


# Transportation & Economic Development Budget Subcommittee

**Thursday, February 12, 2026**
**12:30PM**
**Mashburn Hall (314 HOB)**

**Meeting Packet**

**Daniel Perez**
**Speaker**

**Jason Shoaf**
**Chair**

# Committee Meeting Notice

## HOUSE OF REPRESENTATIVES

### Transportation & Economic Development Budget Subcommittee

**Start Date and Time:** Thursday, February 12, 2026 12:30 PM

**End Date and Time:** Thursday, February 12, 2026 02:00 PM

**Location:** Mashburn Hall (314 HOB)

**Duration:** 1.50 hrs

**Consideration of the following bill(s):**

CS/HB 741 Department of Commerce by Housing, Agriculture & Tourism Subcommittee, Owen
CS/CS/HB 1093 Advanced Air Mobility by Ways & Means Committee, Economic Infrastructure Subcommittee, Spencer, Alvarez, J.
CS/HB 1211 Military Affairs by Intergovernmental Affairs Subcommittee, Albert
CS/HB 1387 State Economic Development Contracts by Housing, Agriculture & Tourism Subcommittee, Overdorf

Fiscal Year 2026-2027 Budget Issues

**NOTICE FINALIZED on 02/10/2026 3:33PM by SKB**

# 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.*

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| **BILL #:** CS/HB 741 | **COMPANION BILL:** SB 998 (Yarborough) |
| **TITLE:** Department of Commerce | **LINKED BILLS:** None |
| **SPONSOR(S):** Owen | **RELATED BILLS:** None |

**Committee References**

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

## SUMMARY

**Effect of the Bill:**
The bill addresses various matters related to community, workforce, and economic development and the Florida Department of Commerce (Department). The bill revises provisions related to:

- The acquisition of state lands for the purpose of buffering a military installation against encroachment;
- The Rural Economic Development Initiative;
- The Florida Small Cities Community Development Block Grant Program;
- Florida Is For Veterans, Inc.; and
- Employment eligibility and verification.

**Fiscal or Economic Impact:**
The bill appears to have an indeterminate impact on state expenditures. However, the Department of Commerce should be able to manage these new responsibilities within existing resources. The bill may have an indeterminate, positive impact on local governments due to reduced administrative processes.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

## ANALYSIS

**EFFECT OF THE BILL:**

### Acquisition of State Lands for Military Buffers

The bill exempts from the requirement that certain lands buffering a military installation against encroachment revert back to the Board of Trustees of the Internal Improvement Fund if the land is not used for its intended purposes as a buffer for a military installation, even if the specific military mission, use, or function of the land is modified or changed. (Section 1)

### Rural Economic Development Initiative

The bill redefines what qualifies as a "rural community" for purposes of the Rural Economic Development Initiative (REDI) by: providing that an unincorporated area which has a population of 25,000 or fewer and which meets three or more economic distress factors may qualify as a rural community for REDI; removing unincorporated federal enterprise communities and incorporated rural cities with a population of 25,000 or fewer and an employment base focused on traditional agricultural or resource-based industries, located in a county not defined as rural, from the definition of a "rural community." (Section 2)

### Community Development Block Grant Program

The bill replaces the Florida Small Cities Community Development Block Grant Program with the Community Development Block Grant Program (Program). (Sections 3, 4, and 5)

The bill repeals the following program provisions: (Section 3)

- S. 290.0411, F.S., relating to legislative intent and purpose.
- S. 290.042, F.S., relating to definitions.
- S. 290.0455, F.S., relating to the Small Cities Community Development Block Grant Loan Guarantee Program.
- S. 290.046, F.S., relating to procedures and requirements for grant applications.
- S. 290.047, F.S., relating to grant ceilings and maximum administrative cost percentages, elimination of population bias, and loans in default.
- S. 290.0475, F.S., relating to circumstances when grant applications are ineligible for funding.
- S. 290.048, F.S., relating to powers of the Department of Commerce (Department) to carry out the purposes and provisions of the program.

The bill designates the Department as the state agency to receive federal funding from the U.S. Department of Housing and Urban Development (HUD) and to administer the Program. The bill allows the Department to award grants under the Program consistent with the purposes and requirements of the Housing and Community Development Act of 1974, as amended, and applicable federal regulations (Act). The Department may expend funds received from HUD consistent with the Act. (Section 5)

The bill provides that, if, in any year, the Department receives additional federal funding through HUD for necessary expenses related to disaster recovery, long-term recovery, and restoration of infrastructure in impacted and distressed areas arising from the consequences of a federally declared disaster, the Department must administer such funding in accordance with the federal law authorizing such funding, including any implementing guidance or regulations adopted by HUD. (Section 5)

The bill provides that, if, in any year, the Department receives additional federal funding through HUD for any purpose not specifically provided in the bill, the Department must administer such funding in accordance with the law authorizing such funding, including any implementing guidance or regulations adopted by HUD. (Section 5)

The bill allows the Department to adopt rules to administer the program. (Section 5)

## Employment Verification

The bill clarifies and adds procedures for enforcing employment verification and eligibility procedures.

