checks, drafts, or payments, regardless of the form of payment, made by the business organization, except where a financially responsible officer is approved.

2. The application for financially responsible officer

must include an affidavit on a form provided by the department ~~board~~ attesting that the applicant's approval is required for all checks, drafts, or payments, regardless of the form of payment, made by the business organization and that the applicant has authority to act for the business organization in all financial matters.

3. The application for secondary qualifying agent must include an affidavit on a form provided by the department ~~board~~ attesting that the applicant has authority to supervise all construction work performed by the business organization as provided in s. 489.1195(2).

(c) The department ~~board~~ may deny an application for registration or certification to qualify a business organization if the applicant, or any person listed in paragraph (a), has been involved in past disciplinary actions or on any grounds for which an individual registration or certification may be denied.

(e) A joint venture, including a joint venture composed of qualified business organizations, is itself a separate and distinct organization that must be qualified in accordance with department ~~board~~ rules.

(3)(a) A qualifying agent must be certified or registered under this part in order for the business organization to operate in the category of contracting in which the qualifying agent is certified or registered. If any qualifying agent ceases to be affiliated with a business organization, he or she shall

inform the department. In addition, if the qualifying agent is the only certified or registered contractor affiliated with the business organization, the business organization shall notify the department of the termination of the qualifying agent and shall have 60 days from the termination of the qualifying agent's affiliation with the business organization in which to employ another qualifying agent. The business organization may not engage in contracting until a qualifying agent is employed, unless the department ~~executive director or chair of the board~~ has granted a temporary nonrenewable certificate or registration to the financially responsible officer, the president, a partner, or, in the case of a limited partnership, the general partner, who assumes all responsibilities of a primary qualifying agent for the business organization. This temporary certificate or registration shall only allow the business organization to proceed with incomplete contracts. For the purposes of this paragraph, an incomplete contract is one which has been awarded to, or entered into by, the business organization before ~~prior to~~ the cessation of affiliation of the qualifying agent with the business organization or one on which the business organization was the low bidder and the contract is subsequently awarded, regardless of whether any actual work has commenced under the contract before ~~prior to~~ the qualifying agent ceasing to be affiliated with the business organization.

(5)(a) Each registered or certified contractor shall affix

the number of his or her registration or certification to each application for a building permit and on each building permit issued and recorded. Each city or county building department shall require, as a precondition for the issuance of the building permit, that the contractor taking out the permit must provide verification giving his or her department ~~Construction Industry Licensing Board~~ registration or certification number.

(b) The registration or certification number of each contractor shall appear in each offer of services, business proposal, bid, contract, or advertisement, regardless of medium, as defined by department ~~board~~ rule, used by that contractor or business organization in the practice of contracting.

(e) The department ~~board~~ shall issue a notice of noncompliance for the first offense, and may assess a fine or issue a citation for failure to correct the offense within 30 days or for any subsequent offense, to any contractor or business organization that fails to include the certification or registration number as required by this part when submitting an advertisement for publication, broadcast, or printing or fails to display the certification or registration number as required by this part.

(6) Each qualifying agent shall pay the department an amount equal to the original fee for registration or certification to qualify a new business organization. If the qualifying agent for a business organization desires to qualify

additional business organizations, the department ~~board~~ shall require the qualifying agent to present evidence of his or her ability to supervise the construction activities of each such organization. Approval of each business organization is discretionary with the department ~~board~~.

(7)(a) A business organization proposing to engage in contracting is not required to apply for or obtain authorization under this part to engage in contracting if:

1. The business organization employs one or more registered or certified contractors licensed in accordance with this part who are responsible for obtaining permits and supervising all of the business organization's contracting activities;

2. The business organization engages only in contracting on property owned by the business organization or by its parent, subsidiary, or affiliated entities; and

3. The business organization, or its parent entity if the business organization is a wholly owned subsidiary, maintains a minimum net worth of $20 million.

(b) Any business organization engaging in contracting under this subsection shall provide the department ~~board~~ with the name and license number of each registered or certified contractor employed by the business organization to supervise its contracting activities. The business organization is not required to post a bond or otherwise evidence any financial or

credit information except as necessary to demonstrate compliance with paragraph (a).

Section 192. Paragraphs (b) and (d) of subsection (1), paragraphs (a) and (b) of subsection (2), and paragraphs (a) and (b) of subsection (3) of section 489.1195, Florida Statutes, are amended to read:

489.1195 Responsibilities.—

(1) A qualifying agent is a primary qualifying agent unless he or she is a secondary qualifying agent under this section.

(b) Upon approval by the department ~~board~~, a business entity may designate a financially responsible officer for purposes of certification or registration. A financially responsible officer shall be responsible for all financial aspects of the business organization and may not be designated as the primary qualifying agent. The designated financially responsible officer shall furnish evidence of the financial responsibility, credit, and business reputation of either himself or herself, or the business organization he or she desires to qualify, as determined appropriate by the department ~~board~~.

(d) The department ~~board~~ shall adopt rules prescribing the qualifications for financially responsible officers, including net worth, cash, and bonding requirements. These qualifications must be at least as extensive as the requirements for the

financial responsibility of qualifying agents.

(2)(a) One of the qualifying agents for a business organization that has more than one qualifying agent may be designated as the sole primary qualifying agent for the business organization by a joint agreement that is executed, on a form provided by the department ~~board~~, by all qualifying agents for the business organization.

(b) The joint agreement must be submitted to the department ~~board~~ for approval. If the department ~~board~~ determines that the joint agreement is in good order, it shall approve the designation and immediately notify the qualifying agents of such approval. The designation made by the joint agreement is effective upon receipt of the notice by the qualifying agents.

(3)(a) A qualifying agent who has been designated by a joint agreement as the sole primary qualifying agent for a business organization may terminate this status as such by giving actual notice to the business organization, to the department ~~board~~, and to all secondary qualifying agents of his or her intention to terminate this status. The notice to the department ~~board~~ must include proof satisfactory to the department ~~board~~ that he or she has given the notice required in this paragraph.

(b) The status of the qualifying agent shall cease upon the designation of a new primary qualifying agent or 60 days

after satisfactory notice of termination has been provided to the department ~~board~~, whichever first occurs.

Section 193. Section 489.121, Florida Statutes, is amended to read:

489.121 Emergency registration upon death of contractor.—If an incomplete contract exists at the time of death of a contractor, the contract may be completed by any person even though not certified or registered. Such person shall notify the department ~~board~~, within 30 days after the death of the contractor, of his or her name and address, knowledge of the contract, and ability to complete it. If the department ~~board~~ approves, he or she may proceed with the contract. For purposes of this section, an incomplete contract is one which has been awarded to, or entered into by, the contractor before his or her death, or on which he or she was the low bidder and the contract is subsequently awarded to him or her, regardless of whether any actual work has commenced under the contract before the contractor's death.

Section 194. Subsection (1) of section 489.126, Florida Statutes, is amended to read:

489.126 Moneys received by contractors.—

(1) For purposes of this section, the term "contractor" includes all definitions as set forth in s. 489.105(2) ~~s. 489.105(3)~~, and any person performing or contracting or promising to perform work described therein, without regard to

the licensure of the person.

Section 195. Subsection (6) of section 489.127, Florida Statutes, is amended to read:

489.127 Prohibitions; penalties.—

(6) Local building departments may collect outstanding fines against registered or certified contractors issued by the department ~~Construction Industry Licensing Board~~ and may retain 75 percent of the fines they are able to collect, provided that they transmit 25 percent of the fines they are able to collect to the department according to a procedure to be determined by the department.

Section 196. Subsections (1) through (9), paragraph (d) of subsection (11), and subsection (12) of section 489.129, Florida Statutes, are amended to read:

489.129 Disciplinary proceedings.—

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

organization for which the contractor is a primary qualifying agent, a financially responsible officer, or a secondary qualifying agent responsible under s. 489.1195 is found guilty of any of the following acts:

(a) Obtaining a certificate or registration by fraud or misrepresentation.

(b) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of contracting or the ability to practice contracting.

(c) Violating any provision of chapter 455.

(d) Performing any act which assists a person or entity in engaging in the prohibited uncertified and unregistered practice of contracting, if the certificateholder or registrant knows or has reasonable grounds to know that the person or entity was uncertified and unregistered.

(e) Knowingly combining or conspiring with an uncertified or unregistered person by allowing his or her certificate or registration to be used by the uncertified or unregistered person with intent to evade the provisions of this part. When a certificateholder or registrant allows his or her certificate or registration to be used by one or more business organizations without having any active participation in the operations, management, or control of such business organizations, such act constitutes prima facie evidence of an intent to evade the

provisions of this part.

(f) Acting in the capacity of a contractor under any certificate or registration issued hereunder except in the name of the certificateholder or registrant as set forth on the issued certificate or registration, or in accordance with the personnel of the certificateholder or registrant as set forth in the application for the certificate or registration, or as later changed as provided in this part.

(g) Committing mismanagement or misconduct in the practice of contracting that causes financial harm to a customer. Financial mismanagement or misconduct occurs when:

1. Valid liens have been recorded against the property of a contractor's customer for supplies or services ordered by the contractor for the customer's job; the contractor has received funds from the customer to pay for the supplies or services; and the contractor has not had the liens removed from the property, by payment or by bond, within 75 days after the date of such liens;

2. The contractor has abandoned a customer's job and the percentage of completion is less than the percentage of the total contract price paid to the contractor as of the time of abandonment, unless the contractor is entitled to retain such funds under the terms of the contract or refunds the excess funds within 30 days after the date the job is abandoned; or

3. The contractor's job has been completed, and it is

shown that the customer has had to pay more for the contracted job than the original contract price, as adjusted for subsequent change orders, unless such increase in cost was the result of circumstances beyond the control of the contractor, was the result of circumstances caused by the customer, or was otherwise permitted by the terms of the contract between the contractor and the customer.

(h) Being disciplined by any municipality or county for an act or violation of this part.

(i) Failing in any material respect to comply with the provisions of this part or violating a rule or lawful order of the department ~~board~~.

(j) Abandoning a construction project in which the contractor is engaged or under contract as a contractor. A project may be presumed abandoned after 90 days if the contractor terminates the project without just cause or without proper notification to the owner, including the reason for termination, or fails to perform work without just cause for 90 consecutive days.

(k) Signing a statement with respect to a project or contract falsely indicating that the work is bonded; falsely indicating that payment has been made for all subcontracted work, labor, and materials which results in a financial loss to the owner, purchaser, or contractor; or falsely indicating that workers' compensation and public liability insurance are

provided.

(l) Committing fraud or deceit in the practice of contracting.

(m) Committing incompetency or misconduct in the practice of contracting.

(n) Committing gross negligence, repeated negligence, or negligence resulting in a significant danger to life or property.

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

(p) Intimidating, threatening, coercing, or otherwise discouraging the service of a notice to owner under part I of chapter 713 or a notice to contractor under chapter 255 or part I of chapter 713.

(q) Failing to satisfy within a reasonable time, the terms of a civil judgment obtained against the licensee, or the business organization qualified by the licensee, relating to the practice of the licensee's profession.

(r) Committing misapplication of construction funds in violation of s. 713.345. If a contractor, subcontractor, sub-subcontractor, or other person licensed by the department ~~board~~ under this chapter is convicted of misapplication of construction funds, the department ~~board~~ must suspend all licenses issued to such licensee under this chapter for a minimum of 1 year from the date of conviction. The suspension

required under this paragraph is not exclusive, and the department ~~board~~ may impose any additional penalties set forth in this subsection.

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

(2) If a registrant or certificateholder disciplined under subsection (1) is a qualifying agent or financially responsible officer for a business organization and the violation was performed in connection with a construction project undertaken by that business organization, the department ~~board~~ may impose an additional administrative fine not to exceed $5,000 per violation against the business organization or against any partner, officer, director, trustee, or member if such person participated in the violation or knew or should have known of the violation and failed to take reasonable corrective action.

(3) The department ~~board~~ may specify by rule the acts or omissions which constitute violations of this section.

(4) In recommending penalties in any proposed recommended final order, the department shall follow the penalty guidelines established by the department ~~board~~ by rule. The department shall advise the administrative law judge of the appropriate penalty, including mitigating and aggravating circumstances, and the specific rule citation.

(5) The department ~~board~~ may not reinstate the certification or registration of, or cause a certificate or registration to be issued to, a person who or business organization which the department ~~board~~ has determined is unqualified or whose certificate or registration the department ~~board~~ has suspended until it is satisfied that such person or business organization has complied with all the terms and conditions set forth in the final order and is capable of competently engaging in the business of contracting.

(6)(a) The department ~~board~~ may assess interest or penalties on all fines imposed under this chapter against any person or business organization which has not paid the imposed fine by the due date established by rule or final order. The provisions of chapter 120 do not apply to such assessment. Interest rates to be imposed shall be established by rule and may ~~shall~~ not be usurious.

(b) Venue for all actions to enforce any fine levied by

the department ~~board~~ shall be in Duval County. The department ~~board~~ is authorized to enter into contracts with private businesses or attorneys to collect such fines with payment for such collections made on a contingent fee basis. All such contracts shall be publicly advertised and competitively awarded based upon responses submitted to a request for proposals developed by the department ~~board~~.

(7) The department may ~~board shall~~ not issue or renew a certificate or registration to any person or business organization that has been assessed a fine, interest, or costs associated with investigation and prosecution, or has been ordered to pay restitution, until such fine, interest, or costs associated with investigation and prosecution or restitution are paid in full or until all terms and conditions of the final order have been satisfied.

(8) If the department ~~board~~ finds any certified or registered contractor guilty of a violation, the department ~~board~~ may, as part of its disciplinary action, require such contractor to obtain continuing education in the areas of contracting affected by such violation.

(9) Any person certified or registered pursuant to this part who has had his or her license revoked may ~~shall~~ not be eligible to be a partner, officer, director, or trustee of a business organization defined by this section or be employed in a managerial or supervisory capacity for a 5-year period. Such

person shall also be ineligible to reapply for certification or registration under this part for a period of 5 years after the effective date of the revocation.

(11)

(d) The arbitrator's order shall become a final order of the department ~~board~~ if not challenged by the complainant or the certificateholder or registrant within 30 days after filing. The department's ~~board's~~ review of the arbitrator's order shall operate in the manner of the review of recommended orders pursuant to s. 120.57(1) and may ~~shall~~ not be a de novo review.

(12) When an investigation of a contractor is undertaken, the department shall promptly furnish to the contractor or the contractor's attorney a copy of the complaint or document that resulted in the initiation of the investigation. The department shall make the complaint and supporting documents available to the contractor. The complaint or supporting documents shall contain information regarding the specific facts that serve as the basis for the complaint. The contractor may submit a written response to the information contained in such complaint or document within 20 days after service to the contractor of the complaint or document. The contractor's written response shall be considered by the probable cause panel. The right to respond does not prohibit the issuance of a summary emergency order if necessary to protect the public. However, if the department decides ~~secretary, or the secretary's designee, and the chair of~~

~~the board or the chair of the probable cause panel agree in writing~~ that such notification would be detrimental to the investigation, the department may withhold notification. The department may conduct an investigation without notification to a contractor if the act under investigation is a criminal offense.

Section 197. Paragraphs (c) and (f) of subsection (3), paragraphs (b) and (c) of subsection (6), paragraphs (c), (d), (e), and (f) of subsection (7), and subsections (10), (11), and (12) of section 489.131, Florida Statutes, are amended to read:

489.131 Applicability.—

(3) Nothing in this part limits the power of a municipality or county:

(c) To collect business taxes, subject to s. 205.065, and inspection fees for engaging in contracting or examination fees from persons who are registered with the department ~~board~~ pursuant to local examination requirements and issue business tax receipts. However, nothing in this part shall be construed to require general contractors, building contractors, or residential contractors to obtain additional business tax receipts for specialty work when such specialty work is performed by employees of such contractors on projects for which they have substantially full responsibility and such contractors do not hold themselves out to the public as being specialty contractors.

(f) To refuse to issue permits or issue permits with specific conditions to a contractor who has committed multiple violations, when he or she has been disciplined for each of them by the department ~~board~~ and when each disciplinary action has involved revocation or suspension of a license, imposition of an administrative fine of at least $1,000, or probation; or to issue permits with specific conditions to a contractor who, within the previous 12 months, has had disciplinary action other than a citation or letter of guidance taken against him or her by the department or by a local board or agency which licenses contractors and has reported the action pursuant to paragraph (6)(c), for engaging in the business or acting in the capacity of a contractor without a license. However, this subsection does not supersede the provisions of s. 489.113(4), and no county or municipality may require any certificateholder to obtain a local professional license or pay a local professional license fee as a condition of performing any services within the scope of the certificateholder's statewide license as established under this part.

(6)

(b) To engage in contracting in the territorial area, an applicant shall also be registered with the department ~~board~~, as required by s. 489.117.

(c) Each local board or agency that licenses contractors must transmit quarterly to the department ~~board~~ a report of any

disciplinary action taken against contractors and of any administrative or disciplinary action taken against unlicensed persons for engaging in the business or acting in the capacity of a contractor including any cease and desist orders issued pursuant to s. 489.113(2)(b) and any fine issued pursuant to s. 489.127(5).

(7)

(c) In addition to any action the local jurisdiction enforcement body may take against the individual's local license, and any fine the local jurisdiction may impose, the local jurisdiction enforcement body shall issue a recommended penalty for department ~~board~~ action. This recommended penalty may include a recommendation for no further action, or a recommendation for suspension, restitution, revocation, or restriction of the registration, or a fine to be levied by the department ~~board~~, or a combination thereof. The recommended penalty must specify the violations of this chapter upon which the recommendation is based. The local jurisdiction enforcement body shall inform the disciplined contractor and the complainant of the local license penalty imposed, the department ~~board~~ penalty recommended, his or her rights to appeal, and the consequences should he or she decide not to appeal. The local jurisdiction enforcement body shall, upon having reached adjudication or having accepted a plea of nolo contendere, immediately inform the department ~~board~~ of its action and the

recommended department ~~board~~ penalty.

(d) The ~~department, the~~ disciplined contractor~~,~~ or the complainant may challenge the local jurisdiction enforcement body's recommended penalty for department ~~board~~ action to the department ~~Construction Industry Licensing Board~~. A challenge shall be filed within 60 days after the issuance of the recommended penalty to the department ~~board~~. If challenged, there is a presumptive finding of probable cause and the case may proceed without the need for a probable cause hearing.

(e) Failure of the department, the disciplined contractor, or the complainant to challenge the local jurisdiction's recommended penalty within the time period set forth in this subsection shall constitute a waiver of the right to a hearing before the department ~~board~~. A waiver of the right to a hearing before the department ~~board~~ shall be deemed an admission of the violation, and the penalty recommended shall become a final order according to procedures developed by department ~~board~~ rule without further department ~~board~~ action. The disciplined contractor may appeal this department ~~board~~ action to the district court.

(f)1. The department may investigate any complaint which is made with the department. However, the department may not initiate or pursue any complaint against a registered contractor who is not also a certified contractor where a local jurisdiction enforcement body has jurisdiction over the

complaint, unless summary procedures are initiated by the secretary pursuant to s. 455.225(8), or unless the local jurisdiction enforcement body has failed to investigate and prosecute a complaint, or make a finding of no violation, within 6 months of receiving the complaint. The department shall refer the complaint to the local jurisdiction enforcement body for investigation, and if appropriate, prosecution. However, the department may investigate such complaints to the extent necessary to determine whether summary procedures should be initiated.

2. Upon a recommendation by the department, the department ~~board~~ may make conditional, suspend, or rescind its determination of the adequacy of the local government enforcement body's disciplinary procedures granted under s. 489.117(2).

(10) No municipal or county government may issue any certificate of competency or license for any contractor defined in s. 489.105(2)(a)-(o) ~~s. 489.105(3)(a)-(o)~~ after July 1, 1993, unless such local government exercises disciplinary control and oversight over such locally licensed contractors, including forwarding a recommended order in each action to the department ~~board~~ as provided in subsection (7). Each local board that licenses and disciplines contractors must have at least two consumer representatives on that board. If the local board has seven or more members, at least three of those members must be

consumer representatives. The consumer representative may be any resident of the local jurisdiction who is not, and has never been, a member or practitioner of a profession regulated by the department ~~board~~ or a member of any closely related profession.

(11) Any municipal or county government which enters or has in place a reciprocal agreement which accepts a certificate of competency or license issued by another municipal or county government in lieu of its own certificate of competency or license allowing contractors defined in s. 489.105(2)(a)-(o) ~~s. 489.105(3)(a)-(o)~~, shall file a certified copy of such agreement with the department ~~board~~ not later than 60 days after July 1, 1993, or 30 days after the effective date of such agreement.

(12) Unless specifically provided, ~~the provisions of~~ this part does ~~shall~~ not ~~be construed to~~ create a civil cause of action.

Section 198. Subsection (5) of section 489.132, Florida Statutes, is amended to read:

489.132 Prohibited acts by unlicensed principals; investigation; hearing; penalties.—

(5) The department may suspend, revoke, or deny issuance or renewal of a certificate or registration for any individual or business organization that associates a person as an officer, director, or partner, or in a managerial or supervisory capacity, after such person has been found under a final order to have violated this section or was an officer, director,

partner, trustee, or manager of a business organization disciplined by the department ~~board~~ by revocation, suspension, or fine in excess of $2,500, upon finding reasonable cause that such person knew or reasonably should have known of the conduct leading to the discipline.

Section 199. Subsections (2) and (4) of section 489.133, Florida Statutes, are amended to read:

489.133 Pollutant storage systems specialty contractors; definitions; certification; restrictions.—

(2) The department ~~board~~ shall adopt rules providing standards for registration of precision tank testers who precision test a pollutant storage tank. The Department of Environmental Protection shall approve the methodology, procedures, and equipment used and shall approve the applicant as being eligible for registration as a registered precision tank tester. A registered precision tank tester is subject to the provisions of ss. 489.129 and 489.132 and is considered a contractor operating as a primary qualifying agent for the business entity employing him or her, which is considered a contracting firm for the purposes of ss. 489.129 and 489.132. A person who registers under this subsection is exempt from municipal, county, or development district registration under s. 489.117 and may operate as a precision tank tester statewide.

(4) The department ~~board~~ shall adopt rules providing standards for certification of pollutant storage systems

specialty contractors, including persons who remove such systems. The department ~~board~~ shall provide the proposed rules to the Department of Environmental Protection for review and comment before ~~prior to~~ adoption. The rules shall include, but not be limited to:

(a) Standards for operating as a pollutant storage systems specialty contractor.

(b) Requirements for certification as a pollutant storage systems specialty contractor.

(c) Requirements for certification without examination of pollutant storage systems specialty contractors for any person who has passed a local licensure examination, a licensure examination in another state, or a licensure examination of a national organization, which is at least as stringent as the examination adopted by the department ~~board~~.

Section 200. Subsections (1) and (2) of section 489.1401, Florida Statutes, are amended to read:

489.1401 Legislative intent.—

(1) It is the intent of the Legislature that actions taken by the department ~~Construction Industry Licensing Board~~ with respect to contractor sanctions and pursuant to this chapter are an exercise of the department's regulatory power for the protection of public safety and welfare.

(2) It is the intent of the Legislature that the sole purpose of the Florida Homeowners' Construction Recovery Fund is

to compensate an aggrieved claimant who contracted for the construction or improvement of the homeowner's residence located within this state and who has obtained a final judgment in a court of competent jurisdiction, was awarded restitution by the department ~~Construction Industry Licensing Board~~, or received an award in arbitration against a licensee on grounds of financial mismanagement or misconduct, abandoning a construction project, or making a false statement with respect to a project. Such grievance must arise directly out of a transaction conducted when the judgment debtor was licensed and must involve an act enumerated in s. 489.129(1)(g), (j), or (k).

Section 201. Paragraphs (c) through (l) of subsection (1) of section 489.1402, Florida Statutes, are redesignated as paragraphs (b) through (k), respectively, and paragraph (b) and present paragraph (d) of that subsection are amended, to read:

489.1402 Homeowners' Construction Recovery Fund; definitions.—

(1) The following definitions apply to ss. 489.140-489.144:

~~(b) "Board" means the Construction Industry Licensing Board.~~

(c)~~(d)~~ "Contractor" means a Division I or Division II contractor performing his or her respective services described in s. 489.105(2) ~~s. 489.105(3)~~.

Section 202. Paragraphs (a), (e), (f), and (g) of

subsection (1), paragraph (f) of subsection (2), and subsection (3) of section 489.141, Florida Statutes, are amended to read:

489.141 Conditions for recovery; eligibility.—

(1) A claimant is eligible to seek recovery from the recovery fund after making a claim and exhausting the limits of any available bond, cash bond, surety, guarantee, warranty, letter of credit, or policy of insurance if each of the following conditions is satisfied:

(a) The claimant has received a final judgment in a court of competent jurisdiction in this state or has received an award in arbitration or the department ~~Construction Industry Licensing Board~~ has issued a final order directing the licensee to pay restitution to the claimant. The department ~~board~~ may waive this requirement if:

1. The claimant is unable to secure a final judgment against the licensee due to the death of the licensee; or

2. The claimant has sought to have assets involving the transaction that gave rise to the claim removed from the bankruptcy proceedings so that the matter might be heard in a court of competent jurisdiction in this state and, after due diligence, the claimant is precluded by action of the bankruptcy court from securing a final judgment against the licensee.

(e) The contract was executed and the violation occurred on or after July 1, 1993, and provided that:

1. The claimant has caused to be issued a writ of

execution upon such judgment, and the officer executing the writ has made a return showing that no personal or real property of the judgment debtor or licensee liable to be levied upon in satisfaction of the judgment can be found or that the amount realized on the sale of the judgment debtor's or licensee's property pursuant to such execution was insufficient to satisfy the judgment;

2. If the claimant is unable to comply with subparagraph 1. for a valid reason to be determined by the department ~~board~~, the claimant has made all reasonable searches and inquiries to ascertain whether the judgment debtor or licensee is possessed of real or personal property or other assets subject to being sold or applied in satisfaction of the judgment and by his or her search has discovered no property or assets or has discovered property and assets and has taken all necessary action and proceedings for the application thereof to the judgment but the amount thereby realized was insufficient to satisfy the judgment; and

3. The claimant has made a diligent attempt, as defined by department ~~board~~ rule, to collect the restitution awarded by the department ~~board~~.

(f) A claim for recovery is made within 1 year after the conclusion of any civil, criminal, or administrative action or award in arbitration based on the act. This paragraph applies to any claim filed with the department ~~board~~ after October 1, 1998.

(g) Any amounts recovered by the claimant from the judgment debtor or licensee, or from any other source, have been applied to the damages awarded by the court or the amount of restitution ordered by the department ~~board~~.

(2) A claimant is not qualified to make a claim for recovery from the recovery fund if:

(f) The claimant had entered into a contract with a licensee to perform a scope of work described in s. 489.105(2)(d)-(q) ~~s. 489.105(3)(d)-(q)~~ before July 1, 2016.

(3) The department ~~board~~ may determine by rule documentation that is required to complete a claim.

Section 203. Section 489.142, Florida Statutes, is amended to read:

489.142 Department ~~Board~~ powers relating to recovery; conduct of hearings and service.—

(1) With respect to actions for recovery from the recovery fund, the department ~~board~~ may intervene, enter an appearance, file an answer, defend the action, or take any action it deems appropriate and may take recourse through any appropriate method of review on behalf of the State of Florida. The department ~~board~~ may delegate to the department by rule the authority to close any case when a claimant is not qualified to make a claim for recovery from the recovery fund under s. 489.141(2); when after notice the claimant has failed to provide documentation in support of the claim as required by the department ~~board~~; or

when the licensee has reached the aggregate limit.

(2) Notwithstanding any other provision of law, the department ~~board~~ shall cause a notice of hearing to be served 14 days in advance of the hearing on the claimant and on the licensee whose license is subject to suspension by s. 489.143. Each notice shall inform the recipient of any administrative hearing or judicial review that is available under s. 120.569, s. 120.57, or s. 120.68; shall indicate the procedure that must be followed to obtain the hearing or judicial review; and shall state the time limits that apply. Service of the notice on the licensee shall be made in accordance with s. 455.275. Service of the notice on the claimant shall be by regular United States mail at the address provided on the claim. The service of notice in accordance with this section is complete upon expiration of 14 days after deposit in the United States mail. Proof of service of a notice shall be made by entry in the records of the department that the notice was given. The entry shall be admissible in judicial and administrative proceedings of this state and shall constitute sufficient proof that notice was given.

(3) Notwithstanding any other provision of law, department ~~board~~ hearings on claims shall be conducted in accordance with ss. 120.569 and 120.57(2). All claim hearings shall be conducted at the department's ~~board's~~ regular meeting at the place, date, and time published. Orders of the department ~~board~~ denying or

awarding funds to a claimant constitute final orders that may be appealed in accordance with s. 120.68. Orders awarding or denying claims shall be served in the same manner as notices of hearing in this section.

Section 204. Section 489.1425, Florida Statutes, is amended to read:

489.1425 Duty of contractor to notify residential property owner of recovery fund.—

(1) Each agreement or contract for repair, restoration, improvement, or construction to residential real property must contain a written statement explaining the consumer's rights under the recovery fund, except where the value of all labor and materials does not exceed $2,500. The written statement must be substantially in the following form:

FLORIDA HOMEOWNERS' CONSTRUCTION RECOVERY FUND

PAYMENT, UP TO A LIMITED AMOUNT, MAY BE AVAILABLE FROM THE FLORIDA HOMEOWNERS' CONSTRUCTION RECOVERY FUND IF YOU LOSE MONEY ON A PROJECT PERFORMED UNDER CONTRACT, WHERE THE LOSS RESULTS FROM SPECIFIED VIOLATIONS OF FLORIDA LAW BY A LICENSED CONTRACTOR. FOR INFORMATION ABOUT THE RECOVERY FUND AND FILING A CLAIM, CONTACT THE FLORIDA DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION ~~CONSTRUCTION INDUSTRY LICENSING BOARD~~ AT THE FOLLOWING TELEPHONE NUMBER AND ADDRESS:

The statement must shall be immediately followed by the department's ~~board's~~ address and telephone number as established by department ~~board~~ rule.

(2)(a) Upon finding a first violation of subsection (1), the department ~~board~~ may fine the contractor up to $500, and the moneys must be deposited into the recovery fund.

(b) Upon finding a second or subsequent violation of subsection (1), the department ~~board~~ shall fine the contractor $1,000 per violation, and the moneys must be deposited into the recovery fund.

Section 205. Subsections (1), (2), (4), and (6) of section 489.143, Florida Statutes, are amended to read:

489.143 Payment from the fund.—

(1) The fund shall be disbursed as provided in s. 489.141 on a final order of the department ~~board~~.

(2) A claimant who meets all of the conditions prescribed in s. 489.141 may apply to the department ~~board~~ to cause payment to be made to a claimant from the recovery fund in an amount equal to the judgment, award, or restitution order or $25,000, whichever is less, or an amount equal to the unsatisfied portion of such person's judgment, award, or restitution order, but only to the extent and amount of actual damages suffered by the claimant, and only up to the maximum payment allowed for each respective Division I and Division II claim. Payment from the

fund for other costs related to or pursuant to civil proceedings such as postjudgment interest, attorney fees, court costs, medical damages, and punitive damages is prohibited. The recovery fund is not obligated to pay a judgment, an award, or a restitution order, or any portion thereof, which is not expressly based on one of the grounds for recovery set forth in s. 489.141.

(4) Upon receipt by a claimant under subsection (2) of payment from the recovery fund, the claimant shall assign his or her additional right, title, and interest in the judgment, award, or restitution order, to the extent of such payment, to the department ~~board~~, and thereupon the department ~~board~~ shall be subrogated to the right, title, and interest of the claimant; and any amount subsequently recovered on the judgment, award, or restitution order, to the extent of the right, title, and interest of the department ~~board~~ therein, shall be for the purpose of reimbursing the recovery fund.

(6) For contracts entered into before July 1, 2004, payments for claims against any one licensee may not exceed, in the aggregate, $100,000 annually, up to a total aggregate of $250,000. For any claim approved by the department ~~board~~ which is in excess of the annual cap, the amount in excess of $100,000 up to the total aggregate cap of $250,000 is eligible for payment in the next and succeeding fiscal years, but only after all claims for the then-current calendar year have been paid.

Payments may not exceed the aggregate annual or per claimant limits under law. Beginning January 1, 2005, for each Division I contract entered into after July 1, 2004, payment from the recovery fund is subject only to a total aggregate cap of $500,000 for each Division I licensee. Beginning January 1, 2017, for each Division II contract entered into on or after July 1, 2016, payment from the recovery fund is subject only to a total aggregate cap of $150,000 for each Division II licensee. Beginning January 1, 2025, for Division I and Division II contracts entered into on or after July 1, 2024, payment from the recovery fund is subject only to a total aggregate cap of $2 million for each Division I licensee and $600,000 for each Division II licensee.

Section 206. Paragraph (a) of subsection (1) of section 489.1455, Florida Statutes, is amended to read:

489.1455 Journeyman; reciprocity; standards.—

(1) Counties and municipalities are authorized to issue journeyman licenses in the plumbing, pipe fitting, mechanical, or HVAC trades to an individual who:

(a) Has scored at least 70 percent, or after October 1, 1997, at least 75 percent, on a proctored journeyman Block and Associates examination or other proctored examination approved by the department ~~board~~ for the trade in which he or she is licensed;

Section 207. Section 489.146, Florida Statutes, is amended

to read:

489.146 Privatization of services.—Notwithstanding any other provision of this part relating to the review of licensure applications, issuance of licenses and renewals, collection of revenues, fees, and fines, service of documents, publications, and printing, and other ministerial functions of the department relating to the regulation of contractors, the department shall make all reasonable efforts to contract with one or more private entities for provision of such services, when such services can be provided in a more efficient manner by private entities. The department or the department ~~board~~ shall retain final authority for licensure decisions and rulemaking, including all appeals or other legal action resulting from such licensure decisions or rulemaking.

Section 208. Subsection (1) of section 489.509, Florida Statutes, is amended to read:

489.509 Fees.—

(1) The department ~~board~~, by rule, shall establish fees to be paid for applications, examination, reexamination, transfers, licensing and renewal, reinstatement, and recordmaking and recordkeeping. The examination fee shall be in an amount that covers the cost of obtaining and administering the examination and shall be refunded if the applicant is found ineligible to sit for the examination. The application fee is nonrefundable. The fee for initial application and examination for

certification of electrical contractors may not exceed $400. The initial application fee for registration may not exceed $150. The biennial renewal fee may not exceed $400 for certificateholders and $200 for registrants. The fee for initial application and examination for certification of alarm system contractors may not exceed $400. The biennial renewal fee for certified alarm system contractors may not exceed $450. The department ~~board~~ may establish a fee for a temporary certificate as an alarm system contractor not to exceed $75. The department ~~board~~ may also establish by rule a delinquency fee not to exceed $50. The fee to transfer a certificate or registration from one business organization to another may not exceed $200. The fee for reactivation of an inactive license may not exceed $50. The department ~~board~~ shall establish fees that are adequate to ensure the continued operation of the department ~~board~~. Fees shall be based on department estimates of the revenue required to implement this part and the provisions of law with respect to the regulation of electrical contractors and alarm system contractors.

Section 209. Section 489.510, Florida Statutes, is amended to read:

489.510 Evidence of workers' compensation coverage.—Except as provided in s. 489.515(3)(b), any person, business organization, or qualifying agent engaged in the business of contracting in this state and certified or registered under this

part shall, as a condition precedent to the issuance or renewal of a certificate or registration of the contractor, provide to the department ~~Electrical Contractors' Licensing Board~~, as provided by department ~~board~~ rule, evidence of workers' compensation coverage pursuant to chapter 440. In the event that the Division of Workers' Compensation of the Department of Financial Services receives notice of the cancellation of a policy of workers' compensation insurance insuring a person or entity governed by this section, the Division of Workers' Compensation shall certify and identify all persons or entities by certification or registration license number to the department after verification is made by the Division of Workers' Compensation that persons or entities governed by this section are no longer covered by workers' compensation insurance. Such certification and verification by the Division of Workers' Compensation may result from records furnished to the Division of Workers' Compensation by the persons or entities governed by this section or an investigation completed by the Division of Workers' Compensation. The department shall notify the persons or entities governed by this section who have been determined to be in noncompliance with chapter 440, and the persons or entities notified shall provide certification of compliance with chapter 440 to the department and pay an administrative fine in the amount of $500. The failure to maintain workers' compensation coverage as required by law shall

be grounds for the department ~~board~~ to revoke, suspend, or deny the issuance or renewal of a certificate or registration of the contractor under the provisions of s. 489.533.

Section 210. Paragraph (b) of subsection (1) and subsections (2) through (5) of section 489.511, Florida Statutes, are amended to read:

489.511 Certification; application; examinations; endorsement.—

(1)

(b) Any person desiring to be certified as a contractor shall apply to the department in writing and must meet the following criteria:

1. Be of good moral character;

2. Pass the certification examination, achieving a passing grade as established by department ~~board~~ rule; and

3. Meet eligibility requirements according to one of the following criteria:

a. Has, within the 6 years immediately preceding the filing of the application, at least 3 years of proven management experience in the trade or education equivalent thereto, or a combination thereof, but not more than one-half of such experience may be educational equivalent;

b. Has, within the 8 years immediately preceding the filing of the application, at least 4 years of experience as a supervisor or contractor in the trade for which he or she is

making application, or at least 4 years of experience as a supervisor in electrical or alarm system work with the United States Armed Forces;

c. Has, within the 12 years immediately preceding the filing of the application, at least 6 years of comprehensive training, technical education, or supervisory experience associated with an electrical or alarm system contracting business, or at least 6 years of technical experience, education, or training in electrical or alarm system work with the United States Armed Forces or a governmental entity;

d. Has, within the 12 years immediately preceding the filing of the application, been licensed for 3 years as a professional engineer who is qualified by education, training, or experience to practice electrical engineering; or

e. Has any combination of qualifications under sub-subparagraphs a.-c. totaling 6 years of experience.

(2) The department ~~board~~ may determine by rule the number of times per year the applicant may take the examination and after three unsuccessful attempts may require the applicant to complete additional college-level or technical education courses in the areas of deficiency, as determined by the department ~~board~~, as a condition of future eligibility to take the examination.

(3)(a) "Good moral character" means a personal history of honesty, fairness, and respect for the rights of others and for

laws of this state and nation.

(b) The department ~~board~~ may determine that an individual applying for certification is ineligible for failure to satisfy the requirement of good moral character only if:

1. There is a substantial connection between the lack of good moral character of the individual and the professional responsibilities of a certified contractor; and

2. The finding by the department ~~board~~ of lack of good moral character is supported by clear and convincing evidence.

(c) When an individual is found to be unqualified for certification because of a lack of good moral character, the department ~~board~~ shall furnish such individual a statement containing the findings of the department ~~board~~, a complete record of the evidence upon which the determination was based, and a notice of the rights of the individual to a rehearing and appeal.

(4) The department ~~board~~ shall, by rule, designate those types of specialty electrical or alarm system contractors who may be certified under this part. The limit of the scope of work and responsibility of a certified specialty contractor shall be established by department ~~board~~ rule. A certified specialty contractor category exists as an optional statewide licensing category. Qualification for certification in a specialty category created by rule shall be the same as set forth in paragraph (1)(b). The existence of a specialty category created

by rule does not itself create any licensing requirement; however, neither does its optional nature remove any licensure requirement established elsewhere in this part.

(5) The department ~~board~~ shall certify as qualified for certification by endorsement any individual applying for certification who:

(a) Meets the requirements for certification as set forth in this section; has passed a national, regional, state, or United States territorial licensing examination that is substantially equivalent to the examination required by this part; and has satisfied the requirements set forth in s. 489.521;

(b) Holds a valid license to practice electrical or alarm system contracting issued by another state or territory of the United States, if the criteria for issuance of such license were substantially equivalent to the certification criteria that existed in this state at the time the certificate was issued; or

(c) Has held a valid, current license to practice electrical or alarm system contracting issued by another state or territory of the United States for at least 10 years before the date of application and is applying for the same or similar license in this state, subject to ss. 489.510 and 489.521(3)(a) and subparagraph (1)(b)1. Such application must be made either when the license in another state or territory is active or within 2 years after such license was last active. Electrical

contractors and alarm system contractors must complete a 2-hour course on the Florida Building Code. The required courses may be completed online.

Section 211. Paragraph (c) of subsection (1) and subsections (3) and (6) of section 489.513, Florida Statutes, are amended to read:

489.513 Registration; application; requirements.—

(1) Any person engaged in the business of contracting in the state shall be registered in the proper classification unless he or she is certified. Any person desiring to be a registered contractor shall apply to the department for registration and must:

(c) Meet eligibility requirements according to the following criteria:

1. As used in this subsection, the term "good moral character" means a personal history of honesty, fairness, and respect for the rights of others and for state and federal law.

2. The department ~~board~~ may determine that an individual applying for registration is ineligible due to failure to satisfy the requirement of good moral character only if:

a. There is a substantial connection between the lack of good moral character of the individual and the professional responsibilities of a registered contractor; and

b. The finding by the department ~~board~~ of lack of good moral character is supported by clear and convincing evidence.

3. When an individual is found to be unqualified because of lack of good moral character, the department ~~board~~ must furnish such individual a statement containing the findings of the department ~~board~~, a complete record of evidence upon which the determination was based, and a notice of the rights of the individual to a rehearing and an appeal.

(3) To be registered as an electrical contractor, an alarm system contractor I, an alarm system contractor II, or a residential alarm system contractor, the applicant shall file evidence of holding a current certificate of competency issued by any municipality or county of the state for the type of work for which registration is desired, on a form provided by the department, together with evidence of having passed an appropriate local examination, written or oral, designed to test skills and knowledge relevant to the technical performance of the profession, accompanied by the registration fee fixed pursuant to this part. For any person working or wishing to work in any local jurisdiction that does not require an examination for its license, the applicant may apply and shall be considered qualified to be issued a registration in the appropriate electrical or alarm system category, provided that he or she shows that he or she has scored at least 75 percent on an examination which is substantially equivalent to the examination approved by the department ~~board~~ for certification in the category and that he or she has had at least 3 years' technical

experience in the trade. The requirement to take and pass an examination in order to obtain a registration does ~~shall~~ not apply to persons making application before ~~prior to~~ the effective date of this act.

(6) The local jurisdictions are responsible for providing the following information to the department ~~board~~ within 30 days after licensure of, or any disciplinary action against, a locally licensed contractor who is registered under this part:

(a) Licensure information.

(b) Code violation information pursuant to s. 553.781.

(c) Disciplinary information.

The department ~~board~~ shall maintain such licensure and disciplinary information as it is provided to the department ~~board~~ and shall make the information available through the automated information system provided pursuant to s. 455.2286.

Section 212. Section 489.514, Florida Statutes, is amended to read:

489.514 Certification for registered contractors; grandfathering provisions.—

(1) The department ~~board~~ shall, upon receipt of a completed application, appropriate fee, and proof of compliance with the provisions of this section, issue:

(a) To an applying registered electrical contractor, a certificate as an electrical contractor~~, as defined in s.~~

~~489.505(12)~~;

(b) To an applying registered alarm system contractor, a certificate in the matching alarm system contractor category~~, as defined in s. 489.505(2)(a) or (b)~~; or

(c) To an applying registered electrical specialty contractor, a certificate in the matching electrical specialty contractor category~~, as defined in s. 489.505(19)~~.

(2) Any contractor registered under this part who makes application under this section to the department ~~board~~ shall meet each of the following requirements for certification:

(a) Currently holds a valid registered local license in the category of electrical contractor, alarm system contractor, or electrical specialty contractor.

(b) Has, for that category, passed a written, proctored examination that the department ~~board~~ finds to be substantially similar to the examination required to be licensed as a certified contractor under this part. For purposes of this subsection, a written, proctored examination such as that produced by the National Assessment Institute, Block and Associates, NAI/Block, Experior Assessments, Professional Testing, Inc., or Assessment Systems, Inc., shall be considered to be substantially similar to the examination required to be licensed as a certified contractor. The department ~~board~~ may not impose or make any requirements regarding the nature or content of these cited examinations.

(c) Has at least 5 years of experience as a contractor in that contracting category, or as an inspector or building administrator with oversight over that category, at the time of application. For contractors, only time periods in which the contractor license is active and the contractor is not on probation shall count toward the 5 years required under this subsection.

(d) Has not had his or her contractor's license revoked at any time, had his or her contractor's license suspended in the last 5 years, or been assessed a fine in excess of $500 in the last 5 years.

(e) Is in compliance with the insurance and financial responsibility requirements in s. 489.515(1)(b).

Section 213. Subsections (1) through(4) of section 489.515, Florida Statutes, are amended to read:

489.515 Issuance of certificates; registrations.—

(1)(a) The department shall issue a certificate to a person who the department ~~board~~ certifies is qualified to become a certified contractor.

(b) The department ~~board~~ shall certify as qualified for certification any person who satisfies the requirements of s. 489.511 and who submits satisfactory evidence that he or she has obtained both workers' compensation insurance or an acceptable exemption certificate issued by the department and public liability and property damage insurance for the health, safety,

and welfare of the public in amounts determined by rule of the department ~~board~~, and furnishes evidence of financial responsibility, credit, and business reputation of either himself or herself or the business organization he or she desires to qualify.

(c) Upon compliance with the provisions of this section and payment of the certification fee, the department shall issue the person a certificate.

(2) The department shall issue a registration to a person who is in compliance with the provisions of s. 489.513 and who the department ~~board~~ certifies is qualified to be registered.

(3)(a) As a prerequisite to the initial issuance or the renewal of a certificate or registration, the applicant shall submit an affidavit on a form provided by the department ~~board~~ attesting to the fact that the applicant has obtained both workers' compensation insurance or an acceptable exemption certificate issued by the department and public liability and property damage insurance for the health, safety, and welfare of the public in amounts determined by rule of the department ~~board~~. The department ~~board~~ shall by rule establish a procedure to verify the accuracy of such affidavits based upon a random audit method.

(b) An applicant for initial issuance of a certificate or registration shall submit as a prerequisite to qualifying for an exemption from workers' compensation coverage requirements under

s. 440.05 an affidavit attesting to the fact that the applicant will obtain an exemption within 30 days after the date the initial certificate or registration is issued by the department ~~board~~.

(4) The department ~~board~~ may refuse to certify any applicant who has violated any of the provisions of s. 489.533.

Section 214. Subsection (4) of section 489.516, Florida Statutes, is amended to read:

489.516 Qualifications to practice; restrictions; prerequisites.—

(4) A county or municipality may suspend or deny a locally issued permit when the local building official, tax collector, or other authorized person determines that the contractor has failed to obtain both workers' compensation insurance or an acceptable exemption certificate issued by the department and public liability and property damage insurance in the amounts determined by rule of the department ~~board~~.

Section 215. Section 489.5161, Florida Statutes, is amended to read:

489.5161 Credit for relevant military training and education.—

(1) The department shall provide a method by which honorably discharged veterans may apply for licensure. The method must include a veteran-specific application and provide, to the fullest extent possible, credit toward the requirements

for licensure for military experience, training, and education received and completed during service in the United States Armed Forces if the military experience, training, or education is substantially similar to the experience, training, or education required for licensure. The department ~~board~~ may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this subsection.

(2) Notwithstanding any other provision of law, beginning October 1, 2017, and annually thereafter, the department~~, in conjunction with the board,~~ is directed to prepare and submit a report titled "Construction and Electrical Contracting Veteran Applicant Statistics" to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report shall include statistics and information relating to this section and s. 489.1131 which detail:

(a) The number of applicants who identified themselves as veterans.

(b) The number of veterans whose application for a license was approved.

(c) The number of veterans whose application for a license was denied, including data on the reasons for denial.

(d) Data on the application processing times for veterans.

(e) Recommendations on ways to improve the department's ability to meet the needs of veterans which would effectively address the challenges that veterans face when separating from

military service and seeking a license regulated by the department pursuant to this part.

Section 216. Subsections (4), (5), and (6) of section 489.517, Florida Statutes, are renumbered as subsections (3), (4), and (5), respectively, and subsection (3) and present subsections (5) and (6) of that section are amended, to read:

489.517 Renewal of certificate or registration~~; continuing education~~.—

~~(3)(a) Each certificateholder or registrant licensed as a specialty contractor or an alarm system contractor shall provide proof, in a form established by rule of the board, that the certificateholder or registrant has completed at least 7 classroom hours of at least 50 minutes each of continuing education courses during each biennium since the issuance or renewal of the certificate or registration. The board shall by rule establish criteria for the approval of continuing education courses and providers and may by rule establish criteria for accepting alternative nonclassroom continuing education on an hour-for-hour basis.~~

~~(b) Each certificateholder or registrant licensed as an electrical contractor shall provide proof, in a form established by rule of the board, that the certificateholder or registrant has completed at least 11 classroom hours of at least 50 minutes each of continuing education courses during each biennium since the issuance or renewal of the certificate or registration. The~~

~~board shall by rule establish criteria for the approval of continuing education courses and providers and may by rule establish criteria for accepting alternative nonclassroom continuing education on an hour-for-hour basis.~~

(4)~~(5)~~ By applying for renewal, each certificateholder or registrant certifies that he or she has continually maintained the required amounts of public liability and property damage insurance as specified by department ~~board~~ rule. The department ~~board~~ shall establish by rule a procedure to verify the public liability and property damage insurance for a specified period, based upon a random sampling method.

(5)~~(6)~~ The department ~~board~~ shall require, by rule adopted pursuant to ss. 120.536(1) and 120.54, a specialized number of hours in specialized or advanced module courses, approved by the Florida Building Commission, on any portion of the Florida Building Code, adopted pursuant to part IV of chapter 553, relating to the contractor's respective discipline.

Section 217. Subsection (6) is renumbered as subsection (5), paragraph (b) of subsection (1), paragraphs (b) and (d) of subsection (4), and subsection (5) of section 489.518, Florida Statutes, are amended to read:

489.518 Alarm system agents.—

(1) A licensed electrical or alarm system contractor may not employ a person to perform the duties of a burglar alarm system agent unless the person:

(b) Has successfully completed a minimum of 14 hours of training within 90 days after employment, to include basic alarm system electronics in addition to related training including CCTV and access control training, with at least 2 hours of training in the prevention of false alarms. Such training shall be from a department-approved ~~board-approved~~ provider, and the employee or applicant for employment shall provide proof of successful completion to the licensed employer. The department ~~board~~ shall by rule establish criteria for the approval of training courses and providers and may by rule establish criteria for accepting alternative nonclassroom education on an hour-for-hour basis. The department ~~board~~ shall approve providers that conduct training in other than the English language. The department ~~board~~ shall establish a fee for the approval of training providers or courses, not to exceed $60. Qualified employers may conduct training classes for their employees, with department ~~board~~ approval.

(4)

(b) The identification card shall be designed in a department-approved ~~board-approved~~ format. The card must include a picture of the agent, must specify at least the name of the holder of the card and the name and license number of the contractor, and must be signed by the contractor and by the holder of the card. Each identification card is valid for a period of 2 years after the date of issuance. The identification

card must be in the possession of each burglar alarm system agent while engaged in burglar alarm system agent duties.

(d) Each identification card must be renewed every 2 years ~~and in a board-approved format to show compliance with the 6 hours of continuing education necessary to maintain certification as a burglar alarm system agent~~.

~~(5) Each burglar alarm system agent must receive 6 hours of continuing education on burglar alarm system installation and repair and false alarm prevention every 2 years from a board-approved sponsor of training and through a board-approved training course.~~

Section 218. Subsection (6) of section 489.5185, Florida Statutes, is renumbered as subsection (5) and paragraph (b) of subsection (1), paragraphs (a) and (f) of subsection (2), paragraphs (b) and (d) of subsection (4), and subsection (5) of that section are amended, to read:

489.5185 Fire alarm system agents.—

(1) A certified unlimited electrical contractor or licensed fire alarm contractor may not employ a person to perform the duties of a fire alarm system agent unless the person:

(b) Has successfully completed a minimum of 14 hours of initial training, to include basic fire alarm system technology in addition to related training in National Fire Protection Association (NFPA) codes and standards and access control

training, with at least 2 hours of training in the prevention of false alarms. Such training must be from a department-approved ~~board-approved~~ provider, and the employee or applicant for employment must provide proof of successful completion to the licensed employer. The department ~~board~~, by rule, shall establish criteria for the approval of training courses and providers. The department ~~board~~ shall approve qualified providers that conduct training in other than the English language. The department ~~board~~ shall establish a fee for the approval of training providers, not to exceed $200, and a fee for the approval of courses at $25 per credit hour, not to exceed $100 per course.

(2)(a) Any applicant for employment as a fire alarm system agent, or any individual employed as a fire alarm system agent on the effective date of this act, who has completed alarm system agent or burglar alarm system agent training before ~~prior to~~ the effective date of this act in a department-certified ~~board-certified~~ program is not required to take additional training in order to comply with the initial training requirements of this section.

(f) If a person holds a current National Institute of Certification in Engineering Technologies (NICET) Level II certification or higher in Fire Alarm Systems or Inspection and Testing of Fire Alarm Systems, a current certification as an Electronic Security Association (ESA) Certified Fire Alarm

Technician, or a current certification as an ESA Certified Fire Alarm Designer, he or she is required to complete only the 2 hours of training in the prevention of false alarms required by paragraph (1)(b) from a department-approved ~~board-approved~~ sponsor of training and through a department-approved ~~board-approved~~ training course.

(4)

(b) The card shall follow a department-approved ~~board-approved~~ format, to include a picture of the agent; shall specify at least the name of the holder of the card and the name and license number of the certified unlimited electrical contractor or licensed fire alarm contractor; and shall be signed by both the contractor and the holder of the card. Each identification card shall be valid for a period of 2 years after the date of issuance. The identification card must be in the possession of the fire alarm system agent while engaged in fire alarm system agent duties.

~~(d) Each identification card must be renewed every 2 years and in a board-approved format to show compliance with the 6 hours of continuing education necessary to maintain certification as a fire alarm system agent.~~

~~(5)(a) Except as provided in paragraph (b), each fire alarm system agent must receive 6 hours of continuing education on fire alarm system installation and repair and false alarm prevention every 2 years from a board-approved sponsor of~~

~~training and through a board-approved training course.~~

~~(b) A person holding a current NICET Level II certification or higher in Fire Alarm Systems or Inspection and Testing of Fire Alarm Systems, certification as an ESA Certified Fire Alarm Technician, or certification as an ESA Certified Fire Alarm Designer is required to complete only 2 hours of continuing education training in the prevention of false alarms every 2 years from a board-approved sponsor of training and through a board-approved training course.~~

Section 219. Subsections (1) and (3) of section 489.519, Florida Statutes, are amended to read:

489.519 Inactive status.—

(1) A certificate or registration that becomes inactive may be reactivated under s. 489.517 upon application to the department. ~~The board may not require a licensee to complete more than one renewal cycle of continuing education to reactivate a certificate or registration.~~

~~(3) The board shall impose, by rule, continuing education requirements for inactive certificateholders, when inactive status is sought by certificateholders who are also building code administrators, plans examiners, or inspectors certified pursuant to part XII of chapter 468.~~

Section 220. Section 489.520, Florida Statutes, is amended to read:

489.520 Automated licensure status information system.—By

January 1, 1995, the department shall implement an automated licensure status information system for electrical and alarm system contracting. The system shall provide instant notification to local building departments and other interested parties, as determined by the ~~board or~~ department, regarding the status of the certification or registration of any contractor certified or registered pursuant to the provisions of this part. The provision of such information shall consist, at a minimum, of an indication of whether the certification or registration of the contractor applying for a permit is active, of any current failure of the contractor to make restitution according to the terms of any final action by the department ~~board~~, of any ongoing disciplinary cases against the contractor that are subject to public disclosure, and whether there are any outstanding fines against the contractor.

Section 221. Paragraphs (a) and (b) of subsection (2), subsections (3), (4), and (5), paragraph (c) of subsection (7), subsections (8) and (9), and paragraph (b) of subsection (10) of section 489.521, Florida Statutes, are amended to read:

489.521 Business organizations; qualifying agents.—

(2)(a)1. If the applicant proposing to engage in contracting is a partnership, corporation, business trust, or other legal entity, other than a sole proprietorship, the application shall state the name of the partnership and its partners; the name of the corporation and its officers and

directors and the name of each of its stockholders who is also an officer or director; the name of the business trust and its trustees; or the name of such other legal entity and its members. In addition, the applicant shall furnish evidence of statutory compliance if a fictitious name is used. A joint venture, including a joint venture composed of qualified business organizations, is itself a separate and distinct organization that shall be qualified in accordance with department ~~board~~ rules. The registration or certification, when issued upon application of a business organization, shall be in the name of the qualifying agent, and the name of the business organization shall be noted thereon. If there is a change in any information that is required to be stated on the application, the business organization shall, within 45 days after such change occurs, mail the correct information to the department.

2. Any person certified or registered pursuant to this part who has had his or her license revoked may ~~shall~~ not be eligible for a 5-year period to be a partner, officer, director, or trustee of a business organization as defined by this section. Such person shall also be ineligible to reapply for certification or registration under this part for a period of 5 years.

(b) The applicant shall also show that the proposed qualifying agent is legally qualified to act for the business organization in all matters connected with its electrical or

alarm system contracting business and concerning regulations by the department ~~board~~ and that he or she has authority to supervise electrical or alarm system contracting undertaken by the business organization.

(3)(a) The applicant shall furnish evidence of financial responsibility, credit, and business reputation of the business organization, as well as the name of the qualifying agent. The department ~~board~~ shall adopt rules defining financial responsibility based upon the business organization's credit history, ability to be bonded, and any history of bankruptcy or assignment of receivers. Such rules shall specify the financial responsibility grounds on which the department ~~board~~ may determine that a business organization is not qualified to engage in contracting.

(b) In the event a qualifying agent must take the certification examination, the department ~~board~~ shall, within 60 days from the date of the examination, inform the business organization in writing whether or not its qualifying agent has qualified.

(c) If the qualifying agent of a business organization applying to engage in contracting, after having been notified to do so, does not appear for examination within 1 year from the date of filing of the application, the examination fee paid by it shall be credited as an earned fee to the department. A new application to engage in contracting shall be accompanied by

another application fee fixed pursuant to this act. Forfeiture of a fee may be waived by the department ~~board~~ for good cause.

(d) Once the department ~~board~~ has determined that the business organization's proposed qualifying agent has qualified, the business organization shall be authorized to engage in the contracting business. The certificate, when issued, shall be in the name of the qualifying agent, and the name of the business organization shall be noted thereon.

(4) As a prerequisite to the initial issuance of a certificate, the applicant or the business organization he or she qualifies shall submit evidence that he or she or the business organization has obtained public liability and property damage insurance for the safety and welfare of the public in an amount to be determined by department ~~board~~ rule.

(5) At least one officer or supervising employee of the business organization must be qualified under this act in order for the business organization to be qualified to engage in contracting in the category of the business conducted. If any individual so qualified on behalf of the business organization ceases to qualify the business organization, he or she shall notify the ~~board and the~~ department thereof within 30 days after such occurrence. In addition, if the individual is the only individual who qualifies the business organization, the business organization shall notify the ~~board and the~~ department of the individual's termination, and it shall have a period of 60 days

from the termination of the individual to qualify another person under the provision of this act, failing which, the department ~~board~~ shall determine that the business organization is no longer qualified to engage in contracting. The individual shall also inform the department ~~board~~ in writing when he or she proposes to engage in contracting in his or her own name or in affiliation with another business organization, and the individual, or such new business organization, shall supply the same information to the department ~~board~~ as required for applicants under this act. After an investigation of the financial responsibility, credit, and business reputation of the individual or the new business organization and upon a favorable determination, the department ~~board~~ shall certify the business organization as qualified, and the department shall issue, without examination, a new certificate in the individual's name, which shall include the name of the new business organization, as provided in this section.

(7)

(c) The department ~~board~~ shall assess a fine of not less than $100 or issue a citation to any contractor who fails to include that contractor's certification or registration number when submitting an advertisement for publication, broadcast, or printing. In addition, any person who claims in any advertisement to be a certified or registered contractor, but who does not hold a valid state certification or registration,

commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(8) Each qualifying agent shall pay the department an amount equal to the original fee for certification or registration to qualify any additional business organizations. If the qualifying agent for a business organization desires to qualify additional business organizations, the department ~~board~~ shall require him or her to present evidence of supervisory ability and financial responsibility of each such organization. Allowing a licensee to qualify more than one business organization shall be conditioned upon the licensee showing that the licensee has both the capacity and intent to adequately supervise each business organization in accordance with s. 489.522(1). The department may ~~board shall~~ not limit the number of business organizations which the licensee may qualify except upon the licensee's failing to provide such information as is required under this subsection or upon a finding that such information or evidence as is supplied is incomplete or unpersuasive in showing the licensee's capacity and intent to comply with the requirements of this subsection. A qualification for an additional business organization may be revoked or suspended upon a finding by the department ~~board~~ that the licensee has failed in the licensee's responsibility to adequately supervise the operations of that business organization in accordance with s. 489.522(1). Failure of the

responsibility to adequately supervise the operations of a business organization in accordance with s. 489.522(1) shall be grounds for denial to qualify additional business organizations.

(9) If a business organization or any of its partners, officers, directors, trustees, or members is disciplined for violating s. 489.533(1), the department ~~board~~ may, on that basis alone, deny issuance of a certificate or registration to a qualifying agent on behalf of that business organization.

(10)

(b) Any business organization engaging in contracting under this subsection shall provide the department ~~board~~ with the name and license number of each registered or certified contractor employed by the business organization to supervise its contracting activities. The business organization is not required to post a bond or otherwise evidence any financial or credit information except as necessary to demonstrate compliance with paragraph (a).

Section 222. Subsection (2) and paragraph (a) of subsection (3) of section 489.522, Florida Statutes, are amended to read:

489.522 Qualifying agents; responsibilities.—

(2) One of the qualifying agents for a business organization that has more than one qualifying agent may be designated as the sole primary qualifying agent for the business organization by a joint agreement that is executed, on a form

provided by the department ~~board~~, by all qualifying agents for the business organization. The joint agreement shall be submitted to the department ~~board~~ for approval. If the department ~~board~~ determines that the joint agreement is in good order, it shall approve the designation and immediately notify the qualifying agents of such approval. The designation made by the joint agreement is effective upon receipt of the notice by the qualifying agents. The qualifying agent designated for a business organization by a joint agreement is the sole primary qualifying agent for the business organization, and all other qualifying agents for the business organization are secondary qualifying agents.

(a) A designated sole primary qualifying agent has all the responsibilities and duties of a primary qualifying agent, notwithstanding that there are secondary qualifying agents for specified jobs. The designated sole primary qualifying agent is jointly and equally responsible with secondary qualifying agents for field work supervision.

(b) A secondary qualifying agent is responsible only for:

1. The supervision of field work at sites where his or her license was used to obtain the building permit; and

2. Any other work for which he or she accepts responsibility.

A secondary qualifying agent is not responsible for supervision

of financial matters.

(c) A primary qualifying agent shall have approval authority for checks, payments, drafts, and contracts issued by or entered into by the business organization.

(3)(a) A qualifying agent who has been designated by a joint agreement as the sole primary qualifying agent for a business organization may terminate this status as such by giving actual notice to the business organization, to the department ~~board~~, and to all secondary qualifying agents of his or her intention to terminate this status. The notice to the department ~~board~~ shall include proof satisfactory to the department ~~board~~ that he or she has given the notice required in this paragraph. The status of the qualifying agent shall cease upon the designation of a new primary qualifying agent or 60 days after satisfactory notice of termination has been provided to the department ~~board~~, whichever first occurs. If no new primary qualifying agent has been designated within 60 days, all secondary qualifying agents for the business organization shall become primary qualifying agents, unless the joint agreement specifies that one or more of them shall become sole qualifying agents under such circumstances, in which case only they shall become sole qualifying agents.

