

Housing, Agriculture & Tourism Subcommittee

Tuesday, January 13, 2026
3:30 PM - 5:30 PM
Morris Hall (17 HOB)

Meeting Packet

Daniel Perez
Speaker

Michelle Salzman
Chair

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Housing, Agriculture & Tourism Subcommittee

Start Date and Time: Tuesday, January 13, 2026 03:30 PM

End Date and Time: Tuesday, January 13, 2026 05:30 PM

Location: Morris Hall (17 HOB)

Duration: 2.00 hrs

Consideration of the following bill(s):

HB 465 Community Association Management by Nix
HB 7007 OGSR/Small Business Loan Program Information by Government Operations Subcommittee, Sapp
HB 7011 OGSR/Aquaculture Records by Government Operations Subcommittee, Gentry

NOTICE FINALIZED on 01/09/2026 4:28PM by Young.Kimberly

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 465	**COMPANION BILL:** SB 822 (Gruters)
TITLE: Community Association Management	**LINKED BILLS:** None
SPONSOR(S): Nix	**RELATED BILLS:** None

Committee References

Housing, Agriculture & Tourism ➤ Commerce

SUMMARY

Effect of the Bill:
The bill requires condominium associations, cooperative associations, and homeowners' associations with total annual revenues of $500,000 or more to contract with a community association management firm (CAM firm). The bill requires the same for condominium associations that operate a multicondominium, regardless of the amount of annual revenue.

The bill clarifies that CAM firms that contract with a condominium association, cooperative association, or homeowners' association must possess all applicable licenses. The bill requires each board member and officer of the foregoing associations to ensure that a CAM or CAM firm is properly licensed before entering into a contract with that CAM or CAM firm.

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

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

Condominium Associations
The bill requires condominium associations with total annual revenues of $500,000 or more to contract with a community association management (CAM) firm. The bill clarifies that each board member and officer of a condominium association has a duty to ensure that a CAM or CAM firm is properly licensed before entering into a contract with that CAM or CAM firm. (Section 1.)

The bill also requires a condominium association that operates a multicondominium to contract with a CAM firm, regardless of the amount of annual revenue. The bill specifies that the CAM firm must possess all applicable licenses required by part VIII of chapter 468, F.S. (Section 2.)

The bill provides that each board member and officer of a condominium association that contracts with a CAM or CAM firm has a duty to ensure that the CAM or CAM firm is properly licensed before entering into a contract with that CAM or CAM firm. (Sections 1 and 2.)

Cooperative Associations
The bill requires cooperative associations with total annual revenues of $500,000 or more to contract with a CAM firm. The bill specifies that the CAM firm must possess all applicable licenses required by part VIII of chapter 468, F.S. (Section 3.)

The bill provides that each board member and officer of a cooperative association that contracts with a CAM or CAM firm has a duty to ensure that the CAM or CAM firm is properly licensed before entering into a contract with that CAM or CAM firm. (Section 3.)

Homeowners' Associations

The bill requires homeowners' associations with total annual revenues of $500,000 or more to contract with a CAM firm. The bill specifies that the CAM firm must have all applicable licenses required by part VIII of chapter 468, F.S. (Section 4.)

The bill provides that each board member and officer of a homeowners' association that contracts with a CAM or CAM firm has a duty to ensure that the CAM or CAM firm is properly licensed before entering into a contract with that CAM or CAM firm. (Section 4.)

The bill has an effective date of January 1, 2027. (Section 5.)

FISCAL OR ECONOMIC IMPACT:

PRIVATE SECTOR:

The bill will likely increase costs for community associations subject to the bill that do not already contract with a CAM firm. A request for a formal analysis was submitted to the Department of Business and Professional Regulation on January 5, 2026.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Community Associations

A community association is a residential association in which membership is a condition of ownership of a unit in a planned unit development, or of a lot for a home or a mobile home, or of a townhouse, villa, condominium, cooperative, or other residential unit which is part of a residential development scheme and which is authorized to impose a fee which may become a lien on the parcel.[1]

The table below summarizes the three major types of community associations recognized in Florida,[2] the Florida laws that govern them, and the type of ownership specific to each association:

Community Association	Ownership Structure	Governed By
Condominium Association	"Condominium" means that form of ownership of real property created pursuant to ch. 718, F.S., which is comprised entirely of units that may be owned by one or more persons, and in which there is, appurtenant to each unit, an undivided share in common elements.[3]	Ch. 718, F.S.
Cooperative Association	"Cooperative" means that form of ownership of real property wherein legal title is vested in a corporation or other entity and the beneficial use is evidenced by an ownership interest in the cooperative association and a lease or other evidence of title or possession granted by the	Ch. 719, F.S.