The bill creates the following definitions related to employment verification: (Section 6)

- "Employer" means any person, firm, company, corporation, association, joint stock company, partnership, organization, or other legal entity, or any agent thereof, which engages one or more individuals to perform labor or services in this state in exchange for salary, wages, or other remuneration. The term does not include:
  - An occupant or owner of a private residence with respect to an individual hired for casual labor, as defined in s. 443.036, F.S., which is to be performed entirely within that private residence.
  - A person or entity solely with respect to its engagement of an independent contractor, as defined in federal laws or regulations.
- "Noncompliance" means:
  - The failure of an employer to verify a new employee's employment eligibility through the E-Verify system.
  - An employer's failure to timely provide, upon request by a specified government entity, copies of the documentation the employer relied upon to verify a new employee's employment eligibility.

The bill requires employers to maintain an E-Verify case for each employee which verifies the employee's employment eligibility. (Section 6)

The bill provides that if an employer fails to provide requested documentation that was relied upon by the employer for the verification of a new employee's employment eligibility within 30 days after a request made by specified government entities, it constitutes noncompliance. Each failure to timely provide the documentation constitutes a noncompliance event for the application of fines. (Section 6)

If the Department has a reasonable basis to believe that an employer failed to use the E-Verify system to verify the employment eligibility of employees, then the Department must, before the imposition of a fine or suspension of licenses, issue an initial notification of noncompliance to the employer. (Section 6)

The bill provides that an employer's failure to provide copies of any documentation relied upon by the employer for the verification of a new employee's employment eligibility to the specified government entities constitutes a reasonable basis that an employer failed to use the E-Verify system. The Department must notify the employer that it must cure the noncompliance within 30 days after the date of the initial notification. The Department, for good cause shown by the employer, may grant the employer an additional 30 days to cure the noncompliance. If the employer does not timely cure the noncompliance, the Department shall issue a final determination of noncompliance to the employer, which is subject to Ch. 120, F.S., the Administrative Procedure Act (APA). If the employer requests a hearing, the hearing shall be held pursuant to ss. 120.569 and 120.57(1), F.S., except that the order of an administrative law judge is a final order and reviewable under s. 120.68, F.S. (Section 6)

If the Department determines that an employer failed to use the E-Verify system and the employer failed to cure the noncompliance, then the Department must impose a fine of $1,000 for each employee who is not verified, rather than a fine of $1,000 per day until the employer provides the Department with sufficient proof that the noncompliance was cured after failing to use the E-Verify system three times in a 24-month period. Any subsequent noncompliance by the employer after the final determination of noncompliance constitutes grounds for the suspension of all licenses issued by a licensing agency until the noncompliance is cured, subject to the APA. (Section 6)

The bill provides that to cure noncompliance, the employer must: (Section 6)

- Register with the E-Verify system if the employer is not already registered.
- Use the E-Verify system or the Employment Eligibility Verification form (Form I-9) to properly verify the employment eligibility of each employee.
- Provide an E-Verify case result for each employee which verifies the employee's employment eligibility.
- Provide an affidavit to the Department, under penalty of perjury, that all instances of noncompliance have been corrected and that the employer is now in full compliance.

The bill provides that, in addition to any fines, the Department is entitled to recover the reasonable costs of investigation and prosecution if the employer is found to have violated employment eligibility provisions. The court determines the amount of costs to be assessed after its consideration of an affidavit of itemized costs and any written objections to the affidavit. If the assessed costs are not paid within 60 days after assessment, the Department may contract for the collection of such costs, in which case any fees charged by the collection agent may be added to the amount recovered from the employer, or the Department may bring a civil action to recover such costs, in which case the Department is also entitled to recover reasonable attorney fees and court costs incurred in such action. All recovered costs, including additional amounts recovered for collection efforts, must be deposited into the State Economic Enhancement and Development Trust Fund. (Section 6)

The bill provides that the Department may not investigate a complaint that is based solely on race, color, or national origin. (Section 6)

The bill changes the date on which the E-Verify provision expires. The bill provides that the provision expires after the E-Verify system is no longer provided or maintained by the Federal Government, or when the Federal

Government requires the use of the E-Verify system by all employers in the United States, rather than 60 days after the E-Verify system is no longer a pilot program, and the Federal Government requires the use of the E-Verify system by all employers in the United States. (Section 6)

The bill provides a presumption that an employer knowingly employs an unauthorized alien when the employer is aware of the unauthorized alien's unauthorized status or fails to take reasonable steps to verify the unauthorized alien's employment eligibility after being made aware of potential violations. (Section 7)

