Industries & Professional Activities Subcommittee

Tuesday, December 2, 2025
3:30 PM – 6:00 PM
Webster Hall (212 Knott)

Daniel Perez
Speaker

Mike Giallombardo
Chair

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Industries & Professional Activities Subcommittee

Start Date and Time: Tuesday, December 02, 2025 03:30 PM

End Date and Time: Tuesday, December 02, 2025 06:00 PM

Location: Webster Hall (212 Knott)

Duration: 2.50 hrs

Consideration of the following bill(s):

HB 37 Removal, Storage, and Cleanup of Electric Vehicles by Nix
HB 405 Commercial Construction Projects by Griffitts
HB 7001 OGSR/Florida Gaming Control Commission by Government Operations Subcommittee, Nix

NOTICE FINALIZED on 11/24/2025 1:19PM by Marks.Amie

HB 37

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 37	**COMPANION BILL:** SB 260 (Burgess)
TITLE: Removal, Storage, and Cleanup of Electric Vehicles	**LINKED BILLS:** None
SPONSOR(S): Nix	**RELATED BILLS:** None

Committee References

Intergovernmental Affairs	➤	Industries & Professional Activities	➤	State Affairs
12 Y, 3 N				

SUMMARY

Effect of the Bill:
The bill requires counties, and authorizes municipalities, to establish a daily administration fee for the proper storage of electric vehicles that have been involved in an accident. This fee may be up to three times the daily vehicle storage rate adopted by the county or municipality for the removal and storage of wrecked or disabled vehicles or vessels generally. The bill defines "proper storage" of a damaged electric vehicle as separating the vehicle from combustibles and structures by 50 feet on all sides or by having a barrier of earth, steel, concrete, or solid masonry. A wrecker service, towing-storage operator, or wrecker operator may only charge the fee if the damaged electric vehicle is properly stored. The bill clarifies that the storage provisions for electric vehicles do not require a motor vehicle insurer to pay any costs beyond what is covered under the contract between the insurer and the insured.

Fiscal or Economic Impact:
Indeterminate. The bill may increase revenues for towing-storage or wrecker operators.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill requires counties to establish a daily administration fee for the proper storage of electric vehicles that have been involved in an accident. This fee may be up to three times the daily vehicle storage rate adopted by the county for the removal and storage of wrecked or disabled vehicles or vessels generally. A wrecker service, towing-storage, or wrecker operator may charge this fee for administrative costs for providing proper storage of a damaged electric vehicle, provided that the service or operator properly stores the vehicle. The bill specifies that proper storage of a damaged electric vehicle requires the vehicle to be separated from combustibles and structures by 50 feet on all sides or to have a barrier of earth, steel, concrete, or solid masonry surrounding the vehicle. (Section 1)

The bill authorizes municipalities to establish a daily administration fee subject to the same requirements. If a municipality adopts a daily administration fee, the county's daily administration fee does not apply within the municipality. (Section 2)

The bill provides that a wrecker service or towing-storage or wrecker operator may charge the daily administration fee authorized by the bill. (Section 4)

The bill clarifies that the storage provisions for electric vehicles do not require a motor vehicle insurer to pay any costs beyond what is covered under the contract between the insurer and the insured. (Section 3)

The effective date of the bill is July 1, 2026. (Section 5)

FISCAL OR ECONOMIC IMPACT:

PRIVATE SECTOR:

The bill may increase storage costs to owners of electric vehicles to the extent those vehicles are subject to an involuntary tow. The bill may increase revenues for towing-storage or wrecker operators who follow the EV storage requirements.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Wrecker Operators

A wrecker operator is any person or firm regularly engaged for hire in the business of towing or removing vehicles,[1] while a towing-storage operator refers to a person who engages in the business of transporting vehicles or vessels by wrecker, tow truck, or car carrier or who engages in storing towed vehicles or vessels.[2]

Current law allows counties and municipalities to establish wrecker operator systems similar to that of the Florida Highway Patrol as authorized in s. 321.051(2), F.S.[3] Under this system, a county or municipality may contract with one or more wrecker operators for towing or removal of wrecked, disabled, or abandoned vehicles from accident scenes, streets, or highways.

County and Municipal Vehicle Storage Rates

Counties must establish maximum rates charged for towing and storage of vehicles or vessels when the owner or operator is incapacitated, unavailable, leaves the procurement of wrecker services to law enforcement, or otherwise does not consent to removal of the vehicle or vessel.[4] Municipalities may also choose to establish maximum rates for vehicle or vessel towing. In these municipalities, the maximum towing rates established by the county do not apply.[5] In areas where no maximum rates have been established, the maximum rates established by the Division of Florida Highway Patrol apply.[6]

Counties and municipalities that have established maximum storage rates must publish the rates on their websites and must establish processes for investigating and resolving complaints regarding fees charged.[7] The daily rates for storage adopted by local governments can vary based on several factors. For example, the daily rate for the outdoor storage for vehicles 25 feet or less in Palm Beach County is $31.00,[8] while the daily storage rate in Leon County for a vehicle weighing less than 10,000 pounds is $55.00.[9]

Once a vehicle or vessel is towed or stored, the towing-storage operator has a lien on the vehicle or vessel for fees related to recovery, removal, or storage.[10] These fees may include any reasonable towing fees, administrative fees,

[1] S. 1.01(15), F.S.
[2] S. 713.78(1)(f), F.S.
[3] S. 323.002(1)(c), F.S.
[4] S. 125.0103(1)(c), F.S.
[5] S. 166.043(1)(c), F.S.
[6] S. 125.0103(d), F.S.
[7] S. 125.0103(1)(d), F.S. and s. 166.043(1)(d), F.S.
[8] Palm Beach County, *Maximum Non-Consent Towing & Immobilization Rates* (last visited Nov. 6, 2025).
[9] Leon County Resolution No. 25-17
[10] S. 713.78(2)(b), F.S.

or storage fees.[11] However, a storage fee may not be charged if the vehicle is stored for less than six hours.[12] In addition to the amount due for the towing and storage of the vehicle, a towing company may charge an administrative fee of up to $250 for releasing the claim of lien.[13]

Damaged Electric Vehicles

Florida law defines an electric vehicle as a motor vehicle that is powered by an electric motor that draws current from rechargeable storage batteries, fuel cells, or other sources of electrical current.[14]

The National Highway Traffic Safety Administration (NHTSA) issued guidance in 2014 for the handling of electric and hybrid-electric vehicles equipped with high-voltage batteries in certain situations.[15] The guidance provides that in the event of damage, fire, or flooding involving an electric vehicle or hybrid-electric vehicle one should always assume the high-voltage (HV) battery and associated components are energized and fully charged. Individuals should also be aware that:

- Exposed electrical components, wires, and HV batteries present potential HV shock hazards;
- Venting and off-gassing HV battery vapors are potentially toxic and flammable; and
- Physical damage to the vehicle or high-voltage battery may result in immediate or delayed release of toxic or flammable gases and fire.