[1] S. 468.431(1), F.S.
[2] Other community associations recognized in Florida include vacation and timeshare plans. *See* ch. 721, F.S.
[3] S. 718.103(12), F.S.

	cooperative association as the owner of all the cooperative property.[4]	
Homeowners' Association	"Homeowners' association" means a Florida corporation responsible for the operation of a community or a mobile home subdivision in which the voting membership is made up of parcel owners or their agents, or a combination thereof, and in which membership is a mandatory condition of parcel ownership, and which is authorized to impose assessments that, if unpaid, may become a lien on the parcel.[5]	Ch. 720, F.S.

Under Florida law, condominium associations, cooperative associations, and homeowners' associations with total revenues of $500,000 or more are required to prepare audited financial statements.[6]

Community Association Management

Community association managers (CAMs) and community association management firms (CAM firms) provide community association management services, which means any of the following practices requiring substantial specialized knowledge, judgement, and managerial skill when done for pay and when the community association(s) served contain more than ten units or have an annual budget(s) in excess of $100,000:

- Controlling or disbursing funds of an association;
- Preparing budgets or other financial documents for an association;
- Assisting in the noticing or conduct of association meetings;
- Determining the number of days required for statutory notices;
- Determining amounts due to the association;
- Collecting amounts due to the association before the filing of a civil action;
- Calculating the votes required for a quorum or to approve a proposition or amendment.;
- Completing forms related to the management of an association that have been created by statute or by a state agency;
- Drafting meeting notices and agendas;
- Calculating and preparing certificates of assessment and estoppel certificates;
- Responding to requests for certificates of assessment and estoppel certificates;
- Negotiating monetary or performance terms of a contract subject to approval by an association;
- Drafting pre-arbitration demands;
- Coordinating or performing maintenance for real or personal property and other related routine services involved in the operation of an association; and
- Complying with an association's governing documents and the requirements of law as necessary to perform any of the above activities.[7]

[4] S. 719.103(12), F.S.
[5] S. 720.301(9), F.S. The term "homeowners' association" does not include a community development district or other similar special taxing district created pursuant to statute.
[6] For condominium associations, *see* s. 718.111(13)(a)3., F.S. For cooperative associations, *see* s. 719.104(4)(b)3., F.S. For homeowners' associations, *see* s. 720.303(7)(a)3., F.S.
[7] S. 468.431(2), F.S.

Licensure and Regulation

CAMs and CAM firms are licensed and regulated by the Department of Business and Professional Regulation (DBPR), and the Regulatory Council of Community Association Managers (Council) within DBPR, pursuant to part VIII of chapter 468, F.S.[8] The Council is comprised of seven members appointed by the Governor; appointment must be confirmed by the Senate.[9]

A person may not manage (or hold herself or himself out to the public as being able to manage) a community association in the state unless he or she is licensed by DBPR.[10] Similarly, a CAM firm or other organization responsible for the management of more than 10 units or an association budget of $100,000 or greater may not engage (or hold itself out to the public as being able to engage) in the business of community association management in the state unless it is licensed by DBPR.[11]

Under Florida law, a CAM or CAM firm is deemed to act as an agent of a community association when performing duties within the scope of authority authorized by a written contract with the association or chapter 468, F.S. Florida law prohibits a CAM or CAM firm from knowingly performing any act directed by a community association if doing so would violate state or federal law.[12] CAMs and CAM firms must discharge duties authorized to be performed on behalf of an association:

- Loyally, skillfully, and diligently;
- Dealing honestly and fairly;
- In good faith;
- With care and full disclosure to the community association;
- Accounting for all funds; and
- Not charging unreasonable or excessive fees.[13]

Each contract between a community association and a CAM or CAM firm for community management services must include the following written statement in at least 12-point type, if applicable to the type of management services provided in the contract: "The community association manager shall abide by all professional standards and record keeping requirements imposed pursuant to part VIII and chapter 468, Florida Statutes."[14] Florida law prohibits a contract between a community association and a CAM or CAM firm from waiving or limiting the professional practice standards required pursuant to part VIII of chapter 468, F.S.[15]

Florida law prohibits DBPR from renewing a CAM or CAM firm's license until the CAM or CAM firm submits proof that the CAM or CAM firm has completed the requisite hours of continuing education.[16] The number of continuing education hours, criteria, and course content requirements are set by the Council by rule.[17]

Recent Legislation Affecting CAMs and CAM Firms

The Legislature has enacted legislation in recent years strengthening the regulation of CAMs and CAM firms in Florida. During the 2024 Regular Session, the Legislature passed CS/CS/CS/HB 1021,[18] which, among other things:

- Required CAMs and CAM firms to return all community association records within 20 days of the termination of a services agreement or a written request for return of the records, whichever occurs first.