Section 223. Section 489.523, Florida Statutes, is amended to read:

489.523 Emergency registration upon death of contractor.—

If an incomplete contract exists at the time of death of a contractor, the contract may be completed by any person even though not certified. The person shall notify the department ~~appropriate board~~, within 30 days after the death of the contractor, of his or her name and address, knowledge of the contract, and ability to complete it. If the department ~~board~~ approves, he or she may proceed with the contract. The department ~~board~~ shall then issue an emergency registration which shall expire upon the completion of the contract. For purposes of this section, and upon written approval of the department ~~board~~, an incomplete contract may be one which has been awarded to, or entered into by, the contractor before his or her death, or on which he or she was the low bidder and the contract is subsequently awarded to him or her, regardless of whether any actual work has commenced under the contract before the contractor's death.

Section 224. Section 489.525, Florida Statutes, is amended to read:

489.525 Report to local building officials.—The department may report to all building officials the contents of this part and the contents of the rules of the department ~~board~~. Any information that is available through the Internet or other electronic means may be excluded from the report.

Section 225. Subsections (2), (3), (4), (5), and (6) and paragraphs (b) and (e) of subsection (7) of section 489.533,

Florida Statutes, are amended to read:

489.533 Disciplinary proceedings.—

(2) When the department ~~board~~ finds any applicant, contractor, or business organization for which the contractor is a primary qualifying agent or secondary qualifying agent responsible under s. 489.522 guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(a) Denial of an application for certification or registration.

(b) Revocation or suspension of a certificate or registration.

(c) Imposition of an administrative fine not to exceed $10,000 for each count or separate offense.

(d) Issuance of a reprimand.

(e) Placement of the contractor on probation for a period of time and subject to such conditions as the department ~~board~~ may specify, including requiring the contractor to attend continuing education courses or to work under the supervision of another contractor.

(f) Restriction of the authorized scope of practice by the contractor.

(g) Require financial restitution to a consumer.

(3) In recommending penalties in any proposed recommended final order, the department shall follow the penalty guidelines

established by the department ~~board~~ by rule. The department shall advise the administrative law judge of the appropriate penalty, including mitigating and aggravating circumstances, and the specific rule citation.

(4) The department ~~board~~ may not reinstate the certificate or registration of, or cause a certificate or registration to be issued to, a person who the department ~~board~~ has determined unqualified until it is satisfied that such person has complied with all the terms and conditions set forth in the final order and is capable of competently engaging in the business of contracting.

(5) When the department ~~board~~ imposes administrative fines pursuant to subsection (2) resulting from violation of chapter 633 or violation of the rules of the State Fire Marshal, 50 percent of the fine shall be paid into the Insurance Regulatory Trust Fund to help defray the costs of investigating the violations and obtaining the corrective action. The State Fire Marshal may participate at its discretion, but not as a party, in any proceedings before the department ~~board~~ relating to violation of chapter 633 or the rules of the State Fire Marshal, in order to make recommendations as to the appropriate penalty in such case. However, the State Fire Marshal does ~~shall~~ not have standing to bring disciplinary proceedings regarding certification.

(6) The department ~~board~~ may restrain any violation of

this part by action in a court of competent jurisdiction.

(7)

(b) A ~~No~~ licensee may not avail himself or herself of the mediation process more than three times without the approval of the department ~~board~~. The department ~~board~~ may consider the subject and the dates of the earlier complaints in rendering its decision. The department's ~~board's~~ decision may ~~shall~~ not be considered a final agency action and is not appealable.

(e) The department~~, in conjunction with the board,~~ shall determine by rule the types of cases which may be included in the mediation process. The department may initiate or continue disciplinary action, pursuant to chapter 455 and this chapter against the licensee as determined by rule.

Section 226. Paragraph (a) of subsection (1) of section 489.5335, Florida Statutes, is amended to read:

489.5335 Journeyman; reciprocity; standards.—

(1) Counties and municipalities are authorized to issue journeyman licenses in the electrical and alarm system trades to an individual who:

(a) Has scored at least 70 percent, or after October 1, 1997, at least 75 percent, on a proctored journeyman Block and Associates examination or other proctored examination approved by the department ~~board~~ for the trade in which he or she is licensed;

Section 227. Paragraph (e) of subsection (3) and

paragraphs (b) and (c) of subsection (5) of section 489.537, Florida Statutes, are amended to read:

489.537 Application of this part.—

(3) Nothing in this act limits the power of a municipality or county:

(e)1. To refuse to issue permits or issue permits with specific conditions to a contractor who has committed multiple violations, when he or she has been disciplined for each of them by the department ~~board~~ and when each disciplinary action has involved revocation or suspension of a license, imposition of an administrative fine of at least $1,000, or probation.

2. To issue permits with specific conditions to a contractor who, within the previous 12 months, has had final action taken against him or her, by the department or by a local board or agency which licenses contractors and has reported the action pursuant to paragraph (5)(c), for engaging in the business or acting in the capacity of a contractor without a license.

(5)

(b) To engage in contracting in the territorial area, an applicant shall also be registered with the department ~~board~~.

(c) Each local board or agency which licenses contractors shall transmit monthly to the department ~~board~~ a report of any disciplinary action taken against contractors and any administrative or disciplinary action taken against unlicensed

persons for engaging in the business or acting in the capacity of a contractor, including any cease and desist order issued pursuant to s. 489.516(2)(b).

Section 228. Section 489.552, Florida Statutes, is amended to read:

489.552 Registration required.—A person may ~~shall~~ not hold himself or herself out as a septic tank contractor or a master septic tank contractor in this state unless he or she is registered by the department in accordance with the provisions of this part. However, nothing in this part prohibits any person licensed pursuant to s. 489.105(2)(m) ~~s. 489.105(3)(m)~~ in this state from engaging in the profession for which he or she is licensed.

Section 229. Subsection (1) of section 492.102, Florida Statutes, is amended to read:

492.102 Definitions.—For the purposes of this chapter, unless the context clearly requires otherwise:

~~(1) "Board" means the Board of Professional Geologists.~~

Section 230. Section 492.104, Florida Statutes, is amended to read:

492.104 Rulemaking authority.—The department ~~Board of Professional Geologists~~ has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this chapter. Every licensee shall be governed and controlled by this chapter and the rules adopted by the department ~~board~~. The department ~~board~~

is authorized to set, by rule, fees for application, examination, late renewal, initial licensure, and license renewal. These fees may not exceed the cost of implementing the application, examination, initial licensure, and license renewal or other administrative process and shall be established as follows:

(1) The application fee may ~~shall~~ not exceed $150 and shall be nonrefundable.

(2) The examination fee may ~~shall~~ not exceed $250, and the fee may be apportioned to each part of a multipart examination. The examination fee shall be refundable in whole or part if the applicant is found to be ineligible to take any portion of the licensure examination.

(3) The initial license fee may ~~shall~~ not exceed $100.

(4) The biennial renewal fee may ~~shall~~ not exceed $150.

(5) The fee for reactivation of an inactive license may not exceed $50.

(6) The fee for a provisional license may not exceed $400.

(7) The fee for application, examination, and licensure for a license by endorsement is as provided in this section for licenses in general.

Section 231. Subsection (1), paragraph (b) of subsection (2), and subsection (3) of section 492.105, Florida Statutes, are amended to read:

492.105 Licensure by examination; requirements; fees.—

(1) Any person desiring to be licensed as a professional geologist shall apply to the department to take the licensure examination. The written licensure examination shall be designed to test an applicant's qualifications to practice professional geology, and shall include such subjects as will tend to ascertain the applicant's knowledge of the fundamentals, theory, and practice of professional geology and may include such subjects as are taught in curricula of accredited colleges and universities. The written licensure examination may be a multipart examination. The department shall examine each applicant who the department ~~board~~ certifies:

(a) Has completed the application form and remitted a nonrefundable application fee and an examination fee which is refundable if the applicant is found to be ineligible to take the examination.

(b) Is at least 18 years of age.

(c) Has not committed any act or offense in any jurisdiction which would constitute the basis for disciplining a professional geologist licensed pursuant to this chapter.

(d) Has fulfilled the following educational requirements at a college or university, the geological curricula of which meet the criteria established by an accrediting agency recognized by the United States Department of Education:

1. Graduation from such college or university with a major in geology or other related science acceptable to the department

~~board~~; and

2. Satisfactory completion of at least 30 semester hours or 45 quarter hours of geological coursework.

(e) Has at least 5 years of verified professional geological work experience, which includes a minimum of 3 years of professional geological work under the supervision of a licensed or qualified geologist or professional engineer registered under chapter 471 as qualified in the field or discipline of professional engineering work performed; or has a minimum of 5 accumulative years of verified geological work experience in responsible charge of geological work as determined by the department ~~board~~.

(2) The department shall issue a license to practice professional geology to any person who has:

(b) Been certified by the department ~~board~~ as qualified to practice professional geology; and

(3) The department may ~~shall~~ not issue a license to any applicant who is under investigation in any jurisdiction for an offense which would constitute a violation of this chapter. Upon completion of the investigation, the disciplinary provisions of s. 492.113 shall apply.

Section 232. Subsections (1) and (2) of section 492.1051, Florida Statutes, are amended to read:

492.1051 Registered geologist-in-training; requirements.—

(1) A person desiring to register as a geologist-in-

training shall apply to the department to take a discrete portion of the examination required for licensure as a professional geologist in this state. This discrete portion shall cover the fundamentals of geology. The department shall examine each applicant who the department ~~board~~ certifies:

(a) Has completed the application form and remitted a nonrefundable application fee and an examination fee that is refundable if the applicant is found to be ineligible to take the examination.

(b) Has not committed an act or offense in any jurisdiction which constitutes grounds for disciplining a professional geologist licensed under this chapter; and

(c) Has successfully completed at least 30 semester hours or 45 quarter hours of geological coursework at a college or university, the geological curricula of which meet the criteria established by an accrediting agency recognized by the United States Department of Education and, if still enrolled, has provided a letter of good academic standing from the college or university.

(2) The department shall register as a geologist-in-training each applicant who the department ~~board~~ certifies has passed the fundamentals of geology portion of the licensure examination.

Section 233. Section 492.106, Florida Statutes, is amended to read:

492.106 Provisional licenses.—The department may provide a provisional license to any person who is not a resident of and has not established a place of business in this state, and who is duly licensed in another state, territory, or possession of the United States, or in the District of Columbia, and who has qualifications which the department ~~board~~, upon advice of a committee of the department ~~board~~, deems comparable to those required of professional geologists in this state, upon written application accompanied by the proper application fee, offered before ~~prior to~~ the practice of professional geology in this state, under the following restrictions:

(1) Satisfactory proof of licensure as required above shall include the name, residence address, business address, and certification of the license of the applicant from the issuing state, together with the name and address of the authority issuing such license.

(2) The practice of professional geology under a provisional license may ~~shall~~ not exceed 1 year.

(3) The practice of professional geology under a provisional license shall be confined to one specified project. Such license may not be renewed or reissued for 5 years from the date of original issuance.

(4) A written statement shall be furnished to the department within 60 days of completion of the work, indicating the time engaged and the nature of the work. A person holding a

provisional license shall exhibit such provisional license each time and on each occasion that an indication of licensure is required.

Section 234. Subsection (1) of section 492.107, Florida Statutes, is amended to read:

492.107 Seals.—

(1) The department ~~board~~ shall prescribe, by rule, a form of seal, including its electronic form, to be used by persons holding valid licenses. All geological papers, reports, and documents prepared or issued by the licensee shall be signed, dated, and sealed by the licensee who performed or is responsible for the supervision, direction, or control of the work contained in the papers, reports, or documents. Such signature, date, and seal shall be evidence of the authenticity of that to which they are affixed. Geological papers, reports, and documents prepared or issued by the licensee may be transmitted electronically provided they have been signed by the licensee, dated, and electronically sealed. It is unlawful for any person to sign or seal any document as a professional geologist unless that person holds a current, active license as a professional geologist which has not expired or been revoked or suspended, unless reinstated or reissued.

Section 235. Subsection (1) of section 492.108, Florida Statutes, is amended to read:

492.108 Licensure by endorsement; requirements; fees.—

(1) The department shall issue a license by endorsement to any applicant who, upon applying to the department and remitting an application fee, has been certified by the department ~~board~~ that he or she:

(a) Has met the qualifications for licensure in s. 492.105(1)(b)-(e) and:

1. Is the holder of an active license in good standing in a state, trust, territory, or possession of the United States.

2. Was licensed through written examination in at least one state, trust, territory, or possession of the United States, the examination requirements of which have been approved by the department ~~board~~ as substantially equivalent to or more stringent than those of this state, and has received a score on such examination which is equal to or greater than the score required by this state for licensure by examination.

3. Has taken and successfully passed the laws and rules portion of the examination required for licensure as a professional geologist in this state.

(b) Has held a valid license to practice geology in another state, trust, territory, or possession of the United States for at least 10 years before the date of application and has successfully completed a state, regional, national, or other examination that is equivalent to or more stringent than the examination required by the department. If such applicant has met the requirements for a license by endorsement except

successful completion of an examination that is equivalent to or more stringent than the examination required by the department ~~board~~, such applicant may take the examination required by the department ~~board~~. Such application must be submitted to the department ~~board~~ while the applicant holds a valid license in another state or territory or within 2 years after the expiration of such license.

Section 236. Subsection (2) of section 492.1101, Florida Statutes, is amended to read:

492.1101 Inactive status.—

(2) The department ~~board~~ shall adopt ~~promulgate~~ rules relating to the reactivation of inactive licenses and shall prescribe by rule a fee for the reactivation of inactive licenses.

Section 237. Subsection (1) of section 492.111, Florida Statutes, is amended to read:

492.111 Practice of professional geology by a firm, corporation, or partnership.—The practice of, or offer to practice, professional geology by individual professional geologists licensed under the provisions of this chapter through a firm, corporation, or partnership offering geological services to the public through individually licensed professional geologists as agents, employees, officers, or partners thereof is permitted subject to the provisions of this chapter, if:

(1) At all times that it offers geological services to the

public, the firm, corporation, or partnership is qualified by one or more individuals who hold a current, active license as a professional geologist in the state and are serving as a geologist of record for the firm, corporation, or partnership. A geologist of record may be any principal officer or employee of such firm or corporation, or any partner or employee of such partnership, who holds a current, active license as a professional geologist in this state, or any other Florida-licensed professional geologist with whom the firm, corporation, or partnership has entered into a long-term, ongoing relationship, as defined by rule of the department ~~board~~, to serve as one of its geologists of record. The geologist of record shall notify the department of any changes in the relationship or identity of that geologist of record within 30 days after such change.

Section 238. Paragraph (k) of subsection (1) and subsections (2), (3), and (4) of section 492.113, Florida Statutes, are amended to read:

492.113 Disciplinary proceedings.—

(1) The following acts constitute grounds for which the disciplinary actions in subsection (3) may be taken:

(k) Violating a rule of the department ~~or board~~ or any order of the department ~~or board~~ previously entered in a disciplinary hearing.

(2) The department ~~board~~ shall specify, by rule, what acts

or omissions constitute a violation of subsection (1).

(3) When the department ~~board~~ finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(a) Denial of an application for licensure.

(b) Revocation or suspension of a license.

(c) Imposition of an administrative fine not to exceed $1,000 for each count or separate offense.

(d) Issuance of a reprimand.

(e) Placement of the licensee on probation for a period of time and subject to such conditions as the department ~~board~~ may specify.

(f) Restriction of the authorized scope of practice by the licensee.

(4) The department shall reissue the license of a disciplined professional geologist upon certification by the department ~~board~~ that the disciplined person has complied with the terms and conditions set forth in the final order.

Section 239. Subsections (10) through (13) of section 493.6101, Florida Statutes, are amended to read:

493.6101 Definitions.—

~~(10) "Branch office" means each additional location of an agency where business is actively conducted which advertises as performing or is engaged in the business authorized by the license.~~

~~(11) "Sponsor" means any Class "C," Class "MA," or Class "M" licensee who supervises and maintains under his or her direction and control a Class "CC" intern; or any Class "E" or Class "MR" licensee who supervises and maintains under his or her direction and control a Class "EE" intern.~~

~~(12) "Intern" means an individual who studies as a trainee or apprentice under the direction and control of a designated sponsoring licensee.~~

~~(13) "Manager" means any licensee who directs the activities of licensees at any agency or branch office. The manager shall be assigned to and shall primarily operate from the agency or branch office location for which he or she has been designated as manager. The manager of a private investigative agency may, however, manage up to three offices within a 150-mile radius of the location listed on the agency's Class "A" license, provided that these three offices consist of either:~~

~~(a) The location listed on the agency's Class "A" license and up to two branch offices; or~~

~~(b) Up to three branch offices.~~

Section 240. Subsection (7) of section 493.6105, Florida Statutes, is amended to read:

493.6105 Initial application for license.—

~~(7) In addition to the application requirements for individuals, partners, or officers outlined under subsection~~

~~(3), the application for an agency license must contain the following information:~~

~~(a) The proposed name under which the agency intends to operate.~~

~~(b) The street address, mailing address, and telephone numbers of the principal location at which business is to be conducted in this state.~~

~~(c) The street address, mailing address, and telephone numbers of all branch offices within this state.~~

~~(d) The names and titles of all partners or, in the case of a corporation, the names and titles of its principal officers.~~

Section 241. Subsection (2) of section 493.6106, Florida Statutes, is amended to read:

493.6106 License requirements; posting.—

(2) Each agency shall have a minimum of one physical location within this state from which the normal business of the agency is conducted, and this location shall be considered the primary office for that agency in this state.

~~(a)~~ If an agency or branch office desires to change the physical location of the business, as it appears on the license, the department must be notified within 10 days after the change, and, except upon renewal, the fee prescribed in s. 493.6107 must be submitted for each license requiring revision. Each license requiring revision must be returned with such notification.

~~(b) The Class "A," Class "B," or Class "R" license and any branch office or school license shall at all times be posted in a conspicuous place at the licensed physical location in this state where the business is conducted.~~

~~(c) Each Class "A," Class "B," Class "R," branch office, or school licensee shall display, in a place that is in clear and unobstructed public view, a notice on a form prescribed by the department stating that the business operating at this location is licensed and regulated by the Department of Agriculture and Consumer Services and that any questions or complaints should be directed to the department.~~

~~(d) A minimum of one properly licensed manager shall be designated for each agency and branch office location.~~

Section 242. Subsections (4), (5), and (6) of section 493.6111, Florida Statutes, are renumbered as subsections (3), (6), and (7), respectively, and subsection (2) and present subsection (3) are amended, to read:

493.6111 License; contents; identification card.—

(2) Licenses shall be valid for a period of 2 years, except for ~~Class "A," Class "B," Class "AB,"~~ Class "K.~~,~~" ~~Class "R," and branch agency licenses, which shall be valid for a period of 3 years.~~

~~(3) The department shall, upon complete application and payment of the appropriate fees, issue a separate license to each branch office for which application is made.~~

Section 243. Subsection (1) of section 493.6113, Florida Statutes, is amended to read:

493.6113 Renewal application for licensure.—

(1) A license granted under ~~the provisions of~~ this chapter shall be renewed biennially by the department, except for ~~Class "A," Class "B," Class "AB,"~~ Class "K.~~,~~" ~~Class "R," and branch agency licenses, which shall be renewed every 3 years.~~

Section 244. Paragraphs (r) and (x) of subsection (1) of section 493.6118, Florida Statutes, are amended to read:

493.6118 Grounds for disciplinary action.—

(1) The following constitute grounds for which disciplinary action specified in subsection (2) may be taken by the department against any licensee, agency, or applicant regulated by this chapter, or any unlicensed person engaged in activities regulated under this chapter:

~~(r) Failure or refusal by a sponsor to certify a biannual written report on an intern or to certify completion or termination of an internship to the department within 15 working days.~~

(x) In addition to the grounds for disciplinary action prescribed in paragraphs (a)-(t) and~~, Class "R" recovery agencies ,~~ Class "E" recovery agents, ~~and Class "EE" recovery agent interns~~ are prohibited from committing the following acts:

1. Recovering a motor vehicle, mobile home, motorboat, aircraft, personal watercraft, all-terrain vehicle, farm

equipment, or industrial equipment that has been sold under a conditional sales agreement or under the terms of a chattel mortgage before authorization has been received from the legal owner or mortgagee.

2. Charging for expenses not actually incurred in connection with the recovery, transportation, storage, or disposal of repossessed property or personal property obtained in a repossession.

3. Using any repossessed property or personal property obtained in a repossession for the personal benefit of a licensee or an officer, director, partner, manager, or employee of a licensee.

4. Selling property recovered under ~~the provisions of~~ this chapter, except with written authorization from the legal owner or the mortgagee thereof.

5. Failing to notify the police or sheriff's department of the jurisdiction in which the repossessed property is recovered within 2 hours after recovery.

6. Failing to remit moneys collected in lieu of recovery of a motor vehicle, mobile home, motorboat, aircraft, personal watercraft, all-terrain vehicle, farm equipment, or industrial equipment to the client within 10 working days.

7. Failing to deliver to the client a negotiable instrument that is payable to the client, within 10 working days after receipt of such instrument.

8. Falsifying, altering, or failing to maintain any required inventory or records regarding disposal of personal property contained in or on repossessed property pursuant to s. 493.6404(1).

9. Carrying any weapon or firearm when he or she is on private property and performing duties under his or her license whether or not he or she is licensed pursuant to s. 790.06.

10. Soliciting from the legal owner the recovery of property subject to repossession after such property has been seen or located on public or private property if the amount charged or requested for such recovery is more than the amount normally charged for such a recovery.

11. Wearing, presenting, or displaying a badge in the course of performing a repossession regulated by this chapter.

Section 245. Subsection (6) of section 493.6120, Florida Statutes, is amended to read:

493.6120 Violations; penalty.—

~~(6) A person who was an owner, officer, partner, or manager of a licensed agency or a Class "DS" or "RS" school or training facility at the time of any activity that is the basis for revocation of the agency or branch office license or the school or training facility license and who knew or should have known of the activity shall have his or her personal licenses or approval suspended for 3 years and may not have any financial interest in or be employed in any capacity by a licensed agency~~

~~or a school or training facility during the period of suspension.~~

Section 246. Subsection (2) of section 493.6123, Florida Statutes, is amended to read:

493.6123 Publication to industry.—

(2) The department shall develop and make available to each Class "C," Class "D," and Class "E" licensee ~~and all interns~~ a pamphlet detailing in plain language the legal authority, rights, and obligations of his or her class of licensure. Within the pamphlet, the department should endeavor to present situations that the licensee may be expected to commonly encounter in the course of doing business pursuant to his or her specific license, and provide to the licensee information on his or her legal options, authority, limits to authority, and obligations. The department shall supplement this with citations to statutes and legal decisions, as well as a selected bibliography that would direct the licensee to materials the study of which would enhance his or her professionalism. The department shall provide a single copy of the appropriate pamphlet without charge to each individual to whom a license is issued, but may charge for additional copies to recover its publication costs. The pamphlet shall be updated every 2 years as necessary to reflect rule or statutory changes, or court decisions. Intervening changes to the regulatory situation shall be noticed in the industry newsletter issued

pursuant to subsection (1).

Section 247. Section 493.6201, Florida Statutes, is amended to read:

493.6201 Classes of licenses.—

~~(1) Any person, firm, company, partnership, or corporation which engages in business as a private investigative agency shall have a Class "A" license. A Class "A" license is valid for only one location.~~

~~(2) Each branch office of a Class "A" agency shall have a Class "AA" license. Where a person, firm, company, partnership, or corporation holds both a Class "A" and Class "B" license, each additional or branch office shall have a Class "AB" license.~~

~~(3) Any individual who performs the services of a manager for a:~~

~~(a) Class "A" private investigative agency or Class "AA" branch office shall have a Class "MA" license. A Class "C" or Class "M" licensee may be designated as the manager, in which case the Class "MA" license is not required.~~

~~(b) Class "A" and "B" agency or a Class "AB" branch office shall have a Class "M" license.~~

~~(4) Class "C" or Class "CC" licensees shall own or be an employee of a Class "A" agency, a Class "A" and Class "B" agency, or a branch office. This does not include those who are exempt under s. 493.6102, but who possess a Class "C" license~~

~~solely for the purpose of holding a Class "G" license.~~

(1)~~(5)~~ Any individual who performs the services of a private investigator shall have a Class "C" license.

~~(6) Any individual who performs private investigative work as an intern under the direction and control of a designated, sponsoring Class "C" licensee or a designated, sponsoring Class "MA" or Class "M" licensee must have a Class "CC" license.~~

(2)~~(7)~~ Only ~~Class "M," Class "MA,"~~ Class "C~~,~~" ~~or Class "CC"~~ licensees are permitted to bear a firearm, and any such licensee who bears a firearm shall also have a Class "G" license.

(3)~~(8)~~ A Class "C" ~~or Class "CC"~~ licensee may perform bodyguard services without obtaining a Class "D" license.

Section 248. Section 493.6202, Florida Statutes, is amended to read:

493.6202 Fees.—

(1) The department shall establish by rule examination and license fees for Class "C" license—private investigators, not to exceed $75. ~~the following:~~

~~(a) Class "A" license—private investigative agency: $450.~~

~~(b) Class "AA" or "AB" license—branch office: $125.~~

~~(c) Class "MA" license—private investigative agency manager: $75.~~

~~(d) Class "C" license—private investigator: $75.~~

~~(e) Class "CC" license—private investigator intern: $60.~~

(2) The department may establish by rule a fee for the replacement or revision of a license, which fee shall not exceed $30.

(3) The fees set forth in this section must be paid by check or money order or, at the discretion of the department, by electronic funds transfer at the time the application is approved, except that the applicant for a Class "G~~,~~" or Class "C~~,~~" ~~Class "CC," Class "M," or Class "MA"~~ license must pay the license fee at the time the application is made. If a license is revoked or denied or if the application is withdrawn, the license fee is nonrefundable.

(4) The initial license fee for a veteran, as defined in s. 1.01, shall be waived if he or she applies for a Class "C~~,~~" ~~Class "CC," or Class "MA"~~ license within 24 months after being discharged from any branch of the United States Armed Forces. An eligible veteran must include a copy of his or her DD Form 214, as issued by the United States Department of Defense, or another acceptable form of identification as specified by the Department of Veterans' Affairs with his or her application in order to obtain a waiver.

Section 249. Section 493.6203, Florida Statutes, is amended to read:

493.6203 License requirements.—In addition to the license requirements set forth elsewhere in this chapter, each individual or agency shall comply with the following additional

requirements:

~~(1) Each agency or branch office shall designate a minimum of one appropriately licensed individual to act as manager, directing the activities of the Class "C" or Class "CC" employees.~~

~~(2) An applicant for a Class "MA" license must have 2 years of lawfully gained, verifiable, full-time experience, or training in:~~

~~(a) Private investigative work or related fields of work that provided equivalent experience or training;~~

~~(b) Work as a Class "CC" licensed intern;~~

~~(c) Any combination of paragraphs (a) and (b);~~

~~(d) Experience described in paragraph (a) for 1 year and experience described in paragraph (c) for 1 year;~~

~~(e) No more than 1 year using:~~

~~1. College coursework related to criminal justice, criminology, or law enforcement administration; or~~

~~2. Successfully completed law enforcement-related training received from any federal, state, county, or municipal agency; or~~

~~(f) Experience described in paragraph (a) for 1 year and work in a managerial or supervisory capacity for 1 year.~~

~~However, experience in performing bodyguard services is not creditable toward the requirements of this subsection.~~

~~(3) An applicant for a Class "M" license shall qualify for licensure as a Class "MA" manager as outlined under subsection (2) and as a Class "MB" manager as outlined under s. 493.6303(2).~~

(1)~~(4)~~ An applicant for a Class "C" license shall have 2 years of lawfully gained, verifiable, full-time experience, or training in one, or a combination of more than one, of the following:

(a) Private investigative work or related fields of work that provided equivalent experience or training.

(b) College coursework related to criminal justice, criminology, or law enforcement administration, or successful completion of any law enforcement-related training received from any federal, state, county, or municipal agency, except that no more than 1 year may be used from this category.

~~(c) Work as a Class "CC" licensed intern.~~

However, experience in performing bodyguard services is not creditable toward the requirements of this subsection.

(2)~~(5)~~ An applicant for a ~~Class "MA," Class "M," or~~ Class "C" license must pass an examination that covers the provisions of this chapter and is administered by the department or by a provider approved by the department. The applicant must pass the examination before applying for licensure and must submit proof with the license application on a form approved by rule of the

department that he or she has passed the examination. The administrator of the examination shall verify the identity of each applicant taking the examination.

(a) The examination requirement in this subsection does not apply to an individual who holds a valid ~~Class "CC,"~~ Class "C~~,~~" ~~Class "MA," or Class "M"~~ license.

(b) Notwithstanding the exemption provided in paragraph (a), if the license of an applicant for relicensure has been invalid for more than 1 year, the applicant must take and pass the examination.

(c) The department shall establish by rule the content of the examination, the manner and procedure of its administration, and an examination fee that may not exceed $100.

~~(6)(a) A Class "CC" licensee must serve an internship under the direction and control of a designated sponsor, who is a Class "C," Class "MA," or Class "M" licensee.~~

~~(b) Before submission of an application to the department, the applicant for a Class "CC" license must have completed a minimum of 40 hours of professional training pertaining to general investigative techniques and this chapter, which course is offered by a state university or by a school, community college, college, or university under the purview of the Department of Education, and the applicant must pass an examination. The certificate evidencing satisfactory completion of the 40 hours of professional training must be submitted with~~

~~the application for a Class "CC" license. The training specified in this paragraph may be provided by face-to-face presentation, online technology, or a home study course in accordance with rules and procedures of the Department of Education. The administrator of the examination must verify the identity of each applicant taking the examination.~~

~~1. Upon an applicant's successful completion of each part of the approved training and passage of any required examination, the school, community college, college, or university shall issue a certificate of completion to the applicant. The certificates must be on a form established by rule of the department.~~

~~2. The department shall establish by rule the general content of the professional training and the examination criteria.~~

~~3. If the license of an applicant for relicensure is invalid for more than 1 year, the applicant must complete the required training and pass any required examination.~~

~~(c) An individual licensed on or before August 31, 2008, is not required to complete additional training hours in order to renew an active license beyond the total required hours, and the timeframe for completion in effect at the time he or she was licensed applies.~~

(3)~~(7)~~ In addition to any other requirement, an applicant for a Class "G" license shall satisfy the firearms training set

forth in s. 493.6115.

Section 250. Subsections (1) through (6) of section 493.6301, Florida Statutes, are amended to read:

493.6301 Classes of licenses.—

~~(1) Any person, firm, company, partnership, or corporation which engages in business as a security agency shall have a Class "B" license. A Class "B" license is valid for only one location.~~

~~(2) Each branch office of a Class "B" agency shall have a Class "BB" license. Where a person, firm, company, partnership, or corporation holds both a Class "A" and Class "B" license, each branch office shall have a Class "AB" license.~~

~~(3) Any individual who performs the services of a manager for a:~~

~~(a) Class "B" security agency or Class "BB" branch office shall have a Class "MB" license. A Class "M" licensee, or a Class "D" licensee who has been so licensed for a minimum of 2 years, may be designated as the manager, in which case the Class "MB" license is not required.~~

~~(b) Class "A" and Class "B" agency or a Class "AB" branch office shall have a Class "M" license.~~

~~(4) A Class "D" licensee shall own or be an employee of a Class "B" security agency or branch office. This does not include those individuals who are exempt under s. 493.6102(4) but who possess a Class "D" license solely for the purpose of~~

~~holding a Class "G" license.~~

(1)~~(5)~~ Any individual who performs the services of a security officer shall have a Class "D" license. However, a Class "C" licensee ~~or a Class "CC" licensee~~ may perform bodyguard services without a Class "D" license.

(2)~~(6)~~ Only ~~Class "M," Class "MB," or~~ Class "D" licensees are permitted to bear a firearm, and any such licensee who bears a firearm shall also have a Class "G" license.

Section 251. Section 493.6302, Florida Statutes, is amended to read:

493.6302 Fees.—

(1) The department shall establish by rule license fees, not to exceed the following:

~~(a) Class "B" license—security agency: $450.~~

~~(b) Class "BB" or Class "AB" license—branch office: $125.~~

~~(c) Class "MB" license—security agency manager: $75.~~

(a)~~(d)~~ Class "D" license—security officer: $45.

(b)~~(e)~~ Class "DS" license—security officer school or training facility: $60.

(c)~~(f)~~ Class "DI" license—security officer school or training facility instructor: $60.

(2) The department may establish by rule a fee for the replacement or revision of a license, which fee shall not exceed $30.

(3) The fees set forth in this section must be paid by

check or money order or, at the discretion of the department, by electronic funds transfer at the time the application is approved, except that the applicant for a Class "D~~,~~" or Class "G~~,~~" ~~Class "M," or Class "MB"~~ license must pay the license fee at the time the application is made. If a license is revoked or denied or if the application is withdrawn, the license fee is nonrefundable.

(4) The initial license fee for a veteran, as defined in s. 1.01, shall be waived if he or she applies for a Class "D~~,~~" or Class "DI~~,~~" ~~or Class "MB"~~ license within 24 months after being discharged from any branch of the United States Armed Forces. An eligible veteran must include a copy of his or her DD Form 214, as issued by the United States Department of Defense, or another acceptable form of identification as specified by the Department of Veterans' Affairs with his or her application in order to obtain a waiver.

Section 252. Subsections (1), (2), and (3) of section 493.6303, Florida Statutes, are amended to read:

493.6303 License requirements.—In addition to the license requirements set forth elsewhere in this chapter, each individual or agency must comply with the following additional requirements:

~~(1) Each agency or branch office shall designate a minimum of one appropriately licensed individual to act as manager, directing the activities of the Class "D" employees.~~

~~(2) An applicant for a Class "MB" license shall have 2 years of lawfully gained, verifiable, full-time experience, or training in:~~

~~(a) Security work or related fields of work that provided equivalent experience or training;~~

~~(b) Experience described in paragraph (a) for 1 year and experience described in paragraph (c) for 1 year;~~

~~(c) No more than 1 year using:~~

~~1. Either college coursework related to criminal justice, criminology, or law enforcement administration; or~~

~~2. Successfully completed law enforcement-related training received from any federal, state, county, or municipal agency; or~~

~~(d) Experience described in paragraph (a) for 1 year and work in a managerial or supervisory capacity for 1 year.~~

~~(3) An applicant for a Class "M" license shall qualify for licensure as a Class "MA" manager as outlined under s. 493.6203(2) and as a Class "MB" manager as outlined under subsection (2).~~

Section 253. Subsection (1) of section 493.6304, Florida Statutes, is amended to read:

493.6304 Security officer school or training facility.—

(1) Any school, training facility, or instructor who offers the training specified in s. 493.6303(1) ~~s. 493.6303(4)~~ for Class "D" applicants shall, before licensure of such school,

training facility, or instructor, file with the department an application accompanied by an application fee in an amount to be determined by rule, not to exceed $60. The fee is not refundable.

Section 254. Subsection (2) of section 493.631, Florida Statutes, is amended to read:

493.631 Temporary detention by a licensed security officer or licensed security agency manager at critical infrastructure facilities.—

(2) As used in this section, the terms "security officer" and "security agency manager" mean a security officer or security agency manager who possess a valid Class "D" ~~or Class "MB"~~ license pursuant to s. 493.6301 and a valid Class "G" license pursuant to s. 493.6115.

Section 255. Subsections (1), (2), (3), (5), and (6) of section 493.6401, Florida Statutes, are amended to read:

493.6401 Classes of licenses.—

~~(1) Any person, firm, company, partnership, or corporation which engages in business as a recovery agency shall have a Class "R" license. A Class "R" license is valid for only one location.~~

~~(2) Each branch office of a Class "R" agency shall have a Class "RR" license.~~

~~(3) Any individual who performs the services of a manager for a Class "R" recovery agency or a Class "RR" branch office~~

~~must have a Class "MR" license. A Class "E" licensee may be designated as the manager, in which case the Class "MR" license is not required.~~

~~(5) Any individual who performs repossession as an intern under the direction and control of a designated, sponsoring Class "E" licensee or a designated, sponsoring Class "MR" licensee shall have a Class "EE" license.~~

~~(6) Class "E" or Class "EE" licensees shall own or be an employee of a Class "R" agency or branch office.~~

Section 256. Section 493.6402, Florida Statutes, is amended to read:

493.6402 Fees.—

(1) The department shall establish by rule license fees not to exceed the following:

~~(a) Class "R" license—recovery agency: $450.~~

~~(b) Class "RR" license—branch office: $125.~~

~~(c) Class "MR" license—recovery agency manager: $75.~~

(a)~~(d)~~ Class "E" license—recovery agent: $75.

~~(e) Class "EE" license—recovery agent intern: $60.~~

(b)~~(f)~~ Class "RS" license—recovery agent school or training facility: $60.

(c)~~(g)~~ Class "RI" license—recovery agent school or training facility instructor: $60.

(2) The department may establish by rule a fee for the replacement or revision of a license, which fee shall not exceed

$30.

(3) The fees set forth in this section must be paid by check or money order, or, at the discretion of the department, by electronic funds transfer at the time the application is approved, except that the applicant for a Class "E~~,~~" ~~Class "EE," or Class "MR"~~ license must pay the license fee at the time the application is made. If a license is revoked or denied, or if an application is withdrawn, the license fee is nonrefundable.

(4) The initial license fee for a veteran, as defined in s. 1.01, shall be waived if he or she applies for a Class "E~~,~~" ~~Class "EE," Class "MR,"~~ or Class "RI" license within 24 months after being discharged from any branch of the United States Armed Forces. An eligible veteran must include a copy of his or her DD Form 214, as issued by the United States Department of Defense, or another acceptable form of identification as specified by the Department of Veterans' Affairs with his or her application in order to obtain a waiver.

Section 257. 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:~~

~~(a) Each agency or branch office must designate a minimum of one appropriately licensed individual to act as manager,~~

~~directing the activities of the Class "E" or Class "EE" employees. A Class "E" licensee may be designated to act as manager of a Class "R" agency or branch office in which case the Class "MR" license is not required.~~

~~(b) An applicant for Class "MR" license shall have at least 1 year of lawfully gained, verifiable, full-time experience as a Class "E" licensee performing repossessions of motor vehicles, mobile homes, motorboats, aircraft, personal watercraft, all-terrain vehicles, farm equipment, or industrial equipment.~~

~~(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(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(19) ~~s. 493.6101(22)~~.

~~2. Work as a Class "EE" licensed intern.~~

(2) An applicant for a Class "E" ~~or a Class "EE"~~ license must submit proof of successful completion of 40 hours of professional training at a school or training facility licensed

by the department. The department shall by rule establish the general content for the training.

Section 258. Subsection (1) of section 493.6406, Florida Statutes, is amended to read:

493.6406 Recovery agent school or training facility.—

(1) Any school, training facility, or instructor who offers the training outlined in s. 493.6403(2) for Class "E" ~~or Class "EE"~~ applicants shall, before licensure of such school, training facility, or instructor, file with the department an application accompanied by an application fee in an amount to be determined by rule, not to exceed $60. The fee shall not be refundable. This training may be offered as face-to-face training, Internet-based training, or correspondence training.

Section 259. Subsection (3) of section 514.0315, Florida Statutes, is amended to read:

514.0315 Required safety features for public swimming pools and spas.—

(3) The determination and selection of a feature under subsection (2) for a public swimming pool or spa constructed before January 1, 1993, is at the sole discretion of the owner or operator of the public swimming pool or spa. A licensed contractor described in s. 489.105(2)(j), (k), or (l) ~~s. 489.105(3)(j), (k), or (l)~~ must install the feature.

Section 260. Section 514.075, Florida Statutes, is amended to read:

514.075 Public pool service technician; certification.—The department may require that a public pool, as defined in s. 514.011, be serviced by a person certified as a pool service technician. To be certified, an individual must demonstrate knowledge of public pools which includes, but is not limited to: pool cleaning; general pool maintenance; source of the water supply; bacteriological, chemical, and physical quality of water; and water purification, testing, treatment, and disinfection procedures. The department may, by rule, establish the requirement for the certification course and course approval. The department shall deem certified any individual who is certified by a course of national recognition or any person licensed under s. 489.105(2)(j), (k), or (l) ~~s. 489.105(3)(j), (k), or (l)~~. This requirement does not apply to a person, or the direct employee of a person, permitted as a public pool operator under s. 514.031.

Section 261. Paragraph (d) of subsection (1) of section 553.791, Florida Statutes, is amended to read:

553.791 Alternative plans review and inspection.—

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

(d) "Building code inspection services" means those services described in s. 468.603(4) and (7) ~~s. 468.603(5) and (8)~~ involving the review of building plans as well as those services involving the review of site plans and site work engineering plans or their functional equivalent, to determine

compliance with applicable codes and those inspections required by law, conducted either in person or virtually, of each phase of construction for which permitting by a local enforcement agency is required to determine compliance with applicable codes.

Section 262. Section 553.998, Florida Statutes, is amended to read:

553.998 Compliance.—All ratings must be determined using tools and procedures developed by the systems recognized under this part and must be certified by the rater as accurate and correct and in compliance with procedures of the system under which the rater is certified. The local enforcement agency shall accept duct and air infiltration tests conducted in accordance with the Florida Building Code, 5th Edition (2014) Energy Conservation, by individuals as defined in s. 553.993(5) or (7) or individuals licensed as set forth in s. 489.105(2)(f), (g), or (i) ~~s. 489.105(3)(f), (g), or (i)~~. The local enforcement agency may accept inspections in whole or in part by individuals as defined in s. 553.993(5) or (7).

Section 263. Subsection (2) of section 569.34, Florida Statutes, is amended to read:

569.34 Operating without a retail nicotine products dealer permit; penalty.—

(2) A retail tobacco products dealer, as defined in s. 569.002 ~~s. 569.002(4)~~, is not required to have a separate or

additional retail nicotine products dealer permit to deal, at retail, in nicotine products within this ~~the~~ state, or allow a nicotine products vending machine to be located on its premises in this ~~the~~ state. Any retail tobacco products dealer that deals, at retail, in nicotine products or allows a nicotine products vending machine to be located on its premises in this ~~the~~ state, is subject to, and must be in compliance with, this part.

Section 264. Paragraph (a) of subsection (2) of section 627.192, Florida Statutes, is amended to read:

627.192 Workers' compensation insurance; employee leasing arrangements.—

(2) For purposes of the Florida Insurance Code:

(a) "Employee leasing" shall have the same meaning as provided in s. 468.520(3) ~~set forth in s. 468.520(4)~~.

Section 265. Subsection (6) of section 633.216, Florida Statutes, is amended to read:

633.216 Inspection of buildings and equipment; orders; firesafety inspection training requirements; certification; disciplinary action.—The State Fire Marshal and her or his agents or persons authorized to enforce laws and rules of the State Fire Marshal shall, at any reasonable hour, when the State Fire Marshal has reasonable cause to believe that a violation of this chapter or s. 509.215, or a rule adopted thereunder, or a minimum firesafety code adopted by the State Fire Marshal or a

local authority, may exist, inspect any and all buildings and structures which are subject to the requirements of this chapter or s. 509.215 and rules adopted thereunder. The authority to inspect shall extend to all equipment, vehicles, and chemicals which are located on or within the premises of any such building or structure.

~~(6) The division and the Florida Building Code Administrators and Inspectors Board, established pursuant to s. 468.605, shall enter into a reciprocity agreement to facilitate joint recognition of continuing education recertification hours for certificateholders licensed under s. 468.609 and firesafety inspectors certified under subsection (2).~~

Section 266. Subsection (8) of section 713.01, Florida Statutes, is amended to read:

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

(8) "Contractor" means a person other than a materialman or laborer who enters into a contract with the owner of real property for improving it or who takes over from a contractor as so defined the entire remaining work under such contract. The term "contractor" includes an architect, landscape architect, or engineer who improves real property pursuant to a design-build contract authorized by s. 489.103(16). The term also includes a licensed general contractor or building contractor, as those terms are defined in s. 489.105(2)(a) and (b) ~~s. 489.105(3)(a) and (b)~~, respectively, who provides construction management

services, which include scheduling and coordinating preconstruction and construction phases for the construction project, or who provides program management services, which include schedule control, cost control, and coordinating the provision or procurement of planning, design, and construction for the construction project.

Section 267. Subsection (4) of section 1006.12, Florida Statutes, is amended to read:

1006.12 Safe-school officers at each public school.—For the protection and safety of school personnel, property, students, and visitors, each district school board and school district superintendent shall partner with law enforcement agencies or security agencies to establish or assign one or more safe-school officers at each school facility within the district, including charter schools. A district school board must collaborate with charter school governing boards to facilitate charter school access to all safe-school officer options available under this section. The school district may implement any combination of the options in subsections (1)-(4) to best meet the needs of the school district and charter schools.

(4) SCHOOL SECURITY GUARD.—A school district or charter school governing board may contract with a security agency as defined in s. 493.6101(15) ~~s. 493.6101(18)~~ to employ as a school security guard an individual who holds a Class "D" and Class "G"

license pursuant to chapter 493, provided the following training and contractual conditions are met:

(a) An individual who serves as a school security guard, for purposes of satisfying the requirements of this section, must:

1. Demonstrate completion of 144 hours of required training pursuant to s. 30.15(1)(k)2.

2. Pass a psychological evaluation administered by a psychologist licensed under chapter 490 and designated by the Department of Law Enforcement and submit the results of the evaluation to the sheriff's office, school district, or charter school governing board, as applicable. The Department of Law Enforcement is authorized to provide the sheriff's office, school district, or charter school governing board with mental health and substance abuse data for compliance with this paragraph.

3. Submit to and pass an initial drug test and subsequent random drug tests in accordance with the requirements of s. 112.0455 and the sheriff's office, school district, or charter school governing board, as applicable.

4. Successfully complete ongoing training, weapon inspection, and firearm qualification on at least an annual basis and provide documentation to the sheriff's office, school district, or charter school governing board, as applicable.

(b) The contract between a security agency and a school

district or a charter school governing board regarding requirements applicable to school security guards serving in the capacity of a safe-school officer for purposes of satisfying the requirements of this section shall define the entity or entities responsible for training and the responsibilities for maintaining records relating to training, inspection, and firearm qualification.

(c) School security guards serving in the capacity of a safe-school officer pursuant to this subsection are in support of school-sanctioned activities for purposes of s. 790.115, and must aid in the prevention or abatement of active assailant incidents on school premises.

If a district school board, through its adopted policies, procedures, or actions, denies a charter school access to any safe-school officer options pursuant to this section, the school district must assign a school resource officer or school safety officer to the charter school. Under such circumstances, the charter school's share of the costs of the school resource officer or school safety officer may not exceed the safe school allocation funds provided to the charter school pursuant to s. 1011.62(12) and shall be retained by the school district.

Section 268. Subsections (5) and (6) of section 259.1053, Florida Statutes, are renumbered as subsections (4) and (5), respectively, and subsection (4) of that section is amended, to

read:

259.1053 Babcock Ranch Preserve; Babcock Ranch Advisory Group.—

~~(4) BABCOCK RANCH ADVISORY GROUP.—~~

~~(a) The purpose of the Babcock Ranch Advisory Group is to assist the department by providing guidance and advice concerning the management and stewardship of the Babcock Ranch Preserve.~~

~~(b) The Babcock Ranch Advisory Group shall be comprised of nine members appointed to 5-year terms. Based on recommendations from the Governor and Cabinet, the commission, and the governing boards of Charlotte County and Lee County, the commissioner shall appoint members as follows:~~

~~1. One member with experience in sustainable management of forest lands for commodity purposes.~~

~~2. One member with experience in financial management, budget and program analysis, and small business operations.~~

~~3. One member with experience in management of game and nongame wildlife and fish populations, including hunting, fishing, and other recreational activities.~~

~~4. One member with experience in domesticated livestock management, production, and marketing, including range management and livestock business management.~~

~~5. One member with experience in agriculture operations or forestry management.~~

~~6. One member with experience in hunting, fishing, nongame species management, or wildlife habitat management, restoration, and conservation.~~

~~7. One member with experience in public outreach and education.~~

~~8. One member who is a resident of Lee County, to be designated by the Board of County Commissioners of Lee County.~~

~~9. One member who is a resident of Charlotte County, to be designated by the Board of County Commissioners of Charlotte County.~~

~~Vacancies will be filled in the same manner in which the original appointment was made. A member appointed to fill a vacancy shall serve for the remainder of that term.~~

~~(c) Members of the Babcock Ranch Advisory Group shall:~~

~~1. Elect a chair and vice chair from among the group members.~~

~~2. Meet regularly as determined by the chair.~~

~~3. Serve without compensation but shall receive reimbursement for travel and per diem expenses as provided in s. 112.061.~~

Section 269. Subsection (2) of section 399.035, Florida Statutes, is amended to read:

399.035 Elevator accessibility requirements for the physically handicapped.—

(2) Any building that is more than three stories high or in which the vertical distance between the bottom terminal landing and the top terminal landing exceeds 25 feet must be constructed to contain at least one passenger elevator that is operational and will accommodate an ambulance stretcher size specified in the edition of the Florida Building Code that was in effect at the time of receipt of an application for construction permit for the elevator ~~76 inches long and 24 inches wide in the horizontal position~~.

Section 270. Subsection (1) of section 373.219, Florida Statutes, is amended to read:

373.219 Permits required.—

(1) The ~~governing board or~~ the department may require such permits for consumptive use of water and may impose such reasonable conditions as are necessary to assure that such use is consistent with the overall objectives of the district or department and is not harmful to the water resources of the area. However, a ~~no~~ permit is not ~~shall be~~ required for:

(a) Domestic consumption of water by individual users.

(b) Landscape irrigation water use by a property owner of a residential single-family home.

Section 271. Paragraph (a) of subsection (3) of section 455.02, Florida Statutes, is amended, and subsections (1) and (2) of that section are republished, to read:

455.02 Licensure of members of the Armed Forces in good

standing and their spouses or surviving spouses with administrative ~~boards or~~ programs.—

(1) Any member of the United States Armed Forces now or hereafter on active duty who, at the time of becoming such a member, was in good standing with any of the ~~boards or~~ programs listed in s. 20.165 and was entitled to practice or engage in his or her profession or occupation in the state shall be kept in good standing by the applicable ~~board or~~ program, without registering, paying dues or fees, or performing any other act on his or her part to be performed, as long as he or she is a member of the United States Armed Forces on active duty and for a period of 2 years after discharge from active duty. A member, during active duty and for a period of 2 years after discharge from active duty, engaged in his or her licensed profession or occupation in the private sector for profit in this state must complete all license renewal provisions except remitting the license renewal fee, which shall be waived by the department.

(2) A spouse of a member of the United States Armed Forces who is married to a member during a period of active duty, or a surviving spouse of a member who at the time of death was serving on active duty, who is in good standing with any of the ~~boards or~~ programs listed in s. 20.165 shall be kept in good standing by the applicable ~~board or~~ program as described in subsection (1) and shall be exempt from licensure renewal provisions, but only in cases of his or her absence from the

state because of his or her spouse's duties with the United States Armed Forces. The department or the appropriate ~~board or~~ program shall waive any license renewal fee for such spouse when he or she is present in this state because of such member's active duty and for a surviving spouse of a member who at the time of death was serving on active duty and died within the 2 years preceding the date of renewal.

(3)(a) The department shall issue a professional license to an applicant who is or was an active duty member of the Armed Forces of the United States, or who is a spouse or surviving spouse of such member, upon application to the department in a format prescribed by the department. An application must include proof that:

1. The applicant is or was an active duty member of the Armed Forces of the United States or is married to a member of the Armed Forces of the United States and was married to the member during any period of active duty or was married to such a member who at the time of the member's death was serving on active duty. An applicant who was an active duty member of the Armed Forces of the United States must have received an honorable discharge upon separation or discharge from the Armed Forces of the United States.

2. The applicant holds a valid license for the profession issued by another state, the District of Columbia, any possession or territory of the United States, or any foreign

jurisdiction.

3. The applicant, where required by the specific practice act, has complied with insurance or bonding requirements.

4.a. A complete set of the applicant's fingerprints is submitted to the Department of Law Enforcement for a statewide criminal history check for those professions that require fingerprints for initial licensure.

b. The Department of Law Enforcement shall forward the fingerprints submitted pursuant to sub-subparagraph a. to the Federal Bureau of Investigation for a national criminal history check. The department shall~~, and the board may,~~ review the results of the criminal history checks according to the level 2 screening standards in s. 435.04 and determine whether the applicant meets the licensure requirements. The costs of fingerprint processing shall be borne by the applicant. If the applicant's fingerprints are submitted through an authorized agency or vendor, the agency or vendor must ~~shall~~ collect the required processing fees and remit the fees to the Department of Law Enforcement.

Section 272. Paragraph (a) of subsection (3) of section 455.213, Florida Statutes, is amended to read:

455.213 General licensing provisions.—

(3)(a) Notwithstanding any other law, the department ~~applicable board~~ shall use the process in this subsection for review of an applicant's criminal record to determine his or her

eligibility for licensure as:

1. A barber under chapter 476;

~~2. A cosmetologist or cosmetology specialist under chapter 477;~~

2.~~3.~~ Any of the following construction professions under chapter 489:

a. Air-conditioning contractor;

b. Electrical contractor;

c. Mechanical contractor;

d. Plumbing contractor;

e. Pollutant storage systems contractor;

f. Roofing contractor;

g. Sheet metal contractor;

h. Solar contractor;

i. Swimming pool and spa contractor;

j. Underground utility and excavation contractor; or

k. Other specialty contractors; or

3.~~4.~~ Any other profession for which the department issues a license, provided the profession is offered to inmates in any correctional institution or correctional facility as vocational training or through an industry certification program.

Section 273. Subsection (1) of section 468.386, Florida Statutes, is amended to read:

468.386 Fees; local licensing requirements.—

(1)(a) The department ~~board~~ by rule may establish

application, examination, licensure, renewal, and other reasonable and necessary fees, based upon the department's estimate of the costs ~~to the board~~ in administering this act.

(b) Effective July 1, 2026, all fees established by the department in administering this act shall be reduced by 50 percent.

Section 274. Subsection (1), paragraph (c) of subsection (2), subsections (4) and (5), paragraphs (b) and (e) of subsection (6), paragraphs (a) and (c) of subsection (7), and subsections (8) and (10) of section 468.609, Florida Statutes, are amended to read:

468.609 Administration of this part; standards for certification; additional categories of certification.—

(1) Except as provided in this part, any person who desires to be certified shall apply to the department ~~board~~, in writing upon forms approved and furnished by the department ~~board~~, to take the certification examination.

(2) A person may take the examination for certification as a building code inspector or plans examiner pursuant to this part if the person:

(c) Meets eligibility requirements according to one of the following criteria:

1. Demonstrates 4 years' combined experience in the field of construction or a related field, building code inspection, or plans review corresponding to the certification category sought;

2. Demonstrates a combination of postsecondary education in the field of construction or a related field and experience which totals 3 years, with at least 1 year of such total being experience in construction, building code inspection, or plans review;

3. Demonstrates a combination of technical education in the field of construction or a related field and experience which totals 3 years, with at least 1 year of such total being experience in construction, building code inspection, or plans review;

4. Currently holds a standard certificate issued by the department ~~board~~ or a firesafety inspector license issued under chapter 633, with a minimum of 3 years' verifiable full-time experience in firesafety inspection or firesafety plan review, and has satisfactorily completed a building code inspector or plans examiner training program that provides at least 100 hours but not more than 200 hours of cross-training in the certification category sought. The department ~~board~~ shall establish by rule criteria for the development and implementation of the training programs. The department ~~board~~ must accept all classroom training offered by an approved provider if the content substantially meets the intent of the classroom component of the training program;

5. Demonstrates a combination of the completion of an approved training program in the field of building code

inspection or plan review and a minimum of 2 years' experience in the field of building code inspection, plan review, fire code inspections and fire plans review of new buildings as a firesafety inspector certified under s. 633.216, or construction. The approved training portion of this requirement must include proof of satisfactory completion of a training program that provides at least 200 hours but not more than 300 hours of cross-training that is approved by the department ~~board~~ in the chosen category of building code inspection or plan review in the certification category sought with at least 20 hours but not more than 30 hours of instruction in state laws, rules, and ethics relating to professional standards of practice, duties, and responsibilities of a certificateholder. The department ~~board~~ shall coordinate with the Building Officials Association of Florida, Inc., to establish by rule the development and implementation of the training program. However, the department ~~board~~ must accept all classroom training offered by an approved provider if the content substantially meets the intent of the classroom component of the training program;

6. Currently holds a standard certificate issued by the department ~~board~~ or a firesafety inspector license issued under chapter 633 and:

a. Has at least 4 years' verifiable full-time experience as an inspector or plans examiner in a standard certification category currently held or has a minimum of 4 years' verifiable

full-time experience as a firesafety inspector licensed under chapter 633.

b. Has satisfactorily completed a building code inspector or plans examiner classroom training course or program that provides at least 200 but not more than 300 hours in the certification category sought, except for residential training programs, which must provide at least 500 but not more than 800 hours of training as prescribed by the department ~~board~~. The department ~~board~~ shall establish by rule criteria for the development and implementation of classroom training courses and programs in each certification category; or

7.a. Has completed a 4-year internship certification program as a building code inspector or plans examiner, including an internship program for residential inspectors, while also employed full time by a municipality, county, or other governmental jurisdiction, under the direct supervision of a certified building official. A person may also complete the internship certification program, including an internship program for residential inspectors, while employed full time by a private provider or a private provider's firm that performs the services of a building code inspector or plans examiner, while under the direct supervision of a certified building official. Proof of graduation with a related vocational degree or college degree ~~or of verifiable work experience~~ may be exchanged for the internship experience requirement year-for-

year, but may reduce the requirement to no less than 1 year. Proof of verifiable work experience as an inspector or plans examiner of any other type may be exchanged for the internship experience requirement year-for-year, but may reduce the requirement to no less than 1 year.

b. Has passed an examination administered by the International Code Council in the certification category sought. Such examination must be passed before beginning the internship certification program.

c. Has passed the principles and practice examination before completing the internship certification program.

d. Has passed a department-approved ~~board-approved~~ 40-hour code training course in the certification category sought before completing the internship certification program.

e. Has obtained a favorable recommendation from the supervising building official after completion of the internship certification program.

(4) No person may engage in the duties of a building code administrator, plans examiner, or building code inspector pursuant to this part after October 1, 1993, unless such person possesses one of the following types of certificates, currently valid, issued by the department ~~board~~ attesting to the person's qualifications to hold such position:

(a) A standard certificate.

(b) A limited certificate.

(c) A provisional certificate.

(5)(a) To obtain a standard certificate, an individual must pass an examination approved by the department ~~board~~ which demonstrates that the applicant has fundamental knowledge of the state laws and codes relating to the construction of buildings for which the applicant has building code administration, plans examination, or building code inspection responsibilities. It is the intent of the Legislature that the examination approved for certification pursuant to this part be substantially equivalent to the examinations administered by the International Code Council.

(b) A standard certificate shall be issued to each applicant who successfully completes the examination, which certificate authorizes the individual named thereon to practice throughout the state as a building code administrator, plans examiner, or building code inspector within such class and level as is specified by the department ~~board~~.

(c) The department ~~board~~ may accept proof that the applicant has passed an examination which is substantially equivalent to the department-approved ~~board-approved~~ examination set forth in this section.

(6)

(b) By October 1, 1993, individuals who were employed on July 1, 1993, as building code administrators, plans examiners, or building code inspectors, who are not eligible for a standard

certificate, but who wish to continue in such employment, shall submit to the department ~~board~~ the appropriate application and certification fees and shall receive a limited certificate qualifying them to engage in building code administration, plans examination, or building code inspection in the class, at the performance level, and within the governmental jurisdiction in which such person is employed.

(e) By March 1, 2003, or 1 year after the Florida Building Code is implemented, whichever is later, individuals who were employed by an educational board, the Department of Education, or the State University System as building code administrators, plans examiners, or inspectors, who do not wish to apply for a standard certificate but who wish to continue in such employment, shall submit to the department ~~board~~ the appropriate application and certification fees and shall receive a limited certificate qualifying such individuals to engage in building code administration, plans examination, or inspection in the class, at the performance level, and within the governmental jurisdiction in which such person is employed.

(7)(a) The department ~~board~~ shall provide for the issuance of provisional certificates valid for 2 years, as specified by department ~~board~~ rule, to any building code inspector or plans examiner who meets the eligibility requirements described in subsection (2) and any newly employed or promoted building code administrator who meets the eligibility requirements described

in subsection (3). The provisional license may be renewed by the department ~~board~~ for just cause; however, a provisional license is not valid for longer than 3 years.

(c) The department ~~board~~ shall provide for appropriate levels of provisional certificates and may issue these certificates with such special conditions or requirements as the department ~~board~~ deems necessary to protect the public safety and health. The department ~~board~~ may not place a special condition or requirement on a provisional certificate with respect to the requirement of employment by a municipality, county, or other local governmental agency.

(8) Any individual applying to the department ~~board~~ may be issued a certificate valid for multiple building code inspection classes, as deemed appropriate by the department ~~board~~.

(10)(a) The department ~~board~~ may by rule create categories of certification in addition to those defined in s. 468.603(4) and (7) ~~s. 468.603(5) and (8)~~. Such certification categories may ~~shall~~ not be mandatory and may ~~shall~~ not act to diminish the scope of any certificate created by statute.

(b) The department ~~board~~ shall by rule establish:

1. Reciprocity of certification with any other state that requires an examination administered by the International Code Council.

2. That an applicant for certification as a building code inspector or plans examiner may apply for a provisional

certificate valid for the duration of the internship period.

3. That partial completion of an internship program is transferable among jurisdictions, private providers, and firms of private providers on a form prescribed by the department ~~board~~.

4. That an applicant may apply for a standard certificate on a form prescribed by the department ~~board~~ upon successful completion of an internship certification program.

5. That an applicant may apply for a standard certificate at least 30 days but no more than 60 days before completing the internship certification program.

6. That a building code inspector or plans examiner who has standard certification may seek an additional certification in another category by completing an additional nonconcurrent 1-year internship program in the certification category sought and passing an examination administered by the International Code Council and a department-approved ~~board-approved~~ 40-hour code training course.

Section 275. Section 471.015, Florida Statutes, is amended to read:

471.015 Licensure.—

(1) The department ~~management corporation~~ shall issue a license to any applicant who the department ~~board~~ certifies is qualified to practice engineering and who has passed the fundamentals examination and the principles and practice

examination.

(2)(a) The department ~~board~~ shall certify for licensure any applicant who has submitted proof satisfactory to the department ~~board~~ that he or she is at least 18 years of age and who:

1. Satisfies the requirements of s. 471.013(1)(a)1. and has a record of at least 4 years of active engineering experience of a character indicating competence to be in responsible charge of engineering; or

2. Satisfies the requirements of s. 471.013(1)(a)2. and has a record of at least 6 years of active engineering experience of a character indicating competence to be in responsible charge of engineering.

(b) The department ~~board~~ may refuse to certify any applicant who has violated s. 471.031.

(3) The department ~~board~~ shall certify as qualified for a license by endorsement an applicant who:

(a) Qualifies to take the fundamentals examination and the principles and practice examination as set forth in s. 471.013, has passed a United States national, regional, state, or territorial licensing examination that is substantially equivalent to the fundamentals examination and principles and practice examination required by s. 471.013, and has satisfied the experience requirements set forth in paragraph (2)(a) and s. 471.013; ~~or~~

(b) Holds a valid license to practice engineering issued by another state or territory of the United States, or a foreign jurisdiction if the criteria for issuance of the license were substantially the same as the licensure criteria that existed in this state at the time the license was issued; or

(c) Holds a valid license to practice engineering issued by a foreign jurisdiction approved by the board and holds an active Council Record with the National Council of Examiners for Engineering and Surveying.

(4) The department may ~~management corporation shall~~ not issue a license by endorsement to any applicant who is under investigation in another state for any act that would constitute a violation of this chapter or of chapter 455 until such time as the investigation is complete and disciplinary proceedings have been terminated.

(5)(a) The department ~~board~~ shall deem that an applicant who seeks licensure by endorsement has passed an examination substantially equivalent to the fundamentals examination when such applicant has held a valid professional engineer's license in another state for 10 years.

(b) The department ~~board~~ shall deem that an applicant who seeks licensure by endorsement has passed an examination substantially equivalent to the fundamentals examination and the principles and practices examination when such applicant has held a valid professional engineer's license in another state

for 15 years.