The bill provides that if the Department finds or is notified by a specified government entity that an employer has knowingly employed an unauthorized alien, then the Department must provide the employer with a written determination subject to the APA. If the employer requests a hearing, the hearing shall be held pursuant to ss. 120.569 and 120.57(1), F.S., except that the order of an administrative law judge is a final order and reviewable under s. 120.68, F.S. The bill removes a redundant provision. (Section 7)

When an employer is on probation for a violation of s. 448.09, F.S., the bill requires the employer to submit an affidavit on or before the last day of each quarter that affirms the employer is not employing any unauthorized aliens and is in compliance with employment verification laws. The first quarter starts from the issuance date of the final order. Each subsequent quarter starts 90 days after the previous quarter. The Department may enforce compliance by filing a petition for enforcement with the circuit court in Leon County, and the venue for all such actions is in Leon County. (Section 7)

When any violation of s. 448.09, F.S., takes place within 24 months after a previous violation, constituting grounds for the suspension or revocation of all licenses, the bill requires the Department to provide the employer with a written determination subject to the APA. The hearing shall be held pursuant to ss. 120.569 and 120.57(1), F.S., except that the order of the administrative law judge is a final order and appealable pursuant to s. 120.68, F.S. (Section 7)

The bill allows the Department to adopt rules necessary to establish procedures for reporting, enforcement, compliance, noncompliance, license suspension, and the application of fines, as well as any other rules required for effective enforcement and administration of employment eligibility and employment of unauthorized alien provisions. (Sections 6 and 7)

The bill makes a conforming change. (Section 8)

The bill provides an effective date of July 1, 2026. (Section 9)

**RULEMAKING:**

The bill gives rulemaking authority to the Department to administer the Community Development Block Grant Program and for enforcement of employment verification requirements.

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

**FISCAL OR ECONOMIC IMPACT:**

STATE GOVERNMENT:

The bill does not appear to have an impact on state revenues, and any fiscal impacts on the Department are expected to be minimal and absorbed within existing resources. While the Department is granted rulemaking and enforcement authority, these activities align with current responsibilities. Streamlining the Community

Development Block Grant program framework may improve administrative efficiency without increasing overall costs.[1]

LOCAL GOVERNMENT:

According to the Department, the bill reduces administrative processes which may deliver a positive fiscal impact to local governments. Local governments may experience reduced administrative and consulting expenses due to fewer procedural requirements.[2]

## RELEVANT INFORMATION

### SUBJECT OVERVIEW:

**Florida Department of Commerce**

The Department of Commerce (Department) was formed to assist the Governor in working with the Legislature, state agencies, business leaders, and economic development professionals to formulate and implement coherent and consistent policies and strategies designed to promote economic opportunities for all Floridians. The Department is the state's chief agency for business recruitment and expansion and economic development.[3] The Department has the following divisions and offices:[4]

- The Division of Economic Development,
- The Division of Community Development,
- The Division of Workforce Services,
- The Division of Finance and Administration,
- The Division of Information Technology,
- The Office of the Secretary, and
- The Office of Economic Accountability and Transparency.

**Acquisition of State Lands for Military Buffers**

The Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) holds state lands in trust for the use and benefit of the people of Florida.[5] The Board of Trustees consists of the Governor, Attorney General, Chief Financial Officer, and Commissioner of Agriculture. The Board of Trustees may acquire, sell, transfer, and administer state lands in the manner consistent with Chs. 253 and 259, F.S.[6] The Department of Environmental Protection, through its Division of State Lands, performs all staff duties and functions related to the acquisition, administration, and disposition of state lands.[7]

"Conservation lands" are lands managed for conservation, outdoor resource-based recreation, or archaeological or historic preservation, except those lands acquired solely to facilitate the acquisition of other conservation lands.[8]

The Board of Trustees may acquire nonconservation lands from the Department's annual list through the Military Base Protection Program to buffer a military installation against encroachment.[9] A conveyance at less than

[1] Department of Commerce, Analysis of 2026 House Bill 741, p.6 (Dec. 22, 2025).
[2] *Id*.
[3] S. 20.60(4), F.S.
[4] S. 20.60(3)(a), F.S.
[5] S. 253.001, F.S.
[6] S. 253.02(1), F.S.
[7] S. 253.002(1), F.S.
[8] S. 253.034(2)(c), F.S.
[9] S. 253.025(21)(a), F.S.

appraised value must state that the land will revert to the Board of Trustees if it is not used for its intended purpose as a military installation buffer, or if the military installation closes.[10]

## Rural Economic Development Initiative

The Rural Economic Development Initiative (REDI) was established by the Legislature to encourage and facilitate the location and expansion of major economic development projects of significant scale in rural communities.[11] Today, REDI operates as a statewide initiative led by the Department to better serve Florida's rural communities by providing a more focused and coordinated effort among state and regional agencies to improve the fiscal, economic, and community viability of these areas.[12]

Specified agencies and organizations[13] are required to designate a high-level staff person to serve as their REDI representative. Each REDI representative is responsible for ensuring that their agency or organization is informed about REDI and helps to identify opportunities to accommodate or include rural local governments in their agency programs.