[8] *See* ss. 468.432(1) and 468.4315, F.S.
[9] S. 468.4315(1), F.S.
[10] S. 468.432(1), F.S.
[11] S 468.432(2), F.S.
[12] S. 468.4334(1)(a), F.S.
[13] *Id.*
[14] S. 468.4334(1)(c), F.S.
[15] S. 468.4334(1)(d), F.S.
[16] S. 468.4337, F.S.
[17] *Id.* For the current continuing education requirements, *see* R. 61E14-4.001, F.A.C.
[18] *See* ch. 2024-244, Laws of Fla.

- Provided that a CAM or CAM firm that fails to timely return community association records as described above is subject to suspension of its license and a fine of $1,000 per day for up to 10 days.
- Required CAMs and CAM firms to disclose to the board of a community association any activity that may reasonably be construed to be a conflict of interest, created certain other conflict-of-interest disclosure requirements, and specified certain grounds for which disciplinary action could be taken.

The Legislature also passed CS/CS HB 1203[19] during the 2024 Regular Session. That bill, among other things, required CAMs and CAM firms for homeowners' associations to do all of the following:

- Attend in person at least one member meeting or board meeting of the homeowners' association annually.
- Provide to the members of the homeowners' association the name and contact information for each CAM or representative of a CAM firm assigned to the homeowners' association, the manager's or representative's hours of availability, and a summary of the duties for which the manager or representative is responsible.
- Provide to any member, upon request, a copy of the contract between the CAM or CAM firm and the homeowners' association and include such contract with the association's official records.
- Biennially complete at least 5 hours of continuing education that pertains specifically to homeowners' associations, 3 hours of which must relate to recordkeeping.

During the 2025 Regular Session, the Legislature passed CS/CS/HB 913,[20] which, among other things:

- Prohibited a person who has had his or her CAM license revoked from having an ownership interest in, or be an employee, partner, officer, director, or trustee of, a CAM firm during the 10-year period after the effective date of the revocation.
- Required CAMs and CAM firms to create and maintain an online licensure account with DBPR, and specified certain information that must be included on the online licensure account.
- Prohibited a contract between a CAM or CAM firm and a community association from waiving or limiting the professional practice standards required by Florida law.

[19] *See* ch. 2024-221, Laws of Fla.
[20] *See* ch. 2025-175, Laws of Fla.

RECENT LEGISLATION:

YEAR	BILL #/SUBJECT	HOUSE/*SENATE* SPONSOR(S)	OTHER INFORMATION
2024	CS/CS/CS/HB 1021 - Community Associations	Lopez, V./ *Bradley*	Created conflict of interest disclosure requirements for CAMs and CAM firms, and revised certain requirements related to contractual obligations of CAMs and CAM firms to community associations. Approved by Governor.
2024	CS/CS/HB 1203 - Homeowners' Associations	Esposito, Anderson, Porras/ *Bradley*	Required certain associations to post specified documents online, created continuing education requirements for CAMs and CAM firms, and created certain requirements related to association finances. Approved by Governor.
2025	CS/CS/HB 913 - Condominium and Cooperative Associations	Lopez, V./ *Bradley*	Required CAMs and CAM firms to create an online licensure account with DBPR, amended conflict of interest provisions, and specified that CAMs and CAM firms that contract with a condominium association must have all applicable licenses. Approved by Governor.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Housing, Agriculture & Tourism Subcommittee			Curtin	Fletcher
Commerce Committee				

A bill to be entitled

An act relating to community association management; amending ss. 718.111, 718.405, 719.106, and 720.303, F.S.; requiring certain community associations to contract with a community association management firm; requiring the community association firm to possess all applicable licenses; providing that association board members, officers, and directors have a duty to ensure such community association firm or community association manager is properly licensed; providing an effective date.