The NHTSA guidance recommends to not store a severely damaged vehicle with a lithium-ion battery inside a structure or within 50 feet of any structure, vehicle, or combustibles, and to ensure that the vehicle compartments remain well ventilated.[16] SAE, a professional society that makes technical recommendations for the transportation industry, recommends two barrier methods for an electric vehicle during storage: separation of the vehicle from combustibles and structures by 50 feet on all sides or the creation of a barrier of earth, steel, concrete, or solid masonry around the vehicle.[17]

A 2020 National Transportation Safety Board report on safety risks from lithium-ion battery fires in electric vehicles included findings and recommendations related to the handling of damaged electric vehicles.[18] Key findings that may impact vehicle storage included:

- Thermal runaway and multiple battery reignitions after initial fire suppression are safety risks in HV lithium-ion battery fires.
- The energy remaining in a damaged HV lithium-ion battery, known as stranded energy, poses a risk of electric shock and creates the potential for thermal runaway that can result in battery reignition and fire.
- HV lithium-ion batteries in electric vehicles, when damaged by crash forces or internal battery failure, present special challenges to first and second responders because of insufficient information from manufacturers on procedures for mitigating the risks of stranded energy.
- Storing an electric vehicle with a damaged HV lithium-ion battery inside the recommended 50-foot-radius clear area may be infeasible at tow or storage yards.[19]

The Florida State Fire Marshall has adopted a fire safety rule for the storage of electric vehicles with damaged or burned batteries. [20] The rule states that electric vehicles with damaged or burned batteries should not be stored or parked within 50 feet of an occupied commercial structure until the battery can be safely discharged. The rule does

[11] S. 713.78(2), F.S.
[12] S. 713.78(2)(b), F.S.
[13] S. 713.78(15)(a), F.S.
[14] S. 320.01(36), F.S.
[15] U.S. Dept. of Transportation, National Highway Traffic Safety Administration, *Interim Guidance for Electric and Hybrid-Electric Vehicles Equipped With High-Voltage Batteries*, p. 2 (last visited Nov. 20, 2025).
[16] *Id* at 3.
[17] National Transportation Safety Board, *Safety Risks to Emergency Responders from Lithium-Ion Battery Fires in Electric Vehicles*, pp. 36, 40 (last visited Nov. 20, 2025).
[18] *Id.*
[19] *Id.* at 63.
[20] Ch. 69A-73.005, F.A.C.

not apply to electric vehicles stored for under 30 days for insurance claim adjudication, to a licensed motor vehicle auction that sells junk or salvage motor vehicles, or for the disassembly or repair of a damaged electric vehicle.

Motor Vehicle Insurers

Chapter 324, F.S., sets forth the financial responsibility laws for owners or operators of motor vehicles in Florida. Generally, a motor vehicle owner or operator is required to insure against losses from liability for bodily injury, death, and property damage by either:

- Purchasing auto insurance from an insurance carrier authorized by the Office of Insurance Regulation to do business in Florida;[21] or
- Obtaining a certificate of self-insurance from the Department of Highway Safety and Motor Vehicles after demonstrating the ability to cover potential losses arising out of the ownership, maintenance, or use of a motor vehicle.[22]

In addition to the mandatory types of coverage, drivers may acquire additional types of coverage, such as collision, comprehensive, roadside assistance, and liability. Insurance may cover towing and storage fees after an accident, depending on the type and level of coverage and circumstances of the accident.[23] Additionally, insurance companies must provide notice before termination of payment for previously authorized storage charges and must provide 72 hours to remove the vehicle from storage.[24]

RECENT LEGISLATION:

YEAR	BILL #	HOUSE/SENATE SPONSOR(S)	OTHER INFORMATION
2025	CS/CS/CS/HB 577 - Removal, Storage, and Cleanup of Electric Vehicles	Nix/ *Ingoglia*	The bill passed the House and died in the Senate.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Intergovernmental Affairs Subcommittee	12 Y, 3 N	11/18/2025	Darden	Hilliard
Industries & Professional Activities Subcommittee			Anstead	Bunnell
State Affairs Committee				

[21] S. 324.021(8), F.S.
[22] Ss. 324.161 and 324.171, F.S.
[23] Experian, *Does Car Insurance Cover Towing After an Accident?* (last visited Nov. 20, 2025).
[24] S. 626.9743(8), F.S.

A bill to be entitled

An act relating to the removal, storage, and cleanup of electric vehicles; amending s. 125.0103, F.S.; requiring counties to establish a daily administration fee for the proper storage of certain electric vehicles; providing a maximum amount for such fees; providing applicability; defining the terms "daily administration fee" and "proper storage"; amending s. 166.043, F.S.; authorizing municipalities to establish a daily administration fee for the proper storage of certain electric vehicles; providing a maximum amount for such fees; providing applicability; defining the terms "daily administration fee" and "proper storage"; creating s. 324.0222, F.S.; providing that motor vehicle insurers are not required to pay certain costs; amending s. 713.78, F.S.; providing that a reasonable fee for service includes any daily administration fee; providing an effective date.