REDI is required to review and evaluate the impact of statutes and rules on rural communities and work to minimize any adverse impacts, and undertake outreach and capacity-building efforts.[14] Under the REDI statute, a rural community is defined as:

- A county with a population of 75,000 or fewer;
- A county with a population of 125,000 or fewer, if the county is contiguous to a county with a population of 75,000 or fewer;
- Any municipality in a county that meets the above criteria; or
- An unincorporated federal enterprise community or an incorporated rural city with a population of 25,000 or fewer, with an employment base focused on traditional agriculture or resource-based industries, located in a county not defined as rural, and which has at least three or more economic distress factors.[15]

Each REDI member agency is required to review financial match requirements for projects in rural areas and develop a proposal to waive or reduce match requirements, and such proposals must be submitted to REDI.[16] REDI must call a meeting within 30 days of receipt of such proposals for comment and recommendation.[17] Waivers and reductions of financial match requirements must be requested by the county or community, and, to the fullest extent possible, member organizations must expedite the adoption of rules and amendments to incorporate the reduction in match for rural areas in financial distress.[18] REDI must prepare an annual report as a supplement to the Department's annual report, which includes an evaluation of the status of changes to rules, the number of awards made with waivers, and recommendations for future changes.[19]

Based on recommendations of REDI, the Governor may designate up to three rural areas of opportunity (RAOs) by executive order,[20] which establishes certain local governments as a priority for the Department. The orders also

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[10] S. 253.025(21)(d), F.S.
[11] S. 288.0656(1)(a), F.S.
[12] S. 288.0656(3), F.S.
[13] The Department of Transportation, Department of Environmental Protection, Department of Agriculture and Consumer Services, Department of State, Department of Health, Department of Children and Families, Department of Corrections, Department of Education, Department of Juvenile Justice, Fish and Wildlife Conservation Commission, each water management district, CareerSource Florida, Inc., VISIT Florida, the Florida Regional Planning Council Association, Agency for Health Care Administration, and the Institute of Food and Agricultural Sciences (IFAS). *See* s. 288.0656(6)(a), F.S.
[14] S. 288.0656(4), F.S.
[15] S. 288.0656(2)(e), F.S.
[16] S. 288.06561, F.S.
[17] S. 288.06561(3), F.S.
[18] S. 288.06561(4), (7), F.S.
[19] S. 288.06561(8), F.S.
[20] S. 288.0656(7)(a), F.S.

permit all state agencies and departments to use all available tools and resources, to the extent permitted by law, to promote the creation and development of projects designated by the RAO that have been recommended by the department.[21]

## Community Development Block Grant Program

The Community Development Block Grant (CDBG) program under the U.S. Department of Housing and Urban Development (HUD) was established under Title I of the Housing and Community Development Act of 1974 (Act)[22] and has funded more than $160 billion in block grants to support eligible program activities.[23]

The CDBG program is a long-standing program providing flexible federal funding to states and localities to support economic development, community development, and infrastructure. As a block grant program, CDBG provides grantees with some discretion in administering program funds within specific activity categories. Grantees are required to demonstrate that each grant-funded activity is aligned with one of the following three statutorily defined national objectives:[24]

- Principally benefit low- and moderate-income persons;
- Aid in the prevention or elimination of slums or blight; or
- Meet an urgent need by addressing conditions that pose a serious and immediate threat to the health and safety of residents.

Approximately 70% of CDBG program funds are distributed to entitlement communities, defined as:[25]

- Principal metropolitan cities,
- Other cities with populations of 50,000 or greater, and
- Urban counties with populations of 200,000 or greater (excluding entitlement city populations).

The remaining 30% of funds are allocated to states based on a separate formula allocation process. State CDBG funds are to be distributed by states to communities that do not qualify for entitlement funds. Before allocations are made to states and localities, $7 million is statutorily set aside to be distributed among U.S. territories.[26]

The CDBG program works to provide decent housing and a suitable living environment by expanding economic opportunities to the most vulnerable in Florida communities. A need is considered urgent if it poses a serious and immediate threat to the health or welfare of the community and has arisen in the past 18 months.[27]

In Florida, the Department manages four CDBG programs:[28]

- Florida Small Cities Community Development Block Grant Program,
- CDBG – Coronavirus Relief Funding,
- Office of Disaster Recovery, and

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[21] Executive Orders 20-170, 21-149, and 23-132 and 25-141, https://www.flgov.com/eog/sites/default/files/executive-orders/2024/EO_20-170.pdf, https://www.flgov.com/eog/sites/default/files/executive-orders/2024/EO_21-149.pdf, https://www.flgov.com/eog/sites/default/files/executive-orders/2024/EO-23-132.pdf, and https://www.flgov.com/eog/sites/default/files/executive-orders/2025/EO%2025-141.pdf (last visited Jan. 29, 2026)

[22] Public Law 93-383.