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

Section 1. Paragraph (g) of subsection (3) of section 718.111, Florida Statutes, is amended to read:

718.111 The association.—

(3) POWER TO MANAGE CONDOMINIUM PROPERTY AND TO CONTRACT, SUE, AND BE SUED; CONFLICT OF INTEREST.—

(g) If an association contracts with a community association manager or a community association management firm, the community association manager or community association management firm must possess all applicable licenses required by part VIII of chapter 468. An association with total annual revenues of $500,000 or more must contract with a community

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

association management firm. Each board member or officer ~~All board members or officers~~ of an association that contracts with a community association manager or a community association management firm has ~~have~~ a duty to ensure that the community association manager or community association management firm is properly licensed before entering into a contract.

Section 2. Subsection (6) is added to section 718.405, Florida Statutes, to read:

718.405 Multicondominiums; multicondominium associations.—

(6) An association operating a multicondominium must contract with a community association management firm. The community association management firm must possess all applicable licenses required by part VIII of chapter 468. Each board member or officer of an association that contracts with a community association manager or a community association management firm has a duty to ensure that the community association manager or community association management firm is properly licensed before entering into a contract.

Section 3. Paragraph (a) of subsection (1) of section 719.106, Florida Statutes, is amended to read:

719.106 Bylaws; cooperative ownership.—

(1) MANDATORY PROVISIONS.—The bylaws or other cooperative documents shall provide for the following, and if they do not, they shall be deemed to include the following:

(a) Administration.—

1. The form of administration of the association shall be described, indicating the titles of the officers and board of administration and specifying the powers, duties, manner of selection and removal, and compensation, if any, of officers and board members. In the absence of such a provision, the board of administration shall be composed of five members, unless the cooperative has five or fewer units. The board shall consist of not fewer than three members in cooperatives with five or fewer units that are not-for-profit corporations. In a residential cooperative association of more than 10 units, co-owners of a unit may not serve as members of the board of directors at the same time unless the co-owners own more than one unit or unless there are not enough eligible candidates to fill the vacancies on the board at the time of the vacancy. In the absence of provisions to the contrary, the board of administration shall have a president, a secretary, and a treasurer, who shall perform the duties of those offices customarily performed by officers of corporations. Unless prohibited in the bylaws, the board of administration may appoint other officers and grant them those duties it deems appropriate. Unless otherwise provided in the bylaws, the officers shall serve without compensation and at the pleasure of the board. Unless otherwise provided in the bylaws, the members of the board shall serve without compensation.

2. A person who has been suspended or removed by the

division under this chapter, or who is delinquent in the payment of any monetary obligation due to the association, is not eligible to be a candidate for board membership and may not be listed on the ballot. A director or officer charged by information or indictment with a felony theft or embezzlement offense involving the association's funds or property is suspended from office. The board shall fill the vacancy according to general law until the end of the period of the suspension or the end of the director's term of office, whichever occurs first. However, if the charges are resolved without a finding of guilt or without acceptance of a plea of guilty or nolo contendere, the director or officer shall be reinstated for any remainder of his or her term of office. A member who has such criminal charges pending may not be appointed or elected to a position as a director or officer. A person who has been convicted of any felony in this state or in any United States District Court, or who has been convicted of any offense in another jurisdiction which would be considered a felony if committed in this state, is not eligible for board membership unless such felon's civil rights have been restored for at least 5 years as of the date such person seeks election to the board. The validity of an action by the board is not affected if it is later determined that a board member is ineligible for board membership due to having been convicted of a felony.

3. When a unit owner files a written inquiry by certified mail with the board of administration, the board shall respond in writing to the unit owner within 30 days of receipt of the inquiry. The board's response shall either give a substantive response to the inquirer, notify the inquirer that a legal opinion has been requested, or notify the inquirer that advice has been requested from the division. If the board requests advice from the division, the board shall, within 10 days of its receipt of the advice, provide in writing a substantive response to the inquirer. If a legal opinion is requested, the board shall, within 60 days after the receipt of the inquiry, provide in writing a substantive response to the inquirer. The failure to provide a substantive response to the inquirer as provided herein precludes the board from recovering attorney's fees and costs in any subsequent litigation, administrative proceeding, or arbitration arising out of the inquiry. The association may, through its board of administration, adopt reasonable rules and regulations regarding the frequency and manner of responding to the unit owners' inquiries, one of which may be that the association is obligated to respond to only one written inquiry per unit in any given 30-day period. In such case, any additional inquiry or inquiries must be responded to in the subsequent 30-day period, or periods, as applicable.

4. An association with total annual revenues of $500,000 or more must contract with a community association management

firm. The community association management firm must possess all applicable licenses required by part VIII of chapter 468.