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

Section 1. Paragraph (d) of subsection (1) of section 125.0103, Florida Statutes, is redesignated as paragraph (e), and a new paragraph (d) is added to that subsection to read:

125.0103 Ordinances and rules imposing price controls.—

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

(1)

(d)1. Counties shall establish a daily administration fee for the proper storage of electric vehicles, as defined in s. 320.01(36), which have been involved in an accident. The daily administration fee for proper storage of an electric vehicle may be up to three times the amount established under paragraph (c) and shall apply in the event the electric vehicle owner or operator is incapacitated, is unavailable, leaves the procurement of wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the electric vehicle. Such fee may not be charged unless the electric vehicle is properly stored as defined in this paragraph.

2. For purposes of this paragraph, the term:

a. "Daily administration fee" means a fee imposed by a wrecker service or towing-storage or wrecker operator for administrative costs for towing and storing a damaged electric vehicle after the cleanup of the accident scene and debris removal in order to provide proper storage of the damaged electric vehicle.

b. "Proper storage" means the damaged electric vehicle is separated from combustibles and structures by at least 50 feet on all sides or is surrounded by a barrier of earth, steel, concrete, or solid masonry.

Section 2. Paragraph (d) of subsection (1) of section

166.043, Florida Statutes, is redesignated as paragraph (e), and a new paragraph (d) is added to that subsection to read:

166.043 Ordinances and rules imposing price controls.—

(1)

(d)1. Municipalities may establish a daily administration fee for the proper storage of electric vehicles, as defined in s. 320.01(36), which have been involved in an accident. The daily administration fee for proper storage of an electric vehicle may be up to three times the amount established under paragraph (c) and shall apply in the event the electric vehicle owner or operator is incapacitated, is unavailable, leaves the procurement of wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the electric vehicle. Such fee may not be charged unless the electric vehicle is properly stored as defined in this paragraph. If a municipality enacts an ordinance establishing a daily administration fee as defined in this paragraph, a county's ordinance establishing a daily administration fee under s. 125.0103(1)(d) does not apply within such municipality.

2. For purposes of this paragraph, the term:

a. "Daily administration fee" means a fee imposed by a wrecker service or towing-storage or wrecker operator for administrative costs for towing and storing a damaged electric vehicle after the cleanup of the accident scene and debris

removal in order to provide proper storage of the damaged electric vehicle.

b. "Proper storage" means the damaged electric vehicle is separated from combustibles and structures by at least 50 feet on all sides or is surrounded by a barrier of earth, steel, concrete, or solid masonry.

Section 3. Section 324.0222, Florida Statutes, is created to read:

324.0222 Storage of electric vehicles; coverage.—Nothing in s. 125.0103 or s. 166.043 relating to the storage of electric vehicles requires a motor vehicle insurer to pay any costs beyond costs covered pursuant to a contract with its insured.

Section 4. Paragraph (a) of subsection (2) of section 713.78, Florida Statutes, is amended to read:

713.78 Liens for recovering, towing, or storing vehicles and vessels.—

(2)(a) A towing-storage operator may charge the owner or operator of a vehicle or vessel only the following fees for, or incidental to, the recovery, removal, or storage of the vehicle or vessel:

1. Any reasonable fee for service, including any daily administration fee, specifically authorized under s. 125.0103 or s. 166.043 by ordinance, resolution, regulation, or rule of the county or municipality in which the service is performed.

2. Any reasonable fee for service specifically authorized

by the Division of Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles under s. 321.051(2).

3. Any reasonable fee for service as agreed upon in writing between a towing-storage operator and the owner of a vehicle or vessel.

4. Any lien release administrative fee as set forth in paragraph (15)(a).

5. Any reasonable administrative fee or charge imposed by a county or municipality pursuant to s. 125.01047, s. 166.04465, or s. 323.002 upon the registered owner or other legally authorized person in control of a vehicle or vessel.

Section 5. This act shall take effect July 1, 2026.

HB 405

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 405	**COMPANION BILL:** SB 526 (Grall)
TITLE: Commercial Construction Projects	**LINKED BILLS:** None
SPONSOR(S): Griffitts	**RELATED BILLS:** None

Committee References

Industries & Professional Activities ➤ State Administration Budget ➤ Commerce

SUMMARY

Effect of the Bill:
The bill makes provisions in public construction contracts which waive, release, or extinguish certain rights of the contractor void if delay is due to the acts or omissions of the awarding body, directs the Florida Building Commission, in consultation with DBPR, to create a uniform commercial building permit application to be used throughout the state, and directs local enforcement agencies to reduce permit fees for plans review or building inspection services when an owner or contractor retains a private provider for those purposes.

Fiscal or Economic Impact:
The bill may have an indeterminate positive fiscal impact on the private sector.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill revises Florida law governing public procurement to void and render unenforceable any provision in a public construction contract which purports to waive, release or extinguish the rights of a contractor to recover costs, damages, or equitable adjustments, or obtain a time extension, for delays in performance of the contract when the delays are caused by the awarding body or its agents, employees or persons working on its behalf. **These provisions apply to all public construction contracts entered into on or after July 1, 2026.** (Section 1)

However, the bill specifically does not void a provision that requires notice of a delay by the party claiming the delay; provisions for liquidated damages for a delay caused by the contractor or its subcontractors, agents or employees; or provisions related to arbitration or other procedures designed to settle contract disputes. (Section 1)

The bill adds a section to the Florida Building Codes Act directing the Florida Building Commission, in consultation with the Department of Business and Professional Regulation (DBPR), to create a uniform commercial building permit application to be used, unmodified, statewide. The application must, at a minimum, including the name and contact information of the property owner; the name, license number, and contact information of the contractor; the address and parcel identification number of the construction project; the project type and occupancy classification under the Florida Building Code; a description of the construction project, including whether the project is a new construction or an alteration, and addition, or a repair; the total square footages and declared value of the construction project; the architect or engineer or record, if applicable; the identification of any private provider services, if used. (Section 2)

The bill allows for a local enforcement agency to require supplemental forms for specific construction projects: high-rise construction, health care facilities, industrial or warehouse facilities, and mixed-use occupancies. The use of supplemental forms must be standardized and used statewide, but must not replace or alter the format, content, or substance of the uniform commercial building permit, and may not expand the timelines for plans to be reviewed and permits issued. A local enforcement agency may also require additional documentation or plans reasonably necessary to demonstrate compliance with the Florida Building Code or local zoning ordinances. In addition, local enforcement agency must allow relevant reviews to take place simultaneously. (Section 2)