(6) The department ~~board~~ may require a personal appearance by any applicant for licensure under this chapter. Any applicant of whom a personal appearance is required must be given adequate notice of the time and place of the appearance and provided with a statement of the purpose of and reasons requiring the appearance. If an applicant is required to appear, the time period within which a licensure application must be granted or denied is tolled until such time as the applicant appears. However, if the applicant fails to appear before the department ~~board~~ at either of the next two regularly scheduled department ~~board~~ meetings, the application for licensure may be denied.

(7) The department ~~board~~ shall, by rule, establish qualifications for certification of licensees as special inspectors of threshold buildings, as defined in ss. 553.71 and 553.79, and shall compile a list of persons who are certified. A special inspector is not required to meet standards for certification other than those established by the department ~~board~~, and the fee owner of a threshold building may not be prohibited from selecting any person certified by the department ~~board~~ to be a special inspector. The department ~~board~~ shall develop minimum qualifications for the qualified representative of the special inspector who is authorized to perform inspections of threshold buildings on behalf of the special inspector under s. 553.79.

Section 276. Effective January 1, 2026, section 473.308, Florida Statutes, is amended to read:

473.308 Licensure.—

(1) A person desiring to be licensed as a Florida certified public accountant in this state shall apply to the department for licensure, and the department shall license any applicant who the department ~~board~~ certifies is qualified to practice public accounting.

(2) The department ~~board~~ shall certify for licensure any applicant who successfully passes the licensure examination and satisfies the requirements of subsections (4), (5), and (6), and shall certify for licensure any firm that satisfies the requirements of ss. 473.309 and 473.3101. The department ~~board~~ may refuse to certify any applicant or firm that has violated any of the provisions of s. 473.322.

(3) A person desiring to be licensed as a Florida certified public accountant or a firm desiring to engage in the practice of public accounting must create and maintain an online account with the department and provide an e-mail address to function as the primary means of contact for all communication from the department. Certified public accountants and firms are responsible for maintaining accurate contact information on file with the department and must submit any change in an e-mail address or street address within 30 days after the change. All changes must be submitted through the department's online

system.

(4)(a) An applicant for licensure must:

1. Complete ~~have~~ at least 150 semester hours of college education, including a baccalaureate or higher degree conferred by an accredited college or university, with a concentration in accounting and business as prescribed by the department; ~~in the total educational program to the extent specified by the board.~~

2. Hold a master's degree in accounting or finance conferred by an accredited college or university with a concentration in accounting and business as prescribed by the department;

3. Hold a baccalaureate degree in accounting or finance conferred by an accredited college or university with a concentration in accounting and business as prescribed by the department; or

4. Hold a baccalaureate degree in any major course of study conferred by an accredited college or university and have completed coursework required for a concentration in accounting and business as prescribed by the department.

(b) The department shall prescribe the coursework required for a concentration in accounting and business. The department may deem that an applicant has satisfied requirements for such coursework if the applicant receives a baccalaureate or higher degree in accounting or finance conferred by an accredited college or university in a state or territory of the United

States. An applicant receiving a baccalaureate or higher degree with a major course of study other than accounting or finance must complete the coursework required for a concentration in accounting and business as prescribed by the department.

(5)(a) An applicant for licensure who completes the education requirements under subparagraph (4)(a)1. or subparagraph (4)(a)2. ~~after December 31, 2008,~~ must show ~~that he or she has had~~ 1 year of work experience. An applicant who completes the education requirements under subparagraph (4)(a)3. or subparagraph (4)(a)4. must show 2 years of work experience.

(b) The work experience under paragraph (a) ~~This experience~~ shall include providing any type of service or advice involving the use of accounting, attest, compilation, management advisory, financial advisory, tax, or consulting skills, all of which must be verified by a certified public accountant who is licensed by a state or territory of the United States. This experience is acceptable if it was gained through employment in government, industry, academia, or public practice; constituted a substantial part of the applicant's duties; and was verified by a certified public accountant licensed by a state or territory of the United States.

(c) The department ~~board~~ shall adopt rules specifying standards and providing for the review and approval of the work experience required by this subsection ~~section~~.

(d) ~~(b)~~ However, an applicant who completed the

requirements of subsection (4) on or before December 31, 2008, and who passes the licensure examination on or before June 30, 2010, is exempt from the requirements of this subsection.

(6)(a) An applicant for licensure must ~~shall~~ show that she or he ~~the applicant~~ has good moral character. For purposes of this paragraph, the term

~~(7)(a)~~ "good moral character" means a personal history of honesty, fairness, and respect for the rights of others and for the laws of this state and nation.

(b) The department ~~board~~ may refuse to certify an applicant for failure to satisfy this requirement if:

1. The department ~~board~~ finds a reasonable relationship between the lack of good moral character of the applicant and the professional responsibilities of a certified public accountant; and

2. The finding by the department ~~board~~ of lack of good moral character is supported by competent substantial evidence.

(c) When an applicant is found to be unqualified for a license because of a lack of good moral character, the department ~~board~~ shall furnish to the applicant a statement containing the findings of the department ~~board~~, a complete record of the evidence upon which the determination was based, and a notice of the rights of the applicant to a rehearing and appeal.

(7)~~(8)~~ The department ~~board~~ shall certify as qualified for

a license by endorsement an applicant who~~:~~

(a) Is not licensed and has not been licensed in any state or territory and who has met the requirements of this section for education, work experience, and good moral character and has passed a national, regional, state, or territorial licensing examination that is substantially equivalent to the examination required by s. 473.306; or

~~(b)1.~~ holds an active ~~a valid~~ license as a certified public accountant ~~to practice public accounting~~ issued by another state or a territory of the United States, if the applicant has maintained good moral character and, at the time of licensure by such other state or territory, the applicant was required to show evidence of having obtained at least a baccalaureate degree from an accredited college or university and having passed the Uniform CPA Examination ~~criteria for issuance of such license were substantially equivalent to the licensure criteria that existed in this state at the time the license was issued;~~

~~2. Holds a valid license to practice public accounting issued by another state or territory of the United States but the criteria for issuance of such license did not meet the requirements of subparagraph 1.; has met the requirements of this section for education, work experience, and good moral character; and has passed a national, regional, state, or territorial licensing examination that is substantially~~

~~equivalent to the examination required by s. 473.306; or~~

~~3. Holds a valid license to practice public accounting issued by another state or territory of the United States for at least 10 years before the date of application; has passed a national, regional, state, or territorial licensing examination that is substantially equivalent to the examination required by s. 473.306; and has met the requirements of this section for good moral character~~.

~~(9) If the applicant has at least 5 years of experience in the practice of public accountancy in the United States or in the practice of public accountancy or its equivalent in a foreign country that the International Qualifications Appraisal Board of the National Association of State Boards of Accountancy has determined has licensure standards that are substantially equivalent to those in the United States, or has at least 5 years of work experience that meets the requirements of subsection (5), the board must waive the requirements of subsection (4) which are in excess of a baccalaureate degree. All experience that is used as a basis for waiving the requirements of subsection (4) must be while licensed as a certified public accountant by another state or territory of the United States or while licensed in the practice of public accountancy or its equivalent in a foreign country that the International Qualifications Appraisal Board of the National Association of State Boards of Accountancy has determined has~~

~~licensure standards that are substantially equivalent to those in the United States. The board shall have the authority to establish the standards for experience that meet this requirement.~~

(8) ~~(10)~~ The department ~~board~~ may refuse to certify for licensure any applicant who is under investigation in another state for any act that would constitute a violation of this act or chapter 455, until such time as the investigation is complete and disciplinary proceedings are ~~have been~~ terminated.

Section 277. Section 473.3085, Florida Statutes, is created to read:

473.3085 Licensure of international applicants.—

(1) An international applicant who seeks licensure as a certified public accountant in this state must meet the requirements for education, work experience, and good moral character under s. 473.308.

(2) An applicant must apply to the department for licensure.

(3) An international applicant must create and maintain an online account with the department and provide an e-mail address to function as the primary means of contact for all communication from the department. An applicant must submit any change in e-mail address within 30 days after the change. All changes must be submitted through the department's online system.

(4) The department shall certify for licensure any applicant who satisfies the requirements of subsections (1) and (2), except the department may refuse to certify an applicant who has violated s. 473.322.

(5) The department shall adopt rules to implement this section.

Section 278. Effective January 1, 2026, subsections (1), (3), and (4) of section 473.3141, Florida Statutes, are amended to read:

473.3141 Certified public accountants licensed in other states.—

(1) ~~Except as otherwise provided in this chapter,~~ An individual who holds an active license in good standing as a certified public accountant in another state or a territory of the United States and who does not have an office in this state has the privileges of Florida certified public accountants and may provide public accounting services in this state without obtaining a license under this chapter or notifying or registering with the department ~~board~~ or paying a fee if, at the time of licensure by such other state or territory, the individual was required to show evidence of having obtained at least a baccalaureate degree and having passed the Uniform CPA Examination~~:~~

~~(a) Holds a valid license as a certified public accountant from a state that the board or its designee has determined by~~

~~rule to have adopted standards that are substantially equivalent to the certificate requirements in s. 5 of the Uniform Accountancy Act in the issuance of licenses; or~~

~~(b) Holds a valid license as a certified public accountant from a state that has not been approved by the board as having adopted standards in substantial equivalence with s. 5 of the Uniform Accountancy Act, but obtains verification from the board, or its designee, as determined by rule, that the individual's certified public accountant qualifications are substantially equivalent to the certificate requirements in s. 5 of the Uniform Accountancy Act~~.

The department ~~board~~ shall define by rule what constitutes an office.

(3) An individual certified public accountant from another state or a territory of the United States who practices pursuant to this section, and the firm that employs that individual, shall both consent, as a condition of the privilege of practicing in this state:

(a) To the ~~personal and subject matter~~ jurisdiction and disciplinary authority of the department ~~board~~;

(b) To comply with this chapter and the applicable department ~~board~~ rules;

(c) That if the individual's license as a certified public accountant from another ~~the~~ state or a territory of the United

States becomes invalid ~~of the individual's principal place of business is no longer valid~~, the individual must ~~will~~ cease offering or rendering public accounting services in this state, individually and on behalf of a firm; and

(d) To the appointment of the department ~~state board~~ that issued the individual's license as the agent upon whom process may be served in any action or proceeding by the ~~board or~~ department against the individual or firm.

(4) An individual who qualifies to practice under this section may perform the services identified in s. 473.302(7)(a) ~~s. 473.302(8)(a)~~ only through a firm that has obtained a license issued under s. 473.3101 or is authorized by s. 473.3101 to provide such services.

Section 279. Subsections (2), (8), and (9) of section 476.184, Florida Statutes, are amended, and subsection (11) is added to that section, to read:

476.184 Barbershop licensure; requirements; fee; inspection; license display.—

(2) The department ~~board~~ shall adopt rules governing the licensure and operation of a barbershop and its facilities, personnel, safety and sanitary requirements, and the license application and granting process.

(8) Renewal of license registration for barbershops shall be accomplished pursuant to rules adopted by the department ~~board~~. The department ~~board~~ is further authorized to adopt rules

governing delinquent renewal of licenses and may impose penalty fees for delinquent renewal.

(9) The department ~~board~~ is authorized to adopt rules governing the operation and periodic inspection of barbershops licensed under this chapter.

(11)(a) The department shall adopt rules governing the licensure, operation, and inspection of mobile barbershops, including their facilities, personnel, and safety and sanitary requirements.

(b) Each mobile barbershop must comply with all licensure and operating requirements specified in this chapter, chapter 455, or rules of the department that apply to barbershops at fixed locations, except to the extent that such requirements conflict with this subsection or rules adopted pursuant to this subsection.

(c) A mobile barbershop must maintain a permanent business address, located in the inspection area of the local department office, at which records of appointments, itineraries, license numbers of employees, and vehicle identification numbers of the licenseholder's mobile barbershop shall be kept and made available for verification purposes by department personnel, and at which correspondence from the department can be received.

(d) To facilitate periodic inspections of a mobile barbershop, before the beginning of each month each mobile barbershop licenseholder must file with the department a written

monthly itinerary listing the locations where and the dates and hours when the mobile barbershop will be operating.

(e) The licenseholder must comply with all local laws and ordinances regulating business establishments, with all applicable requirements of the Americans with Disabilities Act relating to accommodations for persons with disabilities, and with all applicable requirements of the Occupational Safety and Health Administration.

Section 280. Section 476.188, Florida Statutes, is amended to read:

476.188 Barber services to be performed in a licensed ~~registered~~ barbershop; exception.—

(1) Barber services shall be performed only by licensed barbers in licensed ~~registered~~ barbershops, except as otherwise provided in this section.

(2) Pursuant to rules established by the department ~~board~~, barber services may be performed by a licensed barber in a location other than a licensed ~~registered~~ barbershop, including, but not limited to, a nursing home, hospital, or residence, when a client for reasons of ill health is unable to go to a licensed ~~registered~~ barbershop. Arrangements for the performance of barber services in a location other than a licensed ~~registered~~ barbershop may ~~shall~~ be made only through a licensed ~~registered~~ barbershop. However, a barber may shampoo, cut, or arrange hair in a location other than a licensed ~~registered~~ barbershop

without such arrangements.

(3) Any person who holds a valid barber's license in any state or who is authorized to practice barbering in any country, territory, or jurisdiction of the United States may perform barber services in a location other than a licensed ~~registered~~ barbershop when such services are performed in connection with the motion picture, fashion photography, theatrical, or television industry; a manufacturer trade show demonstration; or an educational seminar.

(4) Pursuant to rules adopted by the department, the practice of barbering may be performed in a location other than a licensed barbershop when performed in connection with a special event and by a person who holds the proper license.

Section 281. Subsections (1) through (7) of section 481.213, Florida Statutes, are amended to read:

481.213 Licensure and registration.—

(1) The department shall license or register any applicant who ~~the board certifies~~ is certified and qualified for licensure or registration and who has paid the initial licensure or registration fee. Licensure as an architect under this section shall be deemed to include all the rights and privileges of registration as an interior designer under this section.

(2) The department ~~board~~ shall certify for licensure ~~or registration~~ by examination any applicant who passes the prescribed licensure or registration examination and satisfies

the requirements of ss. 481.209 and 481.211, for architects, or the requirements of s. 481.209, for interior designers.

(3) The department ~~board~~ shall certify as qualified for a license by endorsement as an architect or registration as a registered interior designer an applicant who:

(a) Qualifies to take the prescribed licensure or registration examination, and has passed the prescribed licensure or registration examination or a substantially equivalent examination in another jurisdiction, as set forth in s. 481.209 for architects or registered interior designers, as applicable, and has satisfied the internship requirements set forth in s. 481.211 for architects;

(b) Holds a valid license to practice architecture or a license, registration, or certification to practice interior design issued by another jurisdiction of the United States, if the criteria for issuance of such license were substantially equivalent to the licensure criteria that existed in this state at the time the license was issued; or

(c) Has passed the prescribed licensure examination and Holds a valid certificate issued by the National Council of Architectural Registration Boards, and holds a valid license to practice architecture issued by another state, another ~~or~~ jurisdiction of the United States, or a foreign jurisdiction approved by the department.

An architect who is licensed in another state, another jurisdiction of the United States, or a foreign jurisdiction approved by the department who seeks qualification for licensure ~~license~~ by endorsement under this subsection must complete a 2-hour class approved by the department ~~board~~ on wind mitigation techniques.

(4) The department ~~board~~ may refuse to certify any applicant who has violated any of the provisions of s. 481.223, s. 481.225, ~~s. 481.223, s. 481.225,~~ or s. 481.2251, as applicable.

(5) The department ~~board~~ may refuse to certify any applicant who is under investigation in any jurisdiction for any act which would constitute a violation of this part or of chapter 455 until such time as the investigation is complete and disciplinary proceedings have been terminated.

(6) The department ~~board~~ shall adopt rules to implement the provisions of this part relating to the examination, internship, and licensure of applicants.

(7) For persons whose licensure requires satisfaction of the requirements of ss. 481.209 and 481.211, the department ~~board~~ shall, by rule, establish qualifications for certification of such persons as special inspectors of threshold buildings, as defined in ss. 553.71 and 553.79, and shall compile a list of persons who are certified. A special inspector is not required to meet standards for certification other than those established

by the department ~~board~~, and the fee owner of a threshold building may not be prohibited from selecting any person certified by the department ~~board~~ to be a special inspector. The department ~~board~~ shall develop minimum qualifications for the qualified representative of the special inspector who is authorized under s. 553.79 to perform inspections of threshold buildings on behalf of the special inspector.

Section 282. Paragraph (b) of subsection (6), paragraph (l) of subsection (8), paragraphs (a) and (d) of subsection (9), and subsection (15) of section 499.012, Florida Statutes, are amended, to read:

499.012 Permit application requirements.—

(6) A permit issued by the department is nontransferable. Each permit is valid only for the person or governmental unit to which it is issued and is not subject to sale, assignment, or other transfer, voluntarily or involuntarily; nor is a permit valid for any establishment other than the establishment for which it was originally issued.

(b)1. An application for a new permit is required when a majority of the ownership or controlling interest of a permitted establishment is transferred or assigned or when a lessee agrees to undertake or provide services to the extent that legal liability for operation of the establishment will rest with the lessee. The application for the new permit must be made within

30 days after ~~before~~ the date of the sale, transfer, assignment, or lease.

2. A permittee that is authorized to distribute prescription drugs may transfer such drugs to the new owner or lessee under subparagraph 1. only after the new owner or lessee has been approved for a permit to distribute prescription drugs.

The department may revoke the permit of any person that fails to comply with the requirements of this subsection.

(8) An application for a permit or to renew a permit for a prescription drug wholesale distributor or an out-of-state prescription drug wholesale distributor submitted to the department must include:

(l) ~~The name of each of the applicant's designated representatives as required by subsection (15), together with~~ The personal information statement and fingerprints required pursuant to subsection (9) for each such person.

(9)(a) Each person required by subsection (8) ~~or subsection (15)~~ to provide a personal information statement and fingerprints shall provide the following information to the department on forms prescribed by the department:

1. The person's places of residence for the past 7 years.

2. The person's date and place of birth.

3. The person's occupations, positions of employment, and offices held during the past 7 years.

4. The principal business and address of any business, corporation, or other organization in which each such office of the person was held or in which each such occupation or position of employment was carried on.

5. Whether the person has been, during the past 7 years, the subject of any proceeding for the revocation of any license and, if so, the nature of the proceeding and the disposition of the proceeding.

6. Whether, during the past 7 years, the person has been enjoined, temporarily or permanently, by a court of competent jurisdiction from violating any federal or state law regulating the possession, control, or distribution of prescription drugs, together with details concerning any such event.

7. A description of any involvement by the person with any business, including any investments, other than the ownership of stock in a publicly traded company or mutual fund, during the past 4 years, which manufactured, administered, prescribed, distributed, or stored pharmaceutical products and any lawsuits in which such businesses were named as a party.

8. A description of any felony criminal offense of which the person, as an adult, was found guilty, regardless of whether adjudication of guilt was withheld or whether the person pled guilty or nolo contendere. A criminal offense committed in another jurisdiction which would have been a felony in this state must be reported. If the person indicates that a criminal

conviction is under appeal and submits a copy of the notice of appeal of that criminal offense, the applicant must, within 15 days after the disposition of the appeal, submit to the department a copy of the final written order of disposition.

9. A photograph of the person taken in the previous 180 days.

10. A set of fingerprints for the person on a form and under procedures specified by the department, together with payment of an amount equal to the costs incurred by the department for the criminal record check of the person.

11. The name, address, occupation, and date and place of birth for each member of the person's immediate family who is 18 years of age or older. As used in this subparagraph, the term "member of the person's immediate family" includes the person's spouse, children, parents, siblings, the spouses of the person's children, and the spouses of the person's siblings.

12. Any other relevant information that the department requires.

(d) For purposes of applying for renewal of a permit under subsection (8) ~~or certification under subsection (15)~~, a person may submit the following in lieu of satisfying the requirements of paragraphs (a), (b), and (c):

1. A photograph of the individual taken within 180 days; and

2. A copy of the personal information statement form most

recently submitted to the department and a certification under oath, on a form specified by the department, that the individual has reviewed the previously submitted personal information statement form and that the information contained therein remains unchanged.

~~(15)(a) Each establishment that is issued an initial or renewal permit as a prescription drug wholesale distributor or an out-of-state prescription drug wholesale distributor must designate in writing to the department at least one natural person to serve as the designated representative of the wholesale distributor. Such person must have an active certification as a designated representative from the department.~~

~~(b) To be certified as a designated representative, a natural person must:~~

~~1. Submit an application on a form furnished by the department and pay the appropriate fees.~~

~~2. Be at least 18 years of age.~~

~~3. Have at least 2 years of verifiable full-time:~~

~~a. Work experience in a pharmacy licensed in this state or another state, where the person's responsibilities included, but were not limited to, recordkeeping for prescription drugs;~~

~~b. Managerial experience with a prescription drug wholesale distributor licensed in this state or in another state;~~

~~c. Managerial experience with the United States Armed Forces, where the person's responsibilities included, but were not limited to, recordkeeping, warehousing, distributing, or other logistics services pertaining to prescription drugs;~~

~~d. Managerial experience with a state or federal organization responsible for regulating or permitting establishments involved in the distribution of prescription drugs, whether in an administrative or a sworn law enforcement capacity; or~~

~~e. Work experience as a drug inspector or investigator with a state or federal organization, whether in an administrative or a sworn law enforcement capacity, where the person's responsibilities related primarily to compliance with state or federal requirements pertaining to the distribution of prescription drugs.~~

~~4. Receive a passing score of at least 75 percent on an examination given by the department regarding federal laws governing distribution of prescription drugs and this part and the rules adopted by the department governing the wholesale distribution of prescription drugs. This requirement shall be effective 1 year after the results of the initial examination are mailed to the persons that took the examination. The department shall offer such examinations at least four times each calendar year.~~

~~5. Provide the department with a personal information~~

~~statement and fingerprints pursuant to subsection (9).~~

~~(c) The department may deny an application for certification as a designated representative or may suspend or revoke a certification of a designated representative pursuant to s. 499.067.~~

~~(d) A designated representative:~~

~~1. Must be actively involved in and aware of the actual daily operation of the wholesale distributor.~~

~~2. Must be employed full time in a managerial position by the wholesale distributor.~~

~~3. Must be physically present at the establishment during normal business hours, except for time periods when absent due to illness, family illness or death, scheduled vacation, or other authorized absence.~~

~~4. May serve as a designated representative for only one wholesale distributor at any one time.~~

~~(e) A wholesale distributor must notify the department when a designated representative leaves the employ of the wholesale distributor. Such notice must be provided to the department within 10 business days after the last day of designated representative's employment with the wholesale distributor.~~

~~(f) A wholesale distributor may not operate under a prescription drug wholesale distributor permit or an out-of-state prescription drug wholesale distributor permit for more~~

~~than 10 business days after the designated representative leaves the employ of the wholesale distributor, unless the wholesale distributor employs another designated representative and notifies the department within 10 business days of the identity of the new designated representative.~~

Section 283. Subsection (9) of section 499.0121, Florida Statutes, is amended to read:

499.0121 Storage and handling of prescription drugs; recordkeeping.—The department shall adopt rules to implement this section as necessary to protect the public health, safety, and welfare. Such rules shall include, but not be limited to, requirements for the storage and handling of prescription drugs and for the establishment and maintenance of prescription drug distribution records.

(9) RESPONSIBLE PERSONS.—Wholesale distributors must establish and maintain lists of officers, directors, managers~~,~~ ~~designated representatives~~, and other persons in charge of wholesale drug distribution, storage, and handling, including a description of their duties and a summary of their qualifications.

Section 284. Subsection (9) of section 499.041, Florida Statutes, is amended to read:

499.041 Schedule of fees for drug, device, and cosmetic applications and permits, product registrations, and free-sale certificates.—

~~(9) The department shall assess each person applying for certification as a designated representative a fee of $150, plus the cost of processing the criminal history record check.~~

Section 285. Subsection (1) of section 509.261, Florida Statutes, is amended to read:

509.261 Revocation or suspension of licenses; fines; procedure.—

(1) Any public lodging establishment or public food service establishment that has operated or is operating in violation of this chapter or the rules of the division, operating in violation of s. 581.217(7), relating to the retail sale of products containing hemp extract intended for human ingestion or inhalation, operating without a license, or operating with a suspended or revoked license may be subject by the division to:

(a) Fines not to exceed $1,000 per offense;

(b) Mandatory completion, at personal expense, of a remedial educational program administered by a food safety training program provider approved by the division, as provided in s. 509.049; and

(c) The suspension, revocation, or refusal of a license issued pursuant to this chapter.

Section 286. Section 569.002, Florida Statutes, is reordered, to read:

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

(1) "Any person under the age of 21" does not include any person under the age of 21 who:

(a) Is in the military reserve or on active duty in the Armed Forces of the United States; or

(b) Is acting in his or her scope of lawful employment with an entity licensed under chapter 210 or this part.

(2)~~(1)~~ "Dealer" is synonymous with the term "retail tobacco products dealer."

(3)~~(2)~~ "Division" means the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation.

~~(3) "Nicotine product" has the same meaning as in s. 569.31.~~

(4) "Nicotine dispensing device" has the same meaning as in s. 569.31.

(5) "Nicotine product" has the same meaning as in s. 569.31.

(6)~~(5)~~ "Permit" is synonymous with the term "retail tobacco products dealer permit."

(7)~~(6)~~ "Retail tobacco products dealer" means the holder of a retail tobacco products dealer permit.

(8)~~(7)~~ "Retail tobacco products dealer permit" means a permit issued by the division pursuant to s. 569.003.

(9)~~(8)~~ "Tobacco products" includes loose tobacco leaves, and products made from tobacco leaves, in whole or in part, and

cigarette wrappers, which can be used for smoking, sniffing, or chewing.

~~(9) "Any person under the age of 21" does not include any person under the age of 21 who:~~

~~(a) Is in the military reserve or on active duty in the Armed Forces of the United States; or~~

~~(b) Is acting in his or her scope of lawful employment with an entity licensed under the provisions of chapter 210 or this part.~~

Section 287. Section 569.006, Florida Statutes, is amended to read:

569.006 Retail tobacco products dealers; administrative penalties.—The division may suspend or revoke the permit of the dealer upon sufficient cause appearing of the violation of ~~any of the provisions of~~ this chapter, or any violation of the laws of this state or any state or territory of the United States ~~including part II of this chapter~~ if the dealer deals, at retail, in nicotine products within this ~~the~~ state or allows a nicotine products vending machine to be located on its premises within this ~~the~~ state, by a dealer or by a dealer's agent or employee. The division may also assess and accept administrative fines of up to $1,000 against a dealer for each violation. The division shall deposit all fines collected into the General Revenue Fund as collected. An order imposing an administrative fine becomes effective 15 days after the date of the order. The

division may suspend the imposition of a penalty against a dealer, conditioned upon the dealer's compliance with terms the division considers appropriate.

Section 288. Section 569.35, Florida Statutes, is amended to read:

569.35 Retail nicotine product dealers; administrative penalties.—The division may suspend or revoke the permit of a dealer, including the retail tobacco products dealer permit of a retail tobacco products dealer as defined in s. 569.002 ~~s. 569.002(4)~~, upon sufficient cause appearing of the violation of ~~any of the provisions of~~ this part or any violation of the laws of this state or any state or territory of the United States, by a dealer, or by a dealer's agent or employee. The division may also assess and accept an administrative fine of up to $1,000 against a dealer for each violation. The division shall deposit all fines collected into the General Revenue Fund as collected. An order imposing an administrative fine becomes effective 15 days after the date of the order. The division may suspend the imposition of a penalty against a dealer, conditioned upon the dealer's compliance with terms the division considers appropriate.

Section 289. Paragraphs (e), (f), and (g) of subsection (3) of section 581.217, Florida Statutes, are redesignated as paragraphs (f), (g), and (h), respectively, a new paragraph (e) is added to that subsection, and paragraphs (e) and (f) are

added to subsection (11) of that section, to read:

581.217 State hemp program.—

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

(e) "Division" means the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation.

(11) ENFORCEMENT.—

(e) The division may assist any agent of the department in enforcing subsection (7) and the rules adopted by the department relating to the retail sale of products containing hemp extract intended for human ingestion or inhalation.

(f) The division is authorized to enter any public or private premises during regular business hours in the performance of its duties relating to the retail sale of products containing hemp extract intended for human ingestion or inhalation.

Section 290. Paragraph (a) of subsection (3) and paragraph (c) of subsection (10) of section 20.60, Florida Statutes, are amended, and paragraph (a) of subsection (5) of that section is reenacted, to read:

20.60 Department of Commerce; creation; powers and duties.—

(3)(a) The following divisions and offices of the Department of Commerce are established:

1. The Division of Economic Development.

2. The Division of Community Development.

3. The Division of Workforce Services.

4. The Division of Finance and Administration.

5. The Division of Information Technology.

6. The Office of the Secretary.

7. The Office of Rural Prosperity.

8. The Office of Economic Accountability and Transparency, which shall:

a. Oversee the department's critical objectives as determined by the secretary and make sure that the department's key objectives are clearly communicated to the public.

b. Organize department resources, expertise, data, and research to focus on and solve the complex economic challenges facing the state.

c. Provide leadership for the department's priority issues that require integration of policy, management, and critical objectives from multiple programs and organizations internal and external to the department; and organize and manage external communication on such priority issues.

d. Promote and facilitate key department initiatives to address priority economic issues and explore data and identify opportunities for innovative approaches to address such economic issues.

e. Promote strategic planning for the department.

(5) The divisions within the department have specific

responsibilities to achieve the duties, responsibilities, and goals of the department. Specifically:

(a) The Division of Economic Development shall:

1. Analyze and evaluate business prospects identified by the Governor and the secretary.

2. Administer certain tax refund, tax credit, and grant programs created in law. Notwithstanding any other provision of law, the department may expend interest earned from the investment of program funds deposited in the Grants and Donations Trust Fund to contract for the administration of those programs, or portions of the programs, assigned to the department by law, by the appropriations process, or by the Governor. Such expenditures shall be subject to review under chapter 216.

3. Develop measurement protocols for the state incentive programs and for the contracted entities which will be used to determine their performance and competitive value to the state. Performance measures, benchmarks, and sanctions must be developed in consultation with the legislative appropriations committees and the appropriate substantive committees, and are subject to the review and approval process provided in s. 216.177. The approved performance measures, standards, and sanctions shall be included and made a part of the strategic plan for contracts entered into for delivery of programs authorized by this section.

4. Develop a 5-year statewide strategic plan. The strategic plan must include, but need not be limited to:

a. Strategies for the promotion of business formation, expansion, recruitment, and retention through aggressive marketing, attraction of venture capital and finance development, domestic trade, international development, and export assistance, which lead to more and better jobs and higher wages for all geographic regions, disadvantaged communities, and populations of the state, including rural areas, minority businesses, and urban core areas.

b. The development of realistic policies and programs to further the economic diversity of the state, its regions, and their associated industrial clusters.

c. Specific provisions for the stimulation of economic development and job creation in rural areas and midsize cities and counties of the state, including strategies for rural marketing and the development of infrastructure in rural areas.

d. Provisions for the promotion of the successful long-term economic development of the state with increased emphasis in market research and information.

e. Plans for the generation of foreign investment in the state which create jobs paying above-average wages and which result in reverse investment in the state, including programs that establish viable overseas markets, assist in meeting the financing requirements of export-ready firms, broaden

opportunities for international joint venture relationships, use the resources of academic and other institutions, coordinate trade assistance and facilitation services, and facilitate availability of and access to education and training programs that assure requisite skills and competencies necessary to compete successfully in the global marketplace.

f. The identification of business sectors that are of current or future importance to the state's economy and to the state's global business image, and development of specific strategies to promote the development of such sectors.

g. Strategies for talent development necessary in the state to encourage economic development growth, taking into account factors such as the state's talent supply chain, education and training opportunities, and available workforce.

h. Strategies and plans to support this state's defense, space, and aerospace industries and the emerging complementary business activities and industries that support the development and growth of defense, space, and aerospace in this state.

5. Update the strategic plan every 5 years.

6. Involve CareerSource Florida, Inc.; direct-support organizations of the department; local governments; the general public; local and regional economic development organizations; other local, state, and federal economic, international, and workforce development entities; the business community; and educational institutions to assist with the strategic plan.

7. Coordinate with the Florida Tourism Industry Marketing Corporation in the development of the 4-year marketing plan pursuant to s. 288.1226(13).

8. Administer and manage relationships, as appropriate, with the entities and programs created pursuant to the Florida Capital Formation Act, ss. 288.9621-288.96255.

(10) The department shall, by November 1 of each year, submit an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the condition of the business climate and economic development in the state.

(c) The report must incorporate annual reports of other programs, including:

1. A detailed report of the performance of the Black Business Loan Program and a cumulative summary of quarterly report data required under s. 288.714.

2. ~~The Rural Economic Development Initiative established under s. 288.0656.~~

~~3.~~ A detailed report of the performance of the Florida Development Finance Corporation and a summary of the corporation's report required under s. 288.9610.

3.~~4.~~ Information provided by Space Florida under s. 331.3051 and an analysis of the activities and accomplishments of Space Florida.

Section 291. Subsection (5) is added to section 163.3168,

Florida Statutes, to read:

163.3168 Planning innovations and technical assistance.—

(5) When selecting applications for funding for technical assistance, the state land planning agency shall give preference to local governments located in a rural area of opportunity as defined in s. 288.0656. The state land planning agency shall consult with the Office of Rural Prosperity when awarding funding pursuant to this section.

Section 292. Paragraph (h) of subsection (1) of section 215.971, Florida Statutes, is amended to read:

215.971 Agreements funded with federal or state assistance.—

(1) An agency agreement that provides state financial assistance to a recipient or subrecipient, as those terms are defined in s. 215.97, or that provides federal financial assistance to a subrecipient, as defined by applicable United States Office of Management and Budget circulars, must include all of the following:

(h)1. If the agency agreement provides federal or state financial assistance to a county or municipality that is a rural community or rural area of opportunity as those terms are defined in s. 288.0656(2), a provision allowing the agency to provide for the payment of invoices to the county, municipality, or rural area of opportunity as that term is defined in s. 288.0656(2), for verified and eligible performance that has been

completed in accordance with the terms and conditions set forth in the agreement. This provision is not intended to require reimbursement to the county, municipality, or rural area of opportunity for invoices paid, but to allow the agency to provide for the payment of invoices due. The agency shall expedite such payment requests in order to facilitate the timely payment of invoices received by the county, municipality, or rural area of opportunity. This provision is included to alleviate the financial hardships that certain rural counties and municipalities encounter when administering agreements, and must be exercised by the agency when a county or municipality demonstrates financial hardship, to the extent that federal or state law, rule, or other regulation allows such payments. This paragraph may not be construed to alter or limit any other provisions of federal or state law, rule, or other regulation.

2. By August 1, 2026, and each year thereafter, each state agency shall report to the Office of Rural Prosperity summarizing the implementation of this paragraph for the preceding fiscal year. The Office of Rural Prosperity shall summarize the information received pursuant to this paragraph in its annual report as required in s. 288.013.

Section 293. Section 218.67, Florida Statutes, is amended to read:

218.67 Distribution for fiscally constrained counties.—

(1) Each 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 $10 ~~$5~~ million in revenue, based on the taxable value certified pursuant to s. 1011.62(4)(a)1.a., from the previous July 1, shall be considered a fiscally constrained county.

(2) Each fiscally constrained county government that participates in the local government half-cent sales tax shall be eligible to receive an additional distribution ~~from the Local Government Half-cent Sales Tax Clearing Trust Fund,~~ as provided in s. 212.20(6)(d)6. ~~s. 202.18(2)(c)1.~~, in addition to its regular monthly distribution provided under this part and any emergency or supplemental distribution under s. 218.65.

(3) The amount to be distributed to each fiscally constrained county shall be determined by the Department of Revenue at the beginning of the fiscal year, using the prior fiscal year's sales and use tax collections from the most recent fiscal year that reports 12 months of collections ~~July 1 taxable value certified pursuant to s. 1011.62(4)(a)1.a., tax data~~, population as defined in s. 218.21, and the most current calendar year per capita personal income published by the Bureau of Economic Analysis of the United States Department of Commerce ~~millage rate levied for the prior fiscal year~~. The amount distributed shall be allocated based upon the following factors:

(a) The contribution-to-revenue ~~relative revenue-raising-~~

~~capacity~~ factor for each participating county shall equal 100 multiplied by a quotient, the numerator of which is the county's population and the denominator of which is the state sales and use tax collections attributable to the county ~~be the ability of the eligible county to generate ad valorem revenues from 1 mill of taxation on a per capita basis. A county that raises no more than $25 per capita from 1 mill shall be assigned a value of 1; a county that raises more than $25 but no more than $30 per capita from 1 mill shall be assigned a value of 0.75; and a county that raises more than $30 but no more than $50 per capita from 1 mill shall be assigned a value of 0.5. No value shall be assigned to counties that raise more than $50 per capita from 1 mill of ad valorem taxation~~.

(b) The personal-income ~~local-effort~~ factor shall equal a quotient, the numerator of which is the median per capita personal income of participating counties and the denominator of which is the county's per capita personal income ~~be a measure of the relative level of local effort of the eligible county as indicated by the millage rate levied for the prior fiscal year. The local-effort factor shall be the most recently adopted countywide operating millage rate for each eligible county multiplied by 0.1~~.

(c) Each eligible county's proportional allocation of the total amount available to be distributed to all of the eligible counties shall be in the same proportion as the sum of the

county's two factors is to the sum of the two factors for all eligible counties. The proportional rate computation must be carried to the fifth decimal place, and the amount to distribute to each county must be rounded to the next whole dollar amount. The counties that are eligible to receive an allocation under this subsection and the amount available to be distributed to such counties do ~~shall~~ not include counties participating in the phaseout period under subsection (4) or the amounts they remain eligible to receive during the phaseout.

(4) For those counties that no longer qualify under the requirements of subsection (1) after the effective date of this act, there shall be a 2-year phaseout period. Beginning on July 1 of the year following the year in which the value of a mill for that county exceeds $10 ~~$5~~ million in revenue, the county shall receive two-thirds of the amount received in the prior year, and beginning on July 1 of the second year following the year in which the value of a mill for that county exceeds $10 ~~$5~~ million in revenue, the county shall receive one-third of the amount received in the last year that the county qualified as a fiscally constrained county. Following the 2-year phaseout period, the county is ~~shall~~ no longer ~~be~~ eligible to receive any distributions under this section unless the county can be considered a fiscally constrained county as provided in subsection (1).

(5)(a) The revenues received under this section must be

allocated ~~may be used~~ by a county to be used for the following purposes:

1. Fifty percent for public safety, including salary expenditures for law enforcement officers or correctional officers, as those terms are defined in s. 943.10(1) and (2), respectively, firefighters as defined in s. 633.102, or emergency medical technicians or paramedics as those terms are defined in s. 401.23.

2. Thirty percent for infrastructure needs.

3. Twenty percent for any public purpose.

(b) The revenues received under this section ~~any public purpose, except that such revenues~~ may not be used to pay debt service on bonds, notes, certificates of participation, or any other forms of indebtedness.

Section 294. Subsection (6) is added to section 288.0001, Florida Statutes, to read:

288.0001 Economic Development Programs Evaluation.—The Office of Economic and Demographic Research and the Office of Program Policy Analysis and Government Accountability (OPPAGA) shall develop and present to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of the legislative appropriations committees the Economic Development Programs Evaluation.

(6)(a) The Office of Economic and Demographic Research and OPPAGA shall prepare a report on the impact of the Florida

Statutes on rural communities. Specifically, the report must include the following:

1. A review of definitions in the Florida Statutes of terms such as "rural community," "rural area of opportunity," and other similar terms used to define rural areas of this state, including population-based references, to assess the adequacy of the current statutory framework in defining these areas. The analysis must include, but need not be limited to:

a. Evaluation of whether current provisions properly distinguish these communities or areas from more urban and suburban parts of this state;

b. Consideration of updates to the definitions and references to classify additional rural areas, such as growing communities, unincorporated areas, or rural communities by design; and

c. Study of appropriate metrics to be used to describe rural communities or areas, such as population, geographic, demographic, or other metrics, or combinations thereof.

2. A survey of local governments meeting the statutory definition of "rural community" or "rural area of opportunity" to assess the benefits to the local government of being identified as such and any perceived unmet needs in the implementation of current statutory provisions designed to support rural communities or areas.

3. An analysis of state grant programs and recurring

appropriations that explicitly benefit rural communities or areas, including, but not limited to, program purpose, funding amounts, participation rates, and consistency with peer-reviewed studies on effective economic programs for these areas.

(b) Upon request, the Office of Economic and Demographic Research and OPPAGA must be provided with all data necessary to complete the report, including any confidential data, by any entity with information related to this review. The offices may collaborate on all data collection and analysis.

(c) The Office of Economic and Demographic Research and OPPAGA shall submit a report to the President of the Senate and the Speaker of the House of Representatives by December 31, 2025. The report must provide recommendations to address any findings, including any changes in statutory definitions or references to rural communities or areas, opportunities to enhance state support to rural communities or areas, outcome measures or other criteria that may be used to examine the effectiveness of state grant programs for rural communities or areas, and adjustments to program design, including changes to increase participation in state grant programs for rural communities or areas.

(d) This subsection expires July 1, 2026.

Section 295. Present paragraphs (d) and (e) of subsection (7) of section 288.001, Florida Statutes, are redesignated as paragraphs (e) and (f), respectively, and a new paragraph (d) is

added to that subsection, to read:

288.001 The Florida Small Business Development Center Network.—

(7) ADDITIONAL STATE FUNDS; USES; PAY-PER-PERFORMANCE INCENTIVES; STATEWIDE SERVICE; SERVICE ENHANCEMENTS; BEST PRACTICES; ELIGIBILITY.—

(d) Notwithstanding paragraphs (a), (b), and (c), the network shall use funds directly appropriated for the specific purpose of expanding service in rural communities, as defined in s. 288.0656, in addition to any funds allocated by the network from other sources. The network shall use the funds to develop an activity plan focused on network consultants and resources in rural communities. In collaboration with regional economic development organizations as defined in s. 288.018, the plan must provide for either full- or part-time consultants to be available for at least 20 hours per week in rural areas or be permanently stationed in rural areas. This may include establishing a circuit in specific rural locations to ensure the consultants' availability on a regular basis. By using the funds to create a regular presence in rural areas, the network can strengthen community collaboration, raise awareness of available resources to provide opportunities for new business development or existing business growth, and make professional experience, education, and business information available in these essential communities. The network may dedicate funds to facilitate local

or regional events that focus on small business topics, provide consulting services, and leverage partner organizations, such as the regional economic development organizations, local workforce development boards as described in s. 445.07, and Florida College System institutions.

Section 296. Section 288.007, Florida Statutes, is amended to read:

288.007 Inventory of communities seeking to recruit businesses.—By September 30 of each year, a county or municipality that has a population of at least 25,000 or its local economic development organization, and each local government within a rural area of opportunity as defined in s. 288.0656 or its local economic development organization, shall ~~must~~ submit to the department a brief overview of the strengths, services, and economic development incentives that its community offers. The local government or its local economic development organization also shall ~~must~~ identify any industries that it is encouraging to locate or relocate to its area. Unless otherwise required pursuant to this section, a county or municipality having a population of 25,000 or less ~~fewer~~ or its local economic development organization seeking to recruit businesses may submit information as required in this section and may participate in any activity or initiative resulting from the collection, analysis, and reporting of the information to the department pursuant to this section.

Section 297. Section 288.013, Florida Statutes, is created to read:

288.013 Office of Rural Prosperity.—

(1) The Legislature finds that the unique characteristics and nature of the rural communities in this state are integral to making this state an attractive place to visit, work, and live. Further, the Legislature finds that building a prosperous rural economy and vibrant rural communities is in the best interest of this state. Rural prosperity is integral to supporting this state's infrastructure, housing, and agricultural and food-processing needs, as well as promoting the health and advancement of the overall economy of this state. It is of importance to the state that its rural areas are able to grow, whether locally or in regional partnerships. To better serve rural communities, and in recognition of rural Florida's unique challenges and opportunities, the Office of Rural Prosperity is established to ensure these efforts are coordinated, focused, and effective.

(2) The Office of Rural Prosperity is created within the Department of Commerce for the purpose of supporting rural communities by helping rural stakeholders navigate available programs and resources and representing rural interests across state government.

(3) The Governor shall appoint a director to lead the office, subject to confirmation by the Senate. The director

shall report to the secretary of the department and shall serve at the pleasure of the secretary.

(4) The office shall do all of the following:

(a) Serve as the state's point of contact for rural local governments.

(b) Administer the Rural Economic Development Initiative (REDI) pursuant to s. 288.0656.

(c) Provide training and technical assistance to rural local governments on a broad range of community and economic development activities. The training and technical assistance may be offered using communications technology or in person and must be recorded and posted to the office's website. The training and technical assistance must include, at a minimum, the following topics:

1. How to access state and federal resources, including training on the online rural resource directory required under paragraph (d).

2. Best practices relating to comprehensive planning, economic development, and land development in rural communities.

3. Strategies to address management and administrative capacity challenges unique to rural local governments.

4. Requirements of, and updates on recent changes to, the Community Planning Act under s. 163.3161.

5. Updates on other recent state and federal laws affecting rural local governments.

(d) Create and maintain an online rural resource directory to serve as an interactive tool to navigate the various state and federal resources, tools, and services available to rural local governments. The office shall regularly maintain the resource directory and, to the greatest extent possible, include up-to-date information on state and federal programs, resources, tools, and services that address the needs of rural communities in all areas of governance. Each state agency shall routinely provide information and updates to the office for maintenance of the resource directory. The resource directory must allow users to search by indicators, such as agency name, resource type, or topic, and include a notification function to allow users to receive alerts when new or modified resources are available. To the greatest extent possible, the resource directory must include information on financial match requirements for the state and federal programs listed in the directory.

(5)(a) By October 1, 2025, the office shall establish and staff seven regional rural community liaison centers across this state for the purpose of providing specialized in-person state support to local governments in rural areas of opportunity as defined in s. 288.0656. The department shall by rule divide this state into seven regions and assign a regional rural community liaison center to each region. Each liaison center shall support the local governments within its geographic territory and shall be staffed with at least two full-time department personnel. At

a minimum, liaison centers shall have the following powers, duties, and functions:

1. Work with local governments to plan and achieve goals for local or regional growth, economic development, and rural prosperity.

2. Facilitate local government access to state and federal resources, such as grants, loans, and other aid or resources.

3. Advise local governments on available waivers of program requirements, including financial match waivers or reductions, for projects using state or federal funds through the Rural Economic Development Initiative under s. 288.0656.

4. Coordinate local government technical assistance needs with the department and other state or federal agencies.

5. Promote model ordinances, policies, and strategies related to economic development.

6. Assist local governments with regulatory and reporting compliance.

(b) To the greatest extent possible, the regional rural community liaison centers shall coordinate with local and regional governmental entities, regional economic development organizations as defined in s. 288.018, and other appropriate entities to establish a network to foster community-driven solutions that promote viable and sustainable rural communities.

(c) The regional rural community liaison centers shall regularly engage with the Rural Economic Development Initiative

established in s. 288.0656, and at least one staff member from each liaison center shall attend, either in person or by means of electronic communication, the monthly meetings required by s. 288.0656(6)(c).

(6) By December 1, 2025, and each year thereafter, the director of the office shall submit to the Administration Commission in the Executive Office of the Governor a written report describing the office's operations and accomplishments for the preceding year, inclusive of the Rural Economic Development Initiative report required by s. 288.0656(8). In consultation with the Department of Agriculture and Consumer Services, the office shall also include in the annual report recommendations for policies, programs, and funding to further support the needs of rural communities in this state. The office shall submit the annual report to the President of the Senate and the Speaker of the House of Representatives by December 1 of each year and publish the annual report on the office's website. The director shall present, in person at the next scheduled Administration Commission meeting, detailed information from the annual report required by this subsection.

(7)(a) The Office of Program Policy Analysis and Government Accountability (OPPAGA) shall review the effectiveness of the office by December 15, 2026, and each year thereafter until 2028. Beginning in 2029, OPPAGA shall review and evaluate the office every 3 years and shall submit a report

based on its findings. Each report must recommend policy and statutory modifications for consideration by the Legislature. OPPAGA shall submit each report to the President of the Senate and the Speaker of the House of Representatives pursuant to the schedule.

(b) OPPAGA shall review strategies implemented by other states on rural community preservation, enhancement, and revitalization and report on their effectiveness and potential for implementation in this state. OPPAGA shall include its findings in its report to the President of the Senate and the Speaker of the House of Representatives by December 15, 2027, and every 3 years thereafter.

(c)1. OPPAGA shall review each state-funded or state-administered grant and loan program available to local governments to:

a. Identify any specified local government financial match requirements and whether any portion of a match may be waived or is required to be waived, pursuant to law, and programs where a financial match waiver may be appropriate for rural local government applicants, if not contemplated by law.

b. Identify grant and loan application evaluation criteria, including scoring procedures, for programs that may be perceived to be overly burdensome for rural local government applicants, and whether special accommodations or preferences for rural local governments may be appropriate.

2. OPPAGA shall produce a report based on its review and submit the report to the President of the Senate and the Speaker of the House of Representatives by December 15, 2026.

3. This paragraph expires June 30, 2027.

Section 298. Section 288.014, Florida Statutes, is created to read:

288.014 Renaissance Grants Program.—

(1) The Legislature finds that it has traditionally provided programs to assist rural communities with economic development and enhance their ability to attract businesses and that, by providing that extra component of economic viability, rural communities are able to attract new businesses and grow existing ones. However, the Legislature finds that a subset of rural communities has decreased in population over the past decade, contributing to a decline in local business activity and economic development. The Legislature further finds that the state must transform its assistance to these specific rural communities to help them achieve a necessary precursor of economic viability. The Legislature further finds that the approach intended by the creation of renaissance grants is to focus on reversing the economic deterioration in rural communities by retaining and attracting residents by giving them a reason to stay, which is the impetus of natural economic growth, business opportunities, and increased quality of life.

(2) The Office of Rural Prosperity within the department

shall administer the Renaissance Grants Program to provide block grants to eligible counties. By October 1, 2025, the Office of Economic and Demographic Research shall certify to the Office of Rural Prosperity which counties are growth-impeded. For the purposes of this section, "growth-impeded" means a county that, as of the most recent population estimate, has had a declining population over the last 10 years. After an initial certification, the Office of Economic and Demographic Research shall annually certify whether the county remains growth-impeded, until the county has 3 consecutive years of population growth. Upon such certification of population growth, the county is eligible to participate in the program for 1 additional year in order for the county to prepare for the end of block grant funding.

(3)(a) Each participating county shall enter into an agreement with the Office of Rural Prosperity to receive the block grant. Each county has broad authority to design its specific plan to achieve population growth within the broad parameters identified in this section. The Office of Rural Prosperity may not determine the manner in which the county implements the block grant. However, regional rural community liaison center staff shall provide assistance in developing the county's plan, upon request.

(b) Each participating county shall report annually to the Office of Rural Prosperity on activities undertaken,

intergovernmental agreements entered into, and other information as required by the office.

(c) Subject to appropriation, each participating county may receive funding from funds appropriated to the program. Counties participating in the program shall make all attempts to limit expenses for administrative costs, consistent with the need for prudent management and accountability in the use of public funds. Each county may contribute other funds for block grant purposes, including local, state, or federal grant funds, or seek out in-kind or financial contributions from private or public sources to assist in fulfilling the activities undertaken.

(4)(a) A participating county shall hire and retain a renaissance coordinator and may use block grant funds for this purpose. The renaissance coordinator is responsible for:

1. Ensuring that block grant funds are used as provided in this section;

2. Coordinating with other local governments, school boards, Florida College System institutions, or other entities; and

3. Reporting as necessary to the state, including information necessary pursuant to subsection (7).

(b) The Office of Rural Prosperity regional rural community liaison center staff shall provide assistance, upon request, and training to the renaissance coordinator to ensure

successful implementation of the block grant.

(5) A participating county shall design a plan to make targeted investments in the community to achieve population growth and increase the economic vitality of the community. The plan must include the following key features for use of the state support:

(a) Technology centers with extended hours located within schools or on school premises, administered by the local school board, for such schools which provide extended hours and support for access by students.

(b) Facilities that colocate adult day care with child care facilities. The site-sharing facilities must be managed to also provide opportunities for direct interaction between generations and increase the health and well-being of both younger and older participants, reduce social isolation, and create cost and time efficiencies for working family members. The regional rural community liaison center staff of the Office of Rural Prosperity shall assist the county, upon request, with bringing to the Rural Economic Development Initiative or directly to the appropriate state agency recommendations necessary to streamline any required state permits, licenses, regulations, or other requirements.

(c) Technology labs managed in agreement with the nearest Florida College System institution or a career center as established under s. 1001.44. Repurposing vacant industrial

sites or existing office space must be given priority in the selection of lab locations. Each local technology lab must be staffed and open for extended hours with the capacity to provide:

1. Access to trainers and equipment necessary for users to earn various certificates or online degrees in technology;

2. Hands-on assistance with applying for appropriate remote work opportunities; and

3. Studio space with equipment for graduates and other qualifying residents to perform remote work that is based on the use of technology. Collaboration with community partners, including the local workforce development board as described in s. 445.007, to provide training opportunities, in-kind support such as transportation to and from the lab, financing of equipment for in-home use, or basic maintenance of such equipment is required.

(6) In addition to the hiring of a renaissance coordinator, a participating county shall develop intergovernmental agreements for shared responsibilities with its municipalities, school board, and Florida College System institution or career center and enter into necessary contracts with providers and community partners in order to implement the plan.

(7)(a) Every 2 years, the Auditor General shall conduct an operational audit as defined in s. 11.45 of each county's grant

activities, beginning in 2026.

(b) On December 31, 2026, and every year thereafter, the Office of Economic and Demographic Research shall submit an annual report of renaissance block grant recipients by county to the President of the Senate and the Speaker of the House of Representatives. The report must provide key economic indicators that measure progress in altering longer-term trends in the county. The Office of Rural Prosperity shall provide the Office of Economic and Demographic Research with information as requested to complete the report.

(8) Notwithstanding s. 216.301, funds appropriated for the purposes of this section are not subject to reversion.

(9) This section expires June 30, 2040.

Section 299. Section 288.0175, Florida Statutes, is created to read:

288.0175 Public Infrastructure Smart Technology Grant Program.—

(1) The Public Infrastructure Smart Technology Grant Program is established within the Office of Rural Prosperity within the department to fund and support the development of public infrastructure smart technology projects in communities located in rural areas of opportunity, subject to legislative appropriation.

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

(a) "Public infrastructure smart technology" means systems

and applications that use connectivity, data analytics, and automation to improve public infrastructure by increasing efficiency, enhancing public services, and promoting sustainable development.

(b) "Rural area of opportunity" has the same meaning as in s. 288.0656.

(c) "Smart technology lead organization" means a not-for-profit corporation organized under s. 501(c)(3) of the Internal Revenue Code which has been in existence for at least 3 years and specializes in smart region planning.

(3)(a) The Office of Rural Prosperity shall contract with one or more smart technology lead organizations to administer the grant program for the purpose of deploying public infrastructure smart technology in rural communities. In accordance with the terms required by the office, the smart technology lead organization shall provide grants to counties and municipalities located within a rural area of opportunity for public infrastructure smart technology projects.

(b) The office's contract with a smart technology lead organization must specify the contract deliverables, including financial reports and other reports due the office, timeframes for achieving contractual obligations, and any other requirements the office determines are necessary. The contract must require the smart technology lead organization to do the following:

1. Collaborate with counties and municipalities located in rural areas of opportunity to identify opportunities for local governments to institute cost-effective smart technology solutions for improving public services and infrastructure.

2. Provide technical assistance to counties and municipalities located in rural areas of opportunity in developing plans for public infrastructure smart technology projects.

3. Assist counties and municipalities located in rural areas of opportunity in connecting with other communities, companies, and other entities to leverage the impact of each public infrastructure smart technology project.

(4) The office shall include in its annual report required by s. 288.013(6) a description of the projects funded under this section.

Section 300. Subsections (1), (2), and (4) of section 288.018, Florida Statutes, are amended to read:

288.018 Regional Rural Development Grants Program.—

(1)(a) For the purposes of this section, the term "regional economic development organization" means an economic development organization located in or contracted to serve a rural area of opportunity, as defined in s. 288.0656 ~~s. 288.0656(2)(d)~~.

(b) Subject to appropriation, the Office of Rural Prosperity ~~department~~ shall establish a grant program to provide

funding to regional economic development organizations for the purpose of building the professional capacity of those organizations. Building the professional capacity of a regional economic development organization includes hiring professional staff to develop, deliver, and provide needed economic development professional services, including technical assistance, education and leadership development, marketing, and project recruitment. Grants may also be used by a regional economic development organization to provide technical assistance to local governments, local economic development organizations, and existing and prospective businesses.

(c) A regional economic development organization may apply annually to the office ~~department~~ for a grant. The office ~~department~~ is authorized to approve, on an annual basis, grants to such regional economic development organizations. Subject to appropriation, the office may award ~~maximum amount~~ an organization ~~may receive in any year will be $50,000, or~~ $250,000 for any three regional economic development organizations that serve an entire region of a rural area of opportunity designated pursuant to s. 288.0656(7) if they are recognized by the office ~~department~~ as serving such a region.

(2) In approving the participants, the office ~~department~~ shall require the following:

(a) Documentation of official commitments of support from each of the units of local government represented by the

regional organization.

(b) Demonstration that the organization is in existence and actively involved in economic development activities serving the region.

(c) Demonstration of the manner in which the organization is or will coordinate its efforts with those of other local and state organizations.

(4) Except as otherwise provided in the General Appropriations Act, the office ~~department~~ may expend up to $750,000 each fiscal year from funds appropriated ~~to the Rural Community Development Revolving Loan Fund~~ for the purposes outlined in this section.

Section 301. Section 288.019, Florida Statutes, is amended to read:

288.019 Rural considerations in grant review and evaluation processes; financial match waiver or reduction.—

(1) Notwithstanding any other law, and to the fullest extent possible, each agency and organization ~~the member agencies and organizations~~ of the Rural Economic Development Initiative (REDI) as defined in s. 288.0656 ~~s. 288.0656(6)(a)~~ shall review:

(a) All grant and loan application evaluation criteria and scoring procedures to ensure the fullest access for rural communities ~~counties~~ as defined in s. 288.0656 ~~s. 288.0656(2)~~ to resources available throughout the state; and

(b) The financial match requirements for projects in rural communities.

(2) ~~(1)~~ Each REDI agency and organization shall consider the impact on and ability of rural communities to meet and be competitive under such criteria, scoring, and requirements. Upon review, each REDI agency and organization shall ~~review all evaluation and scoring procedures and~~ develop a proposal for modifications to those procedures which minimize the financial and resource impact to a rural community, including waiver or reduction of any required financial match requirements ~~impact of a project within a rural area~~.

(a) ~~(2)~~ Evaluation criteria and scoring procedures must provide for an appropriate ranking, when ranking is a component of the program, based on the proportionate impact that projects have on a rural area when compared with similar project impacts on an urban area. Additionally,

~~(3)~~ evaluation criteria and scoring procedures must recognize the disparity of available fiscal resources for an equal level of financial support from an urban county or municipality and a rural county or municipality.

~~(a)~~ The evaluation criteria should weight contribution in proportion to the amount of funding available at the local level.

(b) Match requirements must be waived or reduced for rural communities. When appropriate, an in-kind match must ~~should~~ be

allowed and applied as a financial match when a rural community ~~county~~ is experiencing economic ~~financial~~ distress as defined in s. 288.0656 ~~through elevated unemployment at a rate in excess of the state's average by 5 percentage points or because of the loss of its ad valorem base~~. Donations of land, though usually not recognized as an in-kind match, may be treated as such. As appropriate, each agency and organization that applies for or receives federal funding must request federal approval to waive or reduce the financial match requirements, if any, for projects in rural communities.

(3) ~~(4) For existing programs,~~ The proposal ~~modified evaluation criteria and scoring procedure~~ must be submitted ~~delivered~~ to the Office of Rural Prosperity ~~department~~ for distribution to the REDI agencies and organizations. The REDI agencies and organizations shall review and make comments and recommendations that~~. Future rules, programs, evaluation criteria, and scoring processes must be brought before a REDI meeting for review, discussion, and recommendation to~~ allow rural communities ~~counties~~ fuller access to the state's resources.

(4) Each REDI agency and organization shall ensure that related administrative rules or policies are modified, as necessary, to reflect the finalized proposal and that information about the authorized wavier or reduction is included in the online rural resource directory of the Office of Rural

Prosperity required in s. 288.013(4)(d).

(5) The rural liaison from the related regional district shall assist the rural community to make requests of waiver or reduction of match.

Section 302. Subsection (3) is added to section 288.021, Florida Statutes, to read:

288.021 Economic development liaison.—

(3) When practicable, the staff member appointed as the economic development liaison shall also serve as the agency representative for the Rural Economic Development Initiative pursuant to s. 288.0656.

Section 303. Section 288.065, Florida Statutes, is amended to read:

288.065 Rural Community Development Revolving Loan Fund.—

(1) The Rural Community Development Revolving Loan Fund Program is established within the Office of Rural Prosperity ~~department~~ to facilitate the use of existing federal, state, and local financial resources by providing local governments with financial assistance to further promote the economic viability of rural communities. These funds may be used to finance initiatives directed toward maintaining or developing the economic base of rural communities, especially initiatives addressing employment opportunities for residents of these communities.

(2)(a) The program shall provide for long-term loans, loan

guarantees, and loan loss reserves to units of local governments, or economic development organizations substantially underwritten by a unit of local government.~~,~~

(b) For purposes of this section, the term "unit of local government" means:

1. A county ~~within counties~~ with a population ~~populations~~ of 75,000 or less. ~~fewer, or within any~~

2. A county with a population of 125,000 or less ~~fewer~~ which is contiguous to a county with a population of 75,000 or less. ~~fewer~~

3. A municipality within a county described in subparagraph 1. or subparagraph 2.

4. A county or municipality within a rural area of opportunity.

For purposes of this paragraph, population is determined in accordance with the most recent official estimates pursuant to s. 186.901 and must include those residing in incorporated and unincorporated areas of a county~~, based on the most recent official population estimate as determined under s. 186.901, including those residing in incorporated areas and those residing in unincorporated areas of the county, or to units of local government, or economic development organizations substantially underwritten by a unit of local government, within a rural area of opportunity~~.

(c) ~~(b)~~ Requests for loans must ~~shall~~ be made by application to the office ~~department~~. Loans must ~~shall~~ be made pursuant to agreements specifying the terms and conditions agreed to between the applicant and the office ~~department~~. The loans are ~~shall be~~ the legal obligations of the applicant.

(d) ~~(c)~~ All repayments of principal and interest shall be returned to the loan fund and made available for loans to other applicants. However, in a rural area of opportunity designated under s. 288.0656 ~~by the Governor~~, and upon approval by the office ~~department~~, repayments of principal and interest may be retained by the applicant if such repayments are dedicated and matched to fund regionally based economic development organizations representing the rural area of opportunity.

(3) The office ~~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 office has ~~department shall have~~ final approval authority for any loan under this section.

(4) Notwithstanding ~~the provisions of~~ s. 216.301, funds appropriated for this loan fund may ~~purpose shall~~ not be subject to reversion.

(5) The office shall include in its annual report required under s. 288.013 detailed information about the fund, including loans made during the previous fiscal year, loans active, loans

terminated or repaid, and the amount of funds not obligated as of 14 days before the date the report is due.