5. Each board member or officer of an association that contracts with a community association manager or a community association management firm has a duty to ensure that the community association manager or community association management firm is properly licensed before entering into a contract.

Section 4. Subsection (1) of section 720.303, Florida Statutes, is amended to read:

720.303 Association powers and duties; meetings of board; official records; budgets; financial reporting; association funds; recalls.—

(1) POWERS AND DUTIES.—An association that operates a community as defined in s. 720.301 must be operated by an association that is a Florida corporation. After October 1, 1995, the association must be incorporated and the initial governing documents must be recorded in the official records of the county in which the community is located. An association may operate more than one community. An association with total annual revenues of $500,000 or more must contract with a community association management firm. The community association management firm must possess all applicable licenses required by part VIII of chapter 468. The officers and directors of an association are subject to s. 617.0830 and have a fiduciary

relationship to the members who are served by the association. Each officer and director of an association that contracts with a community association manager or a community association management firm has a duty to ensure that the community association manager or community association management firm is properly licensed before entering into a contract. The powers and duties of an association include those set forth in this chapter and, except as expressly limited or restricted in this chapter, those set forth in the governing documents. After control of the association is obtained by members other than the developer, the association may institute, maintain, settle, or appeal actions or hearings in its name on behalf of all members concerning matters of common interest to the members, including, but not limited to, the common areas; roof or structural components of a building, or other improvements for which the association is responsible; mechanical, electrical, or plumbing elements serving an improvement or building for which the association is responsible; representations of the developer pertaining to any existing or proposed commonly used facility; and protest of ad valorem taxes on commonly used facilities. The association may defend actions in eminent domain or bring inverse condemnation actions. Before commencing litigation against any party in the name of the association involving amounts in controversy in excess of $100,000, the association must obtain the affirmative approval of a majority of the voting

interests at a meeting of the membership at which a quorum has been attained. This subsection does not limit any statutory or common-law right of any individual member or class of members to bring any action without participation by the association. A member does not have authority to act for the association by virtue of being a member. An association may have more than one class of members and may issue membership certificates. An association of 15 or fewer parcel owners may enforce only the requirements of those deed restrictions established prior to the purchase of each parcel upon an affected parcel owner or owners.

Section 5. This act shall take effect January 1, 2027.

HB 7007

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 7007 PCB GOS 26-04	**COMPANION BILL:** None
TITLE: OGSR/Small Business Loan Program Information	**LINKED BILLS:** None
SPONSOR(S): Sapp	**RELATED BILLS:** None

Committee References

Orig. Comm.: Government Operations 15 Y, 0 N	➤	Housing, Agriculture & Tourism	➤	State Affairs

SUMMARY

Effect of the Bill:
The bill saves from repeal the public record exemption for certain financial information held by an economic development agency pursuant to the administration of a state or federally funded small business loan program. The public record exemption will repeal on October 2, 2026, if the bill does not become 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 exemption for certain financial information—such as tax returns and credit reports— held by an economic development agency pursuant to the administration of a state or federally funded small business loan program. The public record 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]

Small Business Loan Programs

The Department of Commerce (Florida Commerce) administers a number of state and federally funded small business loan programs, including:

- Small Business Emergency Bridge Loan Program[5]
- Rebuild Florida Business Loan Fund[6]
- Rural Community Development Revolving Loan Fund Program[7]
- State Small Business Credit Initiative[8]
- Black Business Loan Program[9]
- Microfinance Guarantee Program[10]

Public Record Exemption under Review

In 2021, the Legislature created a public record exemption for certain information held by an economic development agency pursuant to the administration of a state or federally funded small business loan program. Specifically, the law exempts tax returns, financial information, credit history information, credit reports, and credit scores from public record requirements.[11]

The 2021 public necessity statement[12] provided that the release of the protected information "could be used by fraudulent contractors, predatory lenders, thieves, or individuals seeking to impose on the applicant or borrower."[13] Therefore, the exemption exists to "ensure that applicants and borrowers are not harassed, intimidated, or potentially defrauded."[14]

Pursuant to the OGSR Act, the public record exemption will repeal on October 2, 2026, unless reviewed and saved from repeal by the Legislature.[15]

During the 2025 interim, House and Senate staff met jointly with staff from Florida Commerce to discuss the public record exemption under review. Florida Commerce staff indicated that they have had no issue interpreting or applying the exemption and were unaware of any litigation concerning the exemption. Florida Commerce staff explained that prior to the exemption, borrowers participating in state and federally funded small business loan programs were exposed to fraud. For that reason, Florida Commerce staff recommended reenacting the exemption as is. House and Senate committee staff also surveyed counties and cities concerning the public record exemption