The bill directs the Florida Building Commission to make the uniform commercial building permit application available on its website and to all local enforcement agencies by July 1, 2026. (Section 2)

The bill defines "commercial construction project" as "the construction, alteration, or repair of a building or structure that is primarily intended for business, industrial, institutional, or mercantile use and is not classified as residential under the Florida Building Code." (Section 3)

The bill directs local enforcement agencies to reduce permit fees for plans review or building inspection services for a commercial construction contract when an owner or contractor retains a private provider for those purposes. The local enforcement agency must reduce the fees for those services by at least 50 percent if part of the work is contracted to a private provider, and at least 75 percent if the private provider is retained for all of that work. The language bars the collection of any fees if the local enforcement agency does not reduce the fees. (Section 3)

The effective date of the bill is July 1, 2026. (Section 4)

RULEMAKING:

The bill requires the Commission, in consultation with DBPR, to create a uniform commercial building permit application. The bill does not specify that this requirement must be accomplished through rulemaking.

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:

Requiring the Commission, in consultation with DBPR, to create a uniform commercial building permit application may have a negative fiscal impact on the Commission and DBPR.

Reducing local government permit fees will reduce DBPR surcharges for local building permits, which fund the activities of the Commission, DBPR's Building Code Compliance and Mitigation Program, and the Florida Fire Prevention Code informal interpretations.

LOCAL GOVERNMENT:

The bill reduces local government permit fees. Such fees must be used solely for carrying out the local government's responsibilities in enforcing the Building Code.

PRIVATE SECTOR:

The bill will reduce permit fees for contractors who use private providers.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Procurement of Personal Property and Services

For purposes of procurement of goods and services for public use, current law defines the term "awarding body" as a state agency or local government.[1] However, the statutes relating to competitive solicitation of construction services and public works projects are located in chapter 255, F.S.

Competitive Solicitation of Construction Services

Current law specifies the procedures to be followed in the procurement of construction services for public property and public owned buildings.[2] The Department of Management Services (DMS) is responsible for establishing by rule procedures:[3]

- For determining the qualifications and responsibility of potential bidders prior to advertising for and receiving bids for building construction contracts.
- For awarding each state agency construction project to the lowest qualified bidder.
- To govern negotiations for construction contracts and contract modifications when such negotiations are determined to be in the best interest of the state.
- For entering into performance-based contracts for the development of public facilities when those contracts are determined to be in the best interest of the state.

State contracts for construction projects that are projected to cost in excess of $200,000 must be competitively bid.[4] A county, municipality, special district, or other political subdivision seeking to construct or improve a public building must competitively bid the project if the estimated cost is in excess of $300,000.[5]

Public Works Projects

A "public works project" is an activity that is paid for with any state-appropriated funds and that consists of the construction, maintenance, repair, renovation, remodeling, or improvement of a building, road, street, sewer, storm drain, water system, site development, irrigation system, reclamation project, gas or electrical distribution system, gas or electrical substation, or other facility, project, or portion thereof owned in whole or in part by any political subdivision.[6]

Florida Building Code

In 1974, Florida adopted legislation requiring all local governments to adopt and enforce a minimum building code that would ensure that Florida's minimum standards were met. Local governments could choose from four separate model codes. The state's role was limited to adopting all or relevant parts of new editions of the four model codes. Local governments could amend and enforce their local codes, as they desired.[7]

In 1992, Hurricane Andrew demonstrated that Florida's system of local codes did not work. Hurricane Andrew easily destroyed those structures that were allegedly built according to the strongest code. The Governor eventually appointed a study commission to review the system of local codes and make recommendations for modernizing the system. The 1998 Legislature adopted the study's commission recommendations for a single state building code and enhanced the oversight role of the state over local code enforcement. The 2000 Legislature authorized implementation of the Florida Building Code (Building Code), and that first edition replaced all local

[1] S. 287.05701(1), F.S.
[2] *See* ch. 255, F.S.
[3] S. 255.29, F.S.
[4] *See* s. 255.0525, F.S.; *see also* R. 60D-5.002 and 60D-5.0073, F.A.C.
[5] S. 255.20(1), F.S. For electrical work, local governments must competitively bid projects estimated to cost over $75,000.
[6] S. 255.0992(1)(b), F.S.
[7] The Florida Building Commission Report to the 2006 Legislature, *Florida Department of Community Affairs,* p. 4, http://www.floridabuilding.org/fbc/publications/2006_Legislature_Rpt_rev2.pdf (last visited Jan. 28, 2024).

codes on March 1, 2002.[8] The current edition of the Building Code is the eighth edition, which is referred to as the 2023 Florida Building Code.[9]

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 Building Code must be applied, administered, and enforced uniformly and consistently from jurisdiction to jurisdiction.[10]

The Florida Building Commission (Commission) was created to implement the Building Code. The Commission, which is housed within the Department of Business and Professional Regulation (DBPR), is a 19-member technical body made up of design professionals, contractors, and government experts in various disciplines covered by the Building Code. The Commission reviews several International Codes published by the International Code Council,[11] the National Electric Code, and other nationally adopted model codes to determine if the Building Code needs to be updated and adopts an updated Building Code every three years.[12]

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.[13]

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.[14] Every local government must enforce the Florida Building Code and issue building permits.[15]

A building permit is an official document or certificate issued by the local building official that authorizes performance of a specific activity.[16] 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.[17]

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.[18]

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 inspections are considered completed or closed.[19]

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[8] *Id.*
[9] Florida Building Commission Homepage, https://floridabuilding.org/c/default.aspx (last visited Jan. 28, 2024).
[10] *See* s. 553.72(1), F.S.
[11] The International Code Council (ICC) is an association that develops model codes and standards used in the design, building, and compliance process to "construct safe, sustainable, affordable and resilient structures." International Code Council, *About the ICC*, https://www.iccsafe.org/about/who-we-are/ (last visited Jan. 28, 2024).
[12] S. 553.73(7)(a), F.S.
[13] 553.72(1), F.S.
[14] S. 553.72, F.S.
[15] Ss. 125.01(1)(bb), 125.56(1), and 553.80(1), F.S.
[16] S. 468.603, F.S.; S. 202 of the Eighth edition of the Florida Building Code (Building).
[17] Ss. 125.56(4)(a) and 553.79(1), F.S.
[18] Ss. 553.79(1), and 553.7921, F.S.
[19] Section 110 of Eighth Edition of the Florida Building Code (Building).