Section 304. Subsections (1), (2), and (3) of section 288.0655, Florida Statutes, are amended, and subsection (6) is added to that section, to read:

288.0655 Rural Infrastructure Fund.—

(1) There is created within the Office of Rural Prosperity ~~department~~ the Rural Infrastructure Fund to facilitate the planning, preparing, and financing of infrastructure projects in rural communities which will encourage job creation, capital investment, and the strengthening and diversification of rural economies by promoting tourism, trade, and economic development. Subject to appropriation, grants under this program may be awarded to a unit of local government within a rural community or rural area of opportunity as defined in s. 288.0656; or to a regional economic development organization, a unit of local government, or an economic development organization substantially underwritten by a unit of local government for an infrastructure project located within an unincorporated area that has a population of 15,000 or less, has been in existence for 100 years or more, is contiguous to a rural community, and has been adversely affected by a natural disaster or presents a unique economic development opportunity of regional impact.

(2)(a) Funds appropriated by the Legislature shall be distributed by the office ~~department~~ through grant programs that

maximize the use of federal, local, and private resources, including, but not limited to, those available under the Small Cities Community Development Block Grant Program.

(b) To facilitate access of rural communities and rural areas of opportunity as defined by the Rural Economic Development Initiative to infrastructure funding programs of the Federal Government, such as those offered by the United States Department of Agriculture and the United States Department of Commerce, and state programs, including those offered by Rural Economic Development Initiative agencies, and to facilitate local government or private infrastructure funding efforts, the office ~~department~~ may award grants for up to 75 percent of the total infrastructure project cost, or up to 100 percent of the total infrastructure project cost for a project located in a rural community as defined in s. 288.0656(2) which is also located in a fiscally constrained county as defined in s. 218.67(1) or a rural area of opportunity as defined in s. 288.0656(2). Eligible uses of funds may include improving any inadequate infrastructure that has resulted in regulatory action that prohibits economic or community growth and reducing the costs to community users of proposed infrastructure improvements that exceed such costs in comparable communities. Eligible uses of funds include improvements to public infrastructure for industrial or commercial sites and upgrades to or development of public tourism infrastructure. Authorized infrastructure may

include the following public or public-private partnership facilities: storm water systems; telecommunications facilities; roads or other remedies to transportation impediments; nature-based tourism facilities; or other physical requirements necessary to facilitate tourism, trade, and economic development activities in the community. Authorized infrastructure may also include publicly or privately owned self-powered nature-based tourism facilities, publicly owned telecommunications facilities, and additions to the distribution facilities of the existing natural gas utility as defined in s. 366.04(3)(c), the existing electric utility as defined in s. 366.02, or the existing water or wastewater utility as defined in s. 367.021(12), or any other existing water or wastewater facility, which owns a gas or electric distribution system or a water or wastewater system in this state when:

1. A contribution-in-aid of construction is required to serve public or public-private partnership facilities under the tariffs of any natural gas, electric, water, or wastewater utility as defined herein; and

2. Such utilities as defined herein are willing and able to provide such service.

(c) The office ~~department~~ may award grants of up to $300,000 for infrastructure feasibility studies, design and engineering activities, or other infrastructure planning and preparation or site readiness activities. Site readiness

expenses may include clearing title, surveys, permitting, environmental studies, and regulatory compliance costs. Grants awarded under this paragraph may be used in conjunction with grants awarded under paragraph (b). In evaluating applications under this paragraph, the office ~~department~~ shall consider the extent to which the application seeks to minimize administrative and consultant expenses.

(d) The office ~~department~~ shall participate in a memorandum of agreement with the United States Department of Agriculture under which state funds available through the Rural Infrastructure Fund may be advanced, in excess of the prescribed state share, for a project that has received from the United States Department of Agriculture a preliminary determination of eligibility for federal financial support. State funds in excess of the prescribed state share which are advanced pursuant to this paragraph and the memorandum of agreement shall be reimbursed when funds are awarded under an application for federal funding.

(e) To enable local governments to access the resources available pursuant to s. 403.973(17), the office ~~department~~ may award grants for surveys, feasibility studies, and other activities related to the identification and preclearance review of land which is suitable for preclearance review. Authorized grants under this paragraph may not exceed $75,000 each, except in the case of a project in a rural area of opportunity, in

which case the grant may not exceed $300,000. Any funds awarded under this paragraph must be matched at a level of 50 percent with local funds, except that any funds awarded for a project in a rural area of opportunity do not require a match of local funds. ~~If an application for funding is for a catalyst site, as defined in s. 288.0656, the requirement for local match may be waived pursuant to the process in s. 288.06561.~~ In evaluating applications under this paragraph, the office ~~department~~ shall consider the extent to which the application seeks to minimize administrative and consultant expenses.

(3) The office ~~department~~, in consultation with the Department of Transportation ~~Florida Tourism Industry Marketing Corporation~~, the Department of Environmental Protection, and the Florida Fish and Wildlife Conservation Commission, as appropriate, shall review and certify applications pursuant to s. 288.061. The review must include an evaluation of the economic benefit and long-term viability. The office has ~~department shall have~~ final approval for any grant under this section.

(6) The office shall include in its annual report required under s. 288.013 detailed information about the fund, including grants made for the year, grants active, grants terminated or complete, and the amount of funds not obligated as of 14 days before the date the report is due.

Section 305. Subsection (1), paragraphs (a), (b), and (e)

of subsection (2), subsections (3) and (6), paragraphs (b) and (c) of subsection (7), and subsection (8) of section 288.0656, Florida Statutes, are amended to read:

288.0656 Rural Economic Development Initiative.—

(1)(a) Recognizing that rural communities and regions continue to face extraordinary challenges in their efforts to significantly improve their economies, specifically in terms of personal income, job creation, average wages, and strong tax bases, it is the intent of the Legislature to encourage and facilitate the location and expansion of major economic development projects of significant scale in such rural communities. The Legislature finds that rural communities are the essential conduits for the economy's distribution, manufacturing, and food supply.

(b) The Rural Economic Development Initiative, known as "REDI," is created within the Office of Rural Prosperity ~~department~~, and all ~~the participation of~~ state and regional agencies listed in paragraph (6)(a) shall participate in this initiative ~~is authorized~~.

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

~~(a) "Catalyst project" means a business locating or expanding in a rural area of opportunity to serve as an economic generator of regional significance for the growth of a regional target industry cluster. The project must provide capital investment on a scale significant enough to affect the entire~~

~~region and result in the development of high-wage and high-skill jobs.~~

~~(b) "Catalyst site" means a parcel or parcels of land within a rural area of opportunity that has been prioritized as a geographic site for economic development through partnerships with state, regional, and local organizations. The site must be reviewed by REDI and approved by the department for the purposes of locating a catalyst project.~~

(c)~~(c)~~ "Rural community" means:

1. A county with a population of 75,000 or less ~~fewer~~.

2. A county with a population of 125,000 or less ~~fewer~~ which is contiguous to a county with a population of 75,000 or less ~~fewer~~.

3. A municipality within a county described in subparagraph 1. or subparagraph 2.

4. An unincorporated federal enterprise community or an incorporated rural city with a population of 25,000 or less ~~fewer~~ and an employment base focused on traditional agricultural or resource-based industries, located in a county not defined as rural, which has at least three or more of the economic distress factors identified in paragraph (a) ~~paragraph (c)~~ and verified by the office ~~department~~.

For purposes of this paragraph, population shall be determined in accordance with the most recent official estimate pursuant to

s. 186.901.

(3) REDI shall be responsible for coordinating and focusing the efforts and resources of state and regional agencies on the problems which affect the fiscal, economic, and community viability of Florida's ~~economically distressed~~ rural communities, working with local governments, community-based organizations, and private organizations that have an interest in the growth and development of these communities to find ways to balance environmental and growth management issues with local needs.

(6)(a) By August 1 of each year, the head of each of the following agencies and organizations shall designate a deputy secretary or higher-level staff person from within the agency or organization to serve as the REDI representative for the agency or organization:

1. The Department of Transportation.
2. The Department of Environmental Protection.
3. The Department of Agriculture and Consumer Services.
4. The Department of State.
5. The Department of Health.
6. The Department of Children and Families.
7. The Department of Corrections.
8. The Department of Education.
9. The Department of Juvenile Justice.
10. The Fish and Wildlife Conservation Commission.

11. Each water management district.

12. CareerSource Florida, Inc.

13. VISIT Florida.

14. The Florida Regional Planning Council Association.

15. The Agency for Health Care Administration.

16. The Institute of Food and Agricultural Sciences (IFAS).

(b) An alternate for each designee must ~~shall~~ also be chosen, who must also be a deputy secretary or higher-level staff person, and the names of the designees and alternates must ~~shall~~ be reported ~~sent~~ to the director of the Office of Rural Prosperity. At least one rural liaison from each regional rural community liaison center must participate in the REDI meetings ~~Secretary of Commerce~~.

(c) REDI shall meet at least each month, but may meet more often as necessary. Each REDI representative, or his or her designee, shall be physically present or available by means of electronic communication for each meeting.

(d) ~~(b)~~ Each REDI representative must have comprehensive knowledge of his or her agency's functions, both regulatory and service in nature, and of the state's economic goals, policies, and programs. This person shall be the primary point of contact for his or her agency with REDI on issues and projects relating to ~~economically distressed~~ rural communities and with regard to expediting project review, shall ensure a prompt effective

response to problems arising with regard to rural issues, and shall work closely with the other REDI representatives in the identification of opportunities for preferential awards of program funds, contractual or other agreement provisions which meet the requirements of s. 215.971, and allowances and waiver of program requirements when necessary to encourage and facilitate ~~long-term private~~ capital investment and job creation.

(e) ~~(c)~~ The REDI representatives shall work with REDI in the review and evaluation of statutes and rules for adverse impact on rural communities and the development of alternative proposals to mitigate that impact.

(f) ~~(d)~~ Each REDI representative shall be responsible for ensuring that each district office or facility of his or her agency is informed quarterly about the Rural Economic Development Initiative and for providing assistance throughout the agency in the implementation of REDI activities.

(7)

(b) Designation as a rural area of opportunity under this subsection shall be contingent upon the execution of a memorandum of agreement among the office ~~department~~; the governing body of the county; and the governing bodies of any municipalities to be included within a rural area of opportunity. Such agreement shall specify the terms and conditions of the designation, including, but not limited to,

the duties and responsibilities of the county and any participating municipalities to take actions designed to facilitate the retention and expansion of existing businesses in the area, as well as the recruitment of new businesses to the area.

~~(c) Each rural area of opportunity may designate catalyst projects, provided that each catalyst project is specifically recommended by REDI and confirmed as a catalyst project by the department. All state agencies and departments shall use all available tools and resources to the extent permissible by law to promote the creation and development of each catalyst project and the development of catalyst sites.~~

(8) REDI shall submit a report to the Office of Rural Prosperity ~~department~~ on all REDI activities for the previous fiscal year as a supplement to the office's ~~department's~~ annual report required under s. 288.013 ~~s. 20.60~~. This supplementary report must include:

(a) A status report on every project ~~all projects~~ currently being coordinated through REDI, the number of preferential awards and allowances made pursuant to this section in detail by award, allowance, or match type, the dollar amount of such awards, and the names of the recipients.

(b) A description of all waivers of program requirements granted, including a list by program of each waiver that was granted. If waivers were requested but were not granted, a list

of ungranted waivers, including reasons why the waivers were not granted, must be included.

(c) Detailed information as to the economic impact of the projects coordinated by REDI.

(d) Recommendations based on the review and evaluation of statutes and rules having an adverse impact on rural communities and proposals to mitigate such adverse impacts.

(e) Legislative recommendations for statutory waivers or reductions of specified economic development program requirements, including financial match waivers or reductions, for applicants within rural areas of opportunity.

(f) Outcomes of proposals submitted pursuant to s. 288.019.

Section 306. Section 288.06561, Florida Statutes, is repealed.

Section 307. Subsections (2), (3), and (4) of section 288.0657, Florida Statutes, are amended to read:

288.0657 Florida rural economic development strategy grants.—

(2) The Office of Rural Prosperity shall provide ~~department may accept and administer moneys appropriated to the department for providing~~ grants to assist rural communities to develop and implement strategic economic development plans. Grants may be provided to assist with costs associated with marketing a site to business and site selectors for an economic

development project that is part of an economic development plan, either as part of funding to develop and implement a plan or related to an already adopted plan.

(3) A rural community, an economic development organization in a rural area, or a regional organization representing at least one rural community or such economic development organizations may apply for such grants. The rural liaison for the rural community shall assist those applying for such grants.

(4) The office ~~department~~ shall establish criteria for reviewing grant applications. These criteria must ~~shall~~ include, but are not limited to, the degree of participation and commitment by the local community and the application's consistency with local comprehensive plans or the application's proposal to ensure such consistency. Grants for marketing may include funding for advertising campaign materials and costs associated with meetings, trade missions, and professional development affiliated with site preparation and marketing. The office ~~department~~ shall review each application for a grant. ~~The department may approve grants only to the extent that funds are appropriated for such grants by the Legislature.~~

Section 308. Paragraph (a) of subsection (13) of section 288.1226, Florida Statutes, is amended to read:

288.1226 Florida Tourism Industry Marketing Corporation; use of property; board of directors; duties; audit.—

(13) FOUR-YEAR MARKETING PLAN.—

(a) The corporation shall, in collaboration with the department, develop a 4-year marketing plan. At a minimum, the marketing plan must discuss the following:

1. Continuation of overall tourism growth in this state.

2. Expansion to new or under-represented tourist markets.

3. Maintenance of traditional and loyal tourist markets.

4. Coordination of efforts with county destination marketing organizations, other local government marketing groups, privately owned attractions and destinations, and other private sector partners to create a seamless, four-season advertising campaign for the state and its regions.

5. Development of innovative techniques or promotions to build repeat visitation by targeted segments of the tourist population.

6. Consideration of innovative sources of state funding for tourism marketing.

7. Promotion of nature-based tourism, including, but not limited to, promotion of the Florida Greenways and Trails System as described under s. 260.014 and the Florida Shared-Use Nonmotorized Trail Network as described under s. 339.81.

8. Coordination of efforts with the Office of Greenways and Trails of the Department of Environmental Protection and the department to promote and assist local communities, including, but not limited to, communities designated as trail towns by the

Office of Greenways and Trails, to maximize use of nearby trails as economic assets, including specific promotion of trail-based tourism.

9. Promotion of heritage tourism.

10. Development of a component to address emergency response to natural and manmade disasters from a marketing standpoint.

11. Provision of appropriate marketing assistance resources to small, rural, and agritourism businesses located in this state. Such resources may include, but are not limited to, marketing plans, marketing assistance, promotional support, media development, technical expertise, marketing advice, technology training, and social marketing support.

Section 309. Section 288.12266, Florida Statutes, is repealed.

Section 310. Paragraph (f) of subsection (2) and paragraphs (a), (b), and (c) of subsection (4) of section 288.9961, Florida Statutes, are amended, and subsections (6) and (7) are added to that section, to read:

288.9961 Promotion of broadband adoption; Florida Office of Broadband.—

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

(f) "Underserved" means a geographic area of this state in which there is no provider of broadband Internet service that offers a connection to the Internet with a capacity for

transmission at a consistent speed of at least 100 megabits per second downstream and at least 20 ~~10~~ megabits per second upstream.

(4) FLORIDA OFFICE OF BROADBAND.—The Florida Office of Broadband is created within the Division of Community Development in the department for the purpose of developing, marketing, and promoting broadband Internet services in this state. The office, in the performance of its duties, shall do all of the following:

(a) Create a strategic plan that has goals and strategies for increasing and improving the availability of, access to, and use of broadband Internet service in this state. In development of the plan, the department shall incorporate applicable federal broadband activities, including any efforts or initiatives of the Federal Communications Commission, to improve broadband Internet service in this state. The plan must identify available federal funding sources for the expansion or improvement of broadband. The strategic plan must be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by June 30, 2022. The strategic plan must be updated biennially thereafter. The plan must include a process to review and verify public input regarding transmission speeds and availability of broadband Internet service throughout this state. The office shall consult with each regional rural community liaison center within the Office of Rural Prosperity

on the development and update of the plan.

(b) Build and facilitate local technology planning teams or partnerships with members representing cross-sections of the community, which may include, but are not limited to, representatives from the following organizations and industries: libraries, K-12 education, colleges and universities, local health care providers, private businesses, community organizations, economic development organizations, local governments, tourism, parks and recreation, and agriculture. The local technology planning teams or partnerships shall work with rural communities to help the communities understand their current broadband availability, locate unserved and underserved businesses and residents, identify assets relevant to broadband deployment, build partnerships with broadband service providers, and identify opportunities to leverage assets and reduce barriers to the deployment of broadband Internet services in the community. The teams or partnerships must be proactive in rural communities as defined in s. 288.0656 ~~fiscally constrained counties~~ in identifying and providing assistance, in coordination with the regional rural community liaison centers within the Office of Rural Prosperity, with applying for federal grants for broadband Internet service.

(c) Provide technical and planning assistance to rural communities in coordination with the regional rural community liaison centers within the Office of Rural Prosperity.

(6) The office shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a quarterly report detailing the implementation of broadband activities in rural, unserved, and underserved communities. Such information must be listed by county and include the amount of state and federal funds allocated and expended in the county by program; the progress toward deploying broadband in the county; any technical assistance provided; the activities of the local technology planning teams and partnerships; and the fulfillment of any other duties of the office required by this part.

(7) By December 31 each year, the office shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives an annual report on the office's operations and accomplishments for that calendar year and the status of broadband Internet service access and use in this state. The report must also incorporate the quarterly reports on rural, unserved, and underserved communities required by subsection (6).

Section 311. Section 290.06561, Florida Statutes, is repealed.

Section 312. Subsection (37) is added to section 334.044, Florida Statutes, to read:

334.044 Powers and duties of the department.—The department shall have the following general powers and duties:

(37) To provide technical assistance and support from the

appropriate district of the department to counties that are not located in a metropolitan planning organization created pursuant to s. 339.175.

Section 313. Section 339.0801, Florida Statutes, is amended to read:

339.0801 Allocation of increased revenues derived from amendments to s. 319.32(5)(a) ~~by ch. 2012-128~~.—

(1) Funds that result from increased revenues to the State Transportation Trust Fund derived from the amendments to s. 319.32(5)(a) made by s. 11, chapter 2012-128, Laws of Florida, ~~this act~~ must be used annually, first as set forth in paragraph (a) ~~subsection (1)~~ and then as set forth in paragraphs (b), (c), and (d) ~~subsections (2)-(4)~~, notwithstanding any other provision of law:

(a)1.~~(1)(a)~~ Beginning in the 2013-2014 fiscal year and annually for 30 years thereafter, $10 million shall be for the purpose of funding any seaport project identified in the adopted work program of the Department of Transportation, to be known as the Seaport Investment Program.

2.~~(b)~~ The revenues may be assigned, pledged, or set aside as a trust for the payment of principal or interest on revenue bonds, or other forms of indebtedness issued by an individual port or appropriate local government having jurisdiction thereof, or collectively by interlocal agreement among any of the ports, or used to purchase credit support to permit such

borrowings. Alternatively, revenue bonds shall be issued by the Division of Bond Finance at the request of the Department of Transportation under the State Bond Act and shall be secured by such revenues as are provided in this subsection.

3.~~(c)~~ Revenue bonds or other indebtedness issued hereunder are not a general obligation of the state and are secured solely by a first lien on the revenues distributed under this subsection.

4.~~(d)~~ The state covenants with holders of the revenue bonds or other instruments of indebtedness issued pursuant to this subsection that it will not repeal this subsection; nor take any other action, including but not limited to amending this subsection, that will materially and adversely affect the rights of such holders so long as revenue bonds or other indebtedness authorized by this subsection are outstanding.

5.~~(e)~~ The proceeds of any revenue bonds or other indebtedness, after payment of costs of issuance and establishment of any required reserves, shall be invested in projects approved by the Department of Transportation and included in the department's adopted work program, by amendment if necessary. As required under s. 11(f), Art. VII of the State Constitution, the Legislature approves projects included in the department's adopted work program, including any projects added to the work program by amendment under s. 339.135(7).

6.~~(f)~~ Any revenues that are not used for the payment of

bonds as authorized by this subsection may be used for purposes authorized under the Florida Seaport Transportation and Economic Development Program. This revenue source is in addition to any amounts provided for and appropriated in accordance with ss. 311.07 and 320.20(3) and (4).

(b) ~~(2)~~ Beginning in the 2013-2014 fiscal year and annually thereafter, $10 million shall be transferred to the Transportation Disadvantaged Trust Fund, to be used as specified in s. 427.0159.

(c) ~~(3)~~ Beginning in the 2013-2014 fiscal year and annually thereafter, $10 million shall be allocated to the Small County Outreach Program to be used as specified in s. 339.2818. These funds are in addition to the funds provided for the program pursuant to s. 201.15(4)(a)2.

(d) ~~(4)~~ After the distributions required pursuant to paragraphs (a), (b), and (c) ~~subsections (1)-(3)~~, the remaining funds shall be used annually for transportation projects within this state for existing or planned strategic transportation projects which connect major markets within this state or between this state and other states, which focus on job creation, and which increase this state's viability in the national and global markets.

(2) The remaining funds that result from increased revenue to the State Transportation Trust Fund derived pursuant to s. 319.32(5)(a) must be used annually, notwithstanding any other

law, beginning in the 2025-2026 fiscal year and annually thereafter, for the Small County Road Assistance Program as prescribed in s. 339.2816.

(3) ~~(5)~~ Pursuant to s. 339.135(7), the department shall amend the work program to add the projects provided for in this section.

Section 314. Subsection (3) and paragraph (a) of subsection (4) of section 339.2816, Florida Statutes, are amended, and paragraph (c) of subsection (4) of that section is reenacted, to read:

339.2816 Small County Road Assistance Program.—

(3) Subject to appropriation, beginning with fiscal year ~~1999-2000 until fiscal year 2009-2010, and beginning again with fiscal year~~ 2012-2013, ~~up to~~ $25 million annually from the State Transportation Trust Fund must ~~may~~ be used for the purposes of funding the Small County Road Assistance Program as described in this section. In addition, beginning with fiscal year 2025-2026, the department must use the additional revenues allocated by s. 339.0801 for the Small County Road Assistance Program.

(4)(a) Small counties shall be eligible to compete for funds that have been designated for the Small County Road Assistance 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 ~~shall~~ not ~~be~~ eligible for funding under the program unless a safety issue

exists or the department finds it necessary to widen existing lanes as part of a resurfacing or reconstruction project.

(c) The following criteria must be used to prioritize road projects for funding under the program:

1. The primary criterion is the physical condition of the road as measured by the department.

2. As secondary criteria the department may consider:

a. Whether a road is used as an evacuation route.

b. Whether a road has high levels of agricultural travel.

c. Whether a road is considered a major arterial route.

d. Whether a road is considered a feeder road.

e. Whether a road is located in a fiscally constrained county, as defined in s. 218.67(1).

f. Other criteria related to the impact of a project on the public road system or on the state or local economy as determined by the department.

Section 315. Subsection (3) of section 339.2817, Florida Statutes, is amended, and a new subsection (6) is added to that section, to read:

339.2817 County Incentive Grant Program.—

(3) The department must consider, but is not limited to, the following criteria for evaluation of projects for County Incentive Grant Program assistance:

(a) The extent to which the project will encourage, enhance, or create economic benefits;

(b) The likelihood that assistance would enable the project to proceed at an earlier date than the project could otherwise proceed;

(c) The extent to which assistance would foster innovative public-private partnerships and attract private debt or equity investment;

(d) The extent to which the project uses new technologies, including intelligent transportation systems, which enhance the efficiency of the project;

(e) The extent to which the project enhances connectivity between rural agricultural areas and market distribution centers;

(f) ~~(e)~~ The extent to which the project helps to maintain or protect the environment; and

(g) ~~(f)~~ The extent to which the project includes transportation benefits for improving intermodalism and safety.

(6) Beginning in the 2025-2026 fiscal year, the department shall give priority to a county located either wholly or partially within the Everglades Agricultural Area as defined in s. 373.4592(15) which, notwithstanding subsection (4), requests 100 percent of the project costs for an eligible project that meets the criteria established in paragraph (3)(e). Requests under this subsection are subject to appropriation and limited to $15 million annually. This subsection expires July 1, 2031.

Section 316. Subsections (1), (2), (3), (6), (7), and (8)

of section 339.2818, Florida Statutes, are amended to read:

339.2818 Small County Outreach Program.—

(1) There is created within the department ~~of Transportation~~ the Small County Outreach Program. The purpose of this program is to assist 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.

(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 population census determination ~~estimate~~ pursuant to s. 186.901.

~~(3) Funds allocated under this program, pursuant to s. 4, ch. 2000-257, Laws of Florida, are in addition to any funds provided pursuant to s. 339.2816, for the Small County Road Assistance Program.~~

(5)~~(6)~~ Funds paid into the State Transportation Trust Fund pursuant to ss. 201.15, 320.072, and 339.0801 ~~s. 201.15~~ for the purposes of the Small County Outreach Program may be ~~are hereby~~ annually appropriated for expenditure to support the Small County Outreach Program.

(6)~~(7)~~ 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 (3) ~~(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 317. Section 339.68, Florida Statutes, is amended to read:

(Substantial rewording of section.
See s. 339.68, F.S., for present text.)

339.68 Florida Arterial Road Modernization Program.—

(1) The Legislature finds that increasing demands continue to be placed on rural arterial roads in this state by a fast-growing economy, continued population growth, and increased tourism. Investment in the rural arterial roads of this state is needed to maintain the safety, mobility, reliability, and resiliency of the transportation system in order to support the

movement of people, goods, and commodities; to enhance economic prosperity and competitiveness; and to enrich the quality of life of the rural communities and the environment of this state.

(2) The Florida Arterial Road Modernization Program is created within the department to make capacity and safety improvements to two-lane arterial roads or connect existing arterial roads located in rural communities. For purposes of this section, the term "rural community" has the same meaning as provided in s. 288.0656.

(3) Subject to annual appropriation, beginning in the 2025-2026 fiscal year, the department shall allocate from the State Transportation Trust Fund a minimum of $50 million in each fiscal year for purposes of funding the program. This funding is in addition to any other funding provided to the program by any other law.

(4) The department shall use the following criteria to prioritize projects for funding under the program:

(a) Whether the road has documented safety concerns or requires additional safety and design improvements. This may be evidenced by the number of fatalities or crashes per vehicle mile traveled.

(b) Whether the road has or is projected to have a significant amount of truck tractor traffic as determined by the department. For purposes of this paragraph, the term "truck tractor" has the same meaning as in s. 320.01(11).

(c) Whether the road is used to transport agricultural products and commodities from the farm to the market or other sale or distribution point.

(d) Whether the road is used to transport goods to or from warehouses, distribution centers, or intermodal logistics centers as defined in s. 311.101(2).

(e) Whether the road is used as an evacuation route.

(f) Whether the physical condition of the road meets department standards.

(g) Whether the road currently has, or is projected to have within the next 5 years, a level of service of D, E, or F.

(h) Any other criteria related to the impact of a project on the public road system or on the state or local economy as determined by the department.

(5) By January 1, 2027, and every 2 years thereafter, the department shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report regarding the use and condition of arterial roads located in rural communities, which report must include the following:

(a) A map of roads located in rural communities which are designated as arterial roads.

(b) A needs assessment that must include, but is not limited to, consideration of infrastructure improvements to improve capacity on arterial roads in rural communities.

(c) A synopsis of the department's project prioritization

process.

(d) An estimate of the local and state economic impact of improving capacity on arterial roads in rural communities.

(e) A listing of the arterial roads and the associated improvements to be included in the program and a schedule or timeline for the inclusion of such projects in the work program.

Section 318. (1) The Department of Transportation shall allocate funds to implement the Small County Road Assistance Program as created by s. 339.2816, Florida Statutes, and amend the current tentative work program for the 2025-2026 through 2031-2032 fiscal years to include additional projects. In addition, before adoption of the work program, the department shall submit a budget amendment pursuant to s. 339.135(7), Florida Statutes, requesting budget authority necessary to implement the additional projects.

(2) The department shall allocate sufficient funds to implement the Florida Arterial Road Modernization Program, develop a plan to expend the revenues as specified in s. 339.68, Florida Statutes, and, before its adoption, amend the current tentative work program for the 2025-2026 through 2031-2032 fiscal years to include the program's projects. In addition, before adoption of the work program, the department shall submit a budget amendment pursuant to s. 339.135(7), Florida Statutes, requesting budget authority necessary to implement the program as specified in s. 339.68, Florida Statutes.

(3) Notwithstanding any other law, the increase in revenue to the State Transportation Trust Fund derived from the amendments to ss. 201.15 and 319.32, Florida Statutes, deposited into the trust fund pursuant to ss. 201.15 and 339.0801, Florida Statutes, shall be used by the department to fund the programs as specified in this section.

Section 319. Subsection (3) of section 420.9073, Florida Statutes, is amended to read:

420.9073 Local housing distributions.—

(3) Calculation of guaranteed amounts:

(a) The guaranteed amount under subsection (1) shall be calculated for each state fiscal year by multiplying $1 million ~~$350,000~~ by a fraction, the numerator of which is the amount of funds distributed to the Local Government Housing Trust Fund pursuant to s. 201.15(4)(c) and the denominator of which is the total amount of funds distributed to the Local Government Housing Trust Fund pursuant to s. 201.15. Awards under this subsection are subject to legislative appropriation.

(b) The guaranteed amount under subsection (2) shall be calculated for each state fiscal year by multiplying $1 million ~~$350,000~~ by a fraction, the numerator of which is the amount of funds distributed to the Local Government Housing Trust Fund pursuant to s. 201.15(4)(d) and the denominator of which is the total amount of funds distributed to the Local Government Housing Trust Fund pursuant to s. 201.15.

Section 320. Paragraph (n) of subsection (5) of section 420.9075, Florida Statutes, is amended, paragraph (o) is added to that subsection, and paragraph (b) of subsection (13) of that section is reenacted, to read:

420.9075 Local housing assistance plans; partnerships.—

(5) The following criteria apply to awards made to eligible sponsors or eligible persons for the purpose of providing eligible housing:

(n) Funds from the local housing distribution not used to meet the criteria established in paragraph (a), ~~or~~ paragraph (c), or paragraph (o), 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 (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.

(o) Notwithstanding paragraphs (a) and (c), up to 25 percent of the funds made available in each county and eligible municipality from the local housing distribution may be used to preserve multifamily affordable rental housing funded through United States Department of Agriculture loans. These funds are subject to legislative appropriation and may be used to rehabilitate housing, extend affordability periods, or acquire

or transfer properties in partnership with private organizations. This paragraph expires on June 30, 2031.

(13)

(b) If, as a result of its review of the annual report, the corporation determines that a county or eligible municipality has failed to implement a local housing incentive strategy, or, if applicable, a local housing incentive plan, it shall send a notice of termination of the local government's share of the local housing distribution by certified mail to the affected county or eligible municipality.

1. The notice must specify a date of termination of the funding if the affected county or eligible municipality does not implement the plan or strategy and provide for a local response. A county or eligible municipality shall respond to the corporation within 30 days after receipt of the notice of termination.

2. The corporation shall consider the local response that extenuating circumstances precluded implementation and grant an extension to the timeframe for implementation. Such an extension shall be made in the form of an extension agreement that provides a timeframe for implementation. The chief elected official of a county or eligible municipality or his or her designee shall have the authority to enter into the agreement on behalf of the local government.

3. If the county or the eligible municipality has not

implemented the incentive strategy or entered into an extension agreement by the termination date specified in the notice, the local housing distribution share terminates, and any uncommitted local housing distribution funds held by the affected county or eligible municipality in its local housing assistance trust fund shall be transferred to the Local Government Housing Trust Fund to the credit of the corporation to administer.

4.a. If the affected local government fails to meet the timeframes specified in the agreement, the corporation shall terminate funds. The corporation shall send a notice of termination of the local government's share of the local housing distribution by certified mail to the affected local government. The notice shall specify the termination date, and any uncommitted funds held by the affected local government shall be transferred to the Local Government Housing Trust Fund to the credit of the corporation to administer.

b. If the corporation terminates funds to a county, but an eligible municipality receiving a local housing distribution pursuant to an interlocal agreement maintains compliance with program requirements, the corporation shall thereafter distribute directly to the participating eligible municipality its share calculated in the manner provided in ss. 420.9072 and 420.9073.

c. Any county or eligible municipality whose local distribution share has been terminated may subsequently elect to

receive directly its local distribution share by adopting the ordinance, resolution, and local housing assistance plan in the manner and according to the procedures provided in ss. 420.907-420.9079.

Section 321. Subsection (3) of section 163.3187, Florida Statutes, is amended to read:

163.3187 Process for adoption of small scale comprehensive plan amendment.—

(3) If the small scale development amendment involves a site within a rural area of opportunity as defined under s. 288.0656 ~~s. 288.0656(2)(d)~~ for the duration of such designation, the acreage limit listed in subsection (1) shall be increased by 100 percent. The local government approving the small scale plan amendment shall certify to the state land planning agency that the plan amendment furthers the economic objectives set forth in the executive order issued under s. 288.0656(7), and the property subject to the plan amendment shall undergo public review to ensure that all concurrency requirements and federal, state, and local environmental permit requirements are met.

Section 322. Section 212.205, Florida Statutes, is amended to read:

212.205 Sales tax distribution reporting.—By March 15 of each year, each person who received a distribution pursuant to s. 212.20(6)(d)7.b. and c. ~~s. 212.20(6)(d)6.b. and c.~~ in the preceding calendar year shall report to the Office of Economic

and Demographic Research the following information:

(1) An itemized accounting of all expenditures of the funds distributed in the preceding calendar year, including amounts spent on debt service.

(2) A statement indicating what portion of the distributed funds have been pledged for debt service.

(3) The original principal amount and current debt service schedule of any bonds or other borrowing for which the distributed funds have been pledged for debt service.

Section 323. Section 257.191, Florida Statutes, is amended to read:

257.191 Construction grants.—The Division of Library and Information Services may accept and administer library construction moneys appropriated to it and shall allocate such appropriation to municipal, county, and regional libraries in the form of library construction grants on a matching basis. The local matching portion shall be no less than the grant amount, on a dollar-for-dollar basis, up to the maximum grant amount, unless the matching requirement is waived pursuant to s. 288.019 ~~by s. 288.06561~~. Initiation of a library construction project 12 months or less prior to the grant award under this section does ~~shall~~ not affect the eligibility of an applicant to receive a library construction grant. The division shall adopt rules for the administration of library construction grants. For the purposes of this section, s. 257.21 does not apply.

Section 324. Subsection (2) of section 257.193, Florida Statutes, is amended to read:

257.193 Community Libraries in Caring Program.—

(2) The purpose of the Community Libraries in Caring Program is to assist libraries in rural communities, as defined in s. 288.0656(2) and subject to the provisions of s. 288.019 ~~s. 288.06561~~, to strengthen their collections and services, improve literacy in their communities, and improve the economic viability of their communities.

Section 325. Subsection (17) of section 265.283, Florida Statutes, is amended to read:

265.283 Definitions.—The following definitions shall apply to ss. 265.281-265.703:

(17) "Underserved arts community assistance program grants" means grants used by qualified organizations under the Rural Economic Development Initiative, pursuant to s. 288.0656 and subject to the provisions of s. 288.019 ~~ss. 288.0656 and 288.06561~~, for the purpose of economic and organizational development for underserved cultural organizations.

Section 326. Paragraphs (a) and (d) of subsection (3) of section 288.11621, Florida Statutes, are amended to read:

288.11621 Spring training baseball franchises.—

(3) USE OF FUNDS.—

(a) A certified applicant may use funds provided under s. 212.20(6)(d)7.b. ~~s. 212.20(6)(d)6.b.~~ only to:

1. Serve the public purpose of acquiring, constructing, reconstructing, or renovating a facility for a spring training franchise.

2. Pay or pledge for the payment of debt service on, or to fund debt service reserve funds, arbitrage rebate obligations, or other amounts payable with respect thereto, bonds issued for the acquisition, construction, reconstruction, or renovation of such facility, or for the reimbursement of such costs or the refinancing of bonds issued for such purposes.

3. Assist in the relocation of a spring training franchise from one unit of local government to another only if the governing board of the current host local government by a majority vote agrees to relocation.

(d)1. All certified applicants must place unexpended state funds received pursuant to s. 212.20(6)(d)7.b. ~~s. 212.20(6)(d)6.b.~~ in a trust fund or separate account for use only as authorized in this section.

2. A certified applicant may request that the Department of Revenue suspend further distributions of state funds made available under s. 212.20(6)(d)7.b. ~~s. 212.20(6)(d)6.b.~~ for 12 months after expiration of an existing agreement with a spring training franchise to provide the certified applicant with an opportunity to enter into a new agreement with a spring training franchise, at which time the distributions shall resume.

3. The expenditure of state funds distributed to an

applicant certified before July 1, 2010, must begin within 48 months after the initial receipt of the state funds. In addition, the construction of, or capital improvements to, a spring training facility must be completed within 24 months after the project's commencement.

Section 327. Paragraph (c) of subsection (2) and paragraphs (a), (c), and (d) of subsection (3) of section 288.11631, Florida Statutes, are amended to read:

288.11631 Retention of Major League Baseball spring training baseball franchises.—

(2) CERTIFICATION PROCESS.—

(c) Each applicant certified on or after July 1, 2013, shall enter into an agreement with the department which:

1. Specifies the amount of the state incentive funding to be distributed. The amount of state incentive funding per certified applicant may not exceed $20 million. However, if a certified applicant's facility is used by more than one spring training franchise, the maximum amount may not exceed $50 million, and the Department of Revenue shall make distributions to the applicant pursuant to s. 212.20(6)(d)7.c. ~~s. 212.20(6)(d)6.c.~~

2. States the criteria that the certified applicant must meet in order to remain certified. These criteria must include a provision stating that the spring training franchise must reimburse the state for any funds received if the franchise does

not comply with the terms of the contract. If bonds were issued to construct or renovate a facility for a spring training franchise, the required reimbursement must be equal to the total amount of state distributions expected to be paid from the date the franchise violates the agreement with the applicant through the final maturity of the bonds.

3. States that the certified applicant is subject to decertification if the certified applicant fails to comply with this section or the agreement.

4. States that the department may recover state incentive funds if the certified applicant is decertified.

5. Specifies the information that the certified applicant must report to the department.

6. Includes any provision deemed prudent by the department.

(3) USE OF FUNDS.—

(a) A certified applicant may use funds provided under s. 212.20(6)(d)7.c. ~~s. 212.20(6)(d)6.c.~~ only to:

1. Serve the public purpose of constructing or renovating a facility for a spring training franchise.

2. Pay or pledge for the payment of debt service on, or to fund debt service reserve funds, arbitrage rebate obligations, or other amounts payable with respect thereto, bonds issued for the construction or renovation of such facility, or for the reimbursement of such costs or the refinancing of bonds issued

for such purposes.

(c) The Department of Revenue may not distribute funds under s. 212.20(6)(d)7.c. ~~s. 212.20(6)(d)6.c.~~ until July 1, 2016. Further, the Department of Revenue may not distribute funds to an applicant certified on or after July 1, 2013, until it receives notice from the department that:

1. The certified applicant has encumbered funds under either subparagraph (a)1. or subparagraph (a)2.; and

2. If applicable, any existing agreement with a spring training franchise for the use of a facility has expired.

(d)1. All certified applicants shall place unexpended state funds received pursuant to s. 212.20(6)(d)7.c. ~~s. 212.20(6)(d)6.c.~~ in a trust fund or separate account for use only as authorized in this section.

2. A certified applicant may request that the department notify the Department of Revenue to suspend further distributions of state funds made available under s. 212.20(6)(d)7.c. ~~s. 212.20(6)(d)6.c.~~ for 12 months after expiration of an existing agreement with a spring training franchise to provide the certified applicant with an opportunity to enter into a new agreement with a spring training franchise, at which time the distributions shall resume.

3. The expenditure of state funds distributed to an applicant certified after July 1, 2013, must begin within 48 months after the initial receipt of the state funds. In

addition, the construction or renovation of a spring training facility must be completed within 24 months after the project's commencement.

Section 328. Subsection (1) of section 443.191, Florida Statutes, is amended to read:

443.191 Unemployment Compensation Trust Fund; establishment and control.—

(1) There is established, as a separate trust fund apart from all other public funds of this state, an Unemployment Compensation Trust Fund, which shall be administered by the Department of Commerce exclusively for the purposes of this chapter. The fund must consist of:

(a) All contributions and reimbursements collected under this chapter;

(b) Interest earned on any moneys in the fund;

(c) Any property or securities acquired through the use of moneys belonging to the fund;

(d) All earnings of these properties or securities;

(e) All money credited to this state's account in the federal Unemployment Compensation Trust Fund under 42 U.S.C. s. 1103;

(f) All money collected for penalties imposed pursuant to s. 443.151(6)(a);

(g) Advances on the amount in the federal Unemployment Compensation Trust Fund credited to the state under 42 U.S.C. s.

1321, as requested by the Governor or the Governor's designee; and

(h) All money deposited in this account as a distribution pursuant to s. 212.20(6)(d)7.e. ~~s. 212.20(6)(d)6.e.~~

Except as otherwise provided in s. 443.1313(4), all moneys in the fund must be mingled and undivided.

Section 329. Section 571.26, Florida Statutes, is amended to read:

571.26 Florida Agricultural Promotional Campaign Trust Fund.—There is hereby created the Florida Agricultural Promotional Campaign Trust Fund within the Department of Agriculture and Consumer Services to receive all moneys related to the Florida Agricultural Promotional Campaign. Moneys deposited in the trust fund shall be appropriated for the sole purpose of implementing the Florida Agricultural Promotional Campaign, except for money deposited in the trust fund pursuant to s. 212.20(6)(d)7.h. ~~s. 212.20(6)(d)6.h.~~, which shall be held separately and used solely for the purposes identified in s. 571.265.

Section 330. Subsection (2) of section 571.265, Florida Statutes, is amended to read:

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

(2) Funds deposited into the Florida Agricultural Promotional Campaign Trust Fund pursuant to s. 212.20(6)(d)7.f. ~~s. 212.20(6)(d)6.f.~~ shall be used by the department to encourage the agricultural activity of breeding thoroughbred racehorses in this state and to enhance thoroughbred racing conducted at thoroughbred tracks in this state as provided in this section. If the funds made available under this section are not fully used in any one fiscal year, any unused amounts shall be carried forward in the trust fund into future fiscal years and made available for distribution as provided in this section.

Section 331. For the purpose of incorporating the amendment made by this act to section 20.60, Florida Statutes, in a reference thereto, subsection (8) of section 288.9935, Florida Statutes, is reenacted to read:

288.9935 Microfinance Guarantee Program.—

(8) The department must, in the department's report required under s. 20.60(10), include an annual report on the program. The report must, at a minimum, provide:

(a) A comprehensive description of the program, including an evaluation of its application and guarantee activities, recommendations for change, and identification of any other state programs that overlap with the program;

(b) An assessment of the current availability of and access to credit for entrepreneurs and small businesses in this state;

(c) A summary of the financial and employment results of the entrepreneurs and small businesses receiving loan guarantees, including the number of full-time equivalent jobs created as a result of the guaranteed loans and the amount of wages paid to employees in the newly created jobs;

(d) Industry data about the borrowers, including the six-digit North American Industry Classification System (NAICS) code;

(e) The name and location of lenders that receive loan guarantees;

(f) The number of loan guarantee applications received;

(g) The number, duration, location, and amount of guarantees made;

(h) The number and amount of guaranteed loans outstanding, if any;

(i) The number and amount of guaranteed loans with payments overdue, if any;

(j) The number and amount of guaranteed loans in default, if any;

(k) The repayment history of the guaranteed loans made; and

(l) An evaluation of the program's ability to meet the financial performance measures and objectives specified in subsection (3).

Section 332. For the purpose of incorporating the

amendment made by this act to section 218.67, Florida Statutes, in a reference thereto, paragraph (c) of subsection (5) of section 125.0104, Florida Statutes, is reenacted to read:

125.0104 Tourist development tax; procedure for levying; authorized uses; referendum; enforcement.—

(5) AUTHORIZED USES OF REVENUE.—

(c) A county located adjacent to the Gulf of Mexico or the Atlantic Ocean, except a county that receives revenue from taxes levied pursuant to s. 125.0108, which meets the following criteria may use up to 10 percent of the tax revenue received pursuant to this section to reimburse expenses incurred in providing public safety services, including emergency medical services as defined in s. 401.107(3), and law enforcement services, which are needed to address impacts related to increased tourism and visitors to an area. However, if taxes collected pursuant to this section are used to reimburse emergency medical services or public safety services for tourism or special events, the governing board of a county or municipality may not use such taxes to supplant the normal operating expenses of an emergency medical services department, a fire department, a sheriff's office, or a police department. To receive reimbursement, the county must:

1.a. Generate a minimum of $10 million in annual proceeds from any tax, or any combination of taxes, authorized to be levied pursuant to this section;

b. Have at least three municipalities; and

c. Have an estimated population of less than 275,000, according to the most recent population estimate prepared pursuant to s. 186.901, excluding the inmate population; or

2. Be a fiscally constrained county as described in s. 218.67(1).

The board of county commissioners must by majority vote approve reimbursement made pursuant to this paragraph upon receipt of a recommendation from the tourist development council.

Section 333. For the purpose of incorporating the amendment made by this act to section 218.67, Florida Statutes, in a reference thereto, subsection (3) of section 193.624, Florida Statutes, is reenacted to read:

193.624 Assessment of renewable energy source devices.—

(3) This section applies to the installation of a renewable energy source device installed on or after January 1, 2013, to new and existing residential real property. This section applies to a renewable energy source device installed on or after January 1, 2018, to all other real property, except when installed as part of a project planned for a location in a fiscally constrained county, as defined in s. 218.67(1), and for which an application for a comprehensive plan amendment or planned unit development zoning has been filed with the county on or before December 31, 2017.

Section 334. For the purpose of incorporating the amendment made by this act to section 218.67, Florida Statutes, in a reference thereto, subsection (2) of section 196.182, Florida Statutes, is reenacted to read:

196.182 Exemption of renewable energy source devices.—

(2) The exemption provided in this section does not apply to a renewable energy source device that is installed as part of a project planned for a location in a fiscally constrained county, as defined in s. 218.67(1), and for which an application for a comprehensive plan amendment or planned unit development zoning has been filed with the county on or before December 31, 2017.

Section 335. For the purpose of incorporating the amendment made by this act to section 218.67, Florida Statutes, in a reference thereto, subsection (1) of section 218.12, Florida Statutes, is reenacted to read:

218.12 Appropriations to offset reductions in ad valorem tax revenue in fiscally constrained counties.—

(1) Beginning in fiscal year 2008-2009, the Legislature shall appropriate moneys to offset the reductions in ad valorem tax revenue experienced by fiscally constrained counties, as defined in s. 218.67(1), which occur as a direct result of the implementation of revisions of Art. VII of the State Constitution approved in the special election held on January 29, 2008. The moneys appropriated for this purpose shall be

distributed in January of each fiscal year among the fiscally constrained counties based on each county's proportion of the total reduction in ad valorem tax revenue resulting from the implementation of the revision.

Section 336. For the purpose of incorporating the amendment made by this act to section 218.67, Florida Statutes, in a reference thereto, subsection (1) of section 218.125, Florida Statutes, is reenacted to read:

218.125 Offset for tax loss associated with certain constitutional amendments affecting fiscally constrained counties.—

(1) Beginning in the 2010-2011 fiscal year, the Legislature shall appropriate moneys to offset the reductions in ad valorem tax revenue experienced by fiscally constrained counties, as defined in s. 218.67(1), which occur as a direct result of the implementation of revisions of ss. 3(f) and 4(b), Art. VII of the State Constitution which were approved in the general election held in November 2008. The moneys appropriated for this purpose shall be distributed in January of each fiscal year among the fiscally constrained counties based on each county's proportion of the total reduction in ad valorem tax revenue resulting from the implementation of the revisions.

Section 337. For the purpose of incorporating the amendment made by this act to section 218.67, Florida Statutes, in a reference thereto, subsection (1) of section 218.135,

Florida Statutes, is reenacted to read:

218.135 Offset for tax loss associated with reductions in value of certain citrus fruit packing and processing equipment.—

(1) For the 2018-2019 fiscal year, the Legislature shall appropriate moneys to offset the reductions in ad valorem tax revenue experienced by fiscally constrained counties, as defined in s. 218.67(1), which occur as a direct result of the implementation of s. 193.4516. The moneys appropriated for this purpose shall be distributed in January 2019 among the fiscally constrained counties based on each county's proportion of the total reduction in ad valorem tax revenue resulting from the implementation of s. 193.4516.

Section 338. For the purpose of incorporating the amendment made by this act to section 218.67, Florida Statutes, in a reference thereto, subsection (1) of section 218.136, Florida Statutes, is reenacted to read:

218.136 Offset for ad valorem revenue loss affecting fiscally constrained counties.—

(1) Beginning in fiscal year 2025-2026, the Legislature shall appropriate moneys to offset the reductions in ad valorem tax revenue experienced by fiscally constrained counties, as defined in s. 218.67(1), which occur as a direct result of the implementation of revisions of s. 6(a), Art. VII of the State Constitution approved in the November 2024 general election. The moneys appropriated for this purpose shall be distributed in

January of each fiscal year among the fiscally constrained counties based on each county's proportion of the total reduction in ad valorem tax revenue resulting from the implementation of the revision of s. 6(a), Art. VII of the State Constitution.

Section 339. For the purpose of incorporating the amendment made by this act to section 218.67, Florida Statutes, in a reference thereto, paragraph (cc) of subsection (2) of section 252.35, Florida Statutes, is reenacted to read:

252.35 Emergency management powers; Division of Emergency Management.—

(2) The division is responsible for carrying out the provisions of ss. 252.31-252.90. In performing its duties, the division shall:

(cc) Prioritize technical assistance and training to fiscally constrained counties as defined in s. 218.67(1) on aspects of safety measures, preparedness, prevention, response, recovery, and mitigation relating to natural disasters and emergencies.

Section 340. For the purpose of incorporating the amendment made by this act to section 218.67, Florida Statutes, in a reference thereto, subsection (4) of section 288.102, Florida Statutes, is reenacted to read:

288.102 Supply Chain Innovation Grant Program.—

(4) A minimum of a one-to-one match of nonstate resources,

including local, federal, or private funds, to the state contribution is required. An award may not be made for a project that is receiving or using state funding from another state source or statutory program, including tax credits. The one-to-one match requirement is waived for a public entity located in a fiscally constrained county as defined in s. 218.67(1).

Section 341. For the purpose of incorporating the amendment made by this act to section 218.67, Florida Statutes, in a reference thereto, paragraph (g) of subsection (16) of section 403.064, Florida Statutes, is reenacted to read:

403.064 Reuse of reclaimed water.—

(16) By November 1, 2021, domestic wastewater utilities that dispose of effluent, reclaimed water, or reuse water by surface water discharge shall submit to the department for review and approval a plan for eliminating nonbeneficial surface water discharge by January 1, 2032, subject to the requirements of this section. The plan must include the average gallons per day of effluent, reclaimed water, or reuse water that will no longer be discharged into surface waters and the date of such elimination, the average gallons per day of surface water discharge which will continue in accordance with the alternatives provided for in subparagraphs (a)2. and 3., and the level of treatment that the effluent, reclaimed water, or reuse water will receive before being discharged into a surface water by each alternative.

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

1. A domestic wastewater treatment facility that is located in a fiscally constrained county as described in s. 218.67(1).

2. A domestic wastewater treatment facility that is located in a municipality that is entirely within a rural area of opportunity as designated pursuant to s. 288.0656.

3. A domestic wastewater treatment facility that is located in a municipality that has less than $10 million in total revenue, as determined by the municipality's most recent annual financial report submitted to the Department of Financial Services in accordance with s. 218.32.

4. A domestic wastewater treatment facility that is operated by an operator of a mobile home park as defined in s. 723.003 and has a permitted capacity of less than 300,000 gallons per day.

Section 342. For the purpose of incorporating the amendment made by this act to section 218.67, Florida Statutes, in references thereto, subsections (2) and (3) of section 589.08, Florida Statutes, are reenacted to read:

589.08 Land acquisition restrictions.—

(2) The Florida Forest Service may receive, hold the custody of, and exercise the control of any lands, and set aside into a separate, distinct and inviolable fund, any proceeds

derived from the sales of the products of such lands, the use thereof in any manner, or the sale of such lands save the 25 percent of the proceeds to be paid into the State School Fund as provided by law. The Florida Forest Service may use and apply such funds for the acquisition, use, custody, management, development, or improvement of any lands vested in or subject to the control of the Florida Forest Service. After full payment has been made for the purchase of a state forest to the Federal Government or other grantor, 15 percent of the gross receipts from a state forest shall be paid to the fiscally constrained county or counties, as described in s. 218.67(1), in which it is located in proportion to the acreage located in each county for use by the county or counties for school purposes.

(3) The Florida Forest Service shall pay 15 percent of the gross receipts from the Goethe State Forest to each fiscally constrained county, as described in s. 218.67(1), in which a portion of the respective forest is located in proportion to the forest acreage located in such county. The funds must be equally divided between the board of county commissioners and the school board of each fiscally constrained county.

Section 343. For the purpose of incorporating the amendment made by this act to section 218.67, Florida Statutes, in a reference thereto, paragraph (f) of subsection (1) of section 1011.62, Florida Statutes, is reenacted to read:

1011.62 Funds for operation of schools.—If the annual

allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for operation:

(f) *Small district factor.*—An additional value per full-time equivalent student membership is provided to each school district with a full-time equivalent student membership of fewer than 20,000 full-time equivalent students which is in a fiscally constrained county as described in s. 218.67(1). The amount of the additional value shall be specified in the General Appropriations Act.

Section 344. For the purpose of incorporating the amendment made by this act to sections 218.67 and 339.2818, Florida Statutes, in references thereto, paragraph (c) of subsection (6) of section 403.0741, Florida Statutes, is reenacted to read:

403.0741 Grease waste removal and disposal.—

(6) REGULATION BY LOCAL GOVERNMENTS.—

(c) Fiscally constrained counties as described in s. 218.67(1) and small counties as defined in s. 339.2818(2) may

opt out of the requirements of this section.

Section 345. For the purpose of incorporating the amendment made by this act to section 288.0656, Florida Statutes, in a reference thereto, paragraph (e) 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)

(e) This subsection does not confer the status of rural area of opportunity, or any of the rights or benefits derived from such status, on any land area not otherwise designated as such pursuant to s. 288.0656(7).

Section 346. For the purpose of incorporating the amendment made by this act to section 288.9961, Florida Statutes, in a reference thereto, paragraph (a) of subsection (7) of section 288.9962, Florida Statutes, is reenacted to read:

288.9962 Broadband Opportunity Program.—

(7)(a) In evaluating grant applications and awarding grants, the office must give priority to applications that:

1. Offer broadband Internet service to important community institutions, including, but not limited to, libraries, educational institutions, public safety facilities, and health care facilities;

2. Facilitate the use of telemedicine and electronic health records;

3. Serve economically distressed areas of this state, as measured by indices of unemployment, poverty, or population loss that are significantly greater than the statewide average;

4. Provide for scalability to transmission speeds of at least 100 megabits per second download and 10 megabits per second upload;

5. Include a component to actively promote the adoption of the newly available broadband Internet service in the community;

6. Provide evidence of strong support for the project from citizens, government, businesses, and institutions in the community;

7. Provide access to broadband Internet service to the greatest number of unserved households and businesses;

8. Leverage greater amounts of funding for a project from private sources; or

9. Demonstrate consistency with the strategic plan adopted under s. 288.9961.

Section 347. For the purpose of incorporating the amendment made by this act to section 339.68, Florida Statutes, in references thereto, subsections (5) and (6) of section 339.66, Florida Statutes, are reenacted to read:

339.66 Upgrade of arterial highways with controlled access facilities.—

(5) Any existing applicable requirements relating to department projects shall apply to projects undertaken by the

department pursuant to this section. The department shall take into consideration the guidance and recommendations of any previous studies or reports relevant to the projects authorized by this section and ss. 339.67 and 339.68, including, but not limited to, the task force reports prepared pursuant to chapter 2019-43, Laws of Florida.

(6) Any existing applicable requirements relating to turnpike projects apply to projects undertaken by the Turnpike Enterprise pursuant to this section. The Turnpike Enterprise shall take into consideration the guidance and recommendations of any previous studies or reports relevant to the projects authorized by this section and ss. 339.67 and 339.68, including, but not limited to, the task force reports prepared pursuant to chapter 2019-43, Laws of Florida, and with respect to any extension of the Florida Turnpike from its northerly terminus in Wildwood.

Section 348. For the purpose of incorporating the amendment made by this act to section 420.9073, Florida Statutes, in references thereto, subsections (4) and (6) of section 420.9072, Florida Statutes, are reenacted 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 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.

(4) Moneys in the Local Government Housing Trust Fund shall be distributed by the corporation to each approved county and eligible municipality within the county as provided in s. 420.9073. Distributions shall be allocated to the participating county and to each eligible municipality within the county according to an interlocal agreement between the county governing authority and the governing body of the eligible municipality or, if there is no interlocal agreement, according to population. The portion for each eligible municipality is computed by multiplying the total moneys earmarked for a county by a fraction, the numerator of which is the population of the eligible municipality and the denominator of which is the total population of the county. The remaining revenues shall be distributed to the governing body of the county.

(6) The moneys that otherwise would be distributed pursuant to s. 420.9073 to a local government that does not meet the program's requirements for receipts of such distributions shall remain in the Local Government Housing Trust Fund to be administered by the corporation.

Section 349. For the purpose of incorporating the amendment made by this act to section 420.9073, Florida Statutes, in a reference thereto, paragraph (b) of subsection

(7) of section 420.9076, Florida Statutes, is reenacted to read:

420.9076 Adoption of affordable housing incentive strategies; committees.—

(7) The governing board of the county or the eligible municipality shall notify the corporation by certified mail of its adoption of an amendment of its local housing assistance plan to incorporate local housing incentive strategies. The notice must include a copy of the approved amended plan.

(b) If a county fails to timely adopt an amended local housing assistance plan to incorporate local housing incentive strategies but an eligible municipality receiving a local housing distribution pursuant to an interlocal agreement within the county does timely adopt an amended local housing assistance plan to incorporate local housing incentive strategies, the corporation, after issuance of a notice of termination, shall thereafter distribute directly to the participating eligible municipality its share calculated in the manner provided in s. 420.9073.

Section 350. For the purpose of incorporating the amendment made by this act to section 420.9073, Florida Statutes, in a reference thereto, subsection (2) of section 420.9079, Florida Statutes, is reenacted to read:

420.9079 Local Government Housing Trust Fund.—

(2) The corporation shall administer the fund exclusively for the purpose of implementing the programs described in ss.

420.907-420.9076 and this section. With the exception of monitoring the activities of counties and eligible municipalities to determine local compliance with program requirements, the corporation shall not receive appropriations from the fund for administrative or personnel costs. For the purpose of implementing the compliance monitoring provisions of s. 420.9075(9), the corporation may request a maximum of one-quarter of 1 percent of the annual appropriation per state fiscal year. When such funding is appropriated, the corporation shall deduct the amount appropriated prior to calculating the local housing distribution pursuant to ss. 420.9072 and 420.9073.

Section 351. Subsection (10) of section 553.79, Florida Statutes, is amended, and subsections (26), (27), (28) and (29) are added to that section, to read:

553.79 Permits; applications; issuance; inspections.—

(10) No enforcing agency may issue a building permit for construction of any threshold building except to a licensed general contractor, as defined in s. 489.105(2)(a) ~~s. 489.105(3)(a)~~, or to a licensed building contractor, as defined in s. 489.105(2)(b) ~~s. 489.105(3)(b)~~, within the scope of her or his license. The named contractor to whom the building permit is issued shall have the responsibility for supervision, direction, management, and control of the construction activities on the project for which the building permit was issued.

(26) A local enforcement agency may not deny the issuance of a certificate of occupancy to an owner of a residential or commercial structure based on noncompliance with a Florida-friendly landscaping ordinance adopted to implement s. 373.185 if the owner was issued a building permit for such structure within 1 year of the declaration of a state of emergency for a natural disaster for the county in which the structure is located.

(27) A local enforcement agency may not deny the issuance of a building permit for the alteration, modification, or repair of a single-family residential structure if such alteration, modification, or repair:

(a) Is completed within 1 year after the declaration of a state of emergency for a natural disaster for the county in which the structure is located;

(b) Is necessitated by damage to the structure caused by the natural disaster;

(c) Has a total cost that does not exceed more than 50 percent of the value of the structure;

(d) Does not affect more than 50 percent of the structure; and

(e) Does not alter the footprint of the structure.

(28) A local enforcement agency may not require a building permit for the construction of playground equipment, fences, or landscape irrigation systems on a parcel containing a single-

family residential dwelling. However, a local government may require a building permit for any electrical work performed as part of the construction of playground equipment, fences, or landscape irrigation systems.

(29) A local enforcement agency may not require a building permit to perform any work that is valued at less than $7,500 on a parcel containing a single-family residential dwelling. This does not apply to a larger or major project in which a division of the project is made in amounts less than $7,500. A local government may require a building permit for any electrical, plumbing, or structural work performed on a parcel containing a single-family residential dwelling regardless of the value of the work. For purposes of this subsection structural work does not include the repair or replacement of exterior doors or windows.

Section 352. Subsections (3) through (7) of section 475.17, Florida Statutes, are amended to read:

475.17 Qualifications for practice.—

~~(3)(a) The commission may prescribe a postlicensure education requirement in order for a person to maintain a valid sales associate's license, which shall not exceed 45 classroom hours of 50 minutes each, inclusive of examination, prior to the first renewal following initial licensure. If prescribed, this shall consist of one or more commission-approved courses which total at least 45 classroom hours on one or more subjects which~~

~~include, but are not limited to, property management, appraisal, real estate finance, the economics of real estate management, marketing, technology, sales and listing of properties, business office management, courses teaching practical real estate application skills, development of business plans, marketing of property, and time management. Required postlicensure education courses must be provided by an accredited college, university, or community college, by a career center, by a registered real estate school, or by a commission-approved sponsor.~~

~~(b) Satisfactory completion of the postlicensure education requirement is demonstrated by successfully meeting all standards established for the commission-prescribed or commission-approved institution or school. However, notice of satisfactory completion shall not be issued if the student has absences in excess of 10 percent of the required classroom hours or has not satisfactorily completed a timed distance learning course examination.~~

~~(c) The license of any sales associate who does not complete the postlicensure education requirement prior to the first renewal following initial licensure shall be considered null and void. Such person wishing to again operate as a real estate sales associate must requalify by satisfactorily completing the sales associate's prelicensure course and passing the state examination for licensure as a sales associate.~~

~~(d) A sales associate who is required to complete any~~

~~postlicensure education requirement must complete any postlicensure education requirement and hold a current and valid license in order to be eligible for licensure as a broker.~~

~~(4)(a) The commission may prescribe a postlicensure education requirement in order for a person to maintain a valid broker's license, which shall not exceed 60 classroom hours of 50 minutes each, inclusive of examination, prior to the first renewal following initial licensure. If prescribed, this shall consist of one or more commission-approved courses which total at least 60 classroom hours on one or more subjects which include, but are not limited to, advanced appraisal, advanced property management, real estate marketing, business law, advanced real estate investment analyses, advanced legal aspects, general accounting, real estate economics, syndications, commercial brokerage, feasibility analyses, advanced real estate finance, residential brokerage, advanced marketing, technology, advanced business planning, time management, or real estate brokerage office operations. Required postlicensure education courses must be provided by an accredited college, university, or community college, by a career center, by a registered real estate school, or by a commission-approved sponsor.~~

~~(b) Satisfactory completion of the postlicensure education requirement is demonstrated by successfully meeting all standards established for the commission-prescribed or~~

~~commission-approved institution or school. However, notice of satisfactory completion shall not be issued if the student has absences in excess of 10 percent of the required classroom hours or has not satisfactorily completed a timed distance learning course examination.~~

~~(c) The license of any broker who does not complete the postlicensure education requirement prior to the first renewal following initial licensure shall be considered null and void. If the licensee wishes to operate as a sales associate, she or he may be issued a sales associate's license after providing proof that she or he has satisfactorily completed the 14-hour continuing education course within the 6 months following expiration of her or his broker's license. To operate as a broker, the licensee must requalify by satisfactorily completing the broker's prelicensure course and passing the state examination for licensure as a broker.~~

~~(5)(a) The commission may allow an additional 6-month period after the first renewal following initial licensure for completing the postlicensure education courses for sales associates and brokers who cannot, due to individual physical hardship, as defined by rule, complete the courses within the required time.~~

~~(b) Except as provided in subsection (4), sales associates and brokers are not required to meet the 14-hour continuing education requirement prior to the first renewal following~~

~~initial licensure.~~

~~(c)1. A distance learning course or courses shall be approved by the commission as an option to classroom hours as satisfactory completion of the postlicensure education course or courses as required by this section. The schools or sponsors authorized by this section have the option of providing classroom courses, distance learning courses, or both. However, satisfactory completion of a distance learning postlicensure education course or courses requires the satisfactory completion of a timed distance learning course examination. Such examination shall not be required to be monitored or given at a centralized location.~~

~~2. The commission shall provide for postlicensure education courses to be made available by correspondence or other suitable means to any person who, by reason of hardship, as defined by rule, cannot attend the place or places where courses are regularly conducted or does not have access to the distance learning courses.~~

(3)~~(6) The postlicensure education requirements of this section, and~~ The education course requirements for one to become initially licensed~~,~~ do not apply to any applicant ~~or licensee~~ who has received a 4-year degree, or higher, in real estate from an accredited institution of higher education.