[23] Joseph V. Jaroscak, *Community Development Block Grants: Funding and Allocation Processes*, Congressional Research Service, R46733 (Mar. 24, 2021) https://www.congress.gov/crs-product/R46733?q=%7B%22search%22%3A%22Housing+and+Community+Development+Act+of+1974%22%7D&s=2&r=11 (last visited Feb. 2, 2026).

[24] *Id*.

[25] *Id*.

[26] *Id*.

[27] Florida Department of Commerce, *Community Development Block Grant Program*, https://floridajobs.org/community-planning-and-development/assistance-for-governments-and-organizations/community-development-block-grant-program (last visited Jan. 29, 2026).

[28] *Id.*

- Neighborhood Stabilization Program.

*Small Cities Community Development Block Grant Program*

The Department administers the Small Cities CDBG Program and distributes funds to eligible non-entitlement communities. To be eligible, a city must have a population under 50,000 or a county must have a population under 200,000.[29] Subgrants are awarded to communities in the following funding categories: economic development, neighborhood revitalization, housing rehabilitation, commercial revitalization, and any other activity by federal law.[30]

The Department may annually set aside up to 15 percent of CDBG funds for use in eligible local government jurisdictions for which an emergency or natural disaster has been declared by executive order.[31]

The Department is prohibited from awarding a grant until it has conducted a site visit to verify the information contained in the local government's application.[32] The Department must rank each grant application and may prohibit an applicant from receiving the grant or penalize an applicant in the rating of an application if the Department determines that any applicant has failed to substantially accomplish the results it proposed in previously funded applications.[33] Additionally, applicants must hold at least two public hearings in the local jurisdiction where the project is to be completed: one for public input and community needs, and one for comments on the proposed application, including a published summary.[34]

## Employment Verification

E-Verify is a web-based system that allows enrolled employers to confirm whether new employees are eligible to work in the United States. Florida requires the use of the E-Verify system to verify a new employee's employment eligibility by:[35]

- All public employers.
- Private employers with 25 or more employees.

Each employer in Florida that is required, or who volunteers, to use the E-Verify system, must certify on its first return each calendar year to the tax service provider that it is in compliance with E-Verify requirements when making contributions to or reimbursing the state's unemployment compensation or reemployment assistance system.[36]

The law provides requirements for employers when the system is unavailable,[37] requires employers to retain documentation of verifications,[38] and prohibits an employer from continuing to knowingly employ an unauthorized alien.[39]

If the E-Verify system is unavailable for the three business days after the first day a new employee begins working and the employer cannot access the system to verify the employee's employment eligibility, the employer must use the Employment Eligibility Verification Form (Form I-9) to verify employment eligibility. The employer must document the unavailability of the system by retaining: a screenshot each day that shows the employer's inability

[29] *Id.*
[30] S. 290.044(3), F.S.
[31] S. 290.044(5), F.S.
[32] S. 290.046(2)(d), F.S.
[33] S. 290.046(2)(c), F.S.
[34] S. 290.046(4), F.S.
[35] S. 448.095(2)(a), (b), F.S.
[36] S. 448.095(2)(b)3., F.S.
[37] S. 448.095(2)(c), F.S.
[38] S. 448.095(2)(d), F.S.
[39] S. 448.095(2)(e), F.S.

to access the system; a public announcement that the E-Verify system is not available; or any other communication or notice regarding the unavailability of the system.[40]

The following specified government entities may request, and an employer must provide, copies of any documentation relied upon by the employer for the verification of a new employee's employment eligibility:[41]

- The Department of Law Enforcement;
- The Attorney General;
- The state attorney in the circuit in which the new employee works;
- The statewide prosecutor; or
- The Department.

These entities must rely on the federal government to verify an employee's employment eligibility and may not independently make a final determination as to whether an employee is an unauthorized alien.[42]

An employer that uses the E-Verify system or, if that system is unavailable, the Form I-9, with respect to the employment of an unauthorized alien has established a rebuttable presumption and an affirmative defense that the employer has not violated the state prohibition on hiring unauthorized aliens,[43] with respect to such employment.[44]

The Department is responsible for the administration of compliance requirements, as follows:[45]

- If it determines that an employer failed to use the E-Verify system, the Department is required to:
  - Notify the employer of its determination; and
  - Provide the employer with 30 days to cure the noncompliance.
- If the Department determines that an employer failed to use the E-Verify system as required three times in any 24-month period, it must impose a fine of $1,000 per day until the employer provides proof of compliance.
- Noncompliance constitutes grounds for the suspension of all licenses issued by a licensing agency subject to the Administrative Procedure Act, until the noncompliance is cured.
- Fines must be deposited into the State Economic Enhancement and Development Trust Fund for use by the Department for employer outreach and public notice of the state's employment verification laws.