Building Code Fees

A local government may charge reasonable fees as set forth in a schedule of fees adopted by the enforcing agency for the issuance of a building permit.[20] Such fees shall be used solely for carrying out the local government's responsibilities in enforcing the Building Code.[21] 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.[22] Local governments must post all building permit and inspection fee schedules on their website.[23]

Local governments are only allowed to collect building permit fees that are sufficient to cover their costs in enforcing the Building Code. 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, not including reserve amounts, for enforcing the Building Code for the previous 4 fiscal years.[24]

DBPR Surcharges

Current law requires all local governments to assess and collect a 1% surcharge on any building permit issued by their enforcement agency for the purpose of enforcing the Building Code. The local jurisdictions collect the assessment and remit the surcharge fees to DBPR to fund the activities of the Commission, DBPR's Building Code Compliance and Mitigation Program, and the Florida Fire Prevention Code informal interpretations.[25]

Current law also requires all local governments to assess and collect a separate 1.5% surcharge on any building permit issued by their enforcement agency for the purpose of enforcing the Building Code. The local governments collect the assessment and remit the surcharge fees to DBPR, where it is divided equally to fund the activities of the Building Code Administrators and Inspectors Board (BCAIB) and the Florida Homeowners' Construction Recovery Fund.[26]

Local government building departments are permitted to retain 10% of the amount of the surcharges they collect to fund participation by their agencies in the national and state building code adoption processes and to provide education related to enforcement of the Building Code.[27]

Private Providers

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

A "private provider" is defined as a person licensed as a building official, engineer, or architect. Additionally, the term includes licensed building inspectors and plans examiners who perform inspections for additions and alterations that are limited to 1,000 square feet or less in residential buildings.[28]

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[20] S. 553.80 F.S.
[21] *Id.*
[22] S. 553.80(7)(a)1., F.S.
[23] Ss.125.56 (4)(c) F.S., and 166.222(2), F.S.
[24] S. 553.80(7)(a), F.S.
[25] S. 553.721, F.S.
[26] S. 468.631, F.S.; The Florida Homeowners' Construction Recovery Fund is used to compensate homeowners who have suffered a covered financial loss at the hands of state-licensed general, building and residential contractors. Claims are filed with the DBPR, who reviews for completeness and statutory eligibility. The DBPR then presents the claim to the Construction Industry Licensing Board for review. s. 489.1401(2), F.S.
[27] Ss. 468.631, and 553.721, F.S.
[28] S. 553.791(1)(n), F.S.

An owner or contractor must notify a local government that the owner or contract hired a private provider to perform building code inspection services, including single-trade inspections. If an owner or contractor retains a private provider for purposes of plans review or building inspection services, the local jurisdiction must reduce the permit fee by the amount of cost savings realized by the local enforcement agency for not having to perform such services. Such reduction may be calculated on a flat fee or percentage basis, or any other reasonable means by which a local enforcement agency assesses the cost for its plans review or inspection services. The local jurisdiction may not charge fees for building inspections if the fee owner or contractor hires a private provider to perform such services; however, the local jurisdiction may charge a reasonable administrative fee, which shall be based on the cost that is actually incurred, including the labor cost of the personnel providing the service, by the local jurisdiction or attributable to the local jurisdiction for the clerical and supervisory assistance required, or both.[29]

A local government may not charge a fee for building inspections when an owner or contractor uses a private provider but may charge a "reasonable administrative fee." A "reasonable administrative fee" must be based on the cost that is actually incurred by the local government, including the labor cost of the personnel providing the service, or the cost attributable to the local government for the clerical and supervisory assistance required, or both. [30]

Upon receipt of a building permit application and the required affidavit from the private provider, a building official has 20 business days to issue the permit or provide written notice of the plan deficiencies.[31] If the local building official does not provide written notice of plan deficiencies within the prescribed 20-day period, the permit application shall be deemed approved and must be issued on the next business day.[32]

OTHER RESOURCES:

Department of Business & Professional Regulation

Florida Building Commission

Florida Building Code

BILL HISTORY

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

[29] S. 553.791(2)(b), F.S.
[30] *Id.*
[31] S. 553.791(7)(a), F.S.
[32] *Id.*

A bill to be entitled

An act relating to commercial construction projects; creating s. 287.05702, F.S.; defining the term "awarding body"; providing that provisions contained in public construction contracts which purport to waive, release, or extinguish certain rights of a contractor are void and unenforceable under specified circumstances; providing construction; providing severability; providing applicability; creating s. 553.789, F.S.; requiring the Florida Building Commission, in consultation with the Department of Business and Professional Regulation, to create a uniform commercial building permit application; requiring such application to include certain information and be accepted statewide; prohibiting such application from being modified; authorizing local enforcement agencies to require supplemental forms or additional documentation or plans for specified commercial construction projects; providing requirements for such supplemental forms; requiring local enforcement agencies to allow certain reviews to take place simultaneously; requiring the commission to electronically publish on its website and make available to local enforcement agencies and applicants such application by a specified date; amending s.

553.791, F.S.; defining the term "commercial construction project"; requiring local enforcement agencies to reduce permit fees for commercial construction projects by certain percentages under certain circumstances; prohibiting local enforcement agencies from collecting any fees for commercial construction projects under certain circumstances; providing construction; providing an effective date.

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

Section 1. Section 287.05702, Florida Statutes, is created to read:

287.05702 Public construction contract provisions barring delay or time extensions declared void.—

(1) As used in this section, the term "awarding body" has the same meaning as in s. 287.05701(1).

(2) A provision contained in a public construction contract which purports to waive, release, or extinguish the rights of a contractor to recover costs, damages, or equitable adjustments, or to obtain a time extension, for delays in performing such contract, either on his or her own behalf or on behalf of a subcontractor, is void and unenforceable against public policy if the delay is caused, in whole or in part, by the acts or omissions of the awarding body, its agents or

employees, or any person acting on its behalf.