(4)~~(7)~~ The department ~~commission~~ may not approve prelicensure ~~or postlicensure~~ distance learning courses for

brokers, broker associates, and sales associates by correspondence methods, except in instances of hardship pursuant to subparagraphs (2)(a)3. and (5)(c)2.

Section 353. Subsection (2) of section 475.175, Florida Statutes, is amended to read:

475.175 Examinations.—

(2) Each accredited college, university, community college, or registered real estate school shall notify the department ~~commission~~ of the names of all persons who have satisfactorily completed the educational requirements provided for in s. 475.17(2)~~, (3), and (4)~~ in a manner prescribed by the department ~~commission~~. Furthermore, each such educational institution shall provide to each person satisfactorily completing the educational requirements provided for in s. 475.17(2)~~, (3), and (4)~~ a certificate as proof of such satisfactory completion.

Section 354. Subsection (1) of section 475.180, Florida Statutes, is amended to read:

475.180 Nonresident licenses.—

(1) Notwithstanding the prelicensure requirements set forth under ss. 475.17(2) and (3) ~~(6)~~ and 475.175, the department ~~commission~~ in its discretion may enter into written agreements with similar licensing authorities of other states, territories, or jurisdictions of the United States or foreign national jurisdictions to ensure for Florida licensees

nonresident licensure opportunities comparable to those afforded to nonresidents by this section. Whenever the department ~~commission~~ determines that another jurisdiction does not offer nonresident licensure to Florida licensees substantially comparable to those afforded to licensees of that jurisdiction by this section, the department ~~commission~~ shall require licensees of that jurisdiction who apply for nonresident licensure to meet education, experience, and examination requirements substantially comparable to those required by that jurisdiction with respect to Florida licensees who seek nonresident licensure, not to exceed such requirements as prescribed in ss. 475.17(2) and (3) ~~(6)~~ and 475.175.

Section 355. Subsection (1) of section 475.182, Florida Statutes, is amended to read:

475.182 Renewal of license~~; continuing education~~.—

(1)~~(a)~~ The department shall renew a license upon receipt of the renewal application and fee. ~~The renewal application for an active license as broker, broker associate, or sales associate shall include proof satisfactory to the commission that the licensee has, since the issuance or renewal of her or his current license, satisfactorily completed at least 14 classroom hours of 50 minutes each of a continuing education course during each biennium of a license period, as prescribed by the commission. Approval or denial of a specialty course must be based on the extent to which the course content focuses on~~

~~real estate issues relevant to the modern practice of real estate by a real estate licensee, including technology used in the real estate industry. The commission may accept as a substitute for such continuing education course, on a classroom-hour-for-classroom-hour basis, any satisfactorily completed education course that the commission finds is adequate to educate licensees within the intent of this section, including an approved distance learning course. However, the commission may not require, for the purpose of satisfactorily completing an approved correspondence or distance learning course, a written examination that is to be taken at a centralized location and is to be monitored.~~

~~(b) The commission may accept as a substitute for 3 classroom hours, one time per renewal cycle, attendance at one legal agenda session of the commission. In order to obtain credit, the licensee must notify the division at least 7 days in advance of his or her intent to attend. A licensee may not earn any continuing education credit for attending a legal agenda session of the commission as a party to a disciplinary action.~~

Section 356. Subsections (1), (2), and (4) of section 475.183, Florida Statutes, are amended to read:

475.183 Inactive status.—

(1) A license which has become voluntarily inactive may be renewed pursuant to s. 475.182 upon application to the department. ~~The commission shall prescribe by rule continuing~~

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

~~education requirements, not to exceed 12 classroom hours for each year the license was inactive, as a condition of renewing a voluntarily inactive license. The commission shall substitute for such continuing education requirements, on a classroom-hour-for-classroom-hour basis, any satisfactorily completed education course approved in the manner specified in s. 475.182(1).~~ A person whose license is voluntarily inactive and who renews the license may elect to continue her or his voluntarily inactive status.

(2) ~~(a) A licensee may reactivate a license that has been involuntarily inactive for 12 months or less by satisfactorily completing at least 14 hours of a commission-prescribed continuing education course. Notwithstanding the provisions of s. 455.271, a licensee may reactivate a license that has been involuntarily inactive for more than 12 months but fewer than 24 months by satisfactorily completing 28 hours of a commission-prescribed education course.~~

~~(b)~~ Any license that has been involuntarily inactive for more than 2 years shall automatically expire. Once a license expires, it becomes null and void without any further action by the ~~commission or~~ department. Ninety days prior to expiration of the license, the department shall give notice to the licensee. The department ~~commission~~ shall prescribe by rule a fee not to exceed $100 for the late renewal of an involuntarily inactive license. The department shall collect the current renewal fee

for each renewal period in which the license was involuntarily inactive in addition to any applicable late renewal fee.

(4) The department ~~commission~~ may reinstate the license of an individual whose license has become void if the department ~~commission~~ determines that the individual failed to comply because of illness or economic hardship, as defined by rule. The individual must apply to the department ~~commission~~ for reinstatement within 6 months after the date that the license becomes void. Such individual must ~~meet all continuing education requirements prescribed by law,~~ pay appropriate licensing fees, and otherwise be eligible for renewal of licensure under this section.

Section 357. Subsections (1), (2), and (4) of section 481.321, Florida Statutes, are amended to read:

481.321 Seals; display of certificate number.—

(1) The department ~~board~~ shall prescribe, by rule, one or more forms of seals for use by a registered landscape architect who holds a valid certificate of registration. Each registered landscape architect shall obtain one seal in a form approved by rule of the department ~~board~~ and may, in addition, register her or his seal electronically in accordance with ss. 668.001-668.006. All final plans, specifications, or reports prepared or issued by the registered landscape architect and filed for public record shall be signed by the registered landscape architect, dated, and stamped or sealed electronically with her

or his seal. The signature, date, and seal constitute evidence of the authenticity of that to which they are affixed. Final plans, specifications, or reports prepared or issued by a registered landscape architect may be transmitted electronically and may be signed by the registered landscape architect, dated, and sealed electronically with the seal in accordance with ss. 668.001-668.006.

(2) It is unlawful for any person to sign and seal by any means any final plan, specification, or report after her or his certificate of registration is expired, suspended, or revoked. A registered landscape architect whose certificate of registration is suspended or revoked shall, within 30 days after the effective date of the suspension or revocation, surrender her or his seal to the department ~~executive director of the board~~ and confirm in writing to the department ~~executive director~~ the cancellation of the landscape architect's electronic signature in accordance with ss. 668.001-668.006. When a landscape architect's certificate of registration is suspended for a period of time, her or his seal shall be returned upon expiration of the period of suspension.

(4) Nothing in this part shall prohibit a registered landscape architect from filing plans of work defined under this part. A state agency or local government may not refuse to accept the seal of a landscape architect for any of the professional services delineated in s. 481.303(4), including,

but not limited to, grading and drainage.

Section 358. Section 624.341, Florida Statutes, is created to read:

624.341 Authority of Department of Law Enforcement to accept fingerprints of, and exchange criminal history records with respect to, certain persons applying to the Office of Insurance Regulation.—

(1) The Legislature finds that criminal activity of insurers poses a particular danger to the residents of this state. Floridians rely, in good faith, on the honest conduct of those who issue and manage insurance policies and other insurance instruments in this state. To safeguard this state's residents, the Legislature finds it necessary to ensure that incorporators, subscribers, officers, employees, contractors, stockholders, directors, owners, members, managers, or volunteers, or any other persons in the organization, operation, or management of any insurer that is authorized to sell insurance do not have a criminal background.

(2) The Department of Law Enforcement shall accept and process fingerprints of incorporators, subscribers, officers, employees, contractors, stockholders, directors, owners, members, managers, or volunteers involved in the organization, operation, or management of:

(a) Any insurer or proposed insurer transacting or proposing to transact insurance in this state.

(b) Any entity that is eligible to be examined or investigated under s. 624.316.

(3) Each person required to submit fingerprints to the office, must provide a full set of fingerprints to the office or to a vendor, an entity, or an agency authorized by s. 943.053(13). The office, vendor, entity, or agency shall forward the fingerprints to the Department of Law Enforcement for state processing, and the Department of Law Enforcement shall forward the fingerprints to the Federal Bureau of Investigation for national processing as described in s. 624.34. Fees for state and federal fingerprint processing must be borne by the person submitting the fingerprints. The state cost for fingerprint processing is as provided in s. 943.053(3)(e).

(4) The Department of Law Enforcement may, to the extent provided by federal law, exchange any state or national criminal history records with the office for the purpose of issuance or continuation of a certificate of authority, certification, or license to operate in this state.

(5) Fingerprints must be submitted in accordance with rules adopted by the commission.

(a) Fingerprints may be submitted through a third-party vendor authorized by the Department of Law Enforcement.

(b) The Department of Law Enforcement shall conduct the state criminal history background check, and a federal criminal history background check shall be conducted through the Federal

Bureau of Investigation.

(c) All fingerprints submitted to the Department of Law Enforcement must be submitted and entered into the statewide automated fingerprint identification system established in s. 943.05(2)(b) and available for use in accordance with s. 943.05(2)(g) and (h).

(d) The costs of fingerprint processing, including the cost of retaining the fingerprints, must be borne by the person subject to the background checks.

(e) The office shall review the results of the state and federal criminal history background checks and determine whether the applicant meets the requirements for the certificate of authority, certification, or license to operate in this state.

(6) Statewide criminal records obtained through the Department of Law Enforcement, federal criminal records obtained through the Federal Bureau of Investigation, and local criminal records obtained through local law enforcement agencies must be used by the office for the purpose of issuance, denial, suspension, or revocation of certificates of authority, certifications, or licenses issued to operate in this state.

Section 359. Section 475.613, Florida Statutes, is amended to read:

475.613 Authority of the department ~~Florida Real Estate Appraisal Board~~.—

~~(1) There is created the Florida Real Estate Appraisal~~

~~Board, which shall consist of nine members appointed by the Governor, subject to confirmation by the Senate. Four members of the board must be real estate appraisers who have been engaged in the general practice of appraising real property in this state for at least 5 years immediately preceding appointment. In appointing real estate appraisers to the board, while not excluding other appraisers, the Governor shall give preference to real estate appraisers who are not primarily engaged in real estate brokerage or mortgage lending activities. One member of the board must represent the appraisal management industry. One member of the board must represent organizations that use appraisals for the purpose of eminent domain proceedings, financial transactions, or mortgage insurance. Three members of the board must represent the general public and may not be connected in any way with the practice of real estate appraisal. The appraiser members shall be as representative of the entire industry as possible, and membership in a nationally recognized or state-recognized appraisal organization may not be a prerequisite to membership on the board. To the extent possible, no more than two members of the board shall be primarily affiliated with any one particular national or state appraisal association. Two of the members must be licensed or certified residential real estate appraisers and two of the members must be certified general real estate appraisers at the time of their appointment.~~

~~(a) Members of the board shall be appointed for 4-year terms. Any vacancy occurring in the membership of the board shall be filled by appointment by the Governor for the unexpired term. Upon expiration of her or his term, a member of the board shall continue to hold office until the appointment and qualification of the member's successor. A member may not be appointed for more than two consecutive terms. The Governor may remove any member for cause.~~

~~(b) The headquarters for the board shall be in Orlando.~~

~~(c) The board shall meet at least once each calendar quarter to conduct its business.~~

~~(d) The members of the board shall elect a chairperson at the first meeting each year.~~

~~(e) Each member of the board is entitled to per diem and travel expenses as set by legislative appropriation for each day that the member engages in the business of the board.~~

~~(2)~~ The department ~~board~~ shall have, through its rules, full power to regulate the issuance of licenses, certifications, registrations, and permits; to discipline appraisers in any manner permitted under this section; to establish qualifications for licenses, certifications, registrations, and permits consistent with this section; to regulate approved courses; to establish standards for real estate appraisals; and to establish standards for and regulate supervisory appraisers.

~~(3) Notwithstanding s. 112.313, any member of the board~~

~~who is a licensed or certified real estate appraiser and who holds an active appraiser instructor permit issued by the department, to the extent authorized pursuant to such permit, may offer, conduct, or teach any course prescribed or approved by the board or the department.~~

Section 360. Paragraph (t) of subsection (1) of section 475.25, Florida Statutes, is amended to read:

475.25 Discipline.—

(1) The commission may deny an application for licensure, registration, or permit, or renewal thereof; may place a licensee, registrant, or permittee on probation; may suspend a license, registration, or permit for a period not exceeding 10 years; may revoke a license, registration, or permit; may impose an administrative fine not to exceed $5,000 for each count or separate offense; and may issue a reprimand, and any or all of the foregoing, if it finds that the licensee, registrant, permittee, or applicant:

(t) Has violated any standard of professional practice adopted by rule of the department ~~Florida Real Estate Appraisal Board~~, including standards for the development or communication of a real estate appraisal, as approved and adopted by the Appraisal Standards Board of the Appraisal Foundation, as defined in s. 475.611. This paragraph does not apply to a real estate broker or sales associate who, in the ordinary course of business, performs a comparative market analysis, gives a broker

price opinion, or gives an opinion of value of real estate. However, in no event may this comparative market analysis, broker price opinion, or opinion of value of real estate be referred to as an appraisal, as defined in s. 475.611.

Section 361. Paragraphs (j), (p), (q), (z), and (aa) of subsection (1) and subsection (2) of section 475.611, Florida Statutes, are amended to read:

475.611 Definitions.—

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

~~(j) "Board" means the Florida Real Estate Appraisal Board established under s. 475.613.~~

(p) "Direct supervision" means the degree of supervision required of a supervisory appraiser overseeing the work of a registered trainee appraiser by which the supervisory appraiser has control over and detailed professional knowledge of the work being done. Direct supervision is achieved when a registered trainee appraiser has regular direction, guidance, and support from a supervisory appraiser who has the competencies as determined by rule of the department ~~board~~.

(q) "Evaluation" means a valuation permitted by any federal financial institutions regulatory agency appraisal regulations for transactions that do not require an appraisal, as such valuations qualify for an applicable exemption under federal law. The department ~~board~~ shall adopt rules, as necessary, to define the term "evaluation" and the applicable

exemptions under federal law.

(z) "Supervisory appraiser" means a certified residential appraiser or a certified general appraiser responsible for the direct supervision of one or more registered trainee appraisers and fully responsible for appraisals and appraisal reports prepared by those registered trainee appraisers. The department ~~board~~, by rule, shall determine the responsibilities of a supervisory appraiser, the geographic proximity required, the minimum qualifications and standards required of a certified appraiser before she or he may act in the capacity of a supervisory appraiser, and the maximum number of registered trainee appraisers to be supervised by an individual supervisory appraiser.

(aa) "Training" means the process of providing for and making available to a registered trainee appraiser, under direct supervision, a planned, prepared, and coordinated program, or routine of instruction and education, in appraisal professional and technical appraisal skills as determined by rule of the department ~~board~~.

(2) Wherever the word "operate" or "operating" appears in this part with respect to a registered trainee appraiser, registered appraisal management company, licensed appraiser, or certified appraiser; in any order, rule, or regulation of the department ~~board~~; in any pleading, indictment, or information under this part; in any court action or proceeding; or in any

order or judgment of a court, it shall be deemed to mean the commission of one or more acts described in this part as constituting or defining a registered trainee appraiser, registered appraisal management company, licensed appraiser, or certified appraiser, not including, however, any of the exceptions stated therein. A single act is sufficient to bring a person within the meaning of this subsection, and each act, if prohibited herein, constitutes a separate offense.

Section 362. Subsection (7) of section 475.612, Florida Statutes, is amended to read:

475.612 Certification, licensure, or registration required.—

(7) Notwithstanding any other provision of law, an appraiser may perform an evaluation of real property in connection with a real estate-related financial transaction, as defined by rule of the department ~~board~~, which is regulated by a federal financial institutions regulatory agency. The appraiser shall comply with the standards for evaluations imposed by the federal financial institutions regulatory agency and other standards as prescribed by the department ~~board~~. However, an evaluation may not be referred to or construed as an appraisal.

Section 363. Section 475.614, Florida Statutes, is amended to read:

475.614 Power of department ~~board~~ to adopt rules and decide questions of practice; requirements for protection of

appraiser's signature.—

(1) The department ~~board~~ has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement provisions of law conferring duties upon it. The ~~board~~ may decide questions of practice arising in the proceedings before it, having regard to this section and the rules then in force.

(2) The department ~~board~~ shall adopt rules specifying the means by which an appraiser's signature may be affixed to an appraisal report or other work performed by the appraiser. The rules shall include requirements for protecting the security of an appraiser's signature and prohibiting practices that may discredit the use of an appraiser's signature to authenticate the work performed by the appraiser.

Section 364. Section 475.6145, Florida Statutes, is amended to read:

475.6145 Seal.—The department ~~board~~ shall adopt a seal by which it shall authenticate its proceedings, records, and acts. Copies of the proceedings, records, and acts of the ~~board~~, and certificates purporting to relate the facts concerning such proceedings, records, and acts, which are signed by the ~~board~~ chair, the custodian of such records, or any other person authorized to make such certification and which are authenticated by such seal, shall be prima facie evidence of such proceedings, records, and acts in all courts of this state.

Section 365. Section 475.6147, Florida Statutes, is

amended to read:

475.6147 Fees.—

(1)(a) The department ~~board~~ by rule may establish fees to be paid for application, licensing and renewal, certification and recertification, registration and reregistration, reinstatement, and recordmaking and recordkeeping.

(b) The fee for initial application of an appraiser may not exceed $150, and the combined cost of the application and examination may not exceed $300. The initial certification, registration, or license fee and the certification, registration, or license renewal fee may not exceed $150 for each year of the duration of the certification, registration, or license.

(c) The fee for initial application of an appraisal management company may not exceed $150. The initial registration and registration renewal fee may not exceed $150 for each year of the duration of the registration.

(d) The department ~~board~~ may also establish by rule a late renewal penalty.

(e) The department ~~board~~ shall establish fees which are adequate to ensure its continued operation. Fees shall be based on estimates made by the department of the revenue required to implement this part and other provisions of law relating to the regulation of real estate appraisers.

(2) Application and certification, registration, and

license fees shall be refunded upon a determination by the department ~~board~~ that the state is not entitled to the fees or that only a portion of the resources have been expended in the processing of the application or shall be refunded if for any other reason the application is not completely processed. The ~~board~~ shall implement this subsection by rule.

Section 366. Section 475.615, Florida Statutes, is amended to read:

475.615 Qualifications for registration or certification.—

(1) Any person desiring to act as a registered trainee appraiser or as a certified appraiser must make application in writing to the department in such form and detail as the department ~~board~~ shall prescribe. Each applicant must be at least 18 years of age and hold a high school diploma or its equivalent.

(2) The department ~~board~~ is authorized to waive or modify any education, experience, or examination requirements established in this part in order to conform with any such requirements established by the Appraiser Qualifications Board of the Appraisal Foundation or any successor body recognized by federal law, including any requirements adopted on December 9, 2011. The department ~~board~~ shall implement this section by rule.

(3) Appropriate fees, as set forth in the rules of the department ~~board~~ pursuant to s. 475.6147, and a set of fingerprints must accompany all applications for registration or

certification. The fingerprints shall be forwarded to the Division of Criminal Justice Information Systems within the Department of Law Enforcement for processing to determine whether the applicant has a criminal history record. The fingerprints shall also be forwarded to the Federal Bureau of Investigation to determine whether the applicant has a criminal history record. The information obtained by the processing of the fingerprints by the Department of Law Enforcement and the Federal Bureau of Investigation shall be sent to the department to determine whether the applicant is statutorily qualified for registration or certification.

(4) In the event that the applicant is currently a registered trainee appraiser or a licensed or certified appraiser and is making application to obtain a different status of appraisal credential, should such application be received by the department within 180 days prior to through 180 days after the applicant's scheduled renewal, the charge for the application shall be established by the rules of the department ~~board~~ pursuant to s. 475.6147.

(5) At the time of filing an application for registration or certification, the applicant must sign a pledge indicating that upon becoming registered or certified, she or he will comply with the standards of professional practice established by rule of the department ~~board~~, including standards for the development or communication of a real estate appraisal, and

must indicate in writing that she or he understands the types of misconduct for which disciplinary proceedings may be initiated. The application expires 1 year after the date received by the department.

(6) All applicants must be competent and qualified to make real estate appraisals with safety to those with whom they may undertake a relationship of trust and confidence and the general public. If any applicant has been denied registration, licensure, or certification, or has been disbarred, or the applicant's registration, license, or certificate to practice or conduct any regulated profession, business, or vocation has been revoked or suspended by this or any other state, any nation, or any possession or district of the United States, or any court or lawful agency thereof, because of any conduct or practices which would have warranted a like result under this part, or if the applicant has been guilty of conduct or practices in this state or elsewhere which would have been grounds for disciplining her or his registration, license, or certification under this part had the applicant then been a registered trainee appraiser or a licensed or certified appraiser, the applicant is deemed not to be qualified unless the applicant has met the conditions adopted by the Appraiser Qualifications Board of the Appraisal Foundation on December 9, 2011, as prescribed by rule of the department ~~board~~ and it appears to the department ~~board~~ that the interest of the public is not likely to be endangered by the

granting of registration or certification.

(7) No applicant seeking to become registered or certified under this part may be rejected solely by virtue of membership or lack of membership in any particular appraisal organization.

Section 367. Section 475.617, Florida Statutes, is amended to read:

475.617 Education and experience requirements.—

(1) To be registered as a trainee appraiser, an applicant must present evidence satisfactory to the department ~~board~~ that she or he has successfully completed at least 100 hours of approved qualifying education courses in subjects related to real estate appraisal, which must include coverage of the Uniform Standards of Professional Appraisal Practice, or its equivalent, as established by rule of the department ~~board~~, from a nationally recognized or state-recognized appraisal organization, career center, accredited community college, college, or university, state or federal agency or commission, or proprietary real estate school that holds a permit pursuant to s. 475.451. The department ~~board~~ may increase the required number of hours to not more than 125 hours. All qualifying education courses may be completed through in-person classroom instruction or distance learning. A classroom hour is defined as 50 minutes out of each 60-minute segment. Past courses may be approved on an hour-for-hour basis.

(2) To be certified as a residential appraiser, an

applicant must present satisfactory evidence to the department ~~board~~ that she or he has met the minimum education and experience requirements prescribed by rule of the department ~~board~~. The department ~~board~~ shall prescribe by rule education and experience requirements that meet or exceed the following real property appraiser qualification criteria adopted on December 9, 2011, by the Appraiser Qualifications Board of the Appraisal Foundation:

(a) Has at least 2,500 hours of experience obtained over a 24-month period in real property appraisal as defined by rule.

(b) Has successfully completed at least 200 classroom hours, inclusive of examination, of approved qualifying education courses in subjects related to real estate appraisal, which must include a 15-hour National Uniform Standards of Professional Appraisal Practice course, or its equivalent, as established by rule of the department ~~board~~, from a nationally recognized or state-recognized appraisal organization, career center, accredited community college, college, or university, state or federal agency or commission, or proprietary real estate school that holds a permit pursuant to s. 475.451. All qualifying education courses may be completed through in-person classroom instruction or distance learning. A classroom hour is defined as 50 minutes out of each 60-minute segment. Past courses may be approved by the department ~~board~~ and substituted on an hour-for-hour basis.

(3) To be certified as a general appraiser, an applicant must present evidence satisfactory to the department ~~board~~ that she or he has met the minimum education and experience requirements prescribed by rule of the department ~~board~~. The department ~~board~~ shall prescribe education and experience requirements that meet or exceed the following real property appraiser qualification criteria adopted on December 9, 2011, by the Appraiser Qualifications Board of the Appraisal Foundation:

(a) Has at least 3,000 hours of experience obtained over a 30-month period in real property appraisal as defined by rule.

(b) Has successfully completed at least 300 classroom hours, inclusive of examination, of approved qualifying education courses in subjects related to real estate appraisal, which must include a 15-hour National Uniform Standards of Professional Appraisal Practice course, or its equivalent, as established by rule of the department ~~board~~, from a nationally recognized or state-recognized appraisal organization, career center, accredited community college, college, or university, state or federal agency or commission, or proprietary real estate school that holds a permit pursuant to s. 475.451. All qualifying education courses may be completed through in-person classroom instruction or distance learning. A classroom hour is defined as 50 minutes out of each 60-minute segment. Past courses may be approved by the department ~~board~~ and substituted on an hour-for-hour basis.

(4) A distance learning course may be approved by the department ~~board~~ as an option to classroom hours for satisfactory completion of the academic courses required under this section. The schools authorized by this section have the option of providing classroom courses, distance learning courses, or both.

(a) A distance learning course must use a delivery method that is certified or approved by a department-authorized ~~board-authorized~~ independent certifying organization.

(b) A distance learning course intended for use as academic education must include a written, closed-book final examination. As used in this paragraph, the term "written" refers to an exam that might be written on paper or administered electronically on a computer workstation or other device. Oral exams are not acceptable.

(5) Each applicant must furnish, under oath, a detailed statement of the experience for each year of experience she or he claims. Upon request, the applicant shall furnish to the department ~~board~~, for its examination, copies of appraisal reports or file memoranda to support the claim for experience. Any appraisal report or file memoranda used to support a claim for experience must be maintained by the applicant for no less than 5 years after the date of certification.

(6) The department ~~board~~ may implement the provisions of this section by rule.

Section 368. Section 475.6171, Florida Statutes, is amended to read:

475.6171 Issuance of registration or certification.—The registration or certification of an applicant may be issued upon receipt by the department ~~board~~ of the following:

(1) A complete application indicating compliance with qualifications as specified in s. 475.615.

(2) Proof of successful course completion as specified in s. 475.617.

(3) Proof of experience for certification as specified in s. 475.617.

(4) If required, proof of passing a written examination as specified in s. 475.616.

(5) The department ~~board~~ shall implement this section by rule.

Section 369. Subsection (1) of section 475.618, Florida Statutes, is amended to read:

475.618 Renewal of registration, license, certification, or instructor permit; continuing education.—

(1)(a) The department shall renew a registration, license, certification, or instructor permit upon receipt of the renewal application and proper fee. Such application shall include proof satisfactory to the department ~~board~~ that the individual has satisfactorily completed any continuing education that has been prescribed by the department ~~board~~.

(b) A distance learning course or courses shall be approved by the department ~~board~~ as an option to classroom hours as satisfactory completion of the course or courses as required by this section. The schools authorized by this section have the option of providing classroom courses, distance learning courses, or both.

(c) The department ~~board~~ may authorize independent certification organizations to certify or approve the delivery method of distance learning courses. Certification from such authorized organizations must be provided at the time a distance learning course is submitted to the department ~~board~~ by an accredited college, university, community college, career center, proprietary real estate school, or department-approved ~~board-approved~~ sponsor for content approval.

Section 370. Section 475.619, Florida Statutes, is amended to read:

475.619 Inactive status.—

(1) A registration, license, or certification which has become inactive may be renewed upon application to the department. The department ~~board~~ shall prescribe by rule continuing education requirements for each year the registration, license, or certification was inactive, as a condition of renewing an inactive registration, license, or certification.

(2) Any registration, license, or certification which has

been inactive for more than 4 years shall automatically expire. Once a registration, license, or certification expires, it becomes null and void without any further action by the department ~~board~~ or department. Two years prior to the expiration of the registration, license, or certification, the department shall give notice by mail to the registered trainee, licensee, or certificateholder at her or his last known address. The department ~~board~~ shall prescribe by rule a fee not to exceed $100 for the late renewal of an inactive registration, license, or certification. The department shall collect the current renewal fee for each renewal period in which the registration, license, or certification was inactive, in addition to any applicable late renewal fee.

(3) The department ~~board~~ shall adopt rules relating to inactive registrations, licenses, and certifications and for the renewal of such registrations, licenses, and certifications.

Section 371. Subsections (2) and (3) of section 475.621, Florida Statutes, are amended to read:

475.621 Registry of licensed and certified appraisers; registry of appraisal management companies.—

(2) The department shall collect from such individuals who perform or seek to perform appraisals in federally related transactions an annual fee as set by rule of, and transmitted to, the appraisal subcommittee. The department shall collect from such appraisal management companies that perform or seek to

perform appraisal management services in covered transactions an annual fee set by rule of the department ~~board~~ and transmitted to the appraisal subcommittee.

(3) Notwithstanding the prohibition against requiring registration of a federally regulated appraisal management company as provided in s. 475.6235(8)(b), the department ~~board~~ shall establish a procedure to collect from a federally regulated appraisal management company an annual fee as set by rule of the department ~~board~~ and transmitted to the appraisal subcommittee.

Section 372. Section 475.6222, Florida Statutes, is amended to read:

475.6222 Supervision and training of registered trainee appraisers.—The primary or secondary supervisory appraiser of a registered trainee appraiser shall provide direct supervision and training to the registered trainee appraiser. The role and responsibility of the supervisory appraiser is determined by rule of the department ~~board~~.

Section 373. Subsections (3) and (4) of section 475.6235, Florida Statutes, are amended to read:

475.6235 Registration of appraisal management companies required; exemptions.—

(3) Appropriate fees, as set forth in the rules of the department ~~board~~ pursuant to s. 475.6147, and a complete set of fingerprints for each person listed in paragraph (2)(f) must

accompany all applications for registration. The fingerprints shall be forwarded to the Division of Criminal Justice Information Systems within the Department of Law Enforcement for purposes of processing the fingerprints to determine whether the person has a criminal history record. The fingerprints shall also be forwarded to the Federal Bureau of Investigation for purposes of processing the fingerprints to determine whether the person has a criminal history record. The information obtained by the processing of fingerprints by the Department of Law Enforcement and the Federal Bureau of Investigation shall be sent to the department for the purpose of determining whether the appraisal management company is statutorily qualified for registration.

(4) At the time of filing an application for registration of an appraisal management company, each person listed in paragraph (2)(f) must sign a pledge to comply with applicable standards of professional practice established by rule of the department ~~board~~, including standards for the development or communication of a real estate appraisal, and must indicate in writing that she or he understands the types of misconduct for which disciplinary proceedings may be initiated. The application expires 1 year after the date received.

Section 374. Section 475.624, Florida Statutes, is amended to read:

475.624 Discipline of appraisers.—The department ~~board~~ may

deny an application for registration or certification of an appraiser; may investigate the actions of any appraiser registered, licensed, or certified under this part; may reprimand or impose an administrative fine not to exceed $5,000 for each count or separate offense against any such appraiser; and may revoke or suspend, for a period not to exceed 10 years, the registration, license, or certification of any such appraiser, or place any such appraiser on probation, if the department ~~board~~ finds that the registered trainee, licensee, or certificateholder:

(1) Has violated any provision of this part or s. 455.227(1); however, any appraiser registered, licensed, or certified under this part is exempt from s. 455.227(1)(i).

(2) Has been guilty of fraud, misrepresentation, concealment, false promises, false pretenses, dishonest conduct, culpable negligence, or breach of trust in any business transaction in this state or any other state, nation, or territory; has violated a duty imposed upon her or him by law or by the terms of a contract, whether written, oral, express, or implied, in an appraisal assignment; has aided, assisted, or conspired with any other person engaged in any such misconduct and in furtherance thereof; or has formed an intent, design, or scheme to engage in such misconduct and committed an overt act in furtherance of such intent, design, or scheme. It is immaterial to the guilt of the registered trainee appraiser or

licensed or certified appraiser that the victim or intended victim of the misconduct has sustained no damage or loss; that the damage or loss has been settled and paid after discovery of the misconduct; or that such victim or intended victim was a customer or a person in confidential relation with the registered trainee appraiser or licensed or certified appraiser, or was an identified member of the general public.

(3) Has advertised services in a manner that is fraudulent, false, deceptive, or misleading in form or content.

(4) Has violated any provision of this part or any lawful order or rule issued under this part or chapter 455.

(5) Has been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction that directly relates to the activities of a registered trainee appraiser or licensed or certified appraiser or that involves moral turpitude or fraudulent or dishonest conduct. The record of a conviction certified or authenticated in such form as admissible in evidence under the laws of the state shall be admissible as prima facie evidence of such guilt.

(6) Has had a registration, license, or certification as an appraiser revoked, suspended, or otherwise acted against; has been disbarred; has had her or his registration, license, or certificate to practice or conduct any regulated profession, business, or vocation revoked or suspended by this or any other state, any nation, or any possession or district of the United

States; or has had an application for such registration, licensure, or certification to practice or conduct any regulated profession, business, or vocation denied by this or any other state, any nation, or any possession or district of the United States.

(7) Has become temporarily incapacitated from acting as an appraiser with safety to those in a fiduciary relationship with her or him because of drunkenness, use of drugs, or temporary mental derangement; however, suspension of a license, certification, or registration in such cases shall only be for the period of such incapacity.

(8) Is confined in any county jail, postadjudication; is confined in any state or federal prison or mental institution; or, through mental disease or deterioration, can no longer safely be entrusted to deal with the public or in a confidential capacity.

(9) Has failed to inform the department ~~board~~ in writing within 30 days after pleading guilty or nolo contendere to, or being convicted or found guilty of, any felony.

(10) Has been found guilty, for a second time, of any misconduct that warrants disciplinary action, or has been found guilty of a course of conduct or practice that shows that she or he is incompetent, negligent, dishonest, or untruthful to an extent that those with whom she or he may sustain a confidential relationship may not safely do so.

(11) Has made or filed a report or record, either written or oral, that the registered trainee appraiser or licensed or certified appraiser knows to be false; has willfully failed to file a report or record required by state or federal law; has willfully impeded or obstructed such filing; or has induced another person to impede or obstruct such filing. However, such reports or records shall include only those that are signed or presented in the capacity of a registered trainee appraiser or licensed or certified appraiser.

(12) Has obtained or attempted to obtain a registration, license, or certification by means of knowingly making a false statement, submitting false information, refusing to provide complete information in response to an application question, or engaging in fraud, misrepresentation, or concealment.

(13) Has paid money or other valuable consideration, except as required by this section, to any member or employee of the department ~~board~~ to obtain a registration, license, or certification under this section.

(14) Has violated any standard of professional practice established by rule of the department ~~board~~, including standards for the development or communication of a real estate appraisal.

(15) Has failed or refused to exercise reasonable diligence in developing an appraisal or preparing an appraisal report.

(16) Has failed to communicate an appraisal without good

cause.

(17) Has accepted an appraisal assignment if the employment itself is contingent upon the appraiser reporting a predetermined result, analysis, or opinion or if the fee to be paid for the performance of the appraisal assignment is contingent upon the opinion, conclusion, or valuation reached upon the consequences resulting from the appraisal assignment.

(18) Has failed to timely notify the department of any change in business location, or has failed to fully disclose all business locations from which she or he operates as a registered trainee appraiser or licensed or certified appraiser.

Section 375. Section 475.6245, Florida Statutes, is amended to read:

475.6245 Discipline of appraisal management companies.—

(1) The department ~~board~~ may deny an application for registration or renewal registration of an appraisal management company; may investigate the actions of any appraisal management company registered under this part; may reprimand or impose an administrative fine not to exceed $5,000 for each count or separate offense against any such appraisal management company; and may revoke or suspend, for a period not to exceed 10 years, the registration of any such appraisal management company, or place any such appraisal management company on probation, if the department ~~board~~ finds that the appraisal management company or any person listed in s. 475.6235(2)(f):

(a) Has violated any provision of this part or s. 455.227(1); however, any appraisal management company registered under this part is exempt from s. 455.227(1)(i).

(b) Has been guilty of fraud, misrepresentation, concealment, false promises, false pretenses, dishonest conduct, culpable negligence, or breach of trust in any business transaction in this state or any other state, nation, or territory; has violated a duty imposed upon her or him by law or by the terms of a contract, whether written, oral, express, or implied, in an appraisal assignment; has aided, assisted, or conspired with any other person engaged in any such misconduct and in furtherance thereof; or has formed an intent, design, or scheme to engage in such misconduct and committed an overt act in furtherance of such intent, design, or scheme. It is immaterial to the guilt of the appraisal management company that the victim or intended victim of the misconduct has sustained no damage or loss; that the damage or loss has been settled and paid after discovery of the misconduct; or that such victim or intended victim was a customer or a person in confidential relation with the appraisal management company or was an identified member of the general public.

(c) Has advertised services in a manner that is fraudulent, false, deceptive, or misleading in form or content.

(d) Has violated any provision of this part or any lawful order or rule issued under this part or chapter 455.

(e) Has been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction that directly relates to the activities of an appraisal management company or that involves moral turpitude or fraudulent or dishonest conduct. The record of a conviction certified or authenticated in such form as admissible in evidence under the laws of the state shall be admissible as prima facie evidence of such guilt.

(f) Has had a registration, license, or certification as an appraiser or a registration as an appraisal management company revoked, suspended, or otherwise acted against; has been disbarred; has had her or his registration, license, or certificate to practice or conduct any regulated profession, business, or vocation revoked or suspended by this or any other state, any nation, or any possession or district of the United States; or has had an application for such registration, licensure, or certification to practice or conduct any regulated profession, business, or vocation denied by this or any other state, any nation, or any possession or district of the United States.

(g) Has become temporarily incapacitated from acting as an appraisal management company with safety to those in a fiduciary relationship with her or him because of drunkenness, use of drugs, or temporary mental derangement; however, suspension of a registration in such cases shall only be for the period of such

incapacity.

(h) Is confined in any county jail, postadjudication; is confined in any state or federal prison or mental institution; or, through mental disease or deterioration, can no longer safely be entrusted to deal with the public or in a confidential capacity.

(i) Has failed to inform the department ~~board~~ in writing within 30 days after pleading guilty or nolo contendere to, or being convicted or found guilty of, any felony.

(j) Has been found guilty, for a second time, of any misconduct that warrants disciplinary action, or has been found guilty of a course of conduct or practice that shows that she or he is incompetent, negligent, dishonest, or untruthful to an extent that those with whom she or he may sustain a confidential relationship may not safely do so.

(k) Has made or filed a report or record, either written or oral, that the appraisal management company knows to be false; has willfully failed to file a report or record required by state or federal law; has willfully impeded or obstructed such filing; or has induced another person to impede or obstruct such filing. However, such reports or records shall include only those that are signed or presented in the capacity of an appraisal management company.

(l) Has obtained or attempted to obtain a registration, license, or certification by means of knowingly making a false

statement, submitting false information, refusing to provide complete information in response to an application question, or engaging in fraud, misrepresentation, or concealment.

(m) Has paid money or other valuable consideration, except as required by this section, to any member or employee of the department ~~board~~ to obtain a registration, license, or certification under this section.

(n) Has instructed an appraiser to violate any standard of professional practice established by rule of the department ~~board~~, including standards for the development or communication of a real estate appraisal or other provision of the Uniform Standards of Professional Appraisal Practice.

(o) Has engaged in the development of an appraisal or the preparation of an appraisal report, unless the appraisal management company is owned or controlled by certified appraisers.

(p) Has failed to communicate an appraisal without good cause.

(q) Has accepted an appraisal assignment if the employment itself is contingent upon the appraisal management company reporting a predetermined result, analysis, or opinion or if the fee to be paid for the performance of the appraisal assignment is contingent upon the opinion, conclusion, or valuation reached upon the consequences resulting from the appraisal assignment.

(r) Has failed to timely notify the department of any

change in principal business location as an appraisal management company.

(s) Has influenced or attempted to influence the development, reporting, or review of an appraisal through coercion, extortion, collusion, compensation, inducement, intimidation, bribery, or any other means, including, but not limited to:

1. Withholding or threatening to withhold timely payment for an appraisal, unless such nonpayment is based upon specific quality or other service issues that constitute noncompliance with the appraisal engagement agreement.

2. Withholding or threatening to withhold future business from an appraiser.

3. Promising future business, promotions, or increased compensation for an appraiser, whether the promise is express or implied.

4. Conditioning a request for appraisal services or the payment of an appraisal fee, salary, or bonus upon the opinion, conclusion, or valuation to be reached or upon a preliminary estimate or opinion requested from an appraiser.

5. Requesting that an appraiser provide an estimated, predetermined, or desired valuation in an appraisal report or provide estimated values or comparable sales at any time before the appraiser's completion of appraisal services.

6. Providing to an appraiser an anticipated, estimated,

encouraged, or desired value for a subject property or a proposed or target amount to be loaned to the borrower, except that a copy of the sales contract for purchase transactions may be provided.

7. Providing to an appraiser, or any person related to the appraiser, stock or other financial or nonfinancial benefits.

8. Allowing the removal of an appraiser from an appraiser panel without prior written notice to the appraiser.

9. Obtaining, using, or paying for a second or subsequent appraisal or ordering an automated valuation model in connection with a mortgage financing transaction unless there is a reasonable basis to believe that the initial appraisal was flawed or tainted and such basis is clearly and appropriately noted in the loan file, or unless such appraisal or automated valuation model is issued pursuant to a bona fide prefunding or postfunding appraisal review or quality control process.

10. Any other act or practice that impairs or attempts to impair an appraiser's independence, objectivity, or impartiality.

(t) Has altered, modified, or otherwise changed a completed appraisal report submitted by an appraiser to an appraisal management company.

(u) Has employed, contracted with, or otherwise retained an appraiser whose registration, license, or certification is suspended or revoked to perform appraisal services or appraisal

management services.

(v) Has required or attempted to require an appraiser to sign any indemnification agreement that would require the appraiser to hold harmless the appraisal management company or its owners, agents, employees, or independent contractors from any liability, damage, loss, or claim arising from the services performed by the appraisal management company or its owners, agents, employees, or independent contractors and not the services performed by the appraiser.

(w) Has required or attempted to require a client to sign any indemnification agreement that would require the client to hold harmless the appraisal management company or its owners, agents, or employees from any liability, damage, loss, or claim arising from the services performed by an appraiser.

(2) The department ~~board~~ may reprimand an appraisal management company, conditionally or unconditionally suspend or revoke any registration of an appraisal management company issued under this part, or impose administrative fines not to exceed $5,000 for each count or separate offense against any such appraisal management company if the department ~~board~~ determines that the appraisal management company is attempting to perform, has performed, or has attempted to perform any of the following acts:

(a) Committing any act in violation of this part.

(b) Violating any rule adopted by the department ~~board~~

under this part.

(c) Obtaining a registration of an appraisal management company by fraud, misrepresentation, or deceit.

(3) This section does not prohibit an appraisal management company from requesting an appraiser to:

(a) Provide additional information about the basis of a valuation, including consideration of additional comparable data; or

(b) Correct objective factual errors in an appraisal report.

Section 376. Section 475.625, Florida Statutes, is amended to read:

475.625 Final orders.—The department ~~board~~ may publish and distribute, in such manner and form as it may prescribe, any of its final orders or decisions made under this section, after they become final by lapse of time or upon affirmance on appeal, or opinions of appellate courts for the guidance of appraisers, appraiser users, and the public. The department ~~board~~ may also publish or withhold from publication the names and addresses of any parties concerned. This section shall not be construed to affect compliance with chapter 119.

Section 377. Paragraphs (c), (d), and (e) of subsection (1) of section 475.626, Florida Statutes, are amended to read:

475.626 Violations and penalties.—

(1) A person may not:

(c) Make any false affidavit or affirmation intended for use as evidence by or before the department ~~board~~ or any member thereof, or by any of its authorized representatives, nor may any person give false testimony under oath or affirmation to or before the department ~~board~~ or any member thereof in any proceeding authorized by this section.

(d) Fail or refuse to appear at the time and place designated in a subpoena issued with respect to a violation of this section, unless such failure to appear is the result of facts or circumstances that are sufficient to excuse appearance in response to a subpoena from the circuit court; nor may a person who is present before the department ~~board or a member thereof~~ or one of its authorized representatives acting under authority of this section refuse to be sworn or to affirm or fail or refuse to answer fully any question propounded by the department ~~board, the member~~, or such representative, or by any person by the authority of such officer or appointee.

(e) Obstruct or hinder in any manner the enforcement of this section or the performance of any lawful duty by any person acting under the authority of this section, or interfere with, intimidate, or offer any bribe to any employee ~~member~~ of the department ~~board or any of its employees~~ or any person who is, or is expected to be, a witness in any investigation or proceeding relating to a violation of this section.

Section 378. Section 475.627, Florida Statutes, is amended

to read:

475.627 Appraisal course instructors.—

(1) Where the course or courses to be taught are prescribed by the department ~~board~~ or approved precedent to registration, licensure, certification, or renewal as a registered trainee appraiser, licensed appraiser, or certified residential appraiser, before commencing to instruct noncredit college courses in a college, university, or community college, or courses in a career center or proprietary real estate school, a person must certify her or his competency by meeting one of the following requirements:

(a) Hold a valid certification as a residential real estate appraiser in this or any other state.

(b) Pass an appraiser instructor's examination which shall test knowledge of residential appraisal topics.

(2) Where the course or courses to be taught are prescribed by the department ~~board~~ or approved precedent to registration, licensure, certification, or renewal as a registered trainee appraiser, licensed appraiser, or certified appraiser, before commencing to instruct noncredit college courses in a college, university, or community college, or courses in a career center or proprietary real estate school, a person must certify her or his competency by meeting one of the following requirements:

(a) Hold a valid certification as a general real estate

appraiser in this or any other state.

(b) Pass an appraiser instructor's examination which shall test knowledge of residential and nonresidential appraisal topics.

(3) Possession of a permit to teach prescribed or approved appraisal courses does not entitle the permitholder to teach any courses outside the scope of the permit.

Section 379. Section 475.628, Florida Statutes, is amended to read:

475.628 Professional standards for appraisers registered, licensed, or certified under this part.—

(1) The department ~~board~~ shall adopt rules establishing standards of professional practice which meet or exceed nationally recognized standards of appraisal practice, including standards adopted by the Appraisal Standards Board of the Appraisal Foundation. Each appraiser registered, licensed, or certified under this part must comply with the rules. Statements on appraisal standards which may be issued for the purpose of clarification, interpretation, explanation, or elaboration through the Appraisal Foundation are binding on any appraiser registered, licensed, or certified under this part, upon adoption by rule of the department ~~board~~.

(2) The department ~~board~~ may adopt rules establishing standards of professional practice other than standards adopted by the Appraisal Standards Board of the Appraisal Foundation for

nonfederally related transactions. The department ~~board~~ shall require that when performing an appraisal or appraisal service for any purpose other than a federally related transaction, an appraiser must comply with the Ethics and Competency Rules of the standards adopted by the Appraisal Standards Board of the Appraisal Foundation, and other requirements as determined by rule of the department ~~board~~. An assignment completed using alternate standards does not satisfy the experience requirements under s. 475.617 unless the assignment complies with the standards adopted by the Appraisal Standards Board of the Appraisal Foundation.

Section 380. Section 475.629, Florida Statutes, is amended to read:

475.629 Retention of records.—An appraiser registered, licensed, or certified under this part shall prepare and retain a work file for each appraisal, appraisal review, or appraisal consulting assignment. An appraisal management company registered under this part shall prepare and retain an order file for each appraisal, appraisal review, or appraisal consulting assignment. The work file and the order file shall be retained for 5 years or the period specified in the Uniform Standards of Professional Appraisal Practice, whichever is greater. The work file must contain original or true copies of any contracts engaging the appraiser's or appraisal management company's services, appraisal reports, and supporting data

assembled and formulated by the appraiser or company in preparing appraisal reports or engaging in appraisal management services and all other data, information, and documentation required by the standards for the development or communication of a real estate appraisal as approved and adopted by the Appraisal Standards Board of The Appraisal Foundation, as established by rule of the department ~~board~~. The order file must contain original or true copies of any contracts engaging the appraiser's services, the appraisal reports, any engagement materials or instructions from the client, and all other documents required by the standards for the development or communication of a real estate appraisal as approved and adopted by the Appraisal Standards Board of The Appraisal Foundation, as established by rule of the department ~~board~~. Notwithstanding the foregoing, while general contracts and materials pertaining to impaneling of an appraiser by an appraisal management company shall be retained under this section, such contracts and materials are not required to be maintained within the order file. Except as otherwise specified in the Uniform Standards of Professional Appraisal Practice, the period for retention of the records applicable to each engagement of the services of the appraiser or appraisal management company runs from the date of the submission of the appraisal report to the client. Appraisal management companies shall also retain the company accounts, correspondence, memoranda, papers, books, and other records in

accordance with administrative rules adopted by the department ~~board~~. These records must be made available by the appraiser or appraisal management company for inspection and copying by the department upon reasonable notice to the appraiser or company. If an appraisal has been the subject of or has served as evidence for litigation, reports and records must be retained for at least 2 years after the trial or the period specified in the Uniform Standards of Professional Appraisal Practice, whichever is greater.

Section 381. Section 475.630, Florida Statutes, is amended to read:

475.630 Temporary practice.—

(1) The department ~~board~~ shall recognize, on a temporary basis, the license or certification of an appraiser issued by another state, if:

(a) The property to be appraised is part of a federally related transaction.

(b) The appraiser's business is of a temporary nature.

(c) The appraiser registers with the department ~~board~~.

(d) The person requesting recognition of a license or certification as an appraiser issued by another state is a nonresident of Florida.

(2) In order to register with the department ~~board~~, the appraiser must:

(a) Pay any required fee as established by rule.

(b) Provide, or cause the state where the applicant may be licensed or certified to furnish, proof of licensure or certification along with the copies of the records of any disciplinary actions taken against the applicant's license or certification in that or other jurisdictions.

(c) Agree in writing to cooperate with any investigation initiated under this part by promptly supplying such documents that any authorized representative of the department may request. If the department sends a notice by certified mail to the last known address of a nonresident appraiser to produce documents or to appear in conjunction with an investigation and the nonresident appraiser fails to comply with that request, the department ~~board~~ may impose on that nonresident appraiser any disciplinary action or penalty authorized under this part.

(d) Sign a notarized statement that the applicant has read this section and all applicable rules and agrees to abide by these provisions in all appraisal activities.

Section 382. Section 475.631, Florida Statutes, is amended to read:

475.631 Nonresident licenses and certifications.—

(1) Any resident state-certified appraiser who becomes a nonresident shall, within 60 days, notify the department ~~board~~ of the change in residency and comply with nonresident requirements. Failure to notify and comply is a violation of the license law, subject to the penalties in s. 475.624.

(2) All nonresident applicants, certified appraisers, and licensees shall comply with all requirements of department ~~board~~ rules and this part.

Section 383. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2025.

FLORIDA HOUSE OF REPRESENTATIVES
BILL ANALYSIS

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

BILL #: PCS for CS/CS/HB 1225	**COMPANION BILL:** SB 918 (Collins)
TITLE: Employment	**LINKED BILLS:** None
SPONSOR(S): Commerce Committee	**RELATED BILLS:** None

Committee References

Orig. Comm.: Commerce

SUMMARY

Effect of the Bill:

The bill revises provisions in Florida's Child Labor Law (Child Labor Law), as follows:

- Changes restrictions that govern the employment of minors 16 and 17 years-of-age relating to time of day, number of hours, and meal breaks.
- Exempts minors ages 14 through 17 from certain work restrictions under certain circumstances.

Fiscal or Economic Impact:

Indeterminate. To the extent the bill will increase opportunities to generate income for certain individuals and employers, the bill may have an indeterminate positive economic impact on the private sector.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill revises provisions in the Child Labor Law, as follows:

- Strengthens the protection that prohibits minors 16 and 17 years of age from working on school nights after 11 p.m. to instead prohibit them from working after 10 p.m.; and
- Removes the following provisions related to hours of work for minors 16 and 17 years of age:
  - Working for more than 8 hours in a day, when school is scheduled the following day, except on a holiday or Sunday.
  - Working more than 30 hours in any one week when school is in session, and the associated waiver provisions that allow a minor's parent or custodian, school superintendent or a designee to waive this limitation.
  - On any school day, minors 16 and 17 years of age who are not enrolled in a career education program may not be gainfully employed during school hours.
  - Working eight hours or more in a day without a thirty minute break after 4 hours of work. (Section 4)

The bill adds minors 14 and 15 years of age to certain exceptions "except in accordance with federal law," so that minors ages 14 through 17 can work without Florida's current restrictions:

- If they have graduated from high school or received a high school equivalent diploma.
- If they are enrolled in a home education, or virtual instruction program in which the minor is separated from the teacher by time only. (Section 4)

The bill revises the exemption from employment restrictions for all minors who qualify on a hardship basis to specify they must be enrolled in a "public" education institution and removes DBPR's authority to grant waivers of the employment restrictions. (Section 4)

The bill repeals section 2 and 3 of chapter 2024-80, Laws of Florida[1], amending s. 218.077, F.S., relating to wage and employment benefits law by political subdivisions. However, it also adopts the same changes to s. 218.077, F.S., made in chapter law, while changing the effective date from 2026 to 2025. (Section 1)

Regarding Florida's wage and employment benefits law, effective September 30, 2025, the bill prohibits political subdivisions from:

- Seeking to control or affect the wages or employment benefits provided by its vendors, contractors, service providers, or other parties doing business with it through its purchasing or contracting procedures.
- Using evaluation factors, qualification of bidders, or otherwise awarding preferences on the basis of wages or employment benefits provided by its vendors, contractors, service providers, or other parties doing business with the political subdivision. (Section 2)

The bill removes the ability of local governments to require a minimum wage for certain employees under the terms of a contract. (Section 2)

It also provides that the bill's revisions to Florida's wage and employment benefits law do not impair any contract entered into before September 30, 2025. (Section 2)

Except as otherwise expressly provided, the effective date of the bill is July 1, 2025. (Section 5)

FISCAL OR ECONOMIC IMPACT:

PRIVATE SECTOR:

The bill may increase opportunities for certain minor children to work and generate income.

The bill may allow certain employers to employ certain minor children without having to comply with requirements in current law.

The bill may increase labor force participation among certain minor children, which may result in a reduction of obtaining higher skills, education, and healthcare for these individuals.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Employment Regulations

Regarding Florida's wage and employment benefits law, effective September 30, 2026, political subdivisions are prohibited from:[2]

- Seeking to control or affect the wages or employment benefits provided by its vendors, contractors, service providers, or other parties doing business with the political subdivision through its purchasing or contracting procedures.
- Using evaluation factors, qualification of bidders, or otherwise awarding preferences on the basis of wages or employment benefits provided by its vendors, contractors, service providers, or other parties doing business with the political subdivision.

The law removes the ability of local governments to require a minimum wage for certain employees under the terms of a contract, and provides that the revisions to Florida's wage and employment benefits law do not impair any contract entered into before September 30, 2026.[3]

Florida Child Labor Law

[1] Contained in HB 433 (2024) Employment Relations by Esposito, which was passed by the Legislature and was signed by the Governor. The bill changes the effective date of these provisions from September 30, 2026 to September 30, 2025.
[2] Ch. 2024-80, s. 2, Laws of Fla.
[3] Ch. 2024-80, s. 3, Laws of Fla.

DBPR's, Division of Regulation, administers and enforces Florida's Child Labor Law[4] through its Child Labor Program.[5] The "mission of the Child Labor Program is to provide a program of education, enforcement, and administrative initiatives designed to achieve full compliance in the enforcement of Child Labor laws and ensure the health, education and welfare of Florida's working minors."[6]

Florida's Child Labor Law defines "child" or "minor" as any person 17 years of age or younger, unless:[7]

- The person is or has been married;
- The person's disability of nonage has been removed by a court of competent jurisdiction;
- The person is serving or has served in the Armed Forces of the United States;
- It has been found by a court having jurisdiction over the person that it is in the best interest of such minor to work and the court specifically approves any employment of such person, including the terms and conditions of such employment; or
- The person has graduated from an accredited high school or holds a high school equivalency diploma.

Florida's Child Labor Law restricts the employment of minors, sometimes more than federal law.

Hours of Work in Certain Occupations

Currently, Florida's Child Labor Law prohibits minors 16 and 17 years-of-age from being employed during school hours, unless they are enrolled in a career education program.[8] These minors may not be employed, permitted, or suffered to work:

- Between 11 p.m. and 6:30 a.m. when school is scheduled the following day.
- For more than 8 hours in any one day, when school is scheduled the following day, except for holidays and Sundays.
- For more than 30 hours each week when school is in session, except for certain circumstances through a waiver.
- For eight hours or more a day without at least a 30 minute break.[9]

Florida's Child Labor Law further prohibits minors 15 years-of-age and younger from working:

- Between 7 p.m. and 7 a.m. when school is scheduled the following day.
- For more than 15 hours in any week when school is in session.
- For more than 3 hours a day on a school day, unless they are enrolled in a career education program or there is no school the following day.
- For more than six days per week.
- For more than four hours continuously without at least a 30 minute break.[10]

During holiday and summer vacations, minors 15 years-of-age and younger may not work:

- Between 9 p.m. and 7 a.m.
- For more than 8 hours per day.
- For more than 40 hours per week.[11]

These restrictions do not apply to:

- Minors 16 and 17 years-of-age who have graduated from high school or received a high school equivalency diploma.

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[4] *See* ss. 450.001-450.165, F.S.
[5] S. 450.155, F.S., provides that Child Labor Law program appropriations made by the Legislature shall be used to carry out the proper responsibilities of administering the Child Labor Law, to protect the working youth of the state, and to provide education about the Child Labor Law to employers, public school employees, the general public, and working youth.
[6] Florida Department of Business and Professional Regulation, Child Labor, http://www.myfloridalicense.com/DBPR/child-labor/ (last visited Apr. 10, 2025).
[7] S. 450.012(3), F.S.
[8] S. 450.081, F.S.
[9] *Id.*
[10] *Id.*
[11] *Id.*

- Minors who are within the compulsory school attendance age limit and who hold a valid certificate of exemption issued by the school superintendent or his or her designee pursuant to s. 1003.21(3), F.S.
- Minors enrolled in an educational institution who qualify on a hardship basis and receive a waiver as determined by the school superintendent.
- Minors 16 and 17 years-of-age who are in a home education program or are enrolled in an approved virtual instruction program in which the minor is separated from the teacher by time only.
- Minors in domestic service in private homes, minors employed by their parents, or pages in the Florida Legislature.[12]

Additionally, Florida's Child Labor Law provides that:
- DBPR may grant waivers of the restrictions laid out in s. 450.081, F.S.
- The presence of a minor in a place of employment during working hours is prima facie evidence of their employment at such place.
- An employer who violates s. 450.081, F.S., is subject to penalties in s.450.141, F.S.[13]

Partial Waivers

In extenuating circumstances when it clearly appears to be in the best interest of the child, DBPR is authorized to grant a waiver of the restrictions imposed by the Child Labor Law on the employment of a child. Such waivers are granted upon a case-by-case basis and based upon such factors as the department, by rule, establishes as determinative of whether such waiver is in the best interest of a child.[14]

DBPR, or the school district designee if the minor is enrolled in the public school system, is authorized to grant a waiver of any restriction imposed by the Child Labor Law, or by rule. In determining whether to grant a Partial Waiver, the Department shall consider all relevant information which may establish what is in the best interest of the minor, including:[15]

- **School Status**: DBPR, or the school district designee, is required to grant a partial waiver based on school status when:
  - The minor will receive instruction by a tutor at the place of employment;
  - The minor has been authorized by the District School Superintendent to complete his or her education through alternative methods such as home school;
  - The minor has been permanently expelled from the public school system;
  - The minor is enrolled in school in a foreign country and is visiting Florida during his or her home country's non-school period; or
  - The employment would provide an educational, vocational, or public service experience that would be beneficial to the minor.
    - Documentation shall consist of confirmation from the minor's school principal or the Superintendent of the School District and of copies of school records clearly defining the minor's school status.
- **Financial Hardship**: DBPR, or the school district designee, is required to grant a partial waiver based on financial hardship when compliance with the Child Labor Law or rule will result in undue financial hardship for the minor or the minor's immediate family. Documentation must include:
  - A notarized letter, explaining the particular circumstances creating a hardship, from a parent, guardian, or other adult, who knows and can attest to the minor's financial hardship; written confirmation from a school recently attended;
  - Documentation from a social service agency; or
  - Verification of participation in AFDC, Food Stamp, Project Independence, or other similar programs.
  - DBPR is authorized to require other documentation which proves financial hardship.
- **Medical Hardship**: DBPR, or the school district designee, must grant a partial waiver based on medical hardship when compliance with the Child Labor Law or rule will result in physical or mental hardship for the minor. Documentation may consist of written confirmation from the minor's physician stating

[12] *Id.*
[13] *Id.*
[14] S. 450.095, F.S.
[15] R. 61L-2.007, F.A.C.

the specific medical reasons that require the minor to be excused from mandatory school attendance and affirming that the minor to be excused from mandatory school attendance may be allowed to work the requested hours, or that the minor should be considered an adult for the purpose of work hours.
- **Other Hardship**: DBPR, or school district designee, must grant a partial waiver based on other hardship when compliance with the Child Labor Law or rule will result in unreasonable hardship to the minor in specific situations.
- **Court Order**: DBPR, or the school district designee, must grant a partial waiver based on a court order when compliance with the Child Labor Law or rule will result in the minor violating an order issued by a court mandating that the minor work specified hours or in a specified occupation.

According to DBPR, for the current fiscal year, the department has received 1,416 waiver applications. Of this amount, 639 have been approved and 777 have been found to be deficient.[16]

Enforcement

DBPR and local law enforcement are required to:[17]
- Enforce the provisions of the Child Labor Law;
- Make complaints against persons violating its provisions; and
- Prosecute violations.

DBPR is authorized to enter and inspect at any time any place or establishment covered by this law and to have access to age certificates kept on file by the employer and other records. Designated school representatives are required to report to DBPR all violations of the Child Labor Law.[18]

The Child Labor Law also provides that:
- Trial courts in the state have the duty to issue warrants and try cases within their jurisdiction in connection with violations of the Child Labor Law.
- Grand juries have inquisitorial powers to investigate violations, and trial court judges shall specially charge the grand jury to investigate violations of the Child Labor Law.

The Child Labor Law provides the following penalties for violations:[19]
- Second degree misdemeanor, punishable by up to 60 days in prison[20] and a $500 fine.[21]
  - Each day during which any violation of this law continues, and the employment of any minor in violation of the law, constitutes a separate and distinct offense.
- Second degree felony, punishable by up to 15 years in prison,[22] a $10,000 fine,[23] or up to 30 years in prison for habitual offenders[24] any person who:[25]
  - Takes, receives, hires, employs, uses, exhibits, or, in any manner or under any pretense, causes or permits any child less than 18 years of age to suffer;
  - Inflicts upon any such child unjustifiable physical pain or mental suffering;
  - Willfully causes or permits the life of any such child to be endangered or his or her health to be injured or such child to be placed in such situation that his or her life may be endangered or health injured; or
  - Has in custody any such child for any of these purposes.

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[16] Email from Derek Miller, Director of Legislative Affairs, Florida Department of Business and Professional Regulation, RE: Child Labor Partial Waivers, (Dec. 11, 2023).
[17] S. 450.121(1), F.S.
[18] S. 450.121(2), F.S.
[19] S. 450.141(1), F.S.
[20] S. 775.082, F.S.
[21] S. 775.083, F.S.
[22] S. 775.082, F.S.
[23] S. 775.083, F.S.
[24] S. 775.084, F.S.
[25] S. 450.151, F.S.