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[3] S. 119.15(6)(b), F.S.
[4] Art. I, s. 24(c), FLA. CONST.
[5] Florida Department of Commerce, Small Business Emergency Bridge Loan Program (last visited Jan. 5, 2026).
[6] Florida Department of Commerce, Rebuild Florida Business Loan Fund (last visited Jan. 5, 2026).
[7] S. 288.065, F.S.
[8] Florida Department of Commerce, State Small Business Credit Initiative (last visited Jan. 5, 2026).
[9] Ss. 288.7102–288.714, F.S.
[10] *See* Microfinance Programs, ch. 288, part XI, F.S.
[11] S. 288.075(7)(a)1.-3., F.S.
[12] Article I, s. 24(c), FLA. CONST., requires each public record exemption to "state with specificity the public necessity justifying exemption."
[13] Ch. 2021-23, L.O.F.
[14] *Id.*
[15] S. 288.075(7), F.S.

under review. All of the responding counties and cities stated that they did not participate in any state or federally funded small business loan programs.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Orig. Comm.: Government Operations Subcommittee	15 Y, 0 N	11/4/2025	Toliver	Lines
Housing, Agriculture & Tourism Subcommittee			Curtin	Rodriguez
State Affairs Committee				

A bill to be entitled

An act relating to a review under the Open Government Sunset Review Act; amending s. 288.075, F.S., which provides an exemption from public record requirements for certain information held by an economic development agency; removing the scheduled repeal of the exemption; providing an effective date.

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

Section 1. Paragraph (c) of subsection (7) of section 288.075, Florida Statutes, is amended to read:

288.075 Confidentiality of records.—

(7) LOAN PROGRAMS.—

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

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

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

HB 7011

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 7011 PCB GOS 26-06	**COMPANION BILL:** None
TITLE: OGSR/Aquaculture Records	**LINKED BILLS:** None
SPONSOR(S): Gentry	**RELATED BILLS:** None

Committee References

Orig. Comm.: Government Operations
13 Y, 0 N
➤ Housing, Agriculture & Tourism
➤ State Affairs

SUMMARY

Effect of the Bill:
The bill saves from repeal the public record exemption for certain aquaculture records held by the Department of Agriculture and Consumer Services. The public record 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, created pursuant to the Open Government Sunset Review Act, of the public record exemption for the following aquaculture records held by the Department of Agriculture and Consumer Services (DACS):

- Shellfish receiving and production records generated by licensed shellfish processing facilities.
- Audit records and supporting documentation required for submerged land leases.
- Aquaculture production records and receipts generated by certified aquaculture facilities. (Section 1)

The public record 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]

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

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 would be significantly impaired without the exemption.
- 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.
- 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]

Aquaculture

Aquaculture, a subset of agriculture, is the cultivation of aquatic organisms.[5] Florida produces over 1,500 varieties of fish, aquatic plants, mollusks, shellfish, crustaceans, reptiles, and amphibians for ornamental, food, and bait markets, as well as for sporting, conservation, and educational purposes. The Department of Agriculture and Consumer Services (DACS) serves as the state's lead aquaculture agency and works to coordinate the development and regulation of aquaculture in order to protect and conserve Florida's natural resources.[6]

Aquaculture Facilities

An aquaculture facility is where an aquaculture producer engages in the production of aquaculture products[7] and may be located in the open ocean, a bay, or in a variety of man-made ponds or tanks.[8] As part of its regulatory duties, DACS requires an aquaculture producer to submit specified information, such as production records and receipts, to acquire an aquaculture certificate of registration,[9] to renew such registration annually,[10] and to comply with aquaculture best management practices.[11]

The aquaculture certificate of registration authorizes an approved aquaculture producer to plant, harvest, and sell aquaculture products and entitles the holder to the same benefits as other agricultural producers, including tax benefits.[12] An applicant for the certificate must submit:

- The applicant's name or title.
- Company name.
- Mailing address.
- Legal property description and actual physical street address for each aquaculture facility.
- A description of production facilities.
- A description of the aquaculture products to be produced.