*Federal E-Verify Law*

To use the E-Verify system, an employer must open a "case" for the employee on the system and enter basic information from the employee's Form I-9 (name, address, and Social Security Number) into the case.[46] Then, the system checks the submitted information to records that are available to the U.S. Department of Homeland Security (DHS) and the U.S. Social Security Administration (SSA), and issues one of the following possible results to the employer:[47]

- **Employment Authorized** - The employee's information matched records available to the DHS and/or SSA.
- **E-Verify Needs More Time** - This case was referred to the DHS for further verification.

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[40] S. 448.095(2)(c), F.S.
[41] S. 448.095(3)(a), F.S.
[42] S. 448.095(3)(b), F.S.
[43] S. 448.09, F.S.
[44] S. 448.095(4)(a), F.S.
[45] S. 448.095(6), F.S.
[46] E-Verify, *Verification Process*, for details on how the system works, https://www.e-verify.gov/employers/verification-process (last visited Feb. 2, 2026). Before using E-Verify, an employer must enroll and sign a Memorandum of Understanding that provides the terms of agreement between the employer and the DHS. *See* E-Verify, *The E-Verify Memorandum of Understanding for Employers*, https://www.e-verify.gov/sites/default/files/everify/memos/MOUforEVerifyEmployer.pdf (last visited Feb. 2, 2026).
[47] *Id*.

- **Tentative Non-confirmation (Mismatch)** - Information did not match records available to the DHS and/or SSA. Additional action is required.
- **Case in Continuance** - The employee has contacted the DHS or visited an SSA field office, but more time is needed to determine a final case result.
- **Close Case and Resubmit** – The DHS or SSA requires that the employer close the case and create a new case for the employee. This result may be issued when the employee's United States passport, passport card, or driver's license information is incorrect.
- **Final Non-confirmation** - E-Verify cannot confirm the employee's employment eligibility after the employee contacted the DHS or SSA, the time for resolving the case expired, or the DHS closed the case without confirming the employee's employment eligibility for some other reason.

If the result is Tentative Non-confirmation, then the employer must notify the employee, who must take further action to verify his or her eligibility. If the result is E-Verify Needs More Time or Case in Continuance, then the E-Verify system needs more time to process the case.[48]

*E-Verify Defenses for Employers*

The Immigration Reform and Control Act (IRCA) provides sanctions to be imposed on employers who knowingly employ aliens who are not authorized to work.[49] Federal law contains no criminal sanction for working without authorization, although document fraud is a civil violation.[50] The United States Citizenship and Immigration Services (USCIS) enforces these provisions.[51]

According to the Immigration and Nationality Act (INA), an employer using E-Verify or the Form I-9, establishing good faith compliance with the law, has established an affirmative defense and a rebuttable presumption that the person or entity has not violated the federal law with respect to such hiring, recruiting, or referring.[52]

## The Administrative Procedure Act

The Administrative Procedure Act[53] provides a process for determining when an agency action affects a person's substantial interests.[54] The process differs depending on whether the hearing involves a disputed issue of material fact.[55] If the dispute does not involve a disputed issue of material fact, the agency must:

- Give reasonable notice to all parties of the agency's action or inaction, including a summary of factual, legal, and policy grounds for making the decision.
- Give parties or their counsel the option to present the agency or hearing officer evidence in opposition to the action or inaction or provide a written statement.
- If the objections of the parties are overruled, provide a written explanation within seven days.[56]

If a disputed issue of material fact does exist, the issue is assigned to an administrative law judge who conducts a hearing in which all parties have an opportunity to respond, present evidence and argument on all issues involved, conduct cross-examination and submit rebuttal evidence, submit proposed findings of facts and orders, and file

[48] *Id.*
[49] 8 U.S.C. s. 1324a(a)(1)-(2).
[50] 8 U.S.C. s. 1324c.
[51] 8 U.S.C. s. 1324a.
[52] 8 U.S.C. s. 1324a(a)(3) and (b)(6); 8 U.S.C. s. 1324a notes, *Pilot Programs for Employment Eligibility Confirmation.*
[53] Ch. 120, F.S.
[54] S. 120.569, F.S.
[55] S. 120.569(1), F.S.
[56] S. 120.57(2)(a), F.S.

exceptions to the presiding officer's recommended order.[57] A hearing may only occur if the agency determines the petition contains all required information.[58]

Unless waived or extended with the consent of all parties, a final order in the proceeding must be rendered within 90 days:

- After the hearing is concluded, if conducted by the agency;
- After a recommended order is submitted to the agency and mailed to all parties, if the hearing is conducted by an administrative law judge; or
- After the agency has received the written and oral material it has authorized to be submitted, if there has been no hearing.[59]