The Child Labor Law authorizes DBPR to provide administrative fines not to exceed $2,500 per offense.[26] Upon discovery by DBPR that an employer is in violation, it is required to give written notice to the employer specifying the violation, the facts alleged to constitute the violation, and the requirements and time limitations for remedial action. If the employer refuses or fails to comply, DBPR is authorized to seek assessment of the following schedule of fines:[27]

Violation	1st Offense	2nd Offense	3rd and Subsequent Offenses
Child Labor Poster	Up to $500	Up to $1,000	Up to $1,500
Employment of Minor	Up to $1,000	Up to $1,500	Up to $2,500
Proof of Age or Copy of Partial Waiver	Up to $700	Up to $1,200	Up to $2,000
Employment of Minor in Violation of Beverage law.	Up to $1,000	Up to $1,500	Up to $2,500
Work Hours or Consecutive Days	Up to $1,000	Up to $1,500	Up to $2500
Hazardous Occupation	Up to $1,500	Up to $2,000	Up to $2,500
Employment of minor in violation of any provision of Child Labor Law or this rule chapter which results in injury or death to minor.	Up to $2,500	Up to $2,500	Up to $2,500
Violation of proof of age and identity requirements for Adult Theaters.	Up to $1,000	Up to $2,000	Up to $2,500
Any other violation of the Child Labor Law or this rule chapter.	Up to $1,000	Up to $1,500	Up to $2,500
Failure to provide records or documentation upon request.	Up to $500	Up to $1,200	Up to $2,000

Career Education Exemptions

Florida's Child Labor Law specifies that it does not:

- Prevent minors of any age from receiving career education furnished by the U.S., this state, or any county or other political subdivision of this state and duly approved by the Department of Education or other duly constituted authority, nor any apprentice indentured under a plan approved by the Department of Economic Opportunity; or
- Prevent the employment of any minor 14 years of age or older when such employment is authorized as an integral part of, or supplement to, such a course in career education and is authorized by regulations of the district school board of the district in which such minor is employed, provided the employment is in compliance with the provisions of ss. 450.021(4), F.S. and 450.061, F.S.

Exemptions for the employment of student learners 16 to 18 years-of-age provided in s. 450.061, F.S., apply when:[28]

- The student learner is enrolled in a youth vocational training program under a recognized state or local educational authority.
- Such student learner is employed under a written agreement that provides:
  - That the work of the student learner in the occupation declared particularly hazardous shall be incidental to the training.
  - That such work shall be intermittent and for short periods of time and under the direct and close supervision of a qualified and experienced person.
  - That safety instructions shall be given by the school and correlated by the employer with on-the-job training.
  - That a schedule of organized and progressive work processes to be performed on the job shall have been prepared.

Proof of Identity

[26] S. 450.141(2), F.S.
[27] R. 61L-2.009, F.A.C.
[28] S. 450.161, F.S.

In order to hire a child to work, the law requires an employer to obtain and keep on record during the entire period of employment proof of the child's age.[29] Employers who hire minors are also required to post posters notifying minors of the Child Labor Law.[30]

Federal Fair Labor Standards Act

The federal Fair Labor Standards Act (FLSA), enacted in 1938, provides covered workers with minimum wage, overtime pay, and child labor protections.[31] Congress adopted the FLSA to prevent substandard labor conditions from being used as an "unfair method of competition."[32] The FLSA covers employees and enterprises engaged in interstate commerce. An enterprise is covered if it has annual sales or business done of at least $500,000.[33] Regardless of the dollar volume of business, the FLSA applies to hospitals; institutions primarily engaged in the care of the sick, aged, mentally ill, or disabled who reside on the premises; schools for children who are mentally or physically disabled or gifted; federal, state, and local governments; and preschools, elementary and secondary schools, and institutions of higher education.[34]

The FLSA was adopted as a minimum set of standards, which allowed states to provide more protections for employees. Under the FLSA, if states enact minimum wage, overtime, or child labor laws that are more protective than what is provided by the FLSA, the state law applies.[35] Because states may enact laws that are more protective than what is provided by the FLSA, minimum wage, overtime, and child labor standards vary state by state.

Child Labor

The FLSA prohibits the employment of "oppressive child labor" in the United States and the shipment of goods made in proximity to oppressive child labor.[36] The FLSA establishes a general minimum age of 16 years for employment in nonhazardous occupations, and a minimum age of 18 years for employment in any occupation determined by the Secretary of Labor to be hazardous to the health or well-being of minors. However, children younger than 16 may work if certain conditions are met, and rules for agricultural and nonagricultural employment vary significantly.[37]

Nonagricultural Employment – Minimum Standards

For nonexempt children, the minimum age for employment in nonagricultural occupations is:[38]

- 18 years-of-age for occupations determined by the Secretary of Labor to be hazardous to the health and well-being of children (i.e., "hazardous occupations");
- 16 years-of-age for employment in nonhazardous occupations; or
- 14 years-of-age for a limited set of occupations, with restrictions on hours and work conditions, as determined by the Secretary of Labor.

A child under the age of 14 may not be employed unless his or her employment is explicitly excluded from the definition of oppressive child labor (e.g., a parent is the child's sole employer in a nonhazardous occupation) or exempt from the FLSA child labor provisions (e.g., newspaper delivery).[39]

The hours and times of day that 14- and 15-year-olds are allowed to work and specific occupations that are permitted or prohibited for such minors in nonagricultural occupations are set by federal and state law.

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[29] S. 450.045(1), F.S. Such proof must include photocopies of the child's birth certificate and driver license, an age certificate issued by the district school board of the district in which the child is employed, certifying the child's date of birth, or a photocopy of a passport or visa which lists the child's date of birth.
[30] S. 450.045(2), F.S.
[31] 29 U.S.C. § 201-219 and 29 C.F.R. ch. V.
[32] *Brooklyn Savings Bank V. O'Neil*. 324 U.S. 697 (1945).
[33] 29 C.F.R. §§779.258-779.259.
[34] 29 U.S.C. §203(s)(1).
[35] 29 U.S.C. § 218.
[36] 29 U.S.C. §212.
[37] Congressional Research Service, The Fair Labor Standards Act (FLSA): An Overview, (Mar. 8, 2023), https://crsreports.congress.gov/product/pdf/R/R42713 (last visited Apr. 10, 2025).
[38] 29 C.F.R. § 570.2.
[39] 29 C.F.R. § 570.119.

The FLSA allows the employment of minors 14 and 15 years-of-age during the following hours and times-of-day:[40]

- Outside of school hours;[41]
- Not more than 40 hours in any 1 week when school is not in session;
- Not more than 18 hours in any 1 week when school is in session;
- Not more than 8 hours in any 1 day when school is not in session;
- Not more than 3 hours in any 1 day when school is in session, including Fridays; and
- Between 7 a.m. and 7 p.m. in any 1 day, except during the summer (June 1 through Labor Day) when the evening hour will be 9 p.m.

Oppressive Child Labor

The following occupations constitute oppressive child labor within the meaning of the FLSA when performed by minors who are 14 and 15 years-of-age:[42]

- Manufacturing, mining, or processing occupations.
- Occupations that the Secretary of Labor may, pursuant to section 3(l) of the FLSA, find and declare to be hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health or well-being.
- Occupations that involve operating, tending, setting up, adjusting, cleaning, oiling, or repairing hoisting apparatus.
- Work performed in or about boiler or engine rooms or in connection with the maintenance or repair of the establishment, machines, or equipment.
- Occupations that involve operating, tending, setting up, adjusting, cleaning, oiling, or repairing any power-driven machinery, including but not limited to lawn mowers, golf carts, all-terrain vehicles, trimmers, cutters, weed-eaters, edgers, food slicers, food grinders, food choppers, food processors, food cutters, and food mixers. Youth 14 and 15 years of age may, however, operate office equipment pursuant to § 570.34(a) and vacuum cleaners and floor waxers pursuant to § 570.34(h).
- The operation of motor vehicles.
- Outside window washing that involves working from window sills, and all work requiring the use of ladders, scaffolds, or their substitutes.
- All baking and cooking activities except that cooking which is permitted by § 570.34(c).
- Work in freezers and meat coolers and all work in the preparation of meats for sale except as permitted by § 570.34(j). This section, however, does not prohibit the employment of 14- and 15-year-olds whose duties require them to occasionally enter freezers only momentarily to retrieve items as permitted by § 570.34(i).
- Youth peddling, which entails the selling of goods or services to customers at locations other than the youth-employer's establishment, such as the customers' residences or places of business, or public places such as street corners and public transportation stations.
- Loading and unloading of goods or property onto or from motor vehicles, railroad cars, or conveyors, except the loading and unloading of personal non-power-driven hand tools, personal protective equipment, and personal items to and from motor vehicles as permitted by § 570.34(k).
- Catching and cooping of poultry in preparation for transport or for market.
- Public messenger service.
- Occupations in connection with transportation of persons or property, warehousing and storage, communications and public utilities, and construction (including demolition and repair).

Authorized Occupations

The FLSA allows the following occupations to be performed by minors 14 and 15 years-of-age when performed within the required timeframes:[43]

- Office and clerical work, including the operation of office machines.
- Work of an intellectual or artistically creative nature.
- Cooking with electric or gas grills which does not involve cooking over an open flame.

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[40] 75 C.F.R. § 28448 (2010).
[41] 29 C.F.R. § 570.35(b) defines "school hours" as the hours that the local public school district where the minor resides while employed is in session during the regularly scheduled school year.
[42] 29 C.F.R. § 570.33.
[43] 29 C.F.R. § 570.34.

- Cashiering, selling, modeling, art work, work in advertising departments, window trimming, and comparative shopping.
- Price marking and tagging by hand or machine, assembling orders, packing, and shelving.
- Bagging and carrying out customers' orders.
- Errand and delivery work by foot, bicycle, and public transportation.
- Clean up work, including the use of vacuum cleaners and floor waxers, and the maintenance of grounds, but not including the use of power-driven mowers, cutters, trimmers, edgers, or similar equipment.
- Kitchen work and other work involved in preparing and serving food and beverages.
- Cleaning vegetables and fruits, and the wrapping, sealing, labeling, weighing, pricing, and stocking of items.
- The loading onto motor vehicles and the unloading from motor vehicles of the light, non-power-driven, hand tools and personal protective equipment that the minor will use as part of his or her employment at the work site; and the loading onto motor vehicles and the unloading from motor vehicles of personal items such as a back pack, a lunch box, or a coat that the minor is permitted to take to the work site.
- The employment of 15-year-olds (but not 14-year-olds) to perform permitted lifeguard duties at traditional swimming pools and water amusement parks (including such water park facilities as wave pools, lazy rivers, specialized activity areas that may include water falls and sprinkler areas, and baby pools; but not including the elevated areas of power-driven water slides) when such youth have been trained and certified by the American Red Cross, or a similar certifying organization, in aquatics and water safety.
- Employment inside and outside of places of business where machinery is used to process wood products.
- Work in connection with cars and trucks if confined to dispensing gasoline and oil; courtesy service; car cleaning, washing and polishing by hand; and other occupations permitted by this section, but not including work involving the use of pits, racks, or lifting apparatus, or involving the inflation of any tire mounted on a rim equipped with a removable retaining ring.
- Work in connection with riding inside passenger compartments of motor vehicles.

Agricultural Employment – Minimum Standards

With some exceptions, the minimum age for employment in agricultural occupations is:

- 16 years-of-age for employment in any agricultural job, including those determined to be hazardous by the Secretary of Labor, with no restrictions on hours of work;[44]
- 14 years-of-age for employment in nonhazardous agricultural jobs, outside of school hours;[45]
- 12 years-of-age (up to 13 years) for employment in nonhazardous agricultural jobs, outside of school hours, with the written consent of a parent; written consent is not required if the work takes place on a farm that also employs the child's parent;[46]
- 10 years-of-age (and up to 11 years) for employment to hand-harvest select crops for up to eight weeks in nonhazardous agricultural jobs, outside of school hours, with the written consent of a parent, providing the employer has obtained a waiver permitting this employment from the Secretary of Labor;[47] or
- Any age (up to 12 years), for employment in nonhazardous agricultural jobs, outside of school hours on certain small farms, with a parent's written consent.[48]

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[44] 29 C.F.R. § 570.2.

[45] 29 U.S.C. §213(c)(1)(C). DOL regulations identify the set of jobs and activities that—subject to hours-of-work restrictions—do not constitute oppressive child labor for children ages 14 and 15 years old; these are at 29 C.F.R. §570.33.

[46] 29 U.S.C. §213(c)(1)(B).

[47] The conditions under which the Secretary of Labor will grant a waiver permitting the employment of 10 and 11 year old children to harvest certain crops are in 29 U.S.C. 213(c)(4) and 29 C.F.R. § part 575. However, as DOL notes "the Department was enjoined from issuing such waivers in 1980 because of issues involving exposure, or potential exposure, to pesticides (see National Ass'n of Farmworkers Organizations v. Marshall, 628 F.2d 604 (DC Cir. 1980)). Therefore, no waivers have been granted under FLSA section 13(c)(4) for thirty years." DOL-WHD, "Child Labor Regulations, Orders and Statements of Interpretation; Child Labor Violations-Civil Money Penalties - A Proposed Rule," 75 Federal Register 54842, September 2, 2011.

[48] 29 U.S.C. §213(c)(1)(A). Applies to the employment of children on farms that are exempt from FLSA minimum wage provisions because they employed fewer than 500 "man-days of agricultural labor" during any calendar quarter in the previous calendar year. FLSA defines a man-day of agricultural labor as "any day during which an employee performs any agricultural labor for not less than one hour"; 29 U.S.C. §203(u).

A child of any age who is employed by a parent on a farm owned or operated by the parent may work without restriction.[49] DOL regulations also provide limited exemptions to child labor rules concerning hazardous agricultural occupations for student learners and graduates of vocational training programs that meet regulatory criteria.[50]

FLSA Child Labor Exemptions

The FLSA excludes the following occupations and work arrangements from coverage of its child labor provisions:

- **Children with a Parental Employer**: Children who work for a parent or a person standing in place of a parent[51] in an occupation other than manufacturing, mining, or hazardous work may be employed at any age and for any number of hours.[52]
- **Child Performers**: Children of any age may be employed as actors or performers in motion pictures or in theatrical, radio, or television productions.[53]
- **Newspaper Delivery Persons**: Children of any age may be employed to deliver newspapers to consumers.[54]
- **Evergreen Wreath Producers (Homebased)**: Children of any age may be employed as homeworkers to make evergreen wreaths and to harvest forest products used in making such wreaths.[55]

Hazardous Occupations

Seventeen groups of nonagricultural occupations have been determined to be hazardous or detrimental to the health or well-being of children between the ages of 16 and 18 years.[56] Employment in these jobs is prohibited, with limited exemptions for registered apprentices and student learners.[57] In some instances, children's employment is banned in entire industries (e.g., coal mining) with some exceptions for office, sales, or maintenance work; others prohibit children's exposure to materials (e.g., radioactive substances) or equipment (e.g., power-driven hoisting apparatus).

Eleven types of agricultural occupations have been determined to be hazardous, in which—with few exceptions—a child below the age of 16 may not be employed.[58] These include, for example, handling or applying certain agricultural chemicals, and working on a farm in a pen occupied by a stud horse maintained for breeding purposes. The prohibition on employment in agricultural hazardous occupations does not apply to children employed by a parent on a farm owned or operated by the parent.[59] When certain requirements are met, student learners and graduates of tractor or machine operation programs that meet regulatory criteria may be employed in select hazardous occupations.

FLSA Violations

[49] 29 U.S.C. §213(c)(2).
[50] 29 C.F.R. §570.72.
[51] Parent or person standing in place of a parent is defined in 29 C.F.R. §570.126 as including "natural parents, or any other person, where the relationship between that person and a child is such that the person may be said to stand in place of a parent. For example, one who takes a child into his home and treats it as a member of his own family, educating and supporting the child as if it were his own, is generally said to stand to the child in place of a parent."
[52] This exemption stems from the FLSA definition of oppressive child labor at 29 U.S.C. §203(1), which excludes children employed by a parent in most nonhazardous occupations. For children employed in nonagricultural work, the parent must be the sole employer for the exemption to hold. The parent need not be the sole employer for children working in agriculture on a farm owned or operated by the parent.
[53] 29 U.S.C. §213(c)(3).
[54] 29 U.S.C. §213(d).
[55] 29 U.S.C. §213(d).
[56] 29 C.F.R. §§570.50-570.68.
[57] The prohibition on minors' employment in the nonagricultural hazardous occupations applies even if the child is employed by a parent. The conditions under which a registered apprentice or student learner may participate in hazardous occupation tasks are described in 29 C.F.R. §570.50 (b) and (c).
[58] Hazardous agricultural occupations are described in 29 C.F.R. §570.71; exemptions to the ban on children's employment in hazardous agricultural occupations are in 29 C.F.R. §570.72.
[59] 29 U.S.C. §213(c)(2).

Two remedies are available for violations of the FLSA child labor provisions. The Secretary of Labor may assess civil penalties or seek other relief, including injunctive relief. Employers who violate the FLSA child labor provisions may be assessed the following civil penalties:

- Up to $15,138 for each employee who was the subject of a child labor violation; or
- Up to $68,801 for each violation that causes the death or serious injury of a minor employee, a penalty may be doubled if the violation is a repeated or willful violation.[60]

U.S. district courts have jurisdiction to enjoin violations of the FLSA's child labor provisions.[61] For example, a federal court may order an employer to halt employment of a minor in a hazardous occupation or may enjoin a producer from shipping goods out of state from an establishment in or about which a child labor violation has occurred. Criminal penalties are also prescribed for willful violations of the FLSA's child labor provisions.[62]

RECENT LEGISLATION:

YEAR	BILL #	HOUSE SPONSOR(S)	SENATE SPONSOR	OTHER INFORMATION
2024	CS/CS/HB 49	Chaney	Burgess	The bill became law on July 1, 2024.

OTHER RESOURCES:

U.S. Department of Labor Wage and Hour Division, Child Labor

Florida Department of Business & Professional Regulation, Child Labor

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Orig. Comm.: Commerce Committee			Hamon	Thompson

[60] These civil money penalties took effect on January 16, 2023, and are as adjusted for inflation as provided by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (P.L. 114-74).
[61] 29 U.S.C. §217.
[62] Congressional Research Service, The Fair Labor Standards Act (FLSA): An Overview, Mar.8, 2023, at 17 https://crsreports.congress.gov/product/pdf/R/R42713 (last visited Apr. 10, 2025).

A bill to be entitled

An act relating to employment; repealing ss. 2 and 3 of chapter 2024-80, Laws of Florida, which prohibits political subdivisions from maintaining a minimum wage other than a state or federal minimum wage and provides construction; amending s. 218.077, F.S.; prohibiting political subdivisions from maintaining a minimum wage other than a state or federal minimum wage; prohibiting political subdivisions from controlling, affecting, or awarding preferences based on the wages or employment benefits of entities doing business with the political subdivision; revising and providing applicability; amending s. 450.081, F.S.; revising certain employment restrictions for specified minors; revising the age at which certain employment restrictions do not apply, except in accordance with federal law; revising the exceptions to certain work restrictions; removing the authority of the Department of Business and Professional Regulation to grant a waiver of employment restrictions; providing effective dates.

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

Section 1. Sections 2 and 3 of chapter 2024-80, Laws of

Florida, are repealed.

Section 2. Effective September 30, 2025, subsection (2) and paragraph (a) of subsection (3) of section 218.077, Florida Statutes, are amended to read:

218.077 Wage and employment benefits requirements by political subdivisions; restrictions.—

(2)(a) Except as otherwise provided in subsection (3), a political subdivision may not establish, mandate, maintain, or otherwise require an employer to pay a minimum wage, other than a state or federal minimum wage, to apply a state or federal minimum wage to wages exempt from a state or federal minimum wage, or to provide employment benefits not otherwise required by state or federal law.

(b) A political subdivision may not through its purchasing or contracting procedures seek to control or affect the wages or employment benefits provided by its vendors, contractors, service providers, or other parties doing business with the political subdivision.

(c) A political subdivision may not through the use of evaluation factors, qualification of bidders, or otherwise award preferences on the basis of wages or employment benefits provided by vendors, contractors, service providers, or other parties doing business with the political subdivision.

(3) This section does not:

(a) Limit the authority of a political subdivision to

establish a minimum wage other than a state or federal minimum wage or to provide employment benefits not otherwise required under state or federal law:

1. For the employees of the political subdivision; or

~~2. For the employees of an employer contracting to provide goods or services for the political subdivision, or for the employees of a subcontractor of such an employer, under the terms of a contract with the political subdivision; or~~

2.~~3.~~ For the employees of an employer receiving a direct tax abatement or subsidy from the political subdivision, as a condition of the direct tax abatement or subsidy.

Section 3. The amendments to s. 218.077, Florida Statutes, by this act, do not impair any contract entered into before September 30, 2025.

Section 4. Section 450.081, Florida Statutes, is amended to read:

450.081 Hours of work in certain occupations.—

(1)(a) Minors 15 years of age or younger may not be employed, permitted, or suffered to work:

1. Before 7 a.m. or after 7 p.m. when school is scheduled the following day.

2. For more than 15 hours in any one week when school is in session.

(b) On any school day, minors 15 years of age or younger who are not enrolled in a career education program may not be

gainfully employed for more than 3 hours, unless there is no session of school the following day.

(c) During holidays and summer vacations, minors 15 years of age or younger may not be employed, permitted, or suffered to work before 7 a.m. or after 9 p.m., for more than 8 hours in any one day, or for more than 40 hours in any one week.

(2)(a) Minors 16 and 17 years of age may not be employed, permitted, or suffered to work~~:~~

~~1.~~ before 6:30 a.m. or after 10 ~~11~~ p.m. when school is scheduled the following day.

~~2. For more than 8 hours in any one day when school is scheduled the following day, except when the day of work is on a holiday or Sunday.~~

~~3. For more than 30 hours in any one week when school is in session. However, a minor's parent or custodian, or the school superintendent or his or her designee, may waive the limitation imposed in this subparagraph on a form prescribed by the department and provided to the minor's employer.~~

~~(b) On any school day, minors 16 and 17 years of age who are not enrolled in a career education program may not be gainfully employed during school hours.~~

(3) Minors 15 years of age or younger may not be employed, permitted, or suffered to work in any gainful occupation for more than 6 consecutive days in any one week.

(4) Minors 15 years of age or younger may not be employed,

permitted, or suffered to work for more than 4 hours continuously without an interval of at least 30 minutes for a meal period; and for the purposes of this section ~~law~~, a period of less than 30 minutes is not deemed to interrupt a continuous period of work. ~~Minors 16 and 17 years of age who are employed, permitted, or suffered to work for 8 hours or more in any one day as authorized by this section may not be employed, permitted, or suffered to work for more than 4 hours continuously without an interval of at least 30 minutes for a meal period.~~

(5) Subsections (1)-(4), except in accordance with federal law, do not apply to:

(a) Minors 14, 15, 16, and 17 years of age who have graduated from high school or received a high school equivalency diploma.

(b) Minors who are within the compulsory school attendance age limit and who hold a valid certificate of exemption issued by the school superintendent or his or her designee pursuant to s. 1003.21(3).

(c) Minors enrolled in a public ~~an~~ educational institution who qualify on a hardship basis, such as economic necessity or family emergency. The school superintendent or his or her designee shall make such determination and issue a waiver of hours to the minor and the employer. The form and contents thereof shall be prescribed by the department.

(d) Minors 14, 15, 16, and 17 years of age who are in a home education program or are enrolled in an approved virtual instruction program in which the minor is separated from the teacher by time only.

(e) Minors in domestic service in private homes, minors employed by their parents, or pages in the ~~Florida~~ Legislature.

~~(6) The department may grant a waiver of the restrictions imposed by this section pursuant to s. 450.095.~~

(6)~~(7)~~ The presence of a minor in any place of employment during working hours is prima facie evidence of his or her employment therein.

(7)~~(8)~~ A violation of this section is ~~An employer who requires, schedules, or otherwise causes a minor to be employed, permitted, or suffered to work in violation of this section commits a violation of the law,~~ punishable as provided in s. 450.141.

Section 5. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2025.

FLORIDA HOUSE OF REPRESENTATIVES
BILL ANALYSIS

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

BILL #: PCS for HB 1239	**COMPANION BILL:** CS/SB 1574 (DiCeglie)
TITLE: Energy Infrastructure Investment	**LINKED BILLS:** None
SPONSOR(S): Commerce Committee	**RELATED BILLS:** None

Committee References

Orig. Comm.: Commerce

SUMMARY

Effect of the Bill:

The bill requires the Public Service Commission to create an experimental cost recovery mechanism to facilitate investment in certain gas infrastructure projects that collect, prepare, clean, process, transport, or inject gas as a transportation fuel or for pipeline distribution. For purposes of the bill, "gas" is defined as anaerobically generated biogas, landfill gas, or wastewater treatment gas produced and collected in Florida and refined to a methane content of 90 percent or greater – commonly referred to as renewable natural gas – which may be used as a transportation fuel or for pipeline distribution.

Fiscal or Economic Impact:

None

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill provides that the Public Service Commission (PSC), under its rate setting authority, must establish an experimental mechanism to facilitate energy infrastructure investments in gas consistent with the structure set forth in s. 366.99(2)-(6), F.S.,[1] and the intent of s. 366.91, F.S.[2] The bill provides that these investments may include only projects that collect, prepare, clean, process, transport, or inject gas as a transportation fuel or for pipeline distribution.

For purposes of this experimental mechanism, the bill defines "gas " is defined as anaerobically generated biogas, landfill gas, or wastewater treatment gas produced and collected in Florida and refined to a methane content of 90 percent or greater – commonly referred to as renewable natural gas[3] – which may be used as a transportation fuel or for pipeline distribution.

The bill requires the PSC to adopt rules to implement and administer the provisions of the bill and requires the PSC to propose such rules for adoption no later than January 1, 2026. Under the bill, such rules adopted by the PSC must provide for the allocation to public utility customers of the benefit of any tradeable energy credits and tax savings associated with gas infrastructure investments made pursuant to the provisions of the bill and must

[1] This statutory provision establishes a mechanism by which an investor-owned natural gas utility may recover, through a charge separate and apart from base rates, its prudently incurred natural gas facilities relocation costs. This mechanism requires an annual proceeding to determine the prudently incurred costs.

[2] This provision provides this legislative finding: "[I]t is in the public interest to promote the development of renewable energy resources in this state. Renewable energy resources have the potential to help diversify fuel types to meet Florida's growing dependency on natural gas for electric production, minimize the volatility of fuel costs, encourage investment within the state, improve environmental conditions, and make Florida a leader in new and innovative technologies."

[3] *See* s. 366.91(f), F.S.

address the treatment of revenues from sales of gas from such investments for transportation purposes. (Section 1.)

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

RULEMAKING:

The bill requires the PSC to adopt rules to implement and administer the provisions of the bill and requires the PSC to propose such rules for adoption no later than January 1, 2026.

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:

Rate Setting for Public Utilities

The Public Service Commission (PSC) has broad jurisdiction over the rates and service of public (investor-owned) electric and natural gas utilities in Florida.[4] Under this broad grant of authority, and through more specific grants of authority in chapter 366, F.S., the PSC sets rates for such utilities through various mechanisms, each of which is established in a separate administrative proceeding, typically a formal evidentiary hearing.

For natural gas utilities, the largest portions of these rates are comprised of base rates, which cover most of a utility's operations and maintenance expenses, recovery of its capital investment through depreciation expense, and a return on that investment, plus charges that reflect the utility's cost to procure natural gas. Base rates are adjusted as needed through general rate cases, while "purchased gas" charges are adjusted annually through a "cost recovery clause" proceeding. A smaller portion of natural gas utility rates reflects the costs of energy conservation and efficiency programs and the costs of relocating facilities to accommodate public right-of-way improvements.[5]

Similarly, the largest portions of electric utility rates are comprised of base rates plus annually adjusted "fuel and purchased power" charges that reflect the utility's costs to procure power plant fuel and to purchase wholesale electricity. Other portions of electric utility rates reflects the costs to comply with government-mandated environmental standards,[6] energy efficiency and conservation program costs,[7] storm protection plan costs,[8] and, on occasion, storm recovery costs. Each of these charges is set in an annual proceeding.

The PSC is also authorized to establish certain experimental rates.[9]

Renewable Natural Gas

Florida law provides that it is in the public interest to promote the development of renewable energy resources to help diversify fuel types for electric production, minimize the volatility of fuel costs, encourage investment within the state, improve environmental conditions, and make Florida a leader in new and innovative technologies.[10]

[4] *See, e.g.,* ss. 366.01, 366.04(1), 366.041, 366.05(1), and 366.06, F.S.
[5] Ss. 366.82 and 366.99, F.S.
[6] S. 366.8255, F.S.
[7] S. 366.82, F.S.
[8] S. 366.96, F.S.
[9] S. 366.075, F.S.
[10] S. 366.91(1), F.S.

Renewable natural gas (RNG) is the gaseous product of the decomposition of organic matter, processed into a pipeline-quality gas that is fully interchangeable with conventional natural gas. Primary sources of RNG include landfills, livestock operations, and wastewater treatment facilities.[11]

In 2021, the Legislature added the term "renewable natural gas" to Florida law and defined it as "anaerobically generated biogas, landfill gas, or wastewater treatment gas refined to a methane content of 90 percent or greater which may be used as a transportation fuel or for electric generation or is of a quality capable of being injected into a natural gas pipeline." The legislation authorized the PSC to approve cost recovery for the purchase of RNG by natural gas public utilities, even if pricing exceeds the current market price of natural gas, if the PSC deems the purchase to be reasonable and prudent.[12]

Renewable Fuel Standard Program

Created as part of the Energy Policy Act of 2005, the Renewable Fuel Standard (RFS) program is a national program that requires a certain volume of renewable fuel to be used to replace or reduce the quantity of fossil fuel in transportation fuel, home heating oil, or jet fuel.[13] The program is administered by the U.S. Environmental Protection Agency (EPA). Refiners or importers of gasoline or diesel fuel are obligated under the RFS program to obtain and retire enough credits representing renewable fuel sufficient to meet annual volume targets established by formula.[14] These credits can be generated by renewable fuel producers, including renewable natural gas producers, and may be purchased by obligated refiners and importers to achieve compliance with the RFS program.[15]

Under the RFS program, a producer of renewable natural gas may generate credits reflecting the volume of such gas used as a transportation fuel and sell those credits to refiners and importers of gasoline or diesel fuel obligated to comply with the program.

RECENT LEGISLATION:

YEAR	BILL #	HOUSE SPONSOR(S)	SENATE SPONSOR	OTHER INFORMATION
2024	CS/SB 480	Yeager	DiCeglie	Passed the Senate, but died in the House.
2023	CS/CS/SB 1162	Yeager	DiCeglie	Passed the Senate, but died in the House.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Orig. Comm.: Commerce Committee			Hamon	Bauldree

[11] Office of Energy Efficiency & Renewable Energy, *Alternative Fuels Data Center – Renewable Natural Gas Production*, U.S. Department of Energy, https://afdc.energy.gov/fuels/natural_gas_renewable.html (last visited Mar. 21, 2025).
[12] Ch. 2021-178, Laws of Fla., codified at s. 366.91(2)(f) and (9), F.S.
[13] *See* U.S. Environmental Protection Agency, *Overview of the Renewable Fuel Standard Program,* https://www.epa.gov/renewable-fuel-standard-program/overview-renewable-fuel-standard-program (last visited Mar. 21, 2025).
[14] *Id.*
[15] *Id.*

A bill to be entitled

An act relating to energy infrastructure investment; amending s. 366.075, F.S.; authorizing the Public Service Commission to establish an experimental mechanism that meets certain requirements to facilitate certain energy infrastructure investments in gas; providing requirements for gas infrastructure investments; defining the term "gas"; requiring the commission to adopt rules and propose such rules by a specified date; specifying matters that such rates must address; providing an effective date.

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

Section 1. Subsection (3) is added to section 366.075, Florida Statutes, to read:

366.075 Experimental and transitional rates; experimental mechanisms.—

(3)(a) The commission shall establish an experimental mechanism to facilitate energy infrastructure investments in gas consistent with the structure set forth in s. 366.99(2)-(6) and the intent of s. 366.91(1). Such gas infrastructure investments may include only such investments that collect, prepare, clean, process, transport, or inject gas as a transportation fuel or for pipeline distribution. As used in this subsection, the term

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

"gas" means anaerobically generated biogas, landfill gas, or wastewater treatment gas produced and collected in this state and refined to a methane content of 90 percent or greater which may be used as a transportation fuel or pipeline distribution.

(b) The commission shall adopt rules to implement and administer this subsection and shall propose such rules for adoption as soon as practicable but no later than January 1, 2026. Such rules shall provide for the allocation to public utility customers of the benefit of any tradeable energy credits and tax savings associated with gas infrastructure investments made pursuant to this subsection and shall address the treatment of revenues from sales of gas from such investments for transportation purposes.

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

PCS for CS/HJR 1257

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/HJR 1257	**COMPANION BILL:** CS/SJR 1510 (Avila)
TITLE: Property Tax Benefits for Residential Properties	**LINKED BILLS:** CS/HB 1259 (Busatta)
SPONSOR(S): Commerce Committee	**RELATED BILLS:** CS/SB 1512 (Avila)

Committee References

Orig. Comm.: Commerce

SUMMARY

Effect of the Bill:

The joint resolution proposes an amendment to the Florida Constitution that would authorize the Legislature to provide two $25,000 ad valorem tax exemptions, and to limit the increase in ad valorem tax assessments to the lesser of 3% of the assessment for the prior year or the percent change in the consumer price index, for any property that is under a residential lease of at least 6 months on January 1 of each year, is owned by a person who also owns a homestead property in this state, and could qualify as a homestead property if it was the primary residence of the owner. The amendment would also allow individuals who are entitled to a homestead exemption under s. 6(a), Art. VII of the State Constitution, and have not received a homestead exemption in the previous four calendar years to receive an additional temporary homestead exemption. The additional exemption is equal to 50 percent of the just value of the homestead property, capped at the median just value for homestead property in the county where the property is located. This exemption applies only to non-school property taxes. The exemption is reduced by 20% each year and diminishes to zero in five years.

The amendment takes effect on January 1, 2027, if approved by 60 percent of voters in the November 2026 general election.

Fiscal or Economic Impact:

The Revenue Estimating Conference has not estimated the impact of the bill.

Extraordinary Vote Required for Passage:

The bill requires a three-fifths vote of the membership of both houses of the Legislature for final passage.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The joint resolution proposes an amendment to the Florida Constitution that would do two things:

Long-Term Residential Leases

The proposed constitutional amendment would authorize the Legislature to provide certain ad valorem taxation exemptions and assessment limitations for nonhomestead residential real property, if the property is subject to a long-term residential lease, the property could qualify for a homestead exemption if it was the owner's primary residence, and the property is owned by a person who also has a homestead exemption on another parcel of real estate.

If those conditions are met, the Legislature is authorized to provide by general law that qualifying nonhomestead property:

- Receives an exemption on the value of the property between $0 and $25,000 (for all levies) and between $50,000 and $75,000 (for all levies other than school levies);
- Cannot have the assessed value increase more than the lesser of three percent or the change in the consumer price index for the year; and
- Generally retains accumulated benefits if the property changes from year to year among qualifying nonhomestead, property, nonqualifying nonhomestead property, and homestead property.

Additional Homestead Exemption for "First-Time" Homesteaders

The proposed constitutional amendment would also allow individuals who are entitled to a homestead exemption, and who have not received a homestead exemption in the previous three calendar years, to receive an additional homestead exemption equal to 50 percent of the just value of the homestead property on January 1 of the year the homestead is established, capped at the median just value for homestead property in the county where the property at issue is located. The additional exemption applies to all property taxes other than school district taxes. The exemption is reduced each succeeding year by 20 percent of the initial exemption.

A joint resolution proposing an amendment to the Florida Constitution must be passed by three-fifths of the membership of each house of the Legislature.

The constitutional amendment proposed by the joint resolution will take effect on January 1, 2027, if approved by 60 percent of voters in the November 2026 general election.

FISCAL OR ECONOMIC IMPACT:

LOCAL GOVERNMENT:

The Revenue Estimating Conference has not estimated the impact of the joint resolution on local government revenues.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Ad Valorem Taxation

The ad valorem tax or "property tax" is an annual tax levied by counties, municipalities, school districts, and some special districts. The Florida Constitution reserves to local governments the authority to levy ad valorem taxes on real and tangible personal property.[1] Ad valorem taxes are levied annually by local governments based on the value of real and tangible personal property as of January 1 of each year.[2]

The Florida Constitution requires that all property be assessed at just value for ad valorem tax purposes,[3] and provides for specified assessment limitations, property classifications, and exemptions.[4] 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.[5]

[1] FLA. CONST. art VII, ss. 1(a), 9(a)
[2] 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.
[3] FLA. CONST. art VII, s. 4
[4] FLA. CONST. art VII, ss. 3, 4, and 6
[5] S. 196.031, F.S.

Unless expressly exempted from taxation, all real and personal property and leasehold interests in the state are subject to taxation.[6] The Florida Constitution limits the Legislature's authority to grant an exemption or assessment limitation from taxes,[7] and any modifications to existing ad valorem tax exemptions or limitations must be consistent with the constitutional provision authorizing the exemption or limitation.[8]

Homestead Property

"Homestead" property is defined in section 6 of Article VII of the Florida Constitution, and in s. 196.031, F.S., as property for which a person, on January 1, has the legal or beneficial title and who in good faith makes the property his or her permanent residence (or the permanent residence of another legally or naturally dependent on him or her). The property may be owned jointly, as tenancy by the entireties, or otherwise in common with others, and can be apportioned among such shared owners.[9] Only one homestead exemption is allowed to any one person or on any one dwelling house.[10] Individual condominium owners, however, can each qualify for a separate homestead designation.[11]

Homestead Exemption

Every person having legal and equitable title to real estate and who maintains a permanent residence on the real estate (homestead property) is eligible for a $25,000 tax exemption applicable to all ad valorem tax levies, including levies by school districts.[12] An additional $25,000 exemption applies to homestead property value between $50,000 and $75,000.[13] This exemption does not apply to ad valorem taxes levied by school districts.

Limitation on Annual Increases in Assessments for Homestead Properties

The Florida Constitution[14] provides that, for those entitled to a homestead exemption, the assessed value of the homestead for all levies shall be changed annually on January 1st of each year. Those changes in assessments cannot exceed the lesser of three percent of the prior year's assessment or the percent change in the Consumer Price Index[15] for the preceding calendar year.[16]

Nonhomestead Property

Property that is residential real property but does not qualify as homestead property is assessed at just value on January 1 of the year the property is purchased or becomes non-homestead property.[17] In each subsequent year, for purposes of all levies other than school district levies, the property is reassessed each January 1, but cannot increase by more than 10 percent over the prior year's assessed value.[18] Property is generally reassessed at just value on the January 1 following a change of ownership,[19] and changes, additions, or improvements are also generally assessed at just value on the January 1 following the change.[20] The assessed value of nonhomestead property is not limited by the 10 percent cap for purposes of school levies.

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[6] Section 196.001, F.S.; *see also Sebring Airport Authority v. McIntyre*, 642 So. 2d 1072, 1073 (Fla. 1994), noting exemptions are strictly construed against the party claiming them.
[7] *Archer v. Marshall*, 355 So. 2d 781, 784 (Fla. 1978).
[8] *Sebring Airport Auth. v. McIntyre,* 783, So. 2d 238, 248 (Fla. 2001); *Archer v. Marshall,* 355 So. 2d 781, 784. (Fla. 1978); *Am Fi Inv. Corp v. Kinney,* 360 So. 2d 415 (Fla. 1978); *see also Sparkman v. State,* 58 So. 2d 431, 432 (Fla. 1952).
[9] S. 196.031(1)(a), F.S.
[10] *Id.*
[11] *Id.*
[12] FLA. CONST. art VII, s. 6(a) and s. 196.031, F.S.
[13] Section 196.031(1)(b), F.S.
[14] As amended by Constitutional Amendment 10 (1992), commonly referred to as the "Save Our Homes" initiative.
[15] Specifically, the Consumer Price Index for All Urban Consumers, U.S. City Average, all items 1967=100, or successor reports.
[16] FLA. CONST. art. VII, s. 4(d)(1), implemented by section 193.155, F.S.
[17] S. 193.1554(2), F.S., and s. 193.1555(2), F.S.
[18] FLA. CONST. art. VII, s. 4(g)(1) and 4(h)(1), implemented by s. 193.1554(3), F.S., and s. 193.1555(3), F.S.
[19] FLA. CONST. art. VII, s. 4(g)(3 and 4(h)(4), implemented by s. 193.1554(5), F.S., and s. 193.1555(5), F.S.
[20] FLA. CONST. art. VII, s. 4(g)(4) and 4(h)(5), implemented by s. 193.1554(6), F.S., and s. 193.1555(6), F.S.

Long-Term Residential Leases

Under current law, there is no specific ad valorem benefit for properties used for residential leases of longer than 6 months. For sales tax purposes in Chapter 212, F.S., however, any person who rents property through a bona fide written agreement for continuous residence for longer than six months in duration at that property is exempt from sales tax and any applicable transient rental taxes (e.g., tourist development taxes[21]) for that lease.[22]

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Orig. Comm.: Commerce Committee			Hamon	Fletcher

[21] Section 125.0104, F.S.
[22] Section 212.03(1)(a), F.S.

House Joint Resolution

A joint resolution proposing amendments to Sections 3, 4, and 6 of Article VII and the creation of a new section in Article XII of the State Constitution to authorize the Legislature to provide two $25,000 exemptions and an assessment limitation to certain real property subject to a long-term lease, to provide an additional homestead exemption for owners of homestead property who have not owned homestead property for a specified time before purchase of the current homestead property, and to provide an effective date.

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

That the following amendments to Sections 3, 4, and 6 of Article VII and the creation of a new section in Article XII of the State Constitution are agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election:

ARTICLE VII

FINANCE AND TAXATION

SECTION 3. Taxes; exemptions.—

(a) All property owned by a municipality and used exclusively by it for municipal or public purposes shall be

exempt from taxation. A municipality, owning property outside the municipality, may be required by general law to make payment to the taxing unit in which the property is located. Such portions of property as are used predominantly for educational, literary, scientific, religious or charitable purposes may be exempted by general law from taxation.

(b) There shall be exempt from taxation, cumulatively, to every head of a family residing in this state, household goods and personal effects to the value fixed by general law, not less than one thousand dollars, and to every widow or widower or person who is blind or totally and permanently disabled, property to the value fixed by general law not less than five hundred dollars.

(c) Any county or municipality may, for the purpose of its respective tax levy and subject to the provisions of this subsection and general law, grant community and economic development ad valorem tax exemptions to new businesses and expansions of existing businesses, as defined by general law. Such an exemption may be granted only by ordinance of the county or municipality, and only after the electors of the county or municipality voting on such question in a referendum authorize the county or municipality to adopt such ordinances. An exemption so granted shall apply to improvements to real property made by or for the use of a new business and improvements to real property related to the expansion of an

existing business and shall also apply to tangible personal property of such new business and tangible personal property related to the expansion of an existing business. The amount or limits of the amount of such exemption shall be specified by general law. The period of time for which such exemption may be granted to a new business or expansion of an existing business shall be determined by general law. The authority to grant such exemption shall expire ten years from the date of approval by the electors of the county or municipality, and may be renewable by referendum as provided by general law.

(d) Any county or municipality may, for the purpose of its respective tax levy and subject to the provisions of this subsection and general law, grant historic preservation ad valorem tax exemptions to owners of historic properties. This exemption may be granted only by ordinance of the county or municipality. The amount or limits of the amount of this exemption and the requirements for eligible properties must be specified by general law. The period of time for which this exemption may be granted to a property owner shall be determined by general law.

(e) By general law and subject to conditions specified therein:

(1) Twenty-five thousand dollars of the assessed value of property subject to tangible personal property tax shall be exempt from ad valorem taxation.

(2) The assessed value of solar devices or renewable energy source devices subject to tangible personal property tax may be exempt from ad valorem taxation, subject to limitations provided by general law.

(f) There shall be granted an ad valorem tax exemption for real property dedicated in perpetuity for conservation purposes, including real property encumbered by perpetual conservation easements or by other perpetual conservation protections, as defined by general law.

(g) By general law and subject to the conditions specified therein, each person who receives a homestead exemption as provided in section 6 of this article; who was a member of the United States military or military reserves, the United States Coast Guard or its reserves, or the Florida National Guard; and who was deployed during the preceding calendar year on active duty outside the continental United States, Alaska, or Hawaii in support of military operations designated by the legislature shall receive an additional exemption equal to a percentage of the taxable value of his or her homestead property. The applicable percentage shall be calculated as the number of days during the preceding calendar year the person was deployed on active duty outside the continental United States, Alaska, or Hawaii in support of military operations designated by the legislature divided by the number of days in that year.

(h) By general law and subject to conditions and

provisions specified therein, the legislature may provide that every person who holds the legal or equitable title to real estate that is currently receiving the benefits available for homestead properties under subsection (a) of Section 6, and holds the legal or equitable title to a separate parcel of real estate and maintains thereon the permanent residence of a lessee under a single written lease of six continuous months or more, if such lease is in effect on January 1 of the taxable year; if the entire parcel could qualify for the benefits afforded homestead properties under subsection (a) of Section 6, if the owner maintained that property as his or her permanent residence; and if such property is owned directly through sole ownership or joint ownership with a spouse, or indirectly through a limited liability company that holds legal or equitable title to such real estate if such limited liability company is owned solely or jointly with a spouse; shall be exempt from taxation on such leased property up to the assessed valuation of twenty-five thousand dollars; and, for all levies other than school district levies, on the assessed valuation greater than fifty thousand dollars and up to seventy-five thousand dollars.

SECTION 4. Taxation; assessments.—By general law regulations shall be prescribed which shall secure a just valuation of all property for ad valorem taxation, provided:

(a) Agricultural land, land producing high water recharge to Florida's aquifers, or land used exclusively for noncommercial recreational purposes may be classified by general law and assessed solely on the basis of character or use.

(b) As provided by general law and subject to conditions, limitations, and reasonable definitions specified therein, land used for conservation purposes shall be classified by general law and assessed solely on the basis of character or use.

(c) Pursuant to general law tangible personal property held for sale as stock in trade and livestock may be valued for taxation at a specified percentage of its value, may be classified for tax purposes, or may be exempted from taxation.

(d) All persons entitled to a homestead exemption under Section 6 of this Article shall have their homestead assessed at just value as of January 1 of the year following the effective date of this amendment. This assessment shall change only as provided in this subsection.

(1) Assessments subject to this subsection shall be changed annually on January 1st of each year; but those changes in assessments shall not exceed the lower of the following:

a. Three percent (3%) of the assessment for the prior year.

b. The percent change in the Consumer Price Index for all urban consumers, U.S. City Average, all items 1967=100, or successor reports for the preceding calendar year as initially

reported by the United States Department of Labor, Bureau of Labor Statistics.

(2) No assessment shall exceed just value.

(3) After any change of ownership, as provided by general law, homestead property shall be assessed at just value as of January 1 of the following year, unless the provisions of paragraph (8) apply. Thereafter, the homestead shall be assessed as provided in this subsection.

(4) New homestead property shall be assessed at just value as of January 1st of the year following the establishment of the homestead, unless the provisions of paragraph (8) apply. That assessment shall only change as provided in this subsection.

(5) Changes, additions, reductions, or improvements to homestead property shall be assessed as provided for by general law; provided, however, after the adjustment for any change, addition, reduction, or improvement, the property shall be assessed as provided in this subsection.

(6) In the event of a termination of homestead status, the property shall be assessed as provided by general law.

(7) The provisions of this amendment are severable. If any of the provisions of this amendment shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any remaining provisions of this amendment.

(8)a. A person who establishes a new homestead as of

January 1 and who has received a homestead exemption pursuant to Section 6 of this Article as of January 1 of any of the three years immediately preceding the establishment of the new homestead is entitled to have the new homestead assessed at less than just value. The assessed value of the newly established homestead shall be determined as follows:

1. If the just value of the new homestead is greater than or equal to the just value of the prior homestead as of January 1 of the year in which the prior homestead was abandoned, the assessed value of the new homestead shall be the just value of the new homestead minus an amount equal to the lesser of $500,000 or the difference between the just value and the assessed value of the prior homestead as of January 1 of the year in which the prior homestead was abandoned. Thereafter, the homestead shall be assessed as provided in this subsection.

2. If the just value of the new homestead is less than the just value of the prior homestead as of January 1 of the year in which the prior homestead was abandoned, the assessed value of the new homestead shall be equal to the just value of the new homestead divided by the just value of the prior homestead and multiplied by the assessed value of the prior homestead. However, if the difference between the just value of the new homestead and the assessed value of the new homestead calculated pursuant to this sub-subparagraph is greater than $500,000, the assessed value of the new homestead shall be increased so that

the difference between the just value and the assessed value equals $500,000. Thereafter, the homestead shall be assessed as provided in this subsection.

b. By general law and subject to conditions specified therein, the legislature shall provide for application of this paragraph to property owned by more than one person.

(e) The legislature may, by general law, for assessment purposes and subject to the provisions of this subsection, allow counties and municipalities to authorize by ordinance that historic property may be assessed solely on the basis of character or use. Such character or use assessment shall apply only to the jurisdiction adopting the ordinance. The requirements for eligible properties must be specified by general law.

(f) A county may, in the manner prescribed by general law, provide for a reduction in the assessed value of homestead property to the extent of any increase in the assessed value of that property which results from the construction or reconstruction of the property for the purpose of providing living quarters for one or more natural or adoptive grandparents or parents of the owner of the property or of the owner's spouse if at least one of the grandparents or parents for whom the living quarters are provided is 62 years of age or older. Such a reduction may not exceed the lesser of the following:

(1) The increase in assessed value resulting from

construction or reconstruction of the property.

(2) Twenty percent of the total assessed value of the property as improved.

(g) For all levies other than school district levies, assessments of residential real property, as defined by general law, which contains nine units or fewer and which is not subject to the assessment limitations set forth in subsections (a) through (d) shall change only as provided in this subsection.

(1) Assessments subject to this subsection shall be changed annually on the date of assessment provided by law; but those changes in assessments shall not exceed ten percent (10%) of the assessment for the prior year.

(2) No assessment shall exceed just value.

(3) After a change of ownership or control, as defined by general law, including any change of ownership of a legal entity that owns the property, such property shall be assessed at just value as of the next assessment date. Thereafter, such property shall be assessed as provided in this subsection.

(4) Changes, additions, reductions, or improvements to such property shall be assessed as provided for by general law; however, after the adjustment for any change, addition, reduction, or improvement, the property shall be assessed as provided in this subsection.

(h) For all levies other than school district levies, assessments of real property that is not subject to the

assessment limitations set forth in subsections (a) through (d) and (g) shall change only as provided in this subsection.

(1) Assessments subject to this subsection shall be changed annually on the date of assessment provided by law; but those changes in assessments shall not exceed ten percent (10%) of the assessment for the prior year.

(2) No assessment shall exceed just value.

(3) The legislature must provide that such property shall be assessed at just value as of the next assessment date after a qualifying improvement, as defined by general law, is made to such property. Thereafter, such property shall be assessed as provided in this subsection.

(4) The legislature may provide that such property shall be assessed at just value as of the next assessment date after a change of ownership or control, as defined by general law, including any change of ownership of the legal entity that owns the property. Thereafter, such property shall be assessed as provided in this subsection.

(5) Changes, additions, reductions, or improvements to such property shall be assessed as provided for by general law; however, after the adjustment for any change, addition, reduction, or improvement, the property shall be assessed as provided in this subsection.

(i) The legislature, by general law and subject to conditions specified therein, may prohibit the consideration of

the following in the determination of the assessed value of real property:

(1) Any change or improvement to real property used for residential purposes made to improve the property's resistance to wind damage.

(2) The installation of a solar or renewable energy source device.

(j)(1) The assessment of the following working waterfront properties shall be based upon the current use of the property:

a. Land used predominantly for commercial fishing purposes.

b. Land that is accessible to the public and used for vessel launches into waters that are navigable.

c. Marinas and drystacks that are open to the public.

d. Water-dependent marine manufacturing facilities, commercial fishing facilities, and marine vessel construction and repair facilities and their support activities.

(2) The assessment benefit provided by this subsection is subject to conditions and limitations and reasonable definitions as specified by the legislature by general law.

(k) All persons entitled to the exemptions on real property under subsection (h) of Section 3 of this Article shall have such property assessed as follows:

(1) Assessments shall be changed annually on January 1 of each year; but those changes in assessments shall not exceed the

lower of: three percent (3%) of the assessment for the prior year, or the percent change in the Consumer Price Index for all urban consumers, U.S. City Average, all items 1967=100, or successor reports for the preceding calendar year as initially reported by the United States Department of Labor, Bureau of Labor Statistics.

(2) No assessment shall exceed just value.

(3) After any change of ownership, as provided by general law, or termination of homestead pursuant to paragraph (6) of subsection (d) of this section, the property shall be assessed at just value as of January 1 of the following year. Thereafter, the property shall be assessed as provided in this paragraph.

(4) Changes, additions, reductions, or improvements to such property shall be assessed as provided for by general law; provided, however, after the adjustment for any change, addition, reduction, or improvement, the property shall be assessed as provided in this subsection.

(5) The legislature may also provide that if any property receiving the assessment limitation authorized under this subsection subsequently becomes ineligible for the assessment limitation authorized under this subsection for reasons other than a change of ownership or control, as defined by general law; or termination of homestead pursuant to paragraph (6) of subsection (d) of this section; such property shall be assessed, without reassessment at just value, pursuant to subsection (g)

of this section, unless such property is assessed under subsection (d) of this section for that year.

SECTION 6. Homestead exemptions.—

(a)(1) Every person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner, or another legally or naturally dependent upon the owner, shall be exempt from taxation thereon, except assessments for special benefits, as follows:

a. Up to the assessed valuation of twenty-five thousand dollars; and

b. For all levies other than school district levies, on the assessed valuation greater than fifty thousand dollars and up to seventy-five thousand dollars,

upon establishment of right thereto in the manner prescribed by law. The real estate may be held by legal or equitable title, by the entireties, jointly, in common, as a condominium, or indirectly by stock ownership or membership representing the owner's or member's proprietary interest in a corporation owning a fee or a leasehold initially in excess of ninety-eight years. The exemption shall not apply with respect to any assessment roll until such roll is first determined to be in compliance with the provisions of section 4 by a state agency designated by general law. This exemption is repealed on the effective date of any amendment to this Article which provides for the assessment

of homestead property at less than just value.

(2) The twenty-five thousand dollar amount of assessed valuation exempt from taxation provided in subparagraph (a)(1)b. shall be adjusted annually on January 1 of each year for inflation using the percent change in the Consumer Price Index for All Urban Consumers, U.S. City Average, all items 1967=100, or successor reports for the preceding calendar year as initially reported by the United States Department of Labor, Bureau of Labor Statistics, if such percent change is positive.

(3) The amount of assessed valuation exempt from taxation for which every person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner, or another person legally or naturally dependent upon the owner, is eligible, and which applies solely to levies other than school district levies, that is added to this constitution after January 1, 2025, shall be adjusted annually on January 1 of each year for inflation using the percent change in the Consumer Price Index for All Urban Consumers, U.S. City Average, all items 1967=100, or successor reports for the preceding calendar year as initially reported by the United States Department of Labor, Bureau of Labor Statistics, if such percent change is positive, beginning the year following the effective date of such exemption.

(b) Not more than one exemption shall be allowed any individual or family unit or with respect to any residential

unit. No exemption shall exceed the value of the real estate assessable to the owner or, in case of ownership through stock or membership in a corporation, the value of the proportion which the interest in the corporation bears to the assessed value of the property.

(c) By general law and subject to conditions specified therein, the Legislature may provide to renters, who are permanent residents, ad valorem tax relief on all ad valorem tax levies. Such ad valorem tax relief shall be in the form and amount established by general law.

(d) The legislature may, by general law, allow counties or municipalities, for the purpose of their respective tax levies and subject to the provisions of general law, to grant either or both of the following additional homestead tax exemptions:

(1) An exemption not exceeding fifty thousand dollars to a person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner, who has attained age sixty-five, and whose household income, as defined by general law, does not exceed twenty thousand dollars; or

(2) An exemption equal to the assessed value of the property to a person who has the legal or equitable title to real estate with a just value less than two hundred and fifty thousand dollars, as determined in the first tax year that the owner applies and is eligible for the exemption, and who has maintained thereon the permanent residence of the owner for not

less than twenty-five years, who has attained age sixty-five, and whose household income does not exceed the income limitation prescribed in paragraph (1).

The general law must allow counties and municipalities to grant these additional exemptions, within the limits prescribed in this subsection, by ordinance adopted in the manner prescribed by general law, and must provide for the periodic adjustment of the income limitation prescribed in this subsection for changes in the cost of living.

(e)(1) Each veteran who is age 65 or older who is partially or totally permanently disabled shall receive a discount from the amount of the ad valorem tax otherwise owed on homestead property the veteran owns and resides in if the disability was combat related and the veteran was honorably discharged upon separation from military service. The discount shall be in a percentage equal to the percentage of the veteran's permanent, service-connected disability as determined by the United States Department of Veterans Affairs. To qualify for the discount granted by this paragraph, an applicant must submit to the county property appraiser, by March 1, an official letter from the United States Department of Veterans Affairs stating the percentage of the veteran's service-connected disability and such evidence that reasonably identifies the disability as combat related and a copy of the veteran's

honorable discharge. If the property appraiser denies the request for a discount, the appraiser must notify the applicant in writing of the reasons for the denial, and the veteran may reapply. The Legislature may, by general law, waive the annual application requirement in subsequent years.

(2) If a veteran who receives the discount described in paragraph (1) predeceases his or her spouse, and if, upon the death of the veteran, the surviving spouse holds the legal or beneficial title to the homestead property and permanently resides thereon, the discount carries over to the surviving spouse until he or she remarries or sells or otherwise disposes of the homestead property. If the surviving spouse sells or otherwise disposes of the property, a discount not to exceed the dollar amount granted from the most recent ad valorem tax roll may be transferred to the surviving spouse's new homestead property, if used as his or her permanent residence and he or she has not remarried.

(3) This subsection is self-executing and does not require implementing legislation.

(f) By general law and subject to conditions and limitations specified therein, the Legislature may provide ad valorem tax relief equal to the total amount or a portion of the ad valorem tax otherwise owed on homestead property to:

(1) The surviving spouse of a veteran who died from service-connected causes while on active duty as a member of the

United States Armed Forces.

(2) The surviving spouse of a first responder who died in the line of duty.

(3) A first responder who is totally and permanently disabled as a result of an injury or injuries sustained in the line of duty. Causal connection between a disability and service in the line of duty shall not be presumed but must be determined as provided by general law. For purposes of this paragraph, the term "disability" does not include a chronic condition or chronic disease, unless the injury sustained in the line of duty was the sole cause of the chronic condition or chronic disease.

As used in this subsection and as further defined by general law, the term "first responder" means a law enforcement officer, a correctional officer, a firefighter, an emergency medical technician, or a paramedic, and the term "in the line of duty" means arising out of and in the actual performance of duty required by employment as a first responder.

(g) As provided by general law and subject to conditions specified therein, every person who establishes the right to receive the homestead exemption provided in subsection (a) within 1 year after purchasing the homestead property and who has not owned property in the previous 4 calendar years to which the homestead exemption provided in subsection (a) applied is entitled to an additional homestead exemption for all levies

except school district levies. The additional exemption is an amount equal to 50 percent of the homestead property's just value on January 1 of the year the homestead is established. The additional exemption may not exceed the median just value of all homestead property within the county where the property at issue is located for the calendar year immediately preceding January 1 of the year the homestead is established. The additional exemption shall apply for a period of 5 years or until the year the property is sold, whichever occurs first. The amount of the additional exemption shall be reduced in each subsequent year by an amount equal to 20 percent of the amount of the additional exemption received in the year the homestead was established. Not more than one exemption provided under this subsection shall be allowed per homestead property at one time. The additional exemption applies to property purchased on or after January 1, 2027, if this amendment is approved at the 2026 general election, but the additional exemption is not available in the sixth and subsequent years after it is first received.

ARTICLE XII

SCHEDULE

Tax exemptions and an assessment limitation for long-term leased residential property.—This section and the amendments to Sections 3, 4, and 6 of Article VII, which authorize the legislature to provide two $25,000 exemptions and an assessment

limitation to real property that, on January 1, is subject to a written lease of six months or more and is owned by a person who holds legal or equitable title to real estate receiving a homestead exemption, and to provide for an additional homestead exemption for owners of homestead property who have not owned homestead property during the 4 calendar years immediately preceding purchase of the current homestead property shall take effect January 1, 2027.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENTS

ARTICLE VII, SECTIONS 3, 4, AND 6

ARTICLE XII

PROPERTY TAX BENEFITS FOR CERTAIN RESIDENTIAL PROPERTIES SUBJECT TO A LONG-TERM LEASE; ADDITIONAL HOMESTEAD EXEMPTION FOR NEW HOMESTEAD PROPERTY OWNERS.—Proposing amendments to the State Constitution to authorize the Legislature to provide two $25,000 exemptions and an assessment limitation for certain residential real property subject to a written lease of 6 months or more; and to provide an additional homestead exemption for new homestead property owners. These amendments shall take effect January 1, 2027.

PCS for CS/HB 1259

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 1259	**COMPANION BILL:** CS/SB 1512 (Avila)
TITLE: Property Tax Benefits for Residential Properties	**LINKED BILLS:** CS/HJR 1257 (Busatta)
SPONSOR(S): Commerce Committee	**RELATED BILLS:** CS/SJR 1510 (Avila)

Committee References

Orig. Comm.: Commerce

SUMMARY

Effect of the Bill:

The bill implements the amendment to the Florida Constitution, proposed by HJR 1257, to provide that for real property that (1) is subject to a bona fide long-term residential lease, (2) is owned by a person or persons who also have a homestead exemption on another parcel of real estate, and (3) could qualify as a homestead if it was the permanent residence of the owner, such qualifying nonhomestead property receives an exemption on the assessed value of the property between $0 and $25,000 and between $50,000 and $75,000, and cannot have the assessed value increase more than the lesser of three percent or the change in the consumer price index for the year.

The bill also creates provisions allowing individuals who are entitled to a homestead exemption, and who have not received a homestead exemption in the previous four calendar years, to receive an additional homestead exemption. The additional exemption would be equal to 50 percent of the just value of the homestead property, capped at the median just value for homestead property in the county where the subject property is located. This exemption applies only to non-school property taxes. The exemption is reduced by 20% each year and diminishes to zero in five years.

The bill takes effect on January 1, 2027, if the constitutional amendment proposed by HJR 1257 (2025), or a similar joint resolution, is approved by 60 percent of voters in the November 2026 general election.

Fiscal or Economic Impact:

The Revenue Estimating Conference has not estimated the impact of the bill on local government revenues.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill implements the constitutional amendment proposed by HJR 1257 by doing two things:

Long-Term Residential Leases

The bill creates new ad valorem taxation benefits for certain nonhomestead residential real property. For real property that could qualify as a homestead property if it was the permanent residence of the owner, that is under a bona fide long-term residential lease, and is owned by a person or persons who also have a homestead exemption on another parcel of real estate, the qualifying nonhomestead property:

- Receives an exemption on the assessed value of the property between $0 and $25,000 (for all levies) and between $50,000 and $75,000 (for all levies other than school district levies); (Section 3) and
- Cannot have the assessed value increase more than the lesser of three percent or the change in the consumer price index for the year. (Section 1)

The bill provides that the qualifying nonhomestead residential property can be held directly by the owner of the related homestead parcel, or can be held in a limited liability company if the only owners of the LLC are the owner of the related homestead, or that owner and the owner's spouse. The bill also requires that the lease specify the property cannot be subleased during the rental period, and clarifies that the lease cannot be to the owner's spouse.