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[3] S. 119.15(6)(b), F.S.
[4] Art. I, s. 24(c), FLA. CONST.
[5] S. 597.0015(1), F.S.
[6] Department of Agriculture and Consumer Services, *Aquaculture* (last visited Jan. 5, 2026); *see also* Department of Agriculture and Consumer Services, *Florida Aquaculture Industry Overview* (last visited Jan. 5, 2026).
[7] S. 597.0015(2), F.S.
[8] Department of Agriculture and Consumer Services, *Discover Florida Aquaculture* (last visited Jan. 5, 2026).
[9] Department of Agriculture and Consumer Services, *Agriculture Certificate of Registration Application* (last visited Jan. 5, 2026).
[10] Department of Agriculture and Consumer Services, *Aquaculture Certificate of Registration Renewal Guidance Document* (last visited Jan. 5, 2026).
[11] Department of Agriculture and Consumer Services, *Aquaculture Best Management Practices Manual* (last visited Jan. 5, 2026).
[12] Department of Agriculture and Consumer Services, *Aquaculture Certificate of Registration* (last visited Jan. 5, 2026).

- An annual registration fee of $100, documentation of compliance with DACS rules, and, for some applicants, a certificate of training.[13]

Each applicant is also required to comply with DACS-approved best management practices.[14] Upon approval, DACS issues the applicant an aquaculture certificate of registration for a period of one year, which must be renewed on July 1st with the accompanying fee.[15]

Submerged Land Leases

Upon attaining statehood in 1845, "the state of Florida by virtue of its sovereignty assumed title to and sovereignty over the navigable waters in the state and lands thereunder."[16] The lands beneath navigable waters are called "sovereign submerged lands" and include tidal lands, islands, sandbars, shallow banks, and lands waterward of the ordinary or mean high water line. Title to sovereign submerged lands is held by the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees),[17] a body that is composed of the Governor and Cabinet, with the Governor as chair.[18] The Board of Trustees is responsible for the acquisition, administration, management, control, supervision, conservation, protection, and disposition of all lands owned by the state, including sovereign submerged lands.[19]

Sovereign submerged lands may be leased for many purposes, including for marinas, boatyards, marine manufacturers and retailers, construction of docks and piers, and aquaculture cultivation.[20] Aquaculture activities on sovereign submerged lands in Florida consist mostly of growing hard clams, oysters, and live rock.[21] To lease sovereign submerged lands, an aquaculture producer submits an application to DACS along with specified information, including the location of the proposed aquaculture activity.[22] DACS then reviews the application and as part of that process, DACS staff conducts a resource survey to determine whether the site is appropriate for leasing. If the site is deemed appropriate, the application is publicly noticed in the newspaper and the application undergoes comprehensive review by multiple agencies.[23] Additionally, the application requires approval from the Board of Trustees.[24]

An aquaculture lease for sovereign submerged land may not exceed ten years[25] and each January DACS mails aquaculture leaseholders a submerged land lease audit.[26] There are two separate audits, one for shellfish[27] and one for live rock.[28] The audits require the submission of information on planting and harvesting activities[29] as well as supporting documentation, such as receipts that show the number of shellfish species purchased in or out of the state.[30]

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[13] S. 597.004(1), F.S.; R. 5L-3.005(1)(i), F.A.C.
[14] S. 597.004(2), F.S.; R. 5L-3.005, F.A.C.
[15] S. 597.004(7)(a), F.S. ; *see* Department of Agriculture and Consumer Services, *Aquaculture Certificate of Registration Renewal Guidance Document* (last visited Jan. 5, 2026). The aquaculture certificate of registration renewal window begins April 15th and all certificates expire June 30th.
[16] *Merrill-Stevens Co. v. Durkee*, 57 So. 428, 432 (Fla. 1912)
[17] Department of Environmental Protection, *Submerged Land Management* (last visited Jan. 5, 2026).
[18] Art. IV, s. 4(f), FLA. CONST.
[19] S. 253.03(1), F.S.
[20] Ch. 253, F.S.; *see* also Department of Environmental Protection, *Submerged Lands Management* (last visited Jan. 5, 2026).
[21] Department of Agriculture and Consumer Services, *Aquaculture Submerged Land Leasing* (last visited Jan. 5, 2026).
[22] R. 18-21.021(1), F.A.C.
[23] Other reviewing agencies may include the Department of Environmental Protection, Fish and Wildlife Conservation Commission, Department of State, Army Corps of Engineers, as well as the county commission of the site's location. *Id.*
[24] *Id.*
[25] R. 18-21.021(1), F.A.C.
[26] Department of Agriculture and Consumer Services, *Aquaculture Submerged Land Leasing* (last visited Jan. 5, 2026).
[27] Department of Agriculture and Consumer Services, *Shellfish Audit* (last visited Jan. 5, 2026).
[28] Department of Agriculture and Consumer Services, *Live Rock Audit* (last visited Jan. 5, 2026).
[29] Department of Agriculture and Consumer Services, *Lease Management* (last visited Jan. 5, 2026).
[30] Department of Agriculture and Consumer Services, *Shellfish Audit* (last visited Jan. 5, 2026).