(3) A provision contained in a public construction contract which purports to deny or restrict a contractor's right to a time extension for a concurrent delay is void and unenforceable as against public policy if the awarding body contributed to the delay through its own acts or omissions or the acts or omissions of the awarding body's agents, employees, or any person acting on its behalf.

(4) This section may not be construed to render void or unenforceable a provision of a public construction contract which:

(a) Requires notice of a delay by the party claiming the delay;

(b) Allows an awarding body to recover liquidated damages for a delay caused by the acts or omissions of the contractor or his or her subcontractors, agents, or employees; or

(c) Provides for arbitration or any other procedure designed to settle contract disputes.

(5) If a public construction contract contains a provision that is void and unenforceable under this section, the provision must be severed from the contract and the remaining provisions remain in full force and effect.

(6) This section applies to all public construction contracts entered into on or after July 1, 2026.

Section 2. Section 553.789, Florida Statutes, is created

to read:

553.789 Uniform commercial building permit application.—

(1) The commission, in consultation with the department, shall create a uniform commercial building permit application. The uniform commercial building permit application must, at a minimum, require all of the following information:

(a) The name and contact information of the property owner.

(b) The name, license number, and contact information of the contractor.

(c) The address and parcel identification number of the construction project.

(d) The project type and occupancy classification under the Florida Building Code.

(e) A description of the construction project, including whether the project is new construction or an alteration, an addition, or a repair.

(f) The total square footage and the declared value of the construction project.

(g) The architect or engineer of record, if applicable.

(h) The identification of any private provider services if used pursuant to s. 553.791.

(2) The uniform commercial building permit application must be accepted statewide and may not be modified.

(3) A local enforcement agency may require supplemental

forms for commercial construction projects based on the scope of the project. The use of supplemental forms may not expand the applicable timelines during which plans must be reviewed and permits must be issued. Supplemental forms must be standardized and used statewide, but may not replace or alter the format, content, or substance of the uniform commercial building permit application. Supplemental forms may be used for any of the following commercial construction projects:

(a) High-rise construction.

(b) Health care facilities.

(c) Industrial or warehouse facilities.

(d) Mixed-use occupancies.

(4) A local enforcement agency may require additional documentation or plans reasonably necessary to demonstrate compliance with the Florida Building Code or local zoning ordinances. Such additional documentation or plans may not alter the format, content, or substance of the uniform commercial building permit application.

(5) A local enforcement agency must allow relevant reviews to take place simultaneously.

(6) The commission shall electronically publish on its website and make available to all local enforcement agencies and applicants the uniform commercial building permit application by July 1, 2026.

Section 3. Paragraphs (e) through (s) of subsection (1) of

section 553.791, Florida Statutes, are redesignated as paragraphs (f) through (t), respectively, paragraph (b) of subsection (17) is amended, a new paragraph (e) is added to subsection (1), and paragraph (d) is added to subsection (2), to read:

553.791 Alternative plans review and inspection.—

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

(e) "Commercial construction project" means the construction, alteration, or repair of a building or structure that is primarily intended for business, industrial, institutional, or mercantile use and is not classified as residential under the Florida Building Code.

(2)

(d) If an owner or a contractor retains a private provider for purposes of plans review or building inspection services for a commercial construction project, the local enforcement agency must reduce the permit fee by at least 50 percent of the portion of the permit fee attributable to plans review or building inspection services, as applicable. If an owner or a contractor retains a private provider for all required plans review and building inspection services, the local enforcement agency must reduce the total permit fee by at least 75 percent of the amount otherwise charged for such services. If a local enforcement agency does not reduce its fees by at least the percentages provided in this paragraph, the local enforcement agency

forfeits the ability to collect any fees for the commercial construction project. This paragraph does not prohibit a local enforcement agency from reducing its fees in excess of the percentages provided in this paragraph.

(17)

(b) A local enforcement agency, local building official, or local government may establish, for private providers, private provider firms, and duly authorized representatives working within that jurisdiction, a system of registration to verify compliance with the licensure requirements of paragraph (1)(o) ~~(1)(n)~~ and the insurance requirements of subsection (18).

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

INDUSTRIES & PROFESSIONAL ACTIVITIES SUBCOMMITTEE

HB 405 by Rep. Griffitts
Commercial Construction Projects

AMENDMENT SUMMARY
December 2, 2025

591883 by Rep. Griffitts (lines 41-58):

- Revises the definition for “body” to include “awarding body.”
- Creates a definition for “concurrent delay” to mean “two or more unrelated delays by the awarding body or its agents or employees, or any person acting on its behalf, and the contractor or its subcontractors or suppliers that happen at the same time or overlap in time, each of which on its own would have delayed the contractor's performance of a public construction contract.
- Adds “deny” and “restrict” to the list of provisions that could impact a contractor’s rights to recover costs.
- Includes “supplier” with “subcontractor”.
- Adds “waive”, “release” and “extinguish” to the list of provisions that could impact a contractor’s right to a time extension.

262525 by Rep. Griffitts (lines 100-124):

- Specifies that supplemental forms must be created by the Florida Building Commission in consultation with the Department of Business and Professional Regulation.
- Changes the supplemental forms from types of commercial construction to trade-specific.
- Specifies that a local enforcement agency may require supplemental forms based on project scope.
- Changes the date that the uniform commercial building permit application must be completed and available to local enforcement agencies to July 1, 2027.

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

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

Committee/Subcommittee hearing bill: Industries & Professional Activities Subcommittee

Representative Griffitts offered the following:

Amendment (with title amendment)

Remove lines 41-58 and insert:

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

(a) "Awarding body" has the same meaning as in s. 287.05701(1).

(b) "Concurrent delay" means two or more unrelated delays by the awarding body or its agents or employees, or any person acting on its behalf, and the contractor or its subcontractors or suppliers that happen at the same time or overlap in time, each of which on its own would have delayed the contractor's performance of a public construction contract.

(2) A provision contained in a public construction contract which purports to waive, release, deny, restrict, or extinguish a contractor's right to recover his or her costs, damages, or equitable adjustments, or to obtain a time extension, for delays in performing such contract, either on his or her own behalf or on behalf of a subcontractor or supplier, is void and unenforceable as against public policy to the extent the awarding body caused the delay through its own acts or omissions or by the acts or omissions of its agents or employees, or any person acting on its behalf.