The bill also provides the tax treatment for when the property's status changes among qualifying nonhomestead property, nonqualifying nonhomestead property, and homestead property. Generally speaking, the bill provides that property that qualifies for this treatment retains the benefit of the assessment limitation in future years, and does not reset to just value if the property transitions among property types. For example, a property that receives qualifying nonhomestead treatment under the bill in one year, but does not in the following year (as would happen if it is not subject to a bona fide long-term lease on January 1), will revert to the standard 10% assessment limitation for nonhomestead residential property under s. 193.1554, F.S., but the 10% assessment increase will be based on the prior year's assessed value (which was capped at 3%) and will not reset to just value.

The exceptions to the rule about not resetting to just value are when there is a change in ownership, or the owner makes the rental property his or her homestead. In the latter instance, the assessed value of the property resets to just value so that the owner does not (in essence) retain the homestead benefits on two properties: instead, the new homestead property (which will reset to just value and then receive a reduction of any transferred "Save Our Homes" benefit) will receive the two $25,000 exemptions and assessment limitations for homestead property, and the new rental property (former homestead) will reset to just value and may receive the benefit of two $25,000 exemptions and the assessment limitations for rental property moving forward for years when the property qualifies for the long-term rental property tax benefits. (Section 1).

The bill includes conforming changes related to applying for the benefits (Section 2), making a definitional change (Section 5), providing administrative provisions related to errors in assessments (Section 1), providing a penalty for fraudulent applications (Section 1), and allowing assessments to be reviewed by the Value Adjustment Board (Section 6).

Additional Homestead Exemption for "First-Time Florida Homesteaders"

The bill also creates s. 196.078, F.S., where it defines "first-time Florida homesteader" as a person who establishes the right to receive the homestead exemption provided in s. 196.031, F.S., within one year after purchasing the homestead property and who has not owned property in the previous four calendar years to which the homestead exemption provided in s. 196.031(1)(a), F.S., applies. (Section 4)

The bill provides a mechanism whereby a person must apply for the exemption with the property appraiser no later than March 1 on a form prescribed by the Department of Revenue.

The bill provides that in order for the exemption to be retained upon the addition of another person to the title to the property, the additional person must submit, no later than the subsequent March 1, a sworn statement attesting that he or she has not owned property that received the homestead exemption provided in s. 196.031, F.S., in the prior four calendar years.

The bill specifies that ss. 196.131[1] and 196.161,[2] F.S., apply to the "first-time Florida homesteader" exemption.

The bill provides emergency rulemaking authority to the Department of Revenue to implement the new statutes created by the bill, if approved by voters. (Section 7)

[1] Section 196.131, F.S., relates to homestead exemption claims, including requiring the property appraiser to provide a receipt and providing penalties for persons knowingly and willfully giving false information for the purpose of claiming a homestead exemption.
[2] Section 196.161, F.S., provides provisions whereby the property appraiser, under certain circumstances, may place a tax lien on property where a person who was not entitled to a homestead exemption was granted a homestead exemption within the prior 10 years.

The bill takes effect on January 1, 2027, if the constitutional amendment proposed by HJR 1257 (2025), or a similar joint resolution, is approved by 60 percent of voters in the November 2026 general election. (Section 8)

RULEMAKING:

The Department of Revenue has existing rulemaking authority under S. 213.06(1), F.S. The bill provides specific emergency rulemaking authority to the Department of Revenue to implement the new statutes created by the bill.

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:

LOCAL GOVERNMENT:

The Revenue Estimating Conference has not estimated the impact of the bill on local government revenues.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Ad Valorem Taxation

The ad valorem tax or "property tax" is an annual tax levied by counties, municipalities, school districts, and some special districts. The Florida Constitution reserves to local governments the authority to levy ad valorem taxes on real and tangible personal property.[3] Ad valorem taxes are levied annually by local governments based on the value of real and tangible personal property as of January 1 of each year.[4]

The Florida Constitution requires that all property be assessed at just value for ad valorem tax purposes,[5] and provides for specified assessment limitations, property classifications, and exemptions.[6] 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.[7]

Unless expressly exempted from taxation, all real and personal property and leasehold interests in the state are subject to taxation.[8] The Florida Constitution limits the Legislature's authority to grant an exemption or assessment limitation from taxes,[9] and any modifications to existing ad valorem tax exemptions or limitations must be consistent with the constitutional provision authorizing the exemption or limitation.[10]

Homestead Property

[3] FLA. CONST. art VII, ss. 1(a), 9(a)
[4] 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.
[5] FLA. CONST. art VII, s. 4
[6] FLA. CONST. art VII, ss. 3, 4, and 6
[7] S. 196.031, F.S.
[8] Section 196.001, F.S.; *see also Sebring Airport Authority v. McIntyre*, 642 So. 2d 1072, 1073 (Fla. 1994), noting exemptions are strictly construed against the party claiming them.
[9] *Archer v. Marshall*, 355 So. 2d 781, 784 (Fla. 1978).
[10] *Sebring Airport Auth. v. McIntyre,* 783, So. 2d 238, 248 (Fla. 2001); *Archer v. Marshall,* 355 So. 2d 781, 784. (Fla. 1978); *Am Fi Inv. Corp v. Kinney,* 360 So. 2d 415 (Fla. 1978); *see also Sparkman v. State,* 58 So. 2d 431, 432 (Fla. 1952).

"Homestead" property is defined in section 6 of Article VII of the Florida Constitution, and in s. 196.031, F.S., as property for which a person, on January 1, has the legal or beneficial title and who in good faith makes the property his or her permanent residence (or the permanent residence of another legally or naturally dependent on him or her). The property may be owned jointly, as tenancy by the entireties, or otherwise in common with others, and can be apportioned among such shared owners.[11] Only one homestead exemption is allowed to any one person or on any one dwelling house.[12] Individual condominium owners, however, can each qualify for a separate homestead designation.[13]

Homestead Exemption

Every person having legal and equitable title to real estate and who maintains a permanent residence on the real estate (homestead property) is eligible for a $25,000 tax exemption applicable to all ad valorem tax levies, including levies by school districts.[14] An additional $25,000 exemption applies to homestead property value between $50,000 and $75,000.[15] This exemption does not apply to ad valorem taxes levied by school districts.

Limitation on Annual Increases in Assessments for Homestead Properties

The Florida Constitution[16] provides that, for those entitled to a homestead exemption, the assessed value of the homestead for all levies shall be changed annually on January 1st of each year. Those changes in assessments cannot exceed the lesser of three percent of the prior year's assessment or the percent change in the Consumer Price Index[17] for the preceding calendar year.[18]

"Save our Homes" Benefit

After the first year a homestead property receives the benefit of the assessment limitation in s. 193.155. F.S., the difference between the assessed value and the market value due to that limitation is known as the "Save our Homes" benefit, and that differential can be transferred to a subsequent homestead property (this process is often referred to as "portability.")

Nonhomestead Property

Property that is residential real property but does not qualify as homestead property is assessed at just value on January 1 of the year the property is purchased or becomes nonhomestead property.[19] In each subsequent year, for purposes of all levies other than school district levies, the property is reassessed each January 1, but cannot increase by more than 10 percent over the prior year's assessed value.[20] Property is generally reassessed at just value on the January 1 following a change of ownership,[21] and changes, additions, or improvements are also generally assessed at just value on the January 1 following the change.[22]

Long-Term Residential Leases

Under current law, there is no specific ad valorem benefit for properties used for residential leases of longer than 6 months. For sales tax purposes in Chapter 212, F.S., however, any person who rents property through a bona fide

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[11] S. 196.031(1)(a), F.S.
[12] *Id.*
[13] *Id.*
[14] FLA. CONST. art VII, s. 6(a) and s. 196.031, F.S.
[15] Section 196.031(1)(b), F.S.
[16] As amended by Constitutional Amendment 10 (1992), commonly referred to as the "Save Our Homes" initiative.
[17] Specifically, the Consumer Price Index for All Urban Consumers, U.S. City Average, all items 1967=100, or successor reports.
[18] FLA. CONST. art. VII, s. 4(d)(1), implemented by section 193.155, F.S.
[19] S. 193.1554(2), F.S., and s. 193.1555(2), F.S.
[20] FLA. CONST. art. VII, s. 4(g)(1) and 4(h)(1), implemented by s. 193.1554(3), F.S., and s. 193.1555(3), F.S.
[21] FLA. CONST. art. VII, s. 4(g)(3 and 4(h)(4), implemented by s. 193.1554(5), F.S., and s. 193.1555(5), F.S.
[22] FLA. CONST. art. VII, s. 4(g)(4) and 4(h)(5), implemented by s. 193.1554(6), F.S., and s. 193.1555(6), F.S.

written agreement for continuous residence for longer than six months in duration at that property is exempt from sales tax and any applicable transient rental taxes (e.g., tourist development taxes[23]) for that lease.[24]

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Orig. Comm.: Commerce Committee			Hamon	Fletcher

[23] Section 125.0104, F.S.
[24] Section 212.03(1)(a), F.S.

A bill to be entitled

An act relating to property tax benefits for residential properties; creating s. 193.1553, F.S.; providing that property that receives a certain tax exemption shall be assessed in a specified manner; providing that changes, additions, and improvements to such property shall be assessed in a specified manner; providing exceptions and alternative assessments; providing construction; requiring property that no longer meets eligibility requirements to be assessed in an alternative manner; amending s. 196.011, F.S.; requiring the submission of an application containing specified information before receiving a specified tax exemption; creating s. 196.034, F.S.; providing specified tax exemptions for property that meets certain eligibility requirements; providing that certain damaged or destroyed property is eligible for the exemption if specified conditions are met; providing that if such conditions are not met, such property shall be considered abandoned for a specified purpose; creating s. 196.078, F.S.; providing a definition; providing a first-time Florida homesteader with an additional homestead exemption; providing for calculation of the exemption; providing for the applicability period of the exemption; providing for

an annual reduction in the exemption during the applicability period; providing application procedures; amending ss. 193.1554 and 194.032, F.S.; conforming provisions to changes made by the act; authorizing the Department of Revenue to adopt emergency rules; providing a contingent effective date.

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

Section 1. Section 193.1553, Florida Statutes, is created to read:

193.1553 Assessment of certain residential property subject to a long-term lease.—

(1) Property that receives the exemption under s. 196.034 shall be assessed under this section.

(2) Except as provided in subsection (4), property that meets the conditions of subsection (1) shall be assessed pursuant to this section as of January 1 of any year for which the property is eligible for assessment under this section, using the prior year's assessed value as the basis for any change in assessment. Any change resulting from such assessment shall not exceed the lower of the following:

(a) Three percent of the assessed value of the property for the prior year; or

(b) The percentage change in the Consumer Price Index for All Urban Consumers, U.S. City Average, all items 1967=100, or successor reports for the preceding calendar year as initially reported by the United States Department of Labor, Bureau of Labor Statistics.

(3) If the assessed value of the property as calculated under subsection (2) exceeds the just value, the assessed value of the property shall be lowered to the just value of the property.

(4) Property assessed under this section shall be assessed at just value as of January 1 of the year following a change of ownership, or as of January 1 of the year following abandonment of homestead on a property that becomes eligible for assessment under this section, but no sooner than the January 1 following the certification to the property appraiser required by s. 193.155(8)(i)2. Thereafter, the annual changes in the assessed value of the property are subject to the limitations in subsections (2) and (3). For purposes of this subsection, the term "change of ownership" means any sale, foreclosure, or transfer of legal title or beneficial title in equity to any person, except if any of the provisions of s. 193.155(3)(a) apply.

(5)(a) Except as provided in paragraph (b) and s. 193.624, changes, additions, or improvements to property subject to this section shall be assessed at just value as of the first January

1 after the changes, additions, or improvements are substantially completed.

(b)1. Changes, additions, or improvements that replace all or a portion of property assessed under this section, including ancillary improvements, that are damaged or destroyed by misfortune or calamity shall be assessed upon substantial completion as provided in this paragraph. Such assessment must be calculated using the property's assessed value as of the January 1 immediately before the date on which the damage or destruction was sustained, subject to the assessment limitations in subsections (2) and (3), when:

a. The square footage of the property as changed or improved does not exceed 110 percent of the square footage of the property before the damage or destruction; or

b. The total square footage of the property as changed or improved does not exceed 1,500 square feet.

2. The property's assessed value must be increased by the just value of that portion of the changed or improved property which is in excess of 110 percent of the square footage of the property before the damage or destruction or of that portion exceeding 1,500 square feet.

3. Property damaged or destroyed by misfortune or calamity which, after being changed or improved, has a square footage of less than 100 percent of the property's total square footage before the damage or destruction shall be assessed pursuant to

subsection (6).

4. Changes, additions, or improvements assessed pursuant to this paragraph must be reassessed pursuant to subsection (2) in subsequent years. This paragraph applies to changes, additions, or improvements commenced within 5 years after the January 1 following the damage or destruction of the property.

(c) Changes, additions, or improvements include improvements made to common areas or other improvements made to property other than to the property by the owner or by an owner association, which improvements directly benefit the property. Such changes, additions, or improvements shall be assessed at just value, and the just value shall be apportioned among the parcels benefiting from the improvement.

(6) When property is destroyed or removed and not replaced, the assessed value of the parcel shall be reduced by the assessed value attributable to the destroyed or removed property.

(7) Only property that meets the conditions of subsection (1) is subject to this section. Any portion of property that is assessed solely on the basis of character or use pursuant to s. 193.461 or s. 193.501, or assessed pursuant to s. 193.505, is not subject to this section.

(8)(a) If, after meeting the conditions of subsection (1) and receiving the benefit of the assessment limitation in subsections (2) and (3), the property does not meet the

conditions of subsection (1) on January 1 of any subsequent year, the property shall instead be assessed pursuant to s. 193.155(1) and (2), or s. 193.1554(3) and (4), as applicable, beginning with such year.

1. Any change in assessment in the first year the property is assessed pursuant to s. 193.1554 shall use the most recent year's assessed value under this section as the basis for adjustment, and may not revert to just value, unless the property experiences a change of ownership or control as provided in s. 193.1554.

2. Any change in assessment in the first year the property is assessed pursuant to s. 193.155 shall use the just value of the property, as adjusted pursuant to s. 193.155(8), if applicable.

(b)1. If the property meets the conditions of subsection (1) on January 1 of a subsequent year, this section shall apply beginning with such year, and the application of the limitation in subsection (2) shall use the most recent year's assessed value as the basis for adjustment if the property was assessed in the most recent year pursuant to s. 193.1554.

2. If the property meets the conditions of subsection (1) on January 1 of a subsequent year and the property was assessed as the homestead of the owner in the prior year pursuant to s. 193.155, then the application of the limitation in subsection (2) shall use the just value of the property, rather than the

prior year's assessment, for the first year's assessment limitation in subsection (2). A property that was abandoned as a homestead is only eligible under this section if the property appraiser in the county in which the abandoned homestead property is located provides the certification to the property appraiser in the county in which the new homestead is located as required by s. 193.155(8)(i)2., stating that the property has been or will be reassessed at just value.

(9)(a) Erroneous assessments of property assessed under this section may be corrected in the following manner:

(a) If errors are made in arriving at any assessment under this section due to a material mistake of fact concerning an essential characteristic of the property, the just value and assessed value must be recalculated for every such year, including the year in which the mistake occurred.

(b) If changes, additions, or improvements are not assessed at just value as of the first January 1 after they were substantially completed, the property appraiser shall determine the just value for such changes, additions, or improvements for the year they were substantially completed. Assessments for subsequent years shall be corrected, applying this section if applicable.

(c) When a person entitled to exemption pursuant to s. 196.034 inadvertently receives the limitation pursuant to this section following a change of ownership, the assessment of such

property must be corrected as provided in paragraph (9)(a), and the person need not pay the unpaid taxes, penalties, or interest.

(d) If the property appraiser improperly grants the property assessment limitation as a result of a clerical mistake or an omission, the person or entity improperly receiving the property assessment limitation may not be assessed a penalty or interest. Back taxes shall apply only as follows:

1. If the person who received the limitation as a result of a clerical mistake or omission voluntarily discloses to the property appraiser that he or she was not entitled to the limitation before the property appraiser notifies the owner of the mistake or omission, no back taxes shall be due.

2. If the person who received the limitation as a result of a clerical mistake or omission does not voluntarily disclose to the property appraiser that he or she was not entitled to the limitation before the property appraiser notifies the owner of the mistake or omission, back taxes shall be due for any year or years that the owner was not entitled to the limitation within the 5 years before the property appraiser notified the owner of the mistake or omission.

(e) If back taxes are due pursuant to s. 193.092, the corrections made pursuant to this subsection shall be used to calculate such back taxes.

(10)(a) If the property appraiser determines that for any

year or years within the prior 10 years a person was granted a limitation under this section due to an application that was fraudulent at the time the application was submitted to the property appraiser's office, the property appraiser shall remove all assessment limitations and exemptions under s. 196.034 on the property for the year such fraud occurred and assess the property for that year at just value, then recalculate the value for all subsequent years using applicable limitations and exemptions. The owner shall be liable for back taxes for the year the fraud occurred and all subsequent years through the current year, a penalty of 100 percent of the unpaid taxes for each year, and 15 percent interest per annum.

(b) The property appraiser shall serve upon an owner that owes back taxes under this subsection a notice of intent to record in the public records of the county a notice of tax lien against any property owned by that person in the county, and such property must be identified in the notice of tax lien. The property appraiser must include with such notice information explaining why the owner is not entitled to the limitation, the years for which unpaid taxes are due, and the manner in which unpaid taxes have been calculated. Before a lien may be filed, the person or entity so notified must be given 30 days to pay the taxes.

Section 2. Paragraph (b) of subsection (1) of section 196.011, Florida Statutes, is amended, and subsection (14) is

added to that section, to read:

196.011 Annual application required for exemption.—

(1)

(b) The form to apply for an exemption under s. 196.031, s. 196.034, s. 196.078, s. 196.081, s. 196.091, s. 196.101, s. 196.102, s. 196.173, or s. 196.202 must include a space for the applicant to list the social security number of the applicant and of the applicant's spouse, if any. If an applicant files a timely and otherwise complete application, and omits the required social security numbers, the application is incomplete. In that event, the property appraiser shall contact the applicant, who may refile a complete application by April 1. Failure to file a complete application by that date constitutes a waiver of the exemption privilege for that year, except as provided in subsection (7) or subsection (9).

(14) Notwithstanding paragraphs (7)(a) and (10)(a), an applicant who is eligible to receive an exemption under s. 196.034 must file an application each year by March 1. Such application must include the address of the property at which the owner currently receives a homestead exemption, and an executed copy of the lease for the property to be exempted under s. 196.034.

Section 3. Section 196.034, Florida Statutes, is created to read:

196.034 Exemption of certain residential property subject

to a long-term lease.—

(1)(a) Property that meets the following conditions is entitled to an exemption from all taxation up to the assessed valuation of $25,000:

1. The owner of the property holds the legal or equitable title to a separate parcel that receives the exemption under s. 196.031 and such parcel is his or her permanent residence.

2. The property is owned through sole ownership or joint ownership with a spouse, or indirectly through a limited liability company that holds legal or equitable title to such real estate if such limited liability company is owned solely or jointly with a spouse.

3. As of January 1 of the taxable year, the property is rented by the owner to one or more natural persons for residential use under a bona fide written lease that has a continuous duration of 6 months or more and, by the terms of the lease, may not be subleased during the rental period.

4. The entire parcel of property would otherwise qualify for a homestead exemption under to s. 196.031 if the property were the owner's permanent residence.

5. The property is classified under s. 195.073(1)(a)1., 2., or 4.

6. The lessee of the property is not married to the owner of the property.

(b) Every property that qualifies to receive the exemption

provided in paragraph (a) is entitled to an additional exemption of up to $25,000 on the assessed valuation greater than $50,000 for all levies other than school district levies.

(c) Any property that does not meet the conditions of paragraph (a) for a given year may not receive the benefits provided in paragraphs (a) and (b) for such year unless subsection (2) applies, but the property may receive the benefits in paragraphs (a) and (b) in any future year for which all conditions in paragraph (a) are met.

(2) For purposes of this section, when property exempted under this section is damaged or destroyed by misfortune or calamity and the property is uninhabitable on the January 1 after the damage or destruction occurs, the property shall be considered to be subject to a long-term lease on January 1 and an existing exemption under this section shall continue if the property is otherwise qualified and if the property owner notifies the property appraiser that he or she intends to repair or rebuild the property and the existing or another lessee will resume residency after the property is repaired or rebuilt. Failure by the property owner to commence the repair or rebuilding of the property within 5 years after the January 1 following the property's damage or destruction constitutes abandonment of the property as exempt under this section. After the 5-year period, the expiration, lapse, nonrenewal, or revocation of a building permit issued to the property owner for

such repairs or rebuilding also constitutes abandonment of the property under this section.

Section 4. Section 196.078, Florida Statutes, is created to read:

196.078 Additional homestead exemption for a first-time Florida homesteader.—

(1) As used in this section, the term "first-time Florida homesteader" means a person who establishes the right to receive the homestead exemption provided in s. 196.031 within 1 year after purchasing the homestead property and who has not owned property in the 4 calendar years prior to such purchase to which the homestead exemption provided in s. 196.031(1)(a) applied.

(2) For purposes of this section, the date on which the deed or other transfer instrument was signed and notarized or otherwise executed shall be considered the date a property was purchased.

(3) Every first-time Florida homesteader is entitled to an additional homestead exemption in an amount equal to 50 percent of the homestead property's just value on January 1 of the year the homestead is established, for all levies other than school district levies. The additional exemption may not exceed the median just value for homestead property in the county where the property at issue is located in the calendar year immediately preceding January 1 of the year the homestead is established. The additional exemption applies for a period of 5 years or

until the year the property is sold, whichever occurs first. The amount of the additional exemption shall be reduced in each subsequent year by an amount equal to 20 percent of the amount of the additional exemption received in the year the homestead was established. Not more than one exemption provided under this subsection is allowed per homestead property. The additional exemption applies to property purchased on or after January 1, 2027, but is not available in the sixth and subsequent years after the additional exemption is first received.

(4) The property appraiser shall require a first-time Florida homesteader claiming an exemption under this section to submit, not later than March 1 on a form prescribed by the Department of Revenue, a sworn statement attesting that the taxpayer, and each other person who holds legal or equitable title to the property, has not owned property in the 4 calendar years prior to such purchase to which the homestead exemption provided by s. 196.031(1)(a) applied. In order for the exemption to be retained upon the addition of another person to the title to the property, the person added must also submit, not later than the subsequent March 1 on a form prescribed by the department, a sworn statement attesting that he or she has not owned property in the 4 calendar years prior to being added to the title to which the homestead exemption provided by s. 196.031(1)(a) applied.

(5) Sections 196.131, 196.151, and 196.161 apply to the

exemption provided in this section.

Section 5. Subsection (1) of section 193.1554, Florida Statutes, is amended to read:

193.1554 Assessment of nonhomestead residential property.—

(1) As used in this section, the term "nonhomestead residential property" means residential real property that contains nine or fewer dwelling units, including vacant property zoned and platted for residential use, and that does not receive the exemption under s. 196.031 or s. 196.034.

Section 6. Paragraph (a) of subsection (1) of section 194.032, Florida Statutes, is amended to read:

194.032 Hearing purposes; timetable.—

(1)(a) The value adjustment board shall meet not earlier than 30 days and not later than 60 days after the mailing of the notice provided in s. 194.011(1); however, no board hearing shall be held before approval of all or any part of the assessment rolls by the Department of Revenue. The board shall meet for the following purposes:

1. Hearing petitions relating to assessments filed pursuant to s. 194.011(3).

2. Hearing complaints relating to homestead exemptions as provided for under s. 196.151.

3. Hearing appeals from exemptions denied, or disputes arising from exemptions granted, upon the filing of exemption applications under s. 196.011.

4. Hearing appeals concerning ad valorem tax deferrals and classifications.

5. Hearing appeals from determinations that a change of ownership under s. 193.155(3), a change of ownership or control under s. 193.1553(4), s. 193.1554(5), or s. 193.1555(5), or a qualifying improvement under s. 193.1555(5) has occurred.

Section 7. (1) 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 ss. 193.1553, 196.034, and 196.078, Florida Statutes, as created 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.

(2) This section shall take effect the day after the Department of State certifies, pursuant to s. 102.112, the approval of the amendment to the State Constitution proposed by HJR 1257 or a similar joint resolution having substantially the same specific intent and purpose, if such amendment is approved at the next general election, and shall expire July 1, 2029.

Section 8. Except as otherwise provided, this act shall take effect on the effective date of the amendment to the State Constitution proposed by HJR 1257 or a similar joint resolution having substantially the same specific intent and purpose, if

such amendment is approved at the next general election.

PCS for CS/HB 1433

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 1433	**COMPANION BILL:** CS/SB 1740 (Ingoglia)
TITLE: Hurricane Mitigation Grants and Insurers' Regulations	**LINKED BILLS:** None
SPONSOR(S): Commerce Committee	**RELATED BILLS:** None

Committee References

Orig. Comm.: Commerce

SUMMARY

Effect of the Bill:

The bill:

- Provides that a hurricane mitigation grant under the My Safe Florida Home Program may be awarded only for each mitigation improvement that will result in a property insurance premium mitigation credit, discount, or other rate differential and requires the Department of Financial Services to mandate improvements to all openings as a condition of reimbursing a homeowner approved for a grant if determined necessary.
- Prohibits a person who was an officer or director of an insolvent insurer or the attorney in fact or officer or director of the attorney in fact for an insolvent reciprocal insurer within 5 years of such insolvency from thereafter serving certain leadership roles and prohibits payments to a managing general agent, affiliate, or attorney in fact that has such a person occupying a director, officer, or attorney in fact position until OIR determines the violation has been remedied.
- Reduces potential delays in the effectiveness of residential property insurance rate decreases by limiting when the Office of Insurance Regulation (OIR) can request a waiver of deemed approval or issue a notice of intent to disapprove such filings.
- Prohibits nonrenewal solely for filing a claim if the policyholder had five years of continuous, claim-free coverage; requires one renewal offer and limits premium increases unless approved by OIR.
- Establishes a statutory framework governing the use of artificial intelligence in claims handling.

Fiscal or Economic Impact:

None.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

Hurricane Mitigation Grants

The bill provides that a hurricane mitigation grant under the My Safe Florida Home Program may be awarded only for each mitigation improvement that will result in a property insurance premium mitigation credit, discount, or other rate differential. (Section 1).

The bill provides that if necessary for the home to qualify for a mitigation credit, discount, or other rate differential, the Department of Financial Services (DFS) is required to mandate improvements to all openings including exterior doors, garage doors, windows, and skylights, as a condition of reimbursing a homeowner approved for a grant. (Section 1).

Officers and Directors of Insolvent Insurers

The bill amends existing provisions limiting an officer or director of an insurer who served in that capacity within the 2-year period before the date the insurer became insolvent from serving in certain positions of authority to apply to insolvencies that occurred on or after July 1, 2002, but before July 1, 2025.

The bill provides that any person who was an officer or director of an insurer doing business in this state, the attorney in fact of a reciprocal insurer doing business in this state, or an officer or director of an attorney in fact of a reciprocal insurer doing business in this state and who served in that capacity within the 5-year period before the date such insurer or reciprocal insurer became insolvent, for any insolvency that occurs on or after July 1, 2025, may not thereafter do any of the following:

- Serve as an officer or a director of an insurer authorized in this state.
- Serve as an officer or a director of a managing general agent of an insurer authorized in this state.
- Serve as an attorney in fact or as an officer or a director of the attorney in fact of a reciprocal insurer authorized in this state.
- Serve as an officer or a director of an affiliate of an insurer authorized in this state which provides services to such insurer.
- Exercise direct or indirect control through contract, trust, or by operation of law over the selection or appointment of any position specified above.

The bill provides that these prohibitions do not apply if the officer, director, or attorney in fact demonstrates, and the OIR determines, that his or her personal actions or omissions were not a significant contributing cause to the insolvency.

For any violation of the prohibitions described above, the OIR must prohibit an insurer or reciprocal insurer authorized in this state from paying any compensation to a managing general agent, affiliate, or attorney in fact that has an officer or director or is an attorney in fact that engaged in such violation until OIR determines the violation has been remedied. (Section 2).

Rate Regulation Procedures

The bill prohibits the OIR from requesting that an insurer waive the "deemed approval" of a rate filing when the filing proposes a rate decrease, as long as the decrease is not solely the result of a reduction in coverage or changes to policy forms. Additionally, the OIR may not issue a notice of intent to disapprove a residential property insurance rate filing that includes a proposed rate decrease unless it has completed a finalized review of the filing. (Section 3).

Nonrenewal Protections for Policyholders

The bill prohibits insurers from nonrenewing a residential property insurance policy solely because the policyholder filed a claim, if the policyholder:

- Has maintained continuous coverage with the same insurer for at least five consecutive years immediately before renewal; and
- Has not filed any claims during that five-year period.

If a qualifying policyholder files a claim, the insurer must offer to renew the policy for the subsequent policy term, with similar policy terms unless the insurer is using updated approved forms that apply to all policyholders with the same endorsement.

The bill does not apply if:

- The nonrenewal is part of an approved risk mitigation or exposure reduction plan based on actuarial justification, such as to reduce risk in coastal or flood-prone areas;
- The policyholder chooses not to renew; or
- The insurer issued a nonrenewal notice before the claim was filed.

Under this bill, insurers may increase the premium for renewed policies, but the annual increase cannot exceed 20 percent unless based on an approved rate filing.

The bill does not affect an insurer's ability to nonrenew a policy for any other lawful reason. (Section 4).

Use of AI in Claims Handling

The bill creates a statutory framework regulating the use of algorithms[1], artificial intelligence (AI) systems[2], and machine learning systems[3] in insurance claims handling. The bill allows insurers to use these technologies—including systems that can make predictions or generate recommendations—to assist in processing claims. However, it prohibits the denial of a claim—or any portion of a claim—based solely on the output of such systems. A final denial decision must be made and documented by a qualified human professional[4] who independently analyzes the claim, reviews the policy terms, and verifies the accuracy of any automated recommendations.

Additionally, the bill requires insurers to maintain detailed records of claim denials, including the identity of the human professional responsible for the decision, the timing of the decision and any reviews, and the specific basis for denial. Any written communication to a claimant must identify the responsible human professional and affirm that the claim was not denied solely based on algorithmic or AI output. Also, insurers using these systems must include procedures for their use and compliance with this portion of the bill in their claims handling manuals. The OIR is authorized to verify compliance through market conduct examinations or other lawful investigative methods. (Section 5).

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

RELEVANT INFORMATION

SUBJECT OVERVIEW:

My Safe Florida Home Program

Background

In 2006, the Legislature created the My Safe Florida Home Program (MSFH Program) within DFS, with the intent that the MSFH Program provide licensed inspectors to perform inspections for owners of site-built, single-family, residential properties and grants to eligible applicants, subject to the availability of funds.[5] Under the MSFH Program, DFS must develop and implement a comprehensive and coordinated approach for hurricane damage mitigation that may include hurricane mitigation inspections,[6] mitigation grants,[7] and education, consumer awareness, and outreach.[8]

Mitigation Grants

Financial grants under the MSFH Program are intended to encourage single-family, site-built, owner-occupied, residential property owners to retrofit their properties to make them less vulnerable to hurricane damage.[9] For a homeowner to be eligible for a grant, the following criteria must be met:

- The homeowner must have been granted a homestead exemption on the home under ch. 196, F.S.;[10]
- The home must be a dwelling with an insured value of $700,000 or less;[11]
- The home must undergo an acceptable hurricane mitigation inspection under the MSFH Program;

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[1] The bill defines "Algorithm" to mean a clearly specified mathematical process for computation that uses rules designed to give prescribed results.

[2] The bill defines "Artificial intelligence system" to mean a machine-based system that may have varying levels of autonomy and that can, for a given set of objectives, generate outputs such as predictions, recommendations, content, or other outputs influencing decisions made in real or virtual environments.

[3] The bill defines "Machine learning system" to mean an artificial intelligence system that has the ability to learn from provided data without being explicitly programmed.

[4] The bill defines "Qualified human professional" to mean an individual who, under the Florida Insurance Code, has authority to adjust or deny a claim or a portion of a claim and has such authority over a particular claim.

[5] S. 215.5586, F.S.

[6] *See* s. 215.5586(1), F.S.

[7] *See* s. 215.5586(2), F.S.

[8] *See* s. 215.5586(3), F.S.

[9] s. 215.5586(2), F.S.

[10] Chapter 196, F.S., relates to, among other things, homestead exemptions.

[11] Homeowners who are low-income persons, as defined s. 420.0004(11), F.S., are exempt from this requirement. The term "low-income persons" is defined by s. 420.0004(11), F.S., as one or more natural persons or a family, the total annual adjusted gross household income of which does not exceed 80% of the median annual adjusted gross income for households within the state, or 80% 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.

- The building permit application for initial construction of the home must have been made before January 1, 2008; and
- The homeowner must agree to make his or her home available for inspection once a mitigation project is completed.[12]

An application for a grant must contain a signed or electronically verified statement, made under penalty of perjury, that the applicant has submitted only a single application.[13] The application must include attachments that demonstrate the applicant meets the requirements described above.[14]

Residential Property Insurance Mitigation Credits, Discounts, or Other Rate Differentials

Residential property insurance rates must account for mitigation measures undertaken by policyholders to reduce hurricane losses.[15] Specifically, insurer rate filings must include actuarially reasonable discounts, credits, or other rate differentials or appropriate reductions in deductibles to consumers who implement windstorm damage mitigation techniques to their properties.[16] Upon their filing by an insurer or rating organization, the Office of Insurance Regulation (OIR) determines the discounts, credits, and other rate differentials.[17] Windstorm mitigation measures that must be evaluated for purposes of mitigation discounts include fixtures or construction techniques that enhance roof strength, roof covering performance, roof-to-wall strength, wall-to-floor-to-foundation strength, opening protection, and window, door, and skylight strength.[18]

An insurer is required to notify an applicant or policyholder of any personal lines residential property insurance policy, at the time of the issuance of the policy and at each renewal, of the availability of each premium discount, credit, other rate differential for properties on which fixtures or construction techniques demonstrated to reduce the amount of loss in a windstorm can be or have been installed or implemented.[19] The Financial Services Commission is required to develop a uniform mitigation verification inspection form to be used by all insurers when submitted by policyholders for the purpose of factoring discounts for wind insurance.[20]

Officers and Directors of Insolvent Insurers

The OIR has broad authority to deny, suspend, or revoke an insurer's authority to transact insurance in Florida if it finds the insurer's officers or directors to be: [21]

- Incompetent or untrustworthy;
- So lacking in insurance company managerial experience as to make the proposed operation hazardous to the insurance-buying public;
- So lacking in insurance experience, ability, and standing as to jeopardize the reasonable promise of successful operation; or
- Affiliated directly or indirectly through ownership, control, reinsurance transactions, or other insurance or business relations, with any person or persons whose business operations are or have been marked, to the detriment of policyholders, stockholders, investors, creditors, or the public, by manipulation of assets, accounts, or reinsurance or by bad faith.

The OIR may not grant or continue authority to transact insurance to any insurer if any person, including any subscriber, stockholder, or incorporator, who exercises or has the ability to exercise effective control of the insurer, or who influences or has the ability to influence the transaction of the business of the insurer, does not possess the financial standing and business experience for the successful operation of the insurer.[22]

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[12] S. 215.5586(2)(a), F.S.
[13] s. 215.5586(2), F.S.
[14] *Id.*
[15] s. 627.062(2)(j), F.S.
[16] S. 627.0629(1), F.S.
[17] *Id.*
[18] *Id.*
[19] S. 627.711(1), F.S.
[20] S. 627.711(2)(a), F.S.
[21] S. 624.404(3)(a), F.S.
[22] S. 624.404(3)(b), F.S.

An officer or director of an insurer who served in that capacity within the 2-year period before the date the insurer became insolvent may not serve as an officer or director of an insurer authorized in this state or have direct or indirect control over the selection or appointment of an officer or director through contract, trust, or by operation of law, unless the officer or director demonstrates to the OIR that his or her personal actions or omissions were not a significant contributing cause to the insolvency.[23] This applies to any insolvency that occurs on or after July 1, 2002, but does not have a definite end date.

Regulation of Insurance Rates

Part I of chapter 627, F.S., known as the Rating Law, governs property, casualty, and surety insurance covering risks that are located in, resident in, or to be performed in Florida.[24] The Rating Law requires that rates for all classes of insurance it governs must not be excessive, inadequate, or unfairly discriminatory.[25] Although the terms "rate" and "premium" are often used interchangeably, the Rating Law distinguishes between them. A rate is the unit charge that is multiplied by the measure of exposure or amount of insurance specified in the policy. This calculation results in the premium, which is the amount paid by the consumer for coverage.[26]

When a rate filing is submitted, the Office of Insurance Regulation (OIR) reviews it to determine whether the rate is excessive, inadequate, or unfairly discriminatory. The OIR makes this determination using generally accepted actuarial techniques and considers a variety of factors, including:

- Past and prospective loss experience;
- Past and prospective expenses;
- The degree of competition among insurers for the risk insured;
- Investment income reasonably expected by the insurer;
- The reasonableness of the judgment reflected in the rate filing;
- Dividends, savings, or unabsorbed premium deposits returned to policyholders;
- The adequacy of loss reserves;
- The cost of reinsurance;
- Trend factors, including trends in actual losses per insured unit for the insurer;
- Conflagration and catastrophe hazards;
- Projected hurricane losses;
- Projected flood losses, if the policy covers the risk of flood;
- The cost of medical services, if applicable;
- A reasonable margin for underwriting profit and contingencies; and
- Other relevant factors that affect the frequency or severity of claims or expenses.[27]

All insurers or rating organizations writing property or casualty insurance under this part must submit an annual base rate filing for each applicable line of insurance. This filing must be submitted to the OIR no later than 12 months after the insurer's previous base rate filing and must demonstrate that the rates are not inadequate.[28] If no rate change is proposed, an insurer may satisfy the annual filing requirement by submitting a certification from an actuary. The certification must state that the current rate levels are actuarially sound and not inadequate, as defined in s. 627.062, F.S.[29]

Waiver of Timelines

All insurers or rating organizations must file rates with the OIR in one of two ways:

- "File and use": The filing is submitted at least 90 days before the proposed effective date.

[23] S. 624.4073, F.S.
[24] s. 627.021(1), F.S.
[25] s. 627.062(1), F.S.
[26] s. 627.041, F.S.
[27] s. 627.062(2)(b), F.S.
[28] s. 627.0645(1), F.S.
[29] Rates shall be deemed inadequate if they are clearly insufficient, together with the investment income attributable to them, to sustain projected losses and expenses in the class of business to which they apply. Section 627.062(2)(e)3., F.S. A rate shall be deemed inadequate as to the premium charged to a risk or group of risks if discounts or credits are allowed which exceed a reasonable reflection of expense savings and reasonably expected loss experience from the risk or group of risks. S. 627.062(2)(3)5., F.S.

- "Use and file": The filing is submitted within 30 days after the new rate becomes effective.[30]

For "file and use" filings, the rate is deemed approved if the OIR does not issue a notice of intent to approve or disapprove within 90 days of receiving the filing.[31]

Legal Waiver of Rights
As a general legal principle, a person may waive any right that:
- Affects their own property;
- Belongs solely to them; and
- Is not prohibited from being waived by law or public policy.[32]

This includes rights that are secured by contract, granted by statute, or even guaranteed by the Constitution—so long as the waiver does not interfere with the rights of others and is not contrary to public policy.[33]

Notice Requirements for Nonrenewal and Cancellation

Florida law establishes notice requirements for insurers when canceling, nonrenewing, or changing the renewal premium of residential property insurance policies.
- An insurer must provide the named insured with at least 45 days' written notice of the renewal premium before the effective date of renewal.[34]
- An insurer must provide the named insured with at least 120 days' advance written notice of nonrenewal, cancellation, or termination of the policy. The notice must include the reason for the action.[35]
- If cancellation is for nonpayment of premium, only 10 days' notice is required.[36]
- During the first 60 days a policy is in effect, it may be canceled with at least 20 days' notice, unless the cancellation is due to material misstatement, misrepresentation, or failure to comply with underwriting requirements.[37]
- After a policy has been in effect for more than 60 days, it may be canceled only for specific reasons, including material misstatement, nonpayment of premium, substantial change in risk, or cancellation of all policies in a class.[38]
- If an insurer fails to provide the required notice, the policy remains in effect until the effective date of replacement coverage or for a period equal to the required notice, whichever is earlier.[39]

These notice provisions are intended to give policyholders sufficient time to seek alternative coverage or adjust to changes in their insurance policy.

Artificial Intelligence in Claim Handling

Artificial intelligence (AI) is the development of computer systems to perform tasks that normally require human intelligence, such as learning and decision-making.[40] It enables computer systems to receive information that is either provided to them by others or gathered by them, which they can then process and respond to in some meaningful way. To a certain extent, AI systems are capable of adapting their behavior by analyzing the effects of previous actions and working autonomously.[41] AI technologies are also beginning to see increased use in certain

[30] s. 627.062(2)(a), F.S.
[31] s. 627.062(2)(a)1., F.S.
[32] AGO 077-41.
[33] *Schoeff v. R.J. Reynolds Tobacco Co.,* 232 So.3d 294 (Fla. 2017), citing *DK Arena, Inc. v. EB Acquisitions I, LLC,* 112 So.3d 85, 97 (Fla. 2013) (quoting *Gilman v. Butzloff*, 155 Fla. 888, 22 So.2d 263, 265 (1945)).
[34] S. 627.4133(2)(a), F.S.
[35] S. 627.4133(2)(b), F.S.
[36] s. 627.4133(2)(b)1., F.S.
[37] s. 627.4133(2)(b)2., F.S.
[38] s. 627.4133(2)(b)3., F.S.
[39] S. 627.4133(2)(d), F.S.
[40] National Conference of State Legislatures (NCSL), *Artificial Intelligence 2023 Legislation,* Jan. 12, 2024, https://www.ncsl.org/technology-and-communication/artificial-intelligence-2023-legislation (last visited April 10, 2025).
[41] European Parliament, *What is artificial intelligence and how is it used?,* E.U. News, Jun. 20, 2023, https://www.europarl.europa.eu/news/en/headlines/society/20200827STO85804/what-is-artificial-intelligence-and-how-is-it-used (last visited April 10, 2025).

insurance operations, such as underwriting and claims handling.[42] Concerns about the potential misuse or unintended consequences of AI have prompted efforts to examine and develop standards at the federal and state levels.[43]

Insurance Claims Adjusters

The DFS Division of Insurance Agent and Agency Services is responsible for the licensing and regulation of insurance agents, adjusters, insurance agencies, as well as related personnel and business entities.[44] Current law provides the following five adjuster licenses:

- An all-lines adjuster,
- Temporary license all-lines adjuster,
- Public adjuster,
- Public adjuster apprentice, and
- Catastrophe or emergency adjuster.[45]

A licensed all-lines adjuster may be appointed as an independent adjuster, or company employee adjuster, but not concurrently as both.[46] An all-lines adjuster means a person who acts on behalf of an insurer to determine the amount of and settle a claim (adjust).[47] An "independent adjuster" is defined as a person who is licensed as an all-lines adjuster and who is self-appointed or works for an independent adjusting firm to adjust claims.[48] A "company adjuster" is defined as a person who is licensed as an all-lines adjuster and who is appointed and employed by an insurer to adjust claims.[49]

OTHER RESOURCES:

My Safe Florida Home

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Orig. Comm.: Commerce Committee			Hamon	Herrera

[42] National Association of Insurance Commissioners, *Model Bulletin on the Use of Artificial Intelligence Systems by Insurers*, adopted Dec. 3, 2023. https://content.naic.org/sites/default/files/inline-files/Model (last visited April 11, 2025).
[43] NCSL, *Artificial Intelligence 2023 Legislation,* Jan. 12, 2024, https://www.ncsl.org/technology-and-communication/artificial-intelligence-2023-legislation (last visited April 10, 2025).
[44] Ch. 626, parts I, II, III, IV, V, VI, VIII, IX, and XIII, F.S.
[45] S. 626.859, F.S.
[46] S. 626.864, F.S.
[47] S. 626.8548, F.S.
[48] S. 626.855, F.S.
[49] S. 626.856, F.S.

A bill to be entitled

An act relating to hurricane mitigation grants and insurers' regulations; amending s. 215.5586, F.S.; revising legislative intent; specifying that hurricane mitigation grants funded through the My Safe Florida Home Program may be awarded only under certain circumstances; requiring the Department of Financial Services to require that certain mitigation improvements be made as a condition of reimbursing a homeowner approved for a grant; amending s. 624.4073, F.S.; specifying prohibitions for persons who were officers or directors of an insolvent insurer, officers or directors of a managing general agent of an insolvent insurer, attorneys in fact of an insolvent reciprocal insurer, or officers or directors of an attorney in fact of an insolvent reciprocal insurer; providing applicability; requiring the Office of Insurance Regulation to prohibit insurers or reciprocal insurers from paying any compensation to certain persons for certain violations until the violations are remedied; amending s. 627.062, F.S.; prohibiting the office from requesting insurers to waive deemed approvals for residential property insurance rate filings under certain circumstances; prohibiting the office from issuing notices of intent

to disapprove residential property insurance rate filings under certain circumstances; amending s. 627.4133, F.S.; prohibiting the nonrenewal of certain residential property insurance policies based solely on the filing of a claim; providing exceptions; authorizing premium increases under certain conditions; clarifying insurer authority to nonrenew for other lawful reasons; creating s. 627.4263, F.S.; defining terms; authorizing insurers to use algorithms, artificial intelligence systems, and machine learning systems to assist in processing claims; prohibiting the use of algorithms, artificial intelligence systems, and machine learning systems as the sole basis for denying claims or portions of claims; requiring that insurers' final decisions to deny claims or portions of claims be made by qualified human professionals; specifying the duties of qualified human professionals; requiring insurers to maintain certain records; requiring insurers to include certain information in claims denial communications to claimants; requiring that certain insurers detail specified information in claims-handling manuals; authorizing the office to conduct market conduct examinations, perform investigations, and use other lawful methods for a specified purpose;

providing an effective date.

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

Section 1. Section 215.5586, Florida Statutes, is amended to read:

215.5586 My Safe Florida Home Program.—There is established within the Department of Financial Services the My Safe Florida Home Program. The department shall provide fiscal accountability, contract management, and strategic leadership for the program, consistent with this section. This section does not create an entitlement for property owners or obligate the state in any way to fund the inspection or retrofitting of residential property in this state. Implementation of this program is subject to annual legislative appropriations. It is the intent of the Legislature that, subject to the availability of funds, the My Safe Florida Home Program provide licensed inspectors to perform hurricane mitigation inspections of eligible homes and grants to fund hurricane mitigation projects that result in property insurance credits, discounts, or other rate differentials on those homes. The department shall implement the program in such a manner that the total amount of funding requested by accepted applications, whether for inspections, grants, or other services or assistance, does not exceed the total amount of available funds. If, after

applications are processed and approved, funds remain available, the department may accept applications up to the available amount. The program shall develop and implement a comprehensive and coordinated approach for hurricane damage mitigation pursuant to the requirements provided in this section.

(1) HURRICANE MITIGATION INSPECTIONS.—

(a) To be eligible for a hurricane mitigation inspection under the program:

1. A home must be a single-family, detached residential property or a townhouse as defined in s. 481.203;

2. A home must be site-built and owner-occupied; and

3. The homeowner must have been granted a homestead exemption on the home under chapter 196.

(b)1. An application for a hurricane mitigation inspection must contain a signed or electronically verified statement made under penalty of perjury that the applicant has submitted only one inspection application on the home or that the application is allowed under subparagraph 2., and the application must have documents attached which demonstrate that the applicant meets the requirements of paragraph (a).

2. An applicant may submit a subsequent hurricane mitigation inspection application for the same home only if:

a. The original hurricane mitigation inspection application has been denied or withdrawn because of errors or omissions in the application;

b. The original hurricane mitigation inspection application was denied or withdrawn because the home did not meet the eligibility criteria for an inspection at the time of the previous application, and the homeowner reasonably believes the home now is eligible for an inspection; or

c. The program's eligibility requirements for an inspection have changed since the original application date, and the applicant reasonably believes the home is eligible under the new requirements.

(c) An applicant meeting the requirements of paragraph (a) may receive an inspection of a home under the program without being eligible for a grant under subsection (2) or applying for such grant.

(d) Licensed inspectors are to provide home inspections of eligible homes to determine what mitigation measures are needed, what insurance premium discounts may be available, and what improvements to existing residential properties are needed to reduce the property's vulnerability to hurricane damage. An inspector may inspect a townhouse as defined in s. 481.203 to determine if opening protection mitigation as listed in subparagraph (2)(e)1. would provide improvements to mitigate hurricane damage.

(e) The department shall contract with wind certification entities to provide hurricane mitigation inspections. The inspections provided to homeowners, at a minimum, must include:

1. A home inspection and report that summarizes the results and identifies recommended improvements a homeowner may take to mitigate hurricane damage.

2. A range of cost estimates regarding the recommended mitigation improvements.

3. Information regarding estimated premium discounts, correlated to the current mitigation features and the recommended mitigation improvements identified by the inspection.

(f) To qualify for selection by the department as a wind certification entity to provide hurricane mitigation inspections, the entity must, at a minimum, meet the following requirements:

1. Use hurricane mitigation inspectors who are licensed or certified as:

a. A building inspector under s. 468.607;

b. A general, building, or residential contractor under s. 489.111;

c. A professional engineer under s. 471.015;

d. A professional architect under s. 481.213; or

e. A home inspector under s. 468.8314 and who have completed at least 3 hours of hurricane mitigation training approved by the Construction Industry Licensing Board, which training must include hurricane mitigation techniques, compliance with the uniform mitigation verification form, and

completion of a proficiency exam.

2. Use hurricane mitigation inspectors who also have undergone drug testing and a background screening. The department may conduct criminal record checks of inspectors used by wind certification entities. Inspectors must submit a set of fingerprints to the department for state and national criminal history checks and must pay the fingerprint processing fee set forth in s. 624.501. The fingerprints must be sent by the department to the Department of Law Enforcement and forwarded to the Federal Bureau of Investigation for processing. The results must be returned to the department for screening. The fingerprints must be taken by a law enforcement agency, designated examination center, or other department-approved entity.

3. Provide a quality assurance program including a reinspection component.

(2) HURRICANE MITIGATION GRANTS.—Financial grants shall be used by homeowners to make improvements recommended by an inspection which increase resistance to hurricane damage.

(a) A homeowner is eligible for a hurricane mitigation grant if all of the following criteria are met:

1. The home must be eligible for an inspection under subsection (1).

2. The home must be a dwelling with an insured value of $700,000 or less. Homeowners who are low-income persons, as

defined in s. 420.0004(11), are exempt from this requirement.

3. The home must undergo an acceptable hurricane mitigation inspection as provided in subsection (1).

4. The building permit application for initial construction of the home must have been made before January 1, 2008.

5. The homeowner must agree to make his or her home available for inspection once a mitigation project is completed.

6. The homeowner must agree to provide to the department information received from the homeowner's insurer identifying the discounts realized by the homeowner because of the mitigation improvements funded through the program.

(b)1. An application for a grant must contain a signed or electronically verified statement made under penalty of perjury that the applicant has submitted only one grant application or that the application is allowed under subparagraph 2., and the application must have documents attached demonstrating that the applicant meets the requirements of paragraph (a).

2. An applicant may submit a subsequent grant application if:

a. The original grant application was denied or withdrawn because the application contained errors or omissions;

b. The original grant application was denied or withdrawn because the home did not meet the eligibility criteria for a grant at the time of the previous application, and the homeowner

reasonably believes that the home now is eligible for a grant; or

c. The program's eligibility requirements for a grant have changed since the original application date, and the applicant reasonably believes that he or she is an eligible homeowner under the new requirements.

3. A grant application must include a statement from the homeowner which contains the name and state license number of the contractor that the homeowner acknowledges as the intended contractor for the mitigation work. The program must electronically verify that the contractor's state license number is accurate and up to date before grant approval.

(c) All grants must be matched on the basis of $1 provided by the applicant for $2 provided by the state up to a maximum state contribution of $10,000 toward the actual cost of the mitigation project, except as provided in paragraph (h).

(d) All hurricane mitigation performed under the program must be based upon the securing of all required local permits and inspections and must be performed by properly licensed contractors.

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

1. Opening protection, including exterior doors, garage doors, windows, and skylights.

2. Reinforcing roof-to-wall connections.

3. Improving the strength of roof-deck attachments.

4. Secondary water resistance for roof.

(f) When recommended by a hurricane mitigation inspection, grants for townhouses, as defined in s. 481.203, may only be used for opening protection.

(g) A grant may be awarded only for each mitigation improvement that, when applied to the home, will result in a property insurance mitigation credit, discount, or other rate differential. If necessary for the home to qualify for a mitigation credit, discount, or other rate differential, the department must ~~may~~ require that improvements be made to all openings, including exterior doors, garage doors, windows, and skylights, as a condition of reimbursing a homeowner approved for a grant. The department may adopt, by rule, the maximum grant allowances for any improvement allowable under paragraph (e) or paragraph (f).

(h) Low-income homeowners, as defined in s. 420.0004(11), who otherwise meet the applicable requirements of this subsection are eligible for a grant of up to $10,000 and are not required to provide a matching amount to receive the grant.

(i)1. The department shall develop a process that ensures the most efficient means to collect and verify inspection applications and grant applications to determine eligibility. The department 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.

2. The department shall prioritize the review and approval of such inspection applications and grant applications in the following order:

a. First, applications from low-income persons, as defined in s. 420.0004, who are at least 60 years old;

b. Second, applications from all other low-income persons, as defined in s. 420.0004;

c. Third, applications from moderate-income persons, as defined in s. 420.0004, who are at least 60 years old;

d. Fourth, applications from all other moderate-income persons, as defined in s. 420.0004; and

e. Last, all other applications.

3. The department shall start accepting inspection applications and grant applications no earlier than the effective date of a legislative appropriation funding inspections and grants, as follows:

a. Initially, from applicants prioritized under sub-subparagraph 2.a.;

b. From applicants prioritized under sub-subparagraph 2.b., beginning 15 days after the program initially starts accepting applications;

c. From applicants prioritized under sub-subparagraph

2.c., beginning 30 days after the program initially starts accepting applications;

d. From applicants described in sub-subparagraph 2.d., beginning 45 days after the program initially starts accepting applications; and

e. From all other applicants, beginning 60 days after the program initially starts accepting applications.

4. The program may accept a certification directly from a low-income homeowner or moderate-income homeowner who meets the requirements of s. 420.0004(11) or (12), respectively, if the homeowner provides such certification in a signed or electronically verified statement made under penalty of perjury.

(j) A homeowner who receives a grant shall finalize construction and request a final inspection, or request an extension for an additional 6 months, within 1 year after grant approval. If a homeowner fails to comply with this paragraph, his or her application is deemed abandoned and the grant money reverts to the department.

(3) REQUESTS FOR INFORMATION.—The department may request that an applicant provide additional information. An application is deemed withdrawn by the applicant if the department does not receive a response to its request for additional information within 60 days after the notification of any apparent error or omission.

(4) EDUCATION, CONSUMER AWARENESS, AND OUTREACH.—

(a) The department may undertake a statewide multimedia public outreach and advertising campaign to inform consumers of the availability and benefits of hurricane inspections and of the safety and financial benefits of residential hurricane damage mitigation. The department may seek out and use local, state, federal, and private funds to support the campaign.

(b) The program may develop brochures for distribution to Citizens Property Insurance Corporation and other licensed entities or nonprofits that work with the department to educate the public on the benefits of the program. Citizens Property Insurance Corporation must distribute the brochure to policyholders of the corporation each year the program is funded. The brochures may be made available electronically.

(5) FUNDING.—The department may seek out and leverage local, state, federal, or private funds to enhance the financial resources of the program.

(6) RULES.—The department shall adopt rules pursuant to ss. 120.536(1) and 120.54 to govern the program; implement the provisions of this section; including rules governing hurricane mitigation inspections and grants, mitigation contractors, and training of inspectors and contractors; and carry out the duties of the department under this section.

(7) HURRICANE MITIGATION INSPECTOR LIST.—The department shall develop and maintain as a public record a current list of hurricane mitigation inspectors authorized to conduct hurricane

mitigation inspections pursuant to this section.

(8) CONTRACT MANAGEMENT.—

(a) The department may contract with third parties for grants management, inspection services, contractor services for low-income homeowners, information technology, educational outreach, and auditing services. Such contracts are considered direct costs of the program and are not subject to administrative cost limits. The department shall contract with providers that have a demonstrated record of successful business operations in areas directly related to the services to be provided and shall ensure the highest accountability for use of state funds, consistent with this section.

(b) The department shall implement a quality assurance and reinspection program that determines whether initial inspections and home improvements are completed in a manner consistent with the intent of the program. The department may use valid random sampling in order to perform the quality assurance portion of the program.

(9) INTENT.—It is the intent of the Legislature that grants made to residential property owners under this section shall be considered disaster-relief assistance within the meaning of s. 139 of the Internal Revenue Code of 1986, as amended.

(10) REPORTS.—The department shall make an annual report on the activities of the program that shall account for the use

of state funds and indicate the number of inspections requested, the number of inspections performed, the number of grant applications received, the number and value of grants approved, and the estimated average annual amount of insurance premium discounts and total estimated annual amount of insurance premium discounts homeowners received from insurers as a result of mitigation funded through the program. The report must be delivered to the President of the Senate and the Speaker of the House of Representatives by February 1 of each year.

Section 2. Section 624.4073, Florida Statutes, is amended to read:

624.4073 Officers and directors or attorneys in fact of insolvent insurers.—

(1) Any person who was an officer or director of an insurer doing business in this state and who served in that capacity within the 2-year period before the date the insurer became insolvent, for any insolvency that occurs on or after July 1, 2002, but before July 1, 2025, may not thereafter serve as an officer or director of an insurer authorized in this state or have direct or indirect control over the selection or appointment of an officer or director through contract, trust, or by operation of law~~, unless the officer or director demonstrates that his or her personal actions or omissions were not a significant contributing cause to the insolvency~~.

(2) Any person who was an officer or director of an

insurer doing business in this state, was the attorney in fact of a reciprocal insurer doing business in this state, or was an officer or director of an attorney in fact of a reciprocal insurer doing business in this state and who served in that capacity within the 5-year period before the date such insurer or reciprocal insurer became insolvent, for any insolvency that occurs on or after July 1, 2025, may not thereafter do any of the following:

(a) Serve as an officer or a director of an insurer authorized in this state.

(b) Serve as an officer or a director of a managing general agent of an insurer authorized in this state.

(c) Serve as an attorney in fact or as an officer or a director of the attorney in fact of a reciprocal insurer authorized in this state.

(d) Serve as an officer or a director of an affiliate of an insurer authorized in this state which provides services to such insurer.

(e) Exercise direct or indirect control through contract, trust, or by operation of law over the selection or appointment of any position specified in paragraphs (a)-(d).

(3)(a) The prohibitions in subsections (1) and (2) do not apply if the officer, director, or attorney in fact demonstrates, and the office determines, that his or her personal actions or omissions were not a significant

contributing cause to the insolvency.

(b) For any violation of paragraph (2)(b), paragraph (2)(c), or paragraph (2)(d), the office shall prohibit an insurer or reciprocal insurer authorized in this state from paying any compensation to a managing general agent, affiliate, or attorney in fact that has an officer or director or is an attorney in fact that engaged in such violation until the office determines the violation has been remedied.

Section 3. Paragraph (a) of subsection (2) of section 627.062, Florida Statutes, is amended to read:

627.062 Rate standards.—

(2) As to all such classes of insurance:

(a) Insurers or rating organizations shall establish and use rates, rating schedules, or rating manuals that allow the insurer a reasonable rate of return on the classes of insurance written in this state. A copy of rates, rating schedules, rating manuals, premium credits or discount schedules, and surcharge schedules, and changes thereto, must be filed with the office under one of the following procedures:

1. If the filing is made at least 90 days before the proposed effective date and is not implemented during the office's review of the filing and any proceeding and judicial review, such filing is considered a "file and use" filing. In such case, the office shall finalize its review by issuance of a notice of intent to approve or a notice of intent to disapprove

within 90 days after receipt of the filing. If the 90-day period ends on a weekend or a holiday under s. 110.117(1)(a)-(i), it must be extended until the conclusion of the next business day. The notice of intent to approve and the notice of intent to disapprove constitute agency action for purposes of the Administrative Procedure Act. Requests for supporting information, requests for mathematical or mechanical corrections, or notifications ~~notification~~ to the insurer by the office of its preliminary findings do ~~does~~ not toll the 90-day period during any such proceedings and subsequent judicial review. The rate is ~~shall be~~ deemed approved if the office does not issue a notice of intent to approve or a notice of intent to disapprove within 90 days after receipt of the filing. The office may not request that an insurer waive such deemed approval for any residential property insurance rate filing in which the insurer proposes a rate decrease, provided that the decrease is not solely due to a reduction in coverage or a change to a policy form. The office may not issue a notice of intent to disapprove a residential property insurance rate filing in which the insurer proposes a rate decrease unless the office has completed a finalized review.

2. If the filing is not made in accordance with subparagraph 1., such filing must be made as soon as practicable, but within 30 days after the effective date, and is considered a "use and file" filing. An insurer making a "use and

file" filing is potentially subject to an order by the office to return to policyholders those portions of rates found to be excessive, as provided in paragraph (h).

3. For all property insurance filings made or submitted after January 25, 2007, but before May 1, 2012, an insurer seeking a rate that is greater than the rate most recently approved by the office shall make a "file and use" filing. For purposes of this subparagraph, motor vehicle collision and comprehensive coverages are not considered property coverages.

The provisions of this subsection do not apply to workers' compensation, employer's liability insurance, and motor vehicle insurance.

Section 4. Subsection (9) is added to section 627.4133, Florida Statutes, to read:

627.4133 Notice of cancellation, nonrenewal, or renewal premium.—

(9)(a) An insurer is prohibited from nonrenewing a residential property insurance policy solely due to the filing of a claim if the policyholder meets all of the following conditions:

1. The policyholder has maintained continuous coverage with the insurer for at least five consecutive years immediately preceding the date of renewal; and

2. The policyholder has not filed a claim under the policy

in the five consecutive years immediately preceding the date of renewal.

(b) If a policyholder who meets the conditions in paragraphs (a) files a claim, the insurer must offer to renew the policy at the subsequent policy renewal following the claim, and the policy must contain policy terms similar to the policy being renewed unless the insurer has updated approved forms that will apply to all insureds with the same endorsement.

(c) This subsection does not apply if:

1. The nonrenewal is part of a risk mitigation or exposure reduction plan that has been approved by the office. The office may approve a plan that is supported by actuarial justification and designed to reduce the insurer's concentration of risk in specific geographic areas, including but not limited to coastal or flood-prone regions; or

2. The policyholder elects to not renew the policy.

3. The policyholder was issued a notice of nonrenewal prior to the date a claim was filed.

(d) An insurer may increase the premium for a policy that is continued in force in accordance with this subsection. However, any annual increase may not exceed 20 percent unless the increase is based on a rate filing approved by the office under this chapter.

(e) This subsection does not affect an insurer's authority to nonrenew a policy for any lawful reason permitted under this

chapter.

Section 5. Section 627.4263, Florida Statutes, is created to read:

627.4263 Use of algorithms, artificial intelligence systems, and machine learning systems in claims handling.—

(1) As used in this section:

(a) "Algorithm" means a clearly specified mathematical process for computation which uses rules designed to give prescribed results.

(b) "Artificial intelligence system" means a machine-based system that may have varying levels of autonomy and that can, for a given set of objectives, generate outputs such as predictions, recommendations, content, or other outputs influencing decisions made in real or virtual environments.

(c) "Machine learning system" means an artificial intelligence system that has the ability to learn from provided data without being explicitly programmed.

(d) "Qualified human professional" means an individual who, under the Florida Insurance Code, has authority to adjust or deny a claim or a portion of a claim and has such authority over a particular claim.

(2) An insurer may use an algorithm, artificial intelligence system, or machine learning system to assist in processing claims, including generating recommendations to approve or deny a claim or a portion of a claim.