Shellfish Processing Facilities

When shellfish have reached the preferred size for sale, they are harvested from submerged land leases and sold to a certified shellfish processing facility.[31] A shellfish processing facility must acquire a certification license from DACS to operate any facility in which oysters, clams, mussels, scallops, or crabs are processed.[32] Examples of shellfish processing facilities include:

- An oyster, clam, mussel, or scallop cannery.
- A shell stock dealership.
- An oyster, clam, mussel, or scallop shucking plant.
- An oyster, clam, mussel, or scallop repacking plant.
- An oyster, clam, mussel, or scallop controlled purification plant.
- A crab or soft-shell crab processing or shedding plant.[33]

The shellfish processing certification application requires the submission of specified information, including the facility address and the types of products sought to be processed.[34] Once certified, a shellfish processing facility is routinely inspected by DACS staff to ensure regulatory compliance and consumer safety.[35] Processing facilities must maintain a variety of records for those inspections, including production volume reports,[36] receipts of sale,[37] and sanitation monitoring schedules.[38]

Public Record Exemption Under Review

In 2021, the Legislature created a public record exemption for the following aquaculture records held by DACS:

- Shellfish receiving and production records generated by licensed shellfish processing facilities.
- Audit records and supporting documentation required for submerged land leases.
- Aquaculture production records and receipts generated by certified aquaculture facilities.[39]

These records may be disclosed to another governmental entity in the performance of its duties and responsibilities. The exemption applies to aquaculture records held before, on, or after July 1, 2021.[40]

The 2021 public necessity statement[41] asserts that the exemption allows DACS to collect information required for compliance with Florida and federal law while also "protecting the aquaculture industry and its facilities." [42] The public necessity statement provided that the release of the protected information may create a chilling effect on submission of the information and thereby hinder DACS "from obtaining valuable and accurate information due to the nature of the industry."[43]

Pursuant to the OGSR Act, the exemption will repeal on October 2, 2026, unless reenacted by the Legislature.[44]

During the 2025 interim, House and Senate committee staff met jointly with staff from DACS to discuss the public record exemption under review. Agency staff indicated that they were unaware of any litigation concerning the exemption and have not had any issues interpreting or applying the exemption. Agency staff also indicated that the

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[31] Department of Agriculture and Consumer Services, *Shellfish* (last visited Jan. 5, 2026).
[32] S. 597.020(2), F.S.
[33] *Id.*
[34] R. 5L-1.005, F.A.C.
[35] Department of Agriculture and Consumer Services, *Shellfish Processing Facility Certification* (last visited Jan. 5, 2026).
[36] R. 5L-1.013(14), F.A.C.
[37] R. 5L-1.013(10), F.A.C.
[38] R. 5L-1.013(17), F.A.C.
[39] Ch. 2021-59, L.O.F., codified as s. 597.0042, F.S.
[40] S. 597.0042, F.S.
[41] Art. I, s. 24(c), FLA. CONST., requires each public record exemption to "state with specificity the public necessity justifying exemption."
[42] Ch. 2021-59, L.O.F.
[43] *Id.*
[44] S. 597.0042, F.S.

aquaculture records, if released, could be detrimental to aquaculture producers as information regarding products, harvest times, and locations make such businesses susceptible to theft. Agency staff recommended that the exemption be reenacted as is.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Orig. Comm.: Government Operations Subcommittee	13 Y, 0 N	12/10/2025	Toliver	Walker
Housing, Agriculture & Tourism Subcommittee			Curtin	Rodriguez
State Affairs Committee				

A bill to be entitled

An act relating to a review under the Open Government Sunset Review Act; amending s. 597.0042, F.S., which provides an exemption from public record requirements for certain aquaculture records held by the Department of Agriculture and Consumer Services; removing the scheduled repeal of the exemption; providing an effective date.

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

Section 1. Subsection (4) of section 597.0042, Florida Statutes, is amended to read:

597.0042 Public records exemptions; aquaculture records.—

~~(4) This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand 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.

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