(3) A provision contained in a public construction contract which purports to waive, release, deny, restrict, or extinguish a contractor's right to a time extension for a concurrent delay is void and unenforceable as against public policy to the extent the awarding body contributed to the delay through its own acts or omissions or by the acts or omissions of its agents or employees, or any person acting on its behalf.

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

Remove lines 3-6 and insert:
creating s. 287.05702, F.S.; defining the terms "awarding body" and "concurrent delay"; providing that provisions contained in public construction contracts

which purport to waive, release, deny, restrict, or extinguish certain rights of a

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

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

Committee/Subcommittee hearing bill: Industries & Professional Activities Subcommittee

Representative Griffitts offered the following:

Amendment (with title amendment)

Remove lines 100-124 and insert:

(3) The commission, in consultation with the department, shall create additional trade-specific forms for trades that are often present on a project, including, but not limited to, electric, HVAC, plumbing, and water and sewer. Such forms must be standardized and used statewide.

(4) A local enforcement agency may require supplemental trade-specific forms based on the scope of the project. The use of such supplemental forms may not expand the applicable timelines during which plans must be reviewed and permits must be issued.

(5) A local enforcement agency may require additional documentation or plans reasonably necessary to demonstrate compliance with the Florida Building Code or local zoning ordinances. Such additional documentation or plans may not alter the format, content, or substance of the uniform commercial building permit application.

(6) A local enforcement agency must allow reviews to take place simultaneously.

(7) The commission shall electronically publish on its website and make available to all local enforcement agencies and applicants the uniform commercial building permit application by July 1, 2027.

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

Remove lines 16-22 and insert:
such application from being modified; requiring the commission, in consultation with the department, to create standardized trade-specific forms to be used statewide; authorizing local enforcement agencies to require supplemental trade-specific forms or additional documentation or plans for certain projects; providing requirements for such supplemental forms; requiring local enforcement agencies to allow

reviews to take place simultaneously; requiring the commission to

HB 7001

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 7001 PCB GOS 26-01	**COMPANION BILL:** SB 7008
TITLE: OGSR/Florida Gaming Control Commission	**LINKED BILLS:** None
SPONSOR(S): Nix	**RELATED BILLS:** None

Committee References

Orig. Comm.: Government Operations 14 Y, 0 N	➤	Industries & Professional Activities	➤	State Affairs

SUMMARY

Effect of the Bill:
The bill saves from repeal the public record and meeting exemption for exempt or confidential and exempt information obtained by the Florida Gaming Control Commission. The public record and meeting exemption will repeal on October 2, 2026, if the bill does not become a law.

Fiscal or Economic Impact:
None.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill removes the scheduled repeal date, created pursuant to the Open Government Sunset Review Act, for the public record and meeting exemption for exempt or confidential and exempt information obtained by the Florida Gaming Control Commission. The public record and meeting exemption will repeal on October 2, 2026, if the bill does not become a law. (Section 1)

The effective date of the bill is upon becoming a law. (Section 2)

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Open Government Sunset Review Act

The Open Government Sunset Review Act (OGSR Act)[1] sets forth a legislative review process for newly created or substantially amended public record or public meeting exemptions. It requires an automatic repeal of the exemption on October 2nd of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.[2]

The OGSR Act provides that a public record or public meeting exemption may be created or maintained only if it serves an identifiable public purpose. In addition, it may be no broader than is necessary to meet one of the following purposes:

- Allow the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption;

[1] S. 119.15, F.S.
[2] S. 119.15(3), F.S.

- Protect sensitive personal information that, if released, would be defamatory or would jeopardize an individual's safety; however, only the identity of an individual may be exempted under this provision; or
- Protect trade or business secrets.[3]

If, and only if, in reenacting an exemption that will repeal, the exemption is expanded, then a public necessity statement and a two-thirds vote for passage are required. If the exemption is reenacted with grammatical or stylistic changes that do not expand the exemption, if the exemption is narrowed, or if an exception to the exemption is created, then a public necessity statement and a two-thirds vote are not required.[4]

Florida Gaming Control Commission

The Florida Gaming Control Commission (FGCC) is a five-member[5] independent regulatory body housed within the Department of Legal Affairs (DLA), Office of the Attorney General, for administrative purposes. The FGCC exercises all regulatory and executive powers of the state with respect to gambling, including pari-mutuel wagering, cardrooms, slot machine facilities, oversight of gaming compacts,[6] and other forms of gambling authorized by the State Constitution or law, excluding the state lottery.[7]

The Division of Gaming Enforcement within the FGCC is considered a criminal justice agency and serves as FGCC's law enforcement arm.[8] Division investigators must meet employment and certification standards for law enforcement officers and are vested with full police powers.[9] The division is responsible for investigating and enforcing criminal and regulatory violations related to gambling activities in the state.[10] In the 2023–2024 fiscal year, the division closed more than a dozen illegal casinos, seized approximately 1,000 illegal slot machines, and recovered more than $3.3 million in illicit funds.[11]

Public Record and Meeting Exemption under Review

In 2021, the Legislature created a public record exemption for exempt or confidential and exempt[12] information obtained by FGCC.[13] Such information may be released by FGCC, upon written request, to another agency or governmental entity in the performance of FGCC's official duties and responsibilities. Any agency or governmental entity receiving such information must maintain its exempt or confidential and exempt status.[14]