The final order must be in writing and include findings of fact, if any, as well as the conclusions of law.[60] A party who is adversely affected by final agency action is entitled to judicial review.[61]

## BILL HISTORY

| COMMITTEE REFERENCE | ACTION | DATE | STAFF DIRECTOR/ POLICY CHIEF | ANALYSIS PREPARED BY |
|---|---|---|---|---|
| Housing, Agriculture & Tourism Subcommittee | 16 Y, 0 N, As CS | 2/5/2026 | Curtin | Wright |
| THE CHANGES ADOPTED BY THE COMMITTEE: | • Removes the requirement that an unincorporated area must be recommended by the Department and designated by the Governor in order to qualify for REDI.<br>• Allows the Department to award grants under the CDBG program consistent with the Housing and Community Development Act of 1974 (Act), rather than in any manner and in any amount consistent with the Act.<br>• Removes the provision prohibiting certain collaborations with Florida Is For Veterans, Inc. | | | |
| Transportation & Economic Development Budget Subcommittee | | | Davis | McAuliffe |
| Commerce Committee | | | | |

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

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[57] S. 120.57(1), F.S.
[58] S. 120.569(2)(c)-(d), F.S.
[59] S. 120.569(2)(l), F.S.
[60] *Id.*
[61] S. 120.68, F.S.

A bill to be entitled

An act relating to the Department of Commerce; amending s. 253.025, F.S.; exempting federal agencies from a requirement that a conveyance at less than appraised value must state that the land will revert to the Board of Trustees of the Internal Improvement Trust Fund if the land is not used for its intended purposes as a military installation buffer or if the military installation closes; amending s. 288.0656, F.S.; revising the definition of the term "rural community"; repealing ss. 290.0401, 290.0411, 290.042, 290.0455, 290.046, 290.047, 290.0475, and 290.048, F.S., relating to the Florida Small Cities Community Development Block Grant Program Act, legislative intent and purpose, definitions, the Florida Small Cities Community Development Block Grant Loan Guarantee Program, applications for grants, establishment of grant ceilings and maximum administrative cost percentages and the elimination of population bias, rejection of grant applications and penalties for failure to meet application conditions, and general powers of the department, respectively; amending s. 290.043, F.S.; renaming the "Florida Small Cities Community Development Block Grant Program" as the "Community Development Block Grant Program";

amending s. 290.044, F.S.; revising provisions relating to the Florida Small Cities Community Development Block Grant Program Fund; renaming the fund as the "Community Development Block Grant Program Fund"; providing definitions; designating the department as the state agency to receive federal funding from the United States Department of Housing and Urban Development to administer the program; providing that the department shall administer additional federal funding in accordance with federal law and guidance from the Department of Housing and Urban Development; authorizing the Department of Commerce to adopt rules; amending s. 448.095, F.S.; defining the terms "employer" and "noncompliance"; providing that an employer must maintain an E-Verify case for each employee; providing that an employer's failure to provide requested documentation within a specified time period constitutes noncompliance; requiring the department to issue a notification of noncompliance containing specified information; providing that if the employer fails to cure the noncompliance, the department shall issue a final determination of noncompliance; providing requirements for specified hearings for employers under certain circumstances; providing penalties; providing

requirements for an employer to cure specified noncompliance with the E-Verify system; authorizing the department to adopt rules; providing that the department may recover specified costs; requiring such funds to be deposited into the State Economic Enhancement and Development Trust Fund; revising construction and expiration; amending s. 448.09, F.S.; providing that an employer knowingly employs an unauthorized alien if specified conditions are met; requiring the department to provide an employer with a written determination that an employer has knowingly employed an unauthorized alien; providing that if an employer requests a hearing, the administrative law judge's final order is appealable; requiring an employer to report quarterly to the department to demonstrate compliance; authorizing the department to adopt rules; amending s. 163.3184, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

**Section 1. Paragraph (e) is added to subsection (21) of section 253.025, Florida Statutes, to read:**

253.025 Acquisition of state lands.—

(21)

(e) Federal agencies, including the United States Department of Defense, are exempt from paragraph (d) if the land continues to serve the general purpose of acting as a buffer for a military installation, even if the specific military mission, use, or function of the land is modified or changed.

**Section 2. Paragraph (e) of subsection (2) of section 288.0656, Florida Statutes, is amended to read:**

288.0656 Rural Economic Development Initiative.—

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

(e) "Rural community" means:

1. A county with a population of 75,000 or fewer.

2. A county with a population of 125,000 or fewer which is contiguous to a county with a population of 75,000 or fewer.

3. A municipality within a county described in subparagraph 1. or subparagraph 2.

4. An unincorporated area that has ~~federal enterprise community or an incorporated rural city with~~ a population of 25,000 or fewer and that meets ~~an employment base focused on traditional agricultural or resource-based industries, located in a county not defined as rural, which has at least~~ three or more ~~of the~~ economic distress factors ~~identified in paragraph (c) and verified by the department~~.