(3) A claim or a portion of a claim may not be denied solely on the basis of output from an algorithm, artificial intelligence system, or machine learning system. A final decision to deny a claim or a portion of a claim must be made and documented by a qualified human professional.

(4) Before denying a claim or a portion of a claim, a qualified human professional must do all of the following:

(a) Independently analyze the facts of the claim and the terms of the applicable insurance policy.

(b) Review and verify the accuracy of any outputs or recommendations produced by any algorithm, artificial intelligence system, or machine learning system used in the claims process.

(c) Conduct any required internal review of a prior claim adjustment or decision.

(5) An insurer must maintain detailed records related to each claim denial, including all of the following:

(a) The name and title of the qualified human professional who made the denial decision and of any qualified human professional who reviewed the decision.

(b) The date and time of the claim denial and of any review.

(c) Documentation of the basis for denial of the claim or a portion of the claim.

(6) A written communication to a claimant concerning the

denial of a claim or a portion of a claim must meet both of the following requirements:

(a) Clearly identify the qualified human professional responsible for the denial decision.

(b) Include a statement affirming that the claim or a portion of the claim was not denied solely based on the output of an algorithm, artificial intelligence system, or machine learning system.

(7) An insurer that uses an algorithm, artificial intelligence system, or machine learning system as part of its claims-handling process must detail in its claims-handling manual the manner in which such systems are used and the manner in which the insurer complies with this section.

(8) The office may perform market conduct examinations, perform investigations, or use any other lawful method necessary to verify compliance with this section.

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

PCS for HB 7027

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 7027	**COMPANION BILL:** None
TITLE: Hemp Consumable THC Products	**LINKED BILLS:** CS/HB 7029 Salzman
SPONSOR(S): Commerce Committee	**RELATED BILLS:** None

Committee References

Orig. Comm.: Commerce

SUMMARY

Effect of the Bill:

The bill:

- Amends and creates definitions for certain terms under the state hemp program;
- Creates new regulations and limitations for the sale of hemp consumable THC products in the state;
- Creates new regulations for delivery sales of hemp consumable THC products to consumers in the state;
- Makes all hemp consumable THC products sold, offered for sale, delivered, or distributed in violation of the state hemp program and the delivery sales requirements for hemp consumable THC products, contraband;
- Prohibits the ingestion of hemp consumable THC products near schools;
- Authorizes the Division of Alcoholic Beverages, housed within the Department of Business and Professional Regulation, to take certain actions against tobacco retailers' and nicotine product dealers' permits for violating the state hemp program or the delivery sales requirements for hemp consumable THC products.

Fiscal or Economic Impact:

To implement the requirements of the bill, the Department of Agriculture and Consumer Services indicates they will require $17,199,671 from the General Revenue Fund, which includes funding for 102 full-time equivalent (FTE) positions, 28 vehicles, equipment, office and laboratory space. Any costs will be handled within the General Appropriations Act.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

State Hemp Program

Definitions

The bill amends the definition of "attractive to children" under the state hemp program to mean:

- Manufactured in the shape of or packaged in containers or packages displaying humans, cartoons, animals, toys, or other similar features that target children;
- Manufactured in a form or packaged in a container or package that bears any reasonable resemblance to an existing candy or snack product that is familiar to the public;
- Manufactured in a form or packaged in a container or package that bears any reasonable resemblance to a branded food product such that the product could be mistaken for the branded food product, especially by children. (Section 2)

The bill defines "cigarette" as any roll for smoking that contains any hemp consumable THC product. (Section 2)

The bill removes the definition for the term "hemp extract" and replaces it with a definition for "hemp consumable THC product."

The bill defines "hemp consumable THC product" to mean a substance or compound intended for ingestion or inhalation, containing more than trace amounts of a cannabinoid which is derived from, consists of, or contains hemp or psychotropic cannabinoids. A hemp consumable THC product may not contain controlled substances listed in s. 893.03, F.S. The term does not include synthetic cannabidiol or seeds or seed-derived ingredients that are generally recognized as safe by the U.S. Food and Drug Administration or marijuana used for medical purposes under s. 381.986, F.S. (Section 2)

The bill defines "psychotropic cannabinoid" to mean any cannabinoid, including synthetic cannabinoids, that causes or may cause a psychotropic effect when ingested or inhaled. The term includes:

- delta-8-tetrahydrocannabinol;
- delta-10-tetrahydrocannabinol;
- hexahydrocannabinol;
- tetrahydrocannabinol acetate;
- tetrahydrocannabiphorol;
- tetrahydrocannabivarin; and
- any other cannabinoid defined as psychotropic by DACS. (Section 2)

The bill amends the definition of "independent testing laboratory" to mean a laboratory that:

- Does not have a direct or indirect interest in the entity whose product is being tested;
- Does not have a direct or indirect interest in a facility that cultivates, processes, distributes, dispenses, or sells hemp or hemp consumable THC products hemp extract in the state or in another jurisdiction or cultivates, processes, distributes, dispenses, or sells marijuana, as defined in s. 381.986, F.S.; and
- Is certified by the Department of Health as a medical marijuana testing laboratory pursuant to s. 381.988, F.S., or is certified by the Department of Agriculture and Consumer Services (DACS) as being substantially equivalent to a medical marijuana testing laboratory. (Section 2)

The bill creates definitions for the following terms:

- "Consumer" means the end user of a hemp consumable THC product who is a person in this state who comes into possession of any hemp consumable THC products and who, at the time of possession, does not intend to sell or distribute the hemp consumable THC products or is not a retailer.
- "Inhalable" means any hemp consumable THC product consumed through the mouth or nasal passages into the respiratory system, including, cigarettes, vapor or aerosol produced from vapor-generated electronic devices[1], and hemp flower.
- "Non-psychotropic cannabinoid" means any cannabinoid, including synthetic cannabinoids, that does not cause a psychotropic effect when ingested or inhaled. The term includes:
    - cannabidiol (CBD); and
    - any other cannabinoid defined as non-psychotropic by department rule.
- "Manufacturer" means any person or entity that engages in the process of manufacturing, preparing, or packaging hemp consumable THC products. The term also includes any person or entity involved in hemp extraction.
- "Retailer" means any person or entity who sells hemp consumable THC products to consumers.
- "Synthetic cannabinoid" means any cannabinoid created by any process, other than a direct derivative from hemp and without further reacting with other chemicals to increase the concentration of a present cannabinoid or to create a new or different cannabinoid not originally found in the extract or hemp plant.
- "Wholesaler" means any person or entity located within or outside this state which delivers or sells hemp consumable THC products to retailers or other persons for purposes of resale. (Section 2)

[1] The bill defines "vapor-generating electronic device" to mean any device or product that employs an electronic, chemical, or mechanical means of producing vapor or aerosol from a hemp consumable THC product or any other substance, including, but not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar device or product; any replacement cartridge for such device or product; and any other container of a solution or other substance intended to be used with or within such device or product.

Hemp Consumable THC Products

The bill prohibits hemp consumable THC products from being distributed and sold in the state unless the product in its final form for sale at retail:

- Has a certificate of analysis prepared by an independent testing laboratory that includes certain statements.
- Was tested by an independent testing laboratory and has a certificate of analysis from the laboratory that states all of the following:
    - The hemp consumable THC product in its final form for sale at retail was tested for cannabinoids, heavy metals, mycotoxins, pesticides, residual solvents, and controlled substances.
    - The product in its final form for sale at retail contained a total delta-9-tetrahydrocannabinol concentration that did not exceed 0.3 percent pursuant to the testing of a sample of the product.
    - The product in its final form for sale at retail contained hemp and psychotropic cannabinoids that did not exceed the limitations.
    - The product in its final form for sale at retail does not contain contaminants unsafe for human consumption.
    - The product in its final form for sale at retail was processed in a facility that holds a current and valid permit issued by a human health or food safety regulatory entity.
    - The entity that hired the independent testing laboratory to test the product.
- Is distributed or sold in a container and package that includes:
    - A scannable barcode or quick response code linked to the certificate of analysis of the hemp consumable THC product by an independent testing laboratory;
    - The hemp consumable THC product number;
    - The Internet address of a website where batch information may be obtained;
    - The expiration date of the hemp consumable THC product;
    - The toll-free telephone number for the national Poison Help Line; and
    - The number of milligrams of cannabinoids in the container and package and the amount per serving. (Section 2)

Manufacturers, wholesalers, and retailers are required to have their hemp consumable THC products tested by an independent testing laboratory. A wholesaler or retailer is not required to test its hemp consumable THC products if the product:

- is packaged in a manner that may be sold to the consumer when the wholesaler or retailer receives the product from the manufacturer or wholesaler;
- was tested by the manufacturer or wholesaler; and
- has not been opened by the wholesaler or retailer. (Section 2)

The bill specifies that hemp consumable THC products may only be distributed and sold in the state if the product is distributed or sold in a container and package that:

- Is suitable to contain products for human consumption;
- Is composed of materials designed to minimize exposure to light;
- Mitigates exposure to high temperatures;
- Is a single color and not transparent;
    - However, the universal symbol, scannable barcode, quick response code, and any text must be a different color than the container and package.
    - The single color and not transparent requirements do not apply to beverages.
- Does not contain any pictures or images other than a single logo, which may not be attractive to children and may not cover more than 20 percent of the container or package;
    - This does not apply to beverages; however, beverages may not have a logo that is attractive to children.
- Does not contain any text, pictures, or images that directly or indirectly say the product causes or may cause an intoxicating or psychoactive effect;
    - This does not apply to the universal symbol or the clear and conspicuous warning.
- Contains a clear and conspicuous warning on the front of the package and container that is developed by DACS and states the product contains tetrahydrocannabinol;

- Contains the International Intoxicating Cannabinoid Product Symbol developed by ASTM International;
- Is not attractive to children; and
- Is compliant with the U.S. Poison Prevention Packaging Act of 1970,[2] without regard to provided exemptions. The bill specifies a beverage in a sealed container is considered compliant. (Section 2)

The bill provides that hemp consumable THC products may only be sold at retail in the following forms and subject to the following limitations:

- Beverages, which **may not**:
  - contain a ratio of more than 5 milligrams of hemp and psychotropic cannabinoids per 6 fluid ounces;
  - be in a container that holds more than 10 milligrams of hemp and psychotropic cannabinoids; and
  - be in a package that contains more than 100 milligrams of hemp and psychotropic cannabinoids.
- Inhalables, which **may not:**
  - contain a ratio of more than 2.5 milligrams of hemp and psychotropic cannabinoids per gram;
  - contain more than 5 milligrams of hemp and psychotropic cannabinoids per inhalable; and
  - be in a package that contains more than 100 milligrams of hemp and psychotropic cannabinoids.
- Edibles, which **may not**:
  - contain a ratio of more than 2.5 milligrams of hemp and psychotropic cannabinoids per gram;
  - contain more than 5 milligrams of hemp and psychotropic cannabinoids per edible; and
  - be in a package that contains more than 100 milligrams of hemp and psychotropic cannabinoids. (Section 2)

The bill specifies that the above limitations do not limit the form or the amount of non-psychotropic cannabinoids. (Section)

The bill also specifies that the container and package requirements, consumable form, and the limits of the amount of hemp and psychotropic cannabinoids do not apply to hemp consumable THC products produced in this state that are shipped or transported outside of this state for sale or use outside this state. Hemp consumable THC products produced in this state that are shipped or transported outside of this state for sale or use outside of this state:

- may not be sold, shipped, or transported to a consumer in this state, a retailer's establishment located in this state, or to a person who sells or intends to sell such products to a consumer in this state;
- must be in a package marked "NOT FOR USE OR RETAIL SALE IN FLORIDA" in bold font with a font size of at least 36 points; and
- must be physically separated from hemp consumable THC products that are or intended to be sold or used in this state. The department may adopt rules to implement this paragraph. (Section 2)

Under the bill, the retail sale and delivery of hemp consumable THC products for off-premises consumption is prohibited, **except**:

- At any establishment that has a food permit from DACS and prohibits the presence of persons under 21 years of age on the establishment's premises.
- At establishments that have a food permit from DACS, allow the presence of persons under 21 years of age on the premises, and have an alcoholic beverage quota license.
  - Such establishments must place hemp consumable THC products, except for beverages, in an area inaccessible to customers. Hemp consumable THC products may be sold throughout the establishment.
- At establishments that have a food permit from DACS, allow the presence of persons under 21 years of age on the premises, and have a license or permit issued by the Division of Alcoholic Beverages and Tobacco but do not have an alcoholic beverage quota license.
  - Such establishments **may only** sell hemp consumable THC beverages and must place them in an area that is inaccessible to customers.
- In accordance with the mail order, Internet, and remote sales of hemp consumable THC products requirements in s. 581.218, F.S. (Section 2)

[2] 15 U.S.C. ss. 1471 et seq.

The bill prohibits hemp consumable THC products from being sold, given, bartered, furnished, or delivered to consumers at wholesale. The bill also prohibits hemp consumable THC products from being sold, given, bartered, furnished, or delivered to consumers at festivals, fairs, trade shows, farmers markets, expositions, or pop-up retail establishments unless the festival, fair, trade show, farmers market, exposition, or pop-up prohibits persons under 21 years of age from attending and every retailer selling hemp consumable THC product has a food permit from DACS. (Section 2)

The bill prohibits the sale or delivery of hemp consumable THC products for on premises consumption. If a retailer discovers a consumer consuming such products on the retailer's premises, the retailer must immediately notify the consumer to leave. (Section 2)

The bill also prohibits a person or entity from selling, delivering, bartering, giving, or furnishing hemp consumable THC products that total more than 100 milligrams of hemp and psychotropic cannabinoids to a person in a 24-hour period unless the person receiving the hemp consumable THC products is receiving the products on behalf of a cultivator, manufacturer, wholesaler, or retailer for resale. The 100-milligram limitation does not apply to non-psychotropic-cannabinoids (Section 2)

The bill creates a rebuttable presumption that a person or entity did not provide hemp consumable THC products that totaled more than 100 milligrams of hemp and psychotropic cannabinoids to a person in a 24-hour period if the person receiving products affirms in writing or electronically that by receiving such products he or she will not have received hemp consumable THC products that total more than 100 milligrams of hemp and psychotropic cannabinoids within a 24-hour period or he or she is receiving the products on behalf of a cultivator, manufacturer, wholesaler, or retailer for resale. (Section 2)

Under current law, hemp consumable THC products that are intended for human ingestion or inhalation and that contain hemp extract, including, but not limited to, snuff, chewing gum, and other smokeless products, may not be sold, delivered, bartered, given, or furnished in this state to a person who is under 21 years of age.

The bill creates the following criminal penalties for violating any of requirements for the distribution and retail sale of hemp consumable THC products:

- A first violation of the prohibition constitutes a misdemeanor of the second degree, punishable as provided in s. 775.082, F.S., or s. 775.083, F.S..
- A second violation within 12 months after the first violation constitutes a misdemeanor of the first degree, punishable as provided in s. 775.082, F.S., or s. 775.083, F.S.
- A third or subsequent violation within 12 months after the second violation constitutes a felony of the third degree, punishable as provided in s. 775.082, F.S., or s. 775.083, F.S. (Section 2)

Delivery Sales of Hemp Consumable THC Products

The bill creates requirements for the delivery of mail order, Internet, and other remote sales of hemp consumable THC products to consumers, referred to as "delivery sales" that mirror the delivery sales requirements for nicotine products. (Section 3)

Seizure and Destruction of Contraband Nicotine Dispensing Devices

The bill declares all hemp consumable THC products sold, offered for sale, delivered, or distributed in violation of the state hemp program and the delivery sales requirements for hemp consumable THC products to be contraband. The contraband may be seized and confiscated per the Florida Contraband Forfeiture Act. (Section 4)

The bill requires:

- The cost of seizure and destruction of the contraband is to be borne by the person from whom such hemp consumable THC products are seized.
- Courts having jurisdiction must order the destruction and forfeiture of contraband hemp consumable THC products:

    - Upon a showing that more likely than not such products were sold, offered for sale, delivered, or distributed contrary to any provision of the state hemp program and the delivery sales requirements for hemp consumable THC products.
    - Once any administrative proceedings under Ch. 120, F.S. related to such devices have been completed.
- The officer who destroys the contraband must report and return under oath to the court the following information:
    - The place where the contraband was seized,
    - The kind and quantity of such contraband seized, and
    - The time, place, and manner of the destruction of such contraband. (Section 4)

The bill requires DACS or the seizing law enforcement agency to maintain a full and complete record of all seized hemp consumable THC products showing:
- The exact types, kinds, and quantities, and forms of such products.
- The persons from whom such products were seized and to whom they were delivered.
- By whose authority such the products were received, delivered, or destroyed.
- The dates of the receipt, disposal, or destruction of the products.
    - The bill requires such record to be available for inspection by all persons charged with the enforcement of the state hemp program and the delivery sales requirements of hemp consumable THC products. (Section 4)

Prohibition of Ingesting Hemp Consumable THC Products Near Schools

The bill creates a prohibition on ingesting hemp consumable THC products near schools that is similar to the Florida Clean Air Act. (Section 5)

Specifically, the bill prohibits any person from ingesting hemp consumable THC products within 1,000 feet of a public or private elementary, middle, or secondary school between the hours of 6 a.m. and midnight. Persons in a moving vehicle or within a private residence are exempt from such prohibition. (Section 5)

A person who violates the prohibition is subject to a noncriminal civil penalty not to exceed $25, 50 hours of community service or, where available, successful completion of a school approved anti-drug "alternative to suspension" program. (Section 5)

Division of Alcoholic Beverages

The bill authorizes the Department of Business and Professional Regulation's Division of Alcoholic Beverages and Tobacco to discipline tobacco retailers' and nicotine product dealers' permits for violating the state hemp program or the delivery sales requirements for hemp consumable THC products. (Section 8 and 9)

The bill clarifies that alcoholic beverage quota licensees may sell hemp consumable THC products for off-premises consumption. (Section 6 and 7)

The bill provides an effective date of January 1, 2026 (Section 10).

RULEMAKING:

The bill requires DACS to adopt rules establishing:
- The standards for certification and the testing and reporting of hemp consumable THC products.
- The procedure for initial certification and biennial renewal.
- Packaging and labeling requirements that ensure that hemp consumable THC products do not violate the bill's provisions. (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 bill creates a new regulatory framework for the Department of Agriculture and Consumer Services. To implement the requirements of the bill, the Department of Agriculture and Consumer Services indicates they will require $17,199,671 from the General Revenue Fund, which includes funding for 102 FTE, 28 vehicles, equipment, office and laboratory space.[3] Any cost will be handled within the General Appropriations Act.

LOCAL GOVERNMENT:

The bill does not impose direct cost on local governments. However, it may result in indirect fiscal impacts due to:

- Local law enforcement's role in issuing citations and seizing contraband products.
- Additional workload for enforcement of retail sales restrictions.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Hemp

In the Agricultural Improvement Act of 2014 (2014 Farm Bill), the U.S. Congress defined industrial hemp and allowed state departments of agriculture or universities to grow and produce industrial hemp as part of research or pilot programs. Specifically, the law allowed universities and state departments of agriculture to grow or cultivate industrial hemp if:

- The industrial hemp is grown or cultivated for purposes of research conducted under an agricultural pilot program or other agricultural or academic research; and
- The growing or cultivating of industrial hemp is allowed under the laws of the state in which such institutions of higher education or state department of agriculture is located, and such research occurs.[4]

The 2014 Farm Bill defined "industrial hemp" to mean:

> [T]he plant Cannabis sativa L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.[5]

Section 1004.4473, F.S., authorized the Department of Agriculture and Consumer Services (DACS)to oversee the development of industrial hemp pilot projects for the Institute of Food and Agricultural Sciences (IFAS) at the University of Florida, Florida Agricultural and Mechanical University, any land grant university in the state that has a college of agriculture, and any Florida College System institution or state university that has an established agriculture, engineering, or pharmacy program.[6] The purpose of the pilot projects is to cultivate, process, test, research, create, and market safe and effective commercial applications for industrial hemp in the agricultural sector in this state.[7]

[3] Email from Thomas Poucher, Deputy Commissioner, Department of Agriculture and Consumer Services (April 3, 2025).
[4] Agricultural Improvement Act of 2014, Pub. L. No. 113-79, s. 7606, 128 Stat. 912 (2014) (codified at 7 U.S.C. s. 5940).
[5] *Id.*
[6] S. 1004.4473(2), F.S.
[7] Fla. Admin. Code R. 5B-57.013 (2018).

In the Agricultural Improvement Act of 2018 (2018 Farm Bill), the U.S. Congress legalized industrial hemp as an agricultural product by removing hemp's classification as a controlled substance.[8] The 2018 Farm Bill defined "**hemp**" to mean:

> [T]he plant Cannabis sativa L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.[9]

The 2018 Farm Bill allows a state department of agriculture or an Indian tribe to submit a plan to the United States Secretary of Agriculture and apply for primary regulatory authority over the production of hemp in their state or tribal territory. A state or tribal plan must include:

- A procedure for tracking land upon which hemp will be produced;
- Testing methods for determining THC concentration levels of hemp;
- Methods for effective disposal of noncompliant products;
- Enforcement procedures;
- Inspection procedures; and
- Certification procedures for the persons authorized to produce hemp producers, test hemp products, inspect hemp producers, and enforce the provisions of the state or tribal plan.[10]

The state hemp program was created within DACS to regulate the cultivation of hemp in Florida.[11]

Section 581.217(3)(e), F.S., defines "hemp" to mean:

> [T]he plant Cannabis sativa L. and any part of that plant, including the seeds thereof, and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers thereof, whether growing or not, that has a total delta-9-tetrahydrocannabinol concentration that does not exceed 0.3 percent on a dry-weight basis, with the exemption of **hemp extract, which may not exceed 0.3 percent total delta-9-tetrahydrocannabinol on a wet-weight basis.**

A license is required to cultivate hemp[12] and to obtain a license, a person must apply to DACS and submit a full set of fingerprints.[13] A person seeking to cultivate hemp must provide DACS with a legal land description and GPS coordinates of where the hemp will be cultivated.[14] DACS must deny an application under certain circumstances.[15]

DACS was required to seek federal approval of the state plan for the regulation of the cultivation of hemp with the United States Secretary of Agriculture in accordance with the 2018 Farm Bill within 30 days of adopting rules.[16]

Section 581.217(3)(f), F.S., defines "**hemp extract**" to mean:

> [A] substance or compound intended for **ingestion**, containing more than trace amounts of cannabinoid, or for **inhalation** which is derived from or contains hemp, and which does not contain other controlled substances." The term does not include synthetic cannabidiol or seeds or seed-derived ingredients that are generally recognized as safe by the United States Food and Drug

[8] Agricultural Improvement Act of 2018, Pub. L. No. 115-334, s. 12619, 132 Stat. 409 (2018) (codified at 21 U.S.C 802(16)).
[9] Agricultural Improvement Act of 2018, Pub. L. No. 115-334, s. 10113, 132 Stat. 409 (2018) (codified at 7 U.S.C. s. 1639o).
[10] Agricultural Improvement Act of 2018, Pub. L. No. 115-334, s. 10113, 132 Stat. 409 (2018) (codified at 7 U.S.C. s. 1639p).
[11] *See* s. 581.217, F.S.
[12] S. 581.217(5)(a), F.S.
[13] S. 581.217(5)(b), F.S.
[14] S. 581.217(5)(d), F.S.
[15] S. 581.217(5)(e), F.S.
[16] S. 581.217(4), F.S.

Administration.[17] Products that are intended for inhalation and contain hemp extract may not be sold to a person who is under 21 years of age.[18]

Section 500.03(1)(n), F.S., provides that **"hemp extract" is a food product**.

Food Safety

DACS is the agency responsible for the enforcement of the production, manufacture, transportation, and sale of food. DACS's Division of Food Safety (Division)is directly responsible for assuring the public of a safe, wholesome, and properly represented food supply.[19]

The Division accomplishes this through the permitting and inspection of food establishments, the inspection and evaluation of food products, and the performance of specialized laboratory testing on a variety of food products sold or produced in Florida. The Division also proactively monitors food from manufacturing and distribution to retail.

DACS, as part of its responsibilities, may impose a variety of disciplinary actions against food establishments for specified violations.[20] This includes, but is not limited to, revoking or suspending the permit of a food establishment[21] or imposing Class III[22] administrative fines.[23] DACS, or its duly authorized agent, may also issue and enforce a stop-sale, stop-use, removal, or hold order if DACS or its agent finds that any food, food processing equipment, food processing area, or food storage area is in violation of the Florida Food Safety Act.[24]

Distribution and Retail Sale

Hemp extract may be distributed and sold if the product has a certificate of analysis prepared by an independent testing laboratory that states:

- The hemp extract is the product of a batch tested by the independent testing laboratory;
- The batch contained a total delta-9-tetrahydrocannabinol concentration that did not exceed 0.3 percent pursuant to the testing of a random sample of the batch;
- The batch does not contain contaminants unsafe for human consumption; and
- The batch was processed in a facility that meets certain human health or food safety requirements.[25]

Additionally, hemp extract may only be distributed or sold in a container that includes:

- A scannable barcode or quick response code linked to the certificate of analysis of the hemp extract batch by an independent testing laboratory;
- The batch number;
- The Internet address of a website where batch information may be obtained;
- The expiration date; and
- The number of milligrams of each marketed cannabinoid per serving.[26]

Such a container must:

- Be suitable to contain products for human consumption;
- Be composed of materials designed to minimize exposure to light;
- Mitigate exposure to high temperatures;

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[17] S. 581.219(3)(f), F.S.
[18] S. 581.217(7)(d), F.S. (emphasis supplied)
[19] Department of Agriculture and Consumer Services, *Division of Food Safety*, https://www.fdacs.gov/Divisions-Offices/Food-Safety (last visited Mar. 29, 2025).
[20] S. 500.121(1), F.S.
[21] *Id.*
[22] The fine for each Class III violation cannot exceed $10,000. S. 570.971(1)(c), F.S.
[23] S. 500.121(1), F.S.
[24] S. 500.172(1), F.S.
[25] S. 581.217(7)(a), F.S.
[26] *Id.*

- Not be attractive to children; and
- Be compliant with the United States Poison Prevention Packaging Act of 1970.[27]

"Attractive to children" means manufactured in the shape of humans, cartoons or animals; manufactured in a form that bears any reasonable resemblance to an existing candy product that is familiar to the public as a widely distributed, branded food product such that a product could be mistaken for the branded product, especially by children, or containing color additives.[28]

Delivery Sales of Nicotine Products

Each person who mails, ships, or otherwise delivers nicotine products or nicotine dispensing devices in connection with an order for a delivery sale to a consumer must:[29]

- Include, as part of the shipping documents, in a clear and conspicuous manner, the following statement: "Nicotine Products: Florida law prohibits shipping to individuals under 21 years of age."
- Use a method of mailing, shipping, or delivery which obligates the delivery service to:
    - Require the signature of a person 21 years of age or older who resides at the delivery address and obtain proof of the legal minimum purchase age of the individual accepting delivery.
    - Require proof that the individual accepting delivery is either the addressee or the adult designated by the addressee, in the form of a valid, government-issued identification card bearing a photograph of the individual who signs to accept delivery of the shipping container.

Before the first delivery to a consumer, the person mailing, shipping, or delivering the nicotine products must:[30]

- Obtain a certification from the person accepting delivery that includes reliable confirmation that the person accepting the delivery is 21 years of age or older, and a written statement under penalty of perjury providing the person's date of birth, address, and confirmation that the person wants to accept the delivery;
- Make a good faith effort to verify the information in the certification by checking the information against a commercially available database or obtaining a photocopy of the person's ID;
- Provide the person accepting the delivery a notice stating nicotine products are illegal for underage persons and sales of such products are restricted to individuals who provide verifiable proof of legal age to purchase;
- Receive payment by a credit card or debit card in the name of the person accepting the delivery or a personal or company check of the person accepting the delivery, if the order is made in accordance with an advertisement on the Internet;
- Submit to the credit card company necessary information so that the words "nicotine product" appear on the person's credit card statement when a purchase is made using a credit card; and
- Make a phone call to the person accepting the delivery to confirm the order before shipping the order.

A person who accepts an order for a delivery sale of nicotine products or nicotine dispensing devices and delivers such products without using a delivery service must comply with all of the delivery service requirements listed above.[31]

Any person, who is 21 years or older, who knowingly violates the delivery sale' requirements is guilty of a misdemeanor of the second degree.[32]

Florida Contraband Forfeiture Act

[27] S. 581.217(7)(a), F.S.
[28] S. 581.217(3)(a), F.S.
[29] S. 569.45, F.S.
[30] *Id.*
[31] *Id.*
[32] *Id.*

The Florida Contraband Forfeiture Act[33] prescribes procedures for law enforcement agencies to follow when seizing, forfeiting, and disposing of property under the act. Property may only be seized if the owner of the property is arrested for a criminal offense that forms the basis for determining that the property is a contraband article, or if one of the following circumstances apply:[34]

- The owner of the property cannot be identified after a diligent search, or the person in possession of the property denies ownership and the owner of the property cannot be identified by means that are available to the employee or agent of the seizing agency at the time of the seizure;
- The owner of the property is a fugitive from justice or is deceased;
- An individual who does not own the property is arrested for a criminal offense that forms the basis for determining that the property is a contraband article and the owner of the property had actual knowledge of the criminal activity;
- The owner of the property agrees to be a confidential informant; or
- The property is a monetary instrument.

Florida Clean Indoor Air ACT (FCIAA)

The FCIAA prohibits any person under the age of 21 from smoking tobacco or vaping within 1,000 feet of a public or private elementary, middle, or secondary school between the hours of 6 a.m. and midnight. A violation of this prohibition is punishable by a maximum noncriminal civil penalty not to exceed $25, 50 hours of community service or, where available, successful completion of a school-approved anti-tobacco "alternative to suspension."[35]

Division of Alcoholic Beverages

The Division of Alcoholic Beverages and Tobacco (Division) within the Department of Business and Professional Regulation (DBPR) is the state agency responsible for the regulation and enforcement of alcoholic beverages, tobacco products, and nicotine products.

Tobacco and Nicotine Product Retailers

In order to sell tobacco products or nicotine products at retail in Florida, a person must obtain a retail tobacco products dealer permit or retail nicotine products dealer permit from the Division. A person must obtain a permit for each place of business or premises where tobacco or nicotine products are sold. [36]

The Division may discipline a tobacco retailer or nicotine product retailer's permit for violating any of the provisions relating to the retail sale of such products. Such discipline includes administrative fines up to $1,000 and suspension or revocation of a permit.[37]

However, the Division may not discipline a tobacco retailer or nicotine product retailer's permit for other violations of the law, including violating the state hemp program.

Quota Licensees

Under current law, there is not a limit on the number of licenses the Division may issue to businesses selling malt beverages or wine. However, the law limits the number of licenses for selling distilled spirits to one license per 7,500 residents within the county with a minimum of three licenses per county for counties that have approved the sale of intoxicating liquors. These licenses are known as quota licenses and are the only type of alcoholic beverage license that is limited in number.[38]

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[33] Ss. 932.701-932.7062, F.S.,
[34] S. 932.703(1), F.S.
[35] S. 386.212, F.S.
[36] Ss. 569.003 and 569.32, F.S.
[37] Ss. 569.006 and 569.35, F.S.
[38] S. 561.20, F.S.

Current law limits the types of items quota licensees may sell. Currently, quota licensees may only sell alcoholic beverages, bitters, grenadine, nonalcoholic mixer-type beverages, fruit juices, party supplies, party-type foods, miniatures of no alcoholic content, nicotine products, and tobacco products. If the quota licensee allows for the consumption of alcohol on the licensee's establishment then they may also sell items customarily sold in a restaurant.[39]

Current law does not prohibit quota licensees from selling products containing hemp; however, it also does not specifically allow it.

RECENT LEGISLATION:

YEAR	BILL #	HOUSE SPONSOR(S)	SENATE SPONSOR	OTHER INFORMATION
2024	HB 1215	Skidmore	Harrell	Revised requirements for packaging and labeling of edibles. Died in both Chambers before making it to any committee.
2024	CS/CS/HB 1613	Gregory	Burton	Provided conditions for the possession, manufacture, and delivery of hemp extract; prohibited businesses from possessing hemp extract products that are attractive to children; prohibited DACS from granting permission to remove or use certain hemp extract products until it determines such products comply with state law; prohibited event organizers from promoting, advertising, or facilitating certain events where hemp extract products are sold or marketed. The House bill was laid on the table, and the Senate bill was vetoed by the Governor.
2023	CS/CS/HB 1475	Robinson, W., Cassel	Burton	Provided that hemp extract is considered a food subject to certain requirements, among other things. The House bill was laid on the table, and the Senate bill was approved by the Governor.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Orig. Comm.: Commerce Committee			Hamon	Brackett

[39] S. 565.045, F.S.

A bill to be entitled

An act relating to hemp consumable THC products; amending s. 500.03, F.S.; revising the definition of the term "food"; amending s. 581.217, F.S.; revising and providing definitions; providing for the distribution and retail sale of hemp consumable THC products; authorizing the Department of Agriculture and Consumer Services to adopt rules; providing penalties; providing for the certification of independent laboratories by the department; authorizing the department to take certain actions against licensees and permittees; creating s. 581.218, F.S.; providing definitions; providing for mail order, Internet, and remote sales of hemp consumable THC products; providing penalties; creating s. 581.219, F.S.; providing for the seizure and destruction of contraband hemp consumable THC products; creating s. 581.220, F.S.; prohibiting the ingestion of hemp consumable THC products near school properties; providing exceptions; providing penalties; amending ss. 565.04 and 565.045, F.S.; authorizing specified businesses to sell hemp consumable THC products; amending ss. 569.006 and 569.35, F.S.; conforming provisions to changes made by the act; providing effective dates.

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

Section 1. Paragraph (n) 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:

(n) "Food" includes:

1. Articles used for food or drink for human consumption;

2. Chewing gum;

3. Articles used for components of any such article;

4. Articles for which health claims are made, which claims are approved by the Secretary of the United States Department of Health and Human Services and which claims are made in accordance with s. 343(r) of the federal act, and which are not considered drugs solely because their labels or labeling contain health claims;

5. Dietary supplements as defined in 21 U.S.C. s. 321(ff)(1) and (2); and

6. Hemp consumable THC products ~~extract~~ as defined in s. 581.217(3) ~~s. 581.217~~.

The term includes any raw, cooked, or processed edible substance; ice; any beverage; or any ingredient used, intended for use, or sold for human consumption.

Section 2. Subsections (10) through (13) of section 581.217, Florida Statutes, are renumbered as subsections (11) through (14), respectively, subsections (3) and (7) and present subsections (10), (12), and (13) are amended, and a new subsection (10) is added to that section, to read:

581.217 State hemp program.—

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

(a) "Attractive to children" means manufactured in the shape of or packaged in containers or packages displaying humans, cartoons, ~~or~~ animals, toys, or other similar features that target children; manufactured in a form or packaged in a container or package that bears any reasonable resemblance to an existing candy or snack product that is familiar to the public; manufactured in a form or packaged in a container or package that bears any reasonable resemblance to a ~~as a widely distributed,~~ branded food product such that the ~~a~~ product could be mistaken for the branded food product, especially by children~~; or containing any color additives~~.

(b) "Certifying agency" has the same meaning as in s. 578.011(8).

(c) "Cigarette" means any roll for smoking that contains any hemp consumable THC products.

(d) "Consumer" means the end user of a hemp consumable THC product who is a person in this state who comes into possession of any hemp consumable THC products and who, at the time of

possession, does not intend to sell or distribute the hemp consumable THC products or is not a retailer.

(e) ~~(c)~~ "Contaminants unsafe for human consumption" includes, but is not limited to, any microbe, fungus, yeast, mildew, herbicide, pesticide, fungicide, residual solvent, metal, or other contaminant found in any amount that exceeds any of the accepted limitations as determined by rules adopted by the Department of Health in accordance with s. 381.986, or other limitation pursuant to the laws of this state, whichever amount is less.

(f) ~~(d)~~ "Cultivate" means planting, watering, growing, or harvesting hemp.

(g) ~~(e)~~ "Hemp" means the plant Cannabis sativa L. and any part of that plant, including the seeds thereof, and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers thereof, whether growing or not, that has a total delta-9-tetrahydrocannabinol concentration that does not exceed 0.3 percent on a dry-weight basis, with the exception of hemp consumable THC products ~~extract~~, which may not exceed 0.3 percent total delta-9-tetrahydrocannabinol on a wet-weight basis.

(h) "Hemp consumable THC product" means a substance or compound intended for ingestion or inhalation, containing more than trace amounts of a cannabinoid which is derived from, consists of, or contains hemp or psychotropic cannabinoids. A

hemp consumable THC product may not contain controlled substances listed in 893.03. The term does not include synthetic cannabidiol or seeds or seed-derived ingredients that are generally recognized as safe by the United States Food and Drug Administration or marijuana used for medical purposes under s. 381.986.

~~(f) "Hemp extract" means a substance or compound intended for ingestion, containing more than trace amounts of a cannabinoid, or for inhalation which is derived from or contains hemp and which does not contain controlled substances. The term does not include synthetic cannabidiol or seeds or seed-derived ingredients that are generally recognized as safe by the United States Food and Drug Administration.~~

(i) ~~(g)~~ "Independent testing laboratory" means a laboratory that:

1. Does not have a direct or indirect interest in the entity whose product is being tested;

2. Does not have a direct or indirect interest in a facility that cultivates, processes, distributes, dispenses, or sells hemp or hemp consumable THC products ~~extract~~ in the state or in another jurisdiction or cultivates, processes, distributes, dispenses, or sells marijuana, as defined in s. 381.986; and

3. Is certified by the Department of Health as a medical marijuana testing laboratory pursuant to s. 381.988 or is

certified by the department pursuant to subsection (10) as being substantially equivalent to a medical marijuana testing laboratory ~~accredited by a third-party accrediting body as a competent testing laboratory pursuant to ISO/IEC 17025 of the International Organization for Standardization~~.

(j) "Inhalable" means any hemp consumable THC product consumed through the mouth or nasal passages into the respiratory system, including, cigarettes, vapor or aerosol produced from vapor-generated electronic devices, and hemp flower.

(k) "Logo" means a design, image, phrase, symbol, or trademark used by an entity to identify or advertise its products.

(l) "Manufacturer" means any person or entity that engages in the process of manufacturing, preparing, or packaging hemp consumable THC products. The term also includes any person or entity involved in hemp extraction.

(m) "Non-psychotropic cannabinoid" means any cannabinoid, including synthetic cannabinoids, that does not cause a psychotropic effect when ingested or inhaled. The term includes cannabidiol and any other cannabinoid defined as non-psychotropic by department rule.

(n) "Psychotropic cannabinoid" means any cannabinoid, including synthetic cannabinoids, that causes or may cause a psychotropic effect when ingested or inhaled. The term includes

delta-8-tetrahydrocannabinol, delta-10-tetrahydrocannabinol, hexahydrocannabinol, tetrahydrocannabinol acetate, tetrahydrocannabiphorol, tetrahydrocannabivarin, and any other cannabinoid defined as psychotropic by department rule.

(o) "Retailer" means any person or entity that sells hemp consumable THC products to consumers.

(p) "Synthetic cannabinoid" means any cannabinoid created by any process, other than a direct derivative from hemp and without further reacting with other chemicals to increase the concentration of a present cannabinoid or to create a new or different cannabinoid not originally found in the extract or hemp plant.

(q) "Vapor-generating electronic device" means any device or product that employs an electronic, chemical, or mechanical means of producing vapor or aerosol from a hemp consumable THC product or any other substance, including, but not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar device or product; any replacement cartridge for such device or product; and any other container of a solution or other substance intended to be used with or within such device or product.

(r) "Wholesaler" means any person or entity located within or outside this state which delivers or sells hemp consumable THC products to retailers or other persons for purposes of resale.

(7) DISTRIBUTION AND RETAIL SALE OF HEMP CONSUMABLE THC PRODUCTS ~~EXTRACT~~.—

(a) Hemp consumable THC products ~~extract~~ may only be distributed and sold in the state if the product in its final form for sale at retail:

1. Has a certificate of analysis prepared by an independent testing laboratory that states all of the following:

a. The hemp consumable THC product in its final form for sale at retail was ~~extract is the product of a batch~~ tested by the independent testing laboratory.~~;~~

b. The product in its final form for sale at retail ~~batch~~ contained a total delta-9-tetrahydrocannabinol concentration that did not exceed 0.3 percent pursuant to the testing of a random sample of the product in its final form for sale at retail. ~~batch;~~

c. The product in its final form for sale at retail contained hemp and psychotropic cannabinoids that did not exceed the limitations in paragraph (b).

d.~~c.~~ The product in its final form for sale at retail ~~batch~~ does not contain contaminants unsafe for human consumption.~~; and~~

e. The product in its final form for sale at retail was tested for and shows the results for each of the following as provided by department rule:

(I) Cannabinoids.

(II) Heavy metals.

(III) Mycotoxins.

(IV) Pesticides.

(V) Residual solvents.

(VI) Any other controlled substance listed in s. 893.03.

f.~~d.~~ The product in its final form for sale at retail ~~batch~~ was processed in a facility that holds a current and valid permit issued by a human health or food safety regulatory entity with authority over the facility, and that facility meets the human health or food safety sanitization requirements of the regulatory entity. Such compliance must be documented by a report from the regulatory entity confirming that the facility meets such requirements.

g. The entity that hired the independent testing agency to test the hemp consumable THC product in its final form for sale at retail. Manufacturers, wholesalers, and retailers are required to have their hemp consumable THC products tested by an independent testing laboratory in compliance with this paragraph. A wholesaler or retailer is not required to have its hemp consumable THC products tested if the product:

(I) Is packaged in a manner that may be sold to the consumer when the wholesaler or retailer receives the product from the manufacturer or wholesaler;

(II) Was tested in accordance with this paragraph by the manufacturer or wholesaler; and

(III) Has not been opened by the wholesaler or retailer.

2. Is distributed or sold in a container and package that includes:

a. A scannable barcode or quick response code linked to the certificate of analysis of the hemp consumable THC product ~~extract batch~~ by an independent testing laboratory;

b. The hemp consumable THC product ~~batch~~ number;

c. The Internet address of a website where hemp consumable THC product ~~batch~~ information may be obtained;

d. The expiration date of the hemp consumable THC product; and

e. The total number of milligrams of cannabinoids in the container and package and the number of milligrams of cannabinoids ~~each marketed cannabinoid~~ per serving in a clear and conspicuous manner.

f. The toll-free telephone number for the national Poison Help line.

3. Is distributed or sold in a container and package that:

a. Is suitable to contain products for human consumption;

b. Is composed of materials designed to minimize exposure to light;

c. Mitigates exposure to high temperatures;

d. Is a single color and not transparent. However, the universal symbol, scannable barcode, quick response code, and any text must be a different color than the container and

package. Any text must be black or white. This sub-subparagraph does not apply to beverage containers and packages;

e. Does not contain any pictures or images other than a single logo, which may not be attractive to children and may not cover more than 20 percent of the container or package. This sub-subparagraph does not apply to beverage containers and packages. However, beverage containers and packages may not contain a logo that is attractive to children;

f. Does not contain any text, pictures, or images that directly or indirectly markets the product as causing or may cause an intoxicating or psychotropic effect. This sub-subparagraph does not apply to the warning and symbol requirements provided in sub-subparagraphs g. and h.;

g. Contains a clear and conspicuous warning on the front of the package and container which is developed by the department and states the product contains cannabinoids. The warning is not required for hemp consumable THC products that only contain non-psychotropic cannabinoids;

h. Contains a hemp consumable THC product universal symbol as provided in ASTM D8441/D8441M-22;

i.~~d.~~ Is not attractive to children; and

j.~~e.~~ Is compliant with the United States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss. 1471 et seq., without regard to provided exemptions. However, for purposes of this sub-subparagraph, a beverage in a sealed container is considered

compliant.

(b) Hemp consumable THC products may only be sold at retail in the following consumable forms and subject to the following limitations:

1. Beverages, which may not:

a. Contain a ratio of more than 5 milligrams of hemp and psychotropic cannabinoids per 6 fluid ounces.

b. Be in a container that holds more than 10 milligrams of hemp and psychotropic cannabinoids.

c. Be in a package that contains more than 100 miligrams of hemp and psychotropic cannabinoids.

2. Inhalables, which may not:

a. Contain a ratio of more than 2.5 milligrams of hemp and psychotropic cannabinoids per gram.

b. Contain more than 5 milligrams of hemp and psychotropic cannabinoids per inhalable.

c. Be in a package that contains more than 100 miligrams of hemp and psychotropic cannabinoids.

3. Edibles, which may not:

a. Contain a ratio of more than 2.5 milligrams of hemp and psychotropic cannabinoids per gram.

b. Contain more than 5 milligrams of hemp and psychotropic cannabinoids per edible.

c. Be in a package that contains more than one 100 milligrams of hemp and psychotropic cannabinoids.

(c) Paragraph (b) does not apply to non-psychotropic cannabinoids.

(d) The retail sale and delivery of hemp consumable THC products for off premises consumption is prohibited, except:

1. At establishments that have a food permit from the department and prohibit the presence of persons under 21 years of age on the establishment's premises;

2. At establishments that have a food permit from the department and have a quota license issued under s. 565.02(1)(a)-(f). Establishments with a quota license issued under s. 565.02(1)(a)-(f) which allow the presence of persons under 21 years of age on the establishment's premises must place hemp consumable THC products, not including beverages, in an area inaccessible to customers. Such establishments may place hemp consumable THC products, not including beverages, in an open display unit as long as the unit is located in an area that is inaccessible to customers;

3. At establishments that have a food permit from the department, allow the presence of persons under 21 years of age on the establishments premises, and have a permit or license issued by the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation but do not have a quota license issued under s. 565.02(1)(a)-(f). Such establishments may only sell hemp consumable THC beverages, which must be in an area inaccessible to customers. Such

establishments may place hemp consumable THC beverages in an open display unit as long as the unit is located in an area that is inaccessible to customers; or

4. In accordance with the mail order, Internet, and remote sales of hemp consumable THC products requirements in s. 581.218.

(e) Hemp consumable THC products may not be sold, given, bartered, furnished, or delivered to consumers at wholesale. Hemp consumable THC products may not be sold, given, bartered, furnished, or delivered to consumers at festivals, fairs, trade shows, farmers' markets, expositions, or pop-up retail establishments unless the festival, fair, trade show, farmers' market, exposition, or pop-up prohibits patrons under 21 years of age from attending and every retailer selling hemp consumable THC products at the festival, fair, trade show, farmers' market, exposition, or pop-up has a food permit from the Department.

(f) The sale or delivery of hemp consumable THC products for consumption on a retailer's premises is prohibited. If a retailer discovers a consumer is consuming hemp consumable THC products on the retailer's premises, the retailer must immediately notify the consumer to immediately leave the retailer's premises.

(g) ~~(b)~~ Hemp consumable THC products ~~extract~~ may only be sold to a business in this state if that business is properly permitted as required by this section.

(h) ~~(c)~~ Hemp consumable THC products ~~extract~~ distributed or sold in this state are ~~is~~ subject to the applicable requirements of chapter 500, chapter 502, or chapter 580.

(i) A person or entity may not sell, deliver, barter, give, or furnish hemp consumable THC products that total more than 100 milligrams of hemp and psychotropic cannabinoids to a person in a 24-hour period unless the person receiving the hemp consumable THC products is receiving the products on behalf of a cultivator, manufacturer, wholesaler, or retailer for resale. There is a rebuttable presumption that a person or entity complied with this paragraph if the person receiving the hemp consumable THC products affirms in writing or electronically that by receiving such products he or she will not have received hemp consumable THC products that total more than 100 milligrams of hemp and psychotropic cannabinoids within a 24-hour period or he or she is receiving the products on behalf of a cultivator, manufacturer, wholesaler, or retailer for resale. This paragraph does not apply to non-psychotropic cannabinoids.

(j) ~~(d)~~ Hemp consumable THC products ~~that are intended for human ingestion or inhalation and that contain hemp extract~~, including, but not limited to, snuff, chewing gum, and other smokeless products, may not be sold, delivered, bartered, given, or furnished ~~in this state~~ to a person who is under 21 years of age.

(k) For a first violation of this subsection, a person ~~who~~

~~violates this paragraph~~ 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 of this subsection ~~paragraph~~ within 12 months ~~1 year~~ after the first ~~initial~~ violation commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. A person who commits a third or subsequent violation within 12 months after the second violation commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

(l) ~~(e)~~ In addition to paragraph (k), hemp consumable THC products ~~extract~~ distributed or sold in violation of this subsection are ~~is~~ subject to s. 500.172 and penalties as provided in s. 500.121. Hemp consumable THC ~~extract~~ products found to be mislabeled or in violation of subsection (7) ~~attractive to children~~ are subject to an immediate stop-sale order.

(m) Subparagraph 3. of paragraph (a) and paragraph (b) do not apply to hemp consumable THC products produced in this state that are shipped or transported outside of this state for sale or use outside this state. Hemp consumable THC products produced in this state that are shipped or transported outside of this state for sale or use outside of this state:

1. May not be sold, shipped, or transported to a consumer in this state, a retailer's establishment located in this state, or to a person who sells or intends to sell such products to a

consumer in this state;

2. Must be in a package marked "NOT FOR USE OR RETAIL SALE IN FLORIDA" in bold font with a font size of at least 36 points; and

3. Must be physically separated from hemp consumable THC products that are or intended to be sold or used in this state. The department may adopt rules to implement this paragraph.

(10) CERTIFICATION OF INDEPENDENT LABORATORIES BY THE DEPARTMENT.—

(a) The department must certify any laboratory located in this state or another state which meets the qualifications of an independent testing laboratory. However, a medical marijuana testing laboratory certified pursuant to s. 381.988 is not required to receive certification by the department.

(b) The department must adopt rules establishing the standards for certification and must adopt rules for the testing and reporting on the certificate of analysis of hemp consumable THC products under this section. The department must develop rules for the certification of independent testing laboratories, which must include, but are not limited to:

1. Security standards.

2. Minimum standards for personnel.

3. Sample collection method and process standards.

4. Proficiency testing for cannabinoid concentration and contaminants unsafe for human consumption, as determined by

department rule.

5. Reporting content, format, and frequency.

6. Audits and onsite inspections.

7. Quality assurance.

8. Equipment and methodology.

9. Chain of custody.

10. Any other standard the department deems necessary.

(c) The department shall adopt rules establishing a procedure for initial certification and biennial renewal. The department shall renew the certification biennially if the laboratory meets the requirements of this section or any rules adopted under this subsection.

(d) The department shall publish on its website a list of all laboratories that have received certification.

(e) The department may refuse to issue or renew, or may suspend or revoke, the certification of a laboratory that is found to be in violation of this section or any rules adopted under this subsection.

(f) Any laboratory that receives certification under this subsection from the department agrees to random unannounced audits and onsite inspections by the department or agents thereof.

(11) ~~(10)~~ VIOLATIONS.—

(a) A licensee must complete a corrective action plan if the department determines that the licensee has negligently

violated this section or department rules, including negligently:

1. Failing to provide the legal land description and global positioning coordinates pursuant to subsection (5);

2. Failing to obtain a proper license or other required authorization from the department; or

3. Producing Cannabis sativa L. that has a total delta-9-tetrahydrocannabinol concentration that exceeds 0.3 percent on a dry-weight basis.

(b) The corrective action plan must include:

1. A reasonable date by which the licensee must correct the negligent violation; and

2. A requirement that the licensee periodically report to the department on compliance with this section and department rules for a period of at least 2 calendar years after the date of the violation.

(c) A licensee who negligently violates the corrective action plan under this subsection three times within 5 years is ineligible to cultivate hemp for 5 years following the date of the third violation.

(d) If the department determines that a licensee has violated this section or department rules with a culpable mental state greater than negligence, the department shall immediately report the licensee to the Attorney General and the United States Attorney General.

(e) In addition to any other penalties provided by law, the department may take any of the following actions against any person licensed or permitted by the department for a violation of this section:

1. Place on probation or reprimand the licensee or permittee.

2. Revoke, suspend, or deny the issuance or renewal of the license or permit.

3. Impose an administrative fine not to exceed $5,000 per violation or assess costs associated with investigation and prosecution.

(13) ~~(12)~~ RULES.—The department shall adopt rules to administer the state hemp program. The rules must provide for:

(a) A procedure that uses post-decarboxylation or other similarly reliable methods for testing the delta-9-tetrahydrocannabinol concentration of cultivated hemp.

(b) A procedure for the effective disposal of plants, whether growing or not, that are cultivated in violation of this section or department rules, and products derived from those plants.

(c) Packaging and labeling requirements that ensure that hemp consumable THC products are not in violation of subsection (7) ~~extract intended for human ingestion or inhalation is not attractive to children~~.

(d) Advertising regulations that ensure that hemp

consumable THC products ~~extract intended for human ingestion or inhalation~~ are ~~is~~ not marketed or advertised in a manner that specifically targets or is attractive to children.

(14)~~(13)~~ APPLICABILITY.—Notwithstanding any other law:

(a) This section does not authorize a licensee to violate any federal or state law or regulation.

(b) This section does not apply to a pilot project developed in accordance with 7 U.S.C. 5940 and s. 1004.4473.

(c) A licensee who negligently violates this section or department rules is not subject to any criminal or civil enforcement action by the state or a local government other than the enforcement of violations of this section as authorized under subsection (11) ~~(10)~~.

Section 3. Section 581.218, Florida Statutes, is created to read:

581.218 Mail order, Internet, and remote sales of hemp consumable THC products.—

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

(a) "Consumer" has the same meaning as in s. 581.217(3).

(b) "Delivery sale" means any sale of a hemp consumable THC product to a consumer in the state for which:

1. The consumer submits the order for the sale by telephonic or other voice transmission, mail, delivery service, or the Internet or other online service; or

2. The hemp consumable THC products are delivered by use

of mail or a delivery service.

(c) "Delivery service" means any person engaged in the commercial delivery of letters, packages, or other containers.

(d) "Hemp consumable THC product" has the same meaning as in s. 581.217(3).

(e) "Retailer" has the same meaning as in s. 581.217(3).

(f) "Shipping container" means a container in which hemp consumable THC products are shipped in connection with a delivery sale.

(g) "Shipping document" means a bill of lading, airbill, United States Postal Service form, or any other document used to verify the undertaking by a delivery service to deliver letters, packages, or other containers.

(h) "Wholesaler" has the same meaning as in s. 581.217(3).

(2)(a) The sale of hemp consumable THC products constituting a delivery sale under paragraph (1)(b) is a delivery sale regardless of whether the person accepting the order for the delivery sale is located within or outside this state.

(b) A person must obtain a food permit from the department under chapter 500 before accepting an order for a delivery sale of hemp consumable THC products. A person outside this state who engages in delivery sales to consumers in this state may make application for a food permit from the department under chapter 500, be granted such a permit by the department, and thereafter

be subject to all the provisions of this chapter, chapter 500, and chapter 502 and be entitled to act as a permitted retailer.

(c) A person may not make a delivery sale of hemp consumable THC products to any individual who is not 21 years of age or older.

(d) Each person accepting an order for a delivery sale of hemp consumable THC products must comply with all of the following:

1. The age verification requirements of subsection (3).

2. The disclosure requirements of subsection (4).

3. The shipping requirements of subsection (5).

(3) A person may not mail, ship, or otherwise deliver hemp consumable THC products in connection with an order for a delivery sale unless, before the first delivery to the consumer, until the person accepting the order for the delivery sale does all of the following:

(a) Obtains from the person submitting the order a certification that includes:

1. Reliable confirmation that the person is 21 years of age or older; and

2. A statement signed by the person in writing and under penalty of perjury which:

a. Certifies the address and date of birth of the person; and

b. Confirms that the person wants to receive delivery

sales from a hemp consumable THC product retailer and understands that, under the laws of the state, the following actions are illegal:

(I) Signing another person's name to the certification.

(II) Selling hemp consumable THC products to individuals who are not 21 years of age or older.

(III) Purchasing hemp consumable THC products if the person making the purchase is not 21 years of age or older.

(b) Makes a good faith effort to verify the information contained in the certification provided by the individual pursuant to paragraph (a) against a commercially available database that may be reasonably relied upon for accurate age information or obtains a photocopy or other image of a valid government-issued identification card stating the date of birth or age of the individual.

(c) Provides to the individual, by electronic mail or other means, a notice meeting the requirements of subsection (4).

(d) If an order for hemp consumable THC products is made pursuant to an advertisement on the Internet, receives payment for the delivery sale from the consumer by a credit or debit card issued in the name of the consumer, or by personal or company check of the consumer.

(e) Submits, to each credit card acquiring company with which the person has credit card sales, identification

information in an appropriate form and format so that the words "Hemp consumable THC product" may be printed in the purchaser's credit card statement when a purchase of hemp consumable THC products is made by credit card payment.

In addition to the requirements of this subsection, a person accepting an order for a delivery sale of hemp consumable THC products may request that a consumer provide an e-mail address.

(4) The notice under paragraph (3)(c) must include prominent and clearly legible statements that sales of hemp consumable THC products are:

(a) Illegal if made to individuals who are not 21 years of age or older.

(b) Restricted to those individuals who provide verifiable proof of age pursuant to subsection (3).

(5) Each person who mails, ships, or otherwise delivers hemp consumable THC products in connection with an order for a delivery sale must:

(a) Ship hemp consumable THC products that comply with the limitations on the retail sale of such products in s. 581.217.

(b) Ship hemp consumable THC products in a container and package that complies with the container and package requirements of s. 518.217.

(c) Include as part of the shipping documents, in a clear and conspicuous manner, the following statement: "Hemp

consumable THC product: Florida law prohibits shipping to individuals under 21 years of age."

(d) Use a method of mailing, shipping, or delivery that obligates the delivery service to require proof that the person accepting the order for the delivery sale is 21 years of age or older and resides at the address listed on the order label, by reviewing a valid government-issued identification card bearing a photograph of the person who signs to accept delivery of the shipping container.

If the person accepting a purchase order for a delivery sale delivers the hemp consumable THC products without using a delivery service, the person must comply with all of the requirements of this section which apply to a delivery service. Any failure to comply with a requirement of this section constitutes a violation thereof.

(6) This section does not apply to delivery sales of hemp consumable THC products to a retailer or wholesaler.

(7) An individual who is 21 years of age or older who knowingly violates any provision of this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(8) The Attorney General, the Attorney General's designee, or a state attorney may bring an action in the appropriate court in the state to prevent or restrain violations of this section

by any person.

Section 4. Section 581.219, Florida Statutes, is created to read:

581.219 Seizure and destruction of contraband hemp consumable THC products.—All hemp consumable THC products, as defined in s. 581.217(3), sold, offered for sale, delivered, or distributed contrary to any provision of ss. 581.217 and 581.218 are declared to be contraband, are subject to seizure and confiscation under the Florida Contraband Forfeiture Act by any person whose duty it is to enforce those sections, and must be disposed of as follows:

(1) A court having jurisdiction shall order the hemp consumable THC products forfeited upon a showing that, by a preponderance of the evidence, the products were sold, offered for sale, delivered, or distributed contrary to any provision of ss. 581.217 and 581.218. Upon completion of any chapter 120 proceedings related to the seized hemp consumable THC products, the court shall order the products destroyed except as provided by applicable court orders. The officer who destroys the products shall keep a record of the location where the products were seized, the kinds and quantities of the products destroyed, and the time, place, and manner of the destruction of the products and shall make a return under oath reporting such destruction.

(2) The department or seizing law enforcement agency shall

keep a full and complete record of all products seized under this section showing:

(a) The exact kinds, quantities, and forms of the products.

(b) The persons from whom the products were seized and to whom they were delivered.

(c) By whose authority the products were seized, delivered, and destroyed.

(d) The dates of the seizure, disposal, and destruction of the products.

Records under this subsection must be open to inspection by all persons charged with the enforcement of ss. 581.217 and 581.218.

(3) The cost of seizure, confiscation, and destruction of contraband hemp consumable THC products is borne by the person from whom the products are seized.

(4) Except as otherwise provided in this section, the procedures of the Florida Contraband Forfeiture Act apply to this section.

Section 5. Section 581.220, Florida Statutes, is created to read:

581.220 Ingesting hemp consumable THC products prohibited near school property.—

(1) A person may not ingest hemp consumable THC products, as defined in s. 581.217(3), in, on, or within 1,000 feet of the

real property comprising a public or private elementary, middle, or secondary school between the hours of 6 a.m. and midnight. This section does not apply to a person who is in a moving vehicle or within a private residence.

(2) A law enforcement officer may issue a citation in such form as prescribed by a county or municipality to any person who violates this section. The citation must contain all of the following:

(a) The date and time of issuance.

(b) The name and address of the person cited.

(c) The date and time the civil infraction was committed.

(d) The statute violated.

(e) The facts constituting the violation.

(f) The name and authority of the law enforcement officer.

(g) The procedure for the person to follow to pay the civil penalty, to contest the citation, or to appear in court.

(h) The applicable civil penalty if the person elects not to contest the citation.

(3) Any person issued a citation pursuant to this section is charged with a civil infraction, punishable by a civil penalty of up to $25, 50 hours of community service, or, where available, successful completion of a school-approved, anti-drug, alternative-to-suspension program.

(4) Any person who fails to comply with the directions on the citation waives his or her right to contest the citation,

and an order to show cause may be issued by the court.

Section 6. Subsection (1) of section 565.04, Florida Statutes, is amended to read:

565.04 Package store restrictions.—

(1) Vendors licensed under s. 565.02(1)(a) shall not in said place of business sell, offer, or expose for sale any merchandise other than such beverages, and such places of business shall be devoted exclusively to such sales; provided, however, that such vendors shall be permitted to sell bitters; grenadine; nonalcoholic mixer-type beverages, not to include fruit juices produced outside this state; fruit juices produced in this state; home bar and party supplies and equipment, including but not limited to glassware and party-type foods; miniatures of no alcoholic content; nicotine products; and tobacco products. Such places of business shall have no openings permitting direct access to any other building or room, except to a private office or storage room of the place of business from which patrons are excluded. Vendors licensed under s. 565.02(1)(a) may sell hemp consumable THC products for off-premises consumption in accordance with ss. 581.217 and 581.218.

Section 7. Paragraph (a) of subsection (2) of section 565.045, Florida Statutes, is amended to read:

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

(2)(a) There shall not be sold at such places of business

anything other than the beverages permitted, home bar and party supplies and equipment (including, but not limited to, glassware and party-type foods), cigarettes, hemp consumable THC products for off-premises consumption in accordance with ss. 581.217 and 581.218, and what is customarily sold in a restaurant.

Section 8. Section 569.006, Florida Statutes, is amended to read:

569.006 Retail tobacco products dealers; administrative penalties.—The division may suspend or revoke the permit of the dealer upon sufficient cause appearing of the violation of any of the provisions of s. 581.217, s. 581.218, or this chapter, including part II of this chapter if the dealer deals, at retail, in nicotine products within the state or allows a nicotine products vending machine to be located on its premises within the state, by a dealer or by a dealer's agent or employee. The division may also assess and accept administrative fines of up to $1,000 against a dealer for each violation. The division shall deposit all fines collected into the General Revenue Fund as collected. An order imposing an administrative fine becomes effective 15 days after the date of the order. The division may suspend the imposition of a penalty against a dealer, conditioned upon the dealer's compliance with terms the division considers appropriate.

Section 9. Section 569.35, Florida Statutes, is amended to read:

569.35 Retail nicotine product dealers; administrative penalties.—The division may suspend or revoke the permit of a dealer, including the retail tobacco products dealer permit of a retail tobacco products dealer as defined in s. 569.002(4), upon sufficient cause appearing of the violation of any of the provisions of s. 581.217, s. 581.218, or this part, by a dealer, or by a dealer's agent or employee. The division may also assess and accept an administrative fine of up to $1,000 against a dealer for each violation. The division shall deposit all fines collected into the General Revenue Fund as collected. An order imposing an administrative fine becomes effective 15 days after the date of the order. The division may suspend the imposition of a penalty against a dealer, conditioned upon the dealer's compliance with terms the division considers appropriate.

Section 10. This act shall take effect January 1, 2026.