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[3] S. 119.15(6)(b), F.S.
[4] Art. I, s. 24(c), FLA. CONST.
[5] FGCC members are appointed by the Governor and subject to Senate confirmation: One member must have at least 10 years of experience in law enforcement and criminal investigations, one must be a certified public accountant with at least 10 years of experience in accounting and auditing, and one must be an attorney admitted to the Florida Bar for at least the preceding 10 years. S. 16.71(2), F.S.
[6] The FGCC is the agency responsible for monitoring compliance with the provisions of the Gaming Compact between the Seminole Tribe of Florida and the state. S. 285.710, F.S.
[7] S. 16.712(1)(a), F.S. The state lottery is operated by the Department of the Lottery. Ss. 24.104 and 24.105(2), F.S.
[8] S. 16.711(1), F.S.
[9] *See* s. 16.711(3), F.S.
[10] The division is the only statewide law enforcement agency solely dedicated to investigating illegal gambling activity. FGCC, *Gaming Enforcement* (last visited October 10, 2025).
[11] FGCC, *Annual Report 2023–2024* (last visited October 10, 2025).
[12] There is a difference between records the Legislature designates *exempt* from public record requirements and those the Legislature designates *confidential and exempt*. A record classified as exempt from public disclosure may be disclosed under certain circumstances. *See WFTV, Inc. v. Sch. Bd. of Seminole*, 874 So.2d 48, 53 (Fla. 5th DCA 2004), *review denied*, 892 So.2d 1015 (Fla. 2004); *State v. Wooten*, 260 So. 3d 1060, 1070 (Fla. 4th DCA 2018); *City of Rivera Beach v. Barfield*, 642 So.2d 1135 (Fla. 4th DCA 1994); *Williams v. City of Minneola*, 575 So.2d 683, 687 (Fla. 5th DCA 1991). If the Legislature designates a record as confidential and exempt from public disclosure, such record may not be released by the custodian of public records to anyone other than the persons or entities specifically designated in statute. *See* Op. Att'y Gen. Fla. 04-09 (2004).
[13] Ch. 2021-270, L.O.F., codified as s. 16.716, F.S.
[14] S. 16.716(1)(a), F.S.

The Legislature also created a public meeting exemption for any portion of a meeting that would reveal the exempt or confidential and exempt information.[15] Before closing a meeting, the FGCC chair must publicly announce the necessity for closure.[16] The chair's declaration and specific reasons for such necessity must be documented in writing and included in the official records of the FGCC.[17] The entire closed session must be recorded and the recording must include the time of commencement and termination, all discussions and proceedings, and the names of all persons present.[18] The recording and any minutes or records generated during the closed portion of a meeting are confidential and exempt from public record requirements.[19] Attendance is limited to FGCC members, DLA staff, FGCC staff, and any other person whose presence is necessary for the presentation of exempt information.[20]

The 2021 public necessity statement[21] provided that:

> In the absence of this public records [and meetings] exemption, sensitive confidential or exempt information, including criminal intelligence information and criminal investigative information, would be disclosed, thus eliminating the protected status of the information obtained by the commission. If the commission is unable to maintain the exempt or confidential and exempt status of the information received, the commission would be unable to effectively and efficiently perform its duties and responsibilities.[22]

Pursuant to the OGSR Act, the exemption will repeal on October 2, 2026, unless reenacted by the Legislature.[23]

During the 2025 interim, House and Senate staff met jointly with staff from the FGCC to discuss the public record and meeting exemption under review. FGCC staff indicated that they have had no issue interpreting or applying the exemption and were unaware of any litigation concerning the exemption. FGCC staff recommended reenacting the exemption as is.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Orig. Comm.: Government Operations Subcommittee	14 Y, 0 N	11/4/2025	Toliver	Villa
Industries & Professional Activities Subcommittee			Anstead	Thompson
State Affairs Committee				

[15] S. 16.716(1)(b)1., F.S.
[16] S. 16.716(1)(b)1.a., F.S.
[17] S. 16.716(1)(b)1.b., F.S.
[18] S. 16.716(1)(b)1.c., F.S.
[19] S. 16.716(1)(b)3., F.S.
[20] S. 16.716(1)(b)2., F.S.
[21] Art. I, s. 24(c), FLA CONST., requires each public record and meeting exemption to "state with specificity the public necessity justifying the exemption."
[22] Ch. 2021-270, L.O.F.
[23] S. 16.716(2), F.S.

A bill to be entitled

An act relating to a review under the Open Government Sunset Review Act; amending s. 16.716, F.S., which provides an exemption from public record and public meeting requirements for exempt or confidential and exempt information obtained by the Florida Gaming Control Commission; removing the scheduled repeal of the exemption; providing an effective date.

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

Section 1. Section 16.716, Florida Statutes, is amended to read:

16.716 Florida Gaming Control Commission public records and public meetings exemptions.—

(1)~~(a)~~ Any information obtained by the Florida Gaming Control Commission which is exempt or confidential and exempt from s. 119.07(1) or s. 24(a), Art. I of the State Constitution shall retain its exempt or confidential and exempt status. The information may be released by the commission, upon written request, to an agency, as defined in s. 119.011, or a governmental entity in the performance of the commission's official duties and responsibilities. An agency or a governmental entity receiving such information from the commission shall maintain the exempt or confidential and exempt

status of the information.

(2) ~~(b)1.~~ Any portion of a meeting of the commission during which information that is exempt or confidential and exempt is discussed is exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution.

(a) ~~a.~~ The chair of the commission shall advise the commission at a public meeting that, in connection with the performance of a commission duty, it is necessary that the commission hear or discuss information that is exempt or confidential and exempt.

(b) ~~b.~~ The chair's declaration of necessity for closure and the specific reasons for such necessity shall be stated in writing in a record that shall be a public record and shall be filed with the official records of the commission.

(c) ~~c.~~ The entire closed session shall be recorded. The recording shall include the times of commencement and termination of the closed session, all discussion and proceedings, and the names of all persons present. No portion of the session may be off the record. Such recording shall be maintained by the commission.

(d) ~~2.~~ Only members of the commission, Department of Legal Affairs staff, or commission staff supporting the commission's function and other persons whose presence is necessary for the presentation of exempt or confidential and exempt information shall be allowed to attend the exempted portions of the

commission meetings. The commission shall ensure that any closure of its meetings as authorized by this subsection ~~paragraph~~ is limited so that the general policy of this state in favor of public meetings is maintained.

(e)~~3.~~ A recording of, and any minutes and records generated during, that portion of a commission meeting which is closed to the public pursuant to this subsection ~~paragraph~~ are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until such time as the information is no longer exempt or confidential and exempt.

~~(2) This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and is repealed on October 2, 2026, unless reviewed and saved from repeal through reenactment by the Legislature.~~

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