For purposes of this paragraph, population shall be determined

in accordance with the most recent official estimate pursuant to s. 186.901.

**Section 3.** Sections 290.0401, 290.0411, 290.042, 290.0455, 290.046, 290.047, 290.0475, and 290.048, Florida Statutes, are repealed.

**Section 4. Section 290.043, Florida Statutes, is amended to read:**

290.043 ~~Florida Small Cities~~ Community Development Block Grant Program; administration.—There is created the ~~Florida Small Cities~~ Community Development Block Grant Program. The department shall administer the program as authorized and described in Title I of the Housing and Community Development Act of 1974, as amended; Pub. L. No. 93-383, as amended by Pub. L. No. 96-399 and Pub. L. No. 97-35; 42 U.S.C. ss. 5301 et seq.

**Section 5. Section 290.044, Florida Statutes, is amended to read:**

(Substantial rewording of section. See s. 290.044, F.S., for present text.)

290.044 Community Development Block Grant Program Fund; administration; distribution.—

(1) The Community Development Block Grant Program Fund is created.

(2) For the purpose of this section, the term:

(a) "Act" means the Housing and Community Development Act of 1974, as amended, and applicable federal regulations.

(b) "Program" means the Community Development Block Grant Program.

(3) The department is designated as the state agency to receive federal funding from the Department of Housing and Urban Development and to administer the program. The department may award grants under the program consistent with the purposes and requirements of the act. The department may expend funds received from Department of Housing and Urban Development consistent with the act.

(4) If, in any year, the department receives additional federal funding through the Department of Housing and Urban Development for necessary expenses related to disaster recovery, long-term recovery, and restoration of infrastructure in impacted and distressed areas arising from the consequences of a federally declared disaster, the department shall administer such funding in accordance with the federal law authorizing such funding, including any implementing guidance or regulations adopted by the Department of Housing and Urban Development.

(5) If, in any year, the department receives additional federal funding through the Department of Housing and Urban Development for any purpose not specifically provided in this section, the department shall administer such funding in accordance with the law authorizing such funding, including any implementing guidance or regulations adopted by the Department of Housing and Urban Development.

(6) The department may adopt rules to administer this section.

**Section 6. Paragraph (c) and paragraphs (d) through (f) of subsection (1) of section 448.095, Florida Statutes, are redesignated as paragraph (d) and paragraphs (f) through (h), respectively, paragraph (b) of subsection (2), subsection (6), and paragraphs (a) and (c) of subsection (7) are amended, new paragraphs (c) and (e) are added to subsection (1), and paragraph (c) is added to subsection (3) of that section, to read:**

448.095 Employment eligibility.—

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

(c) "Employer" means any person, firm, company, corporation, association, joint stock company, partnership, organization, or other legal entity, or any agent thereof, which engages one or more individuals to perform labor or services in this state in exchange for salary, wages, or other remuneration. The term does not include:

1. An occupant or owner of a private residence with respect to an individual hired for casual labor, as defined in s. 443.036, which is to be performed entirely within that private residence.

2. A person or entity solely with respect to its engagement of an independent contractor, as defined in federal laws or regulations.

(e) "Noncompliance" means:

1. The failure of an employer to verify a new employee's employment eligibility through the E-Verify system.

2. An employer's failure to timely provide, upon request by an entity or person listed in paragraph (3)(a), copies of the documentation the employer relied upon to verify a new employee's employment eligibility.

(2) EMPLOYMENT VERIFICATION.—

(b)1. A public agency shall use the E-Verify system to verify a new employee's employment eligibility as required under paragraph (a).

2. Beginning on July 1, 2023, a private employer with 25 or more employees shall use the E-Verify system to verify a new employee's employment eligibility as required under paragraph (a). The employer must maintain an E-Verify case for each employee which verifies the employee's employment eligibility.

3. Each employer required to use the E-Verify system under this paragraph must certify on its first return each calendar year to the tax service provider that it is in compliance with this section when making contributions to or reimbursing the state's unemployment compensation or reemployment assistance system. An employer that voluntarily uses the E-Verify system may also make such a certification on its first return each calendar year in order to document such use.

(3) ENFORCEMENT.—

(c) Failure by an employer to provide the requested documentation within 30 days after a request made under paragraph (a) constitutes noncompliance. Each failure to timely provide the documentation constitutes a noncompliance event for the application of fines under paragraph (6)(b).

(6) COMPLIANCE.—

(a) In addition to the requirements under s. 288.061(6), beginning on July 1, 2024, if the Department of Commerce has a reasonable basis to believe ~~determines~~ that an employer failed to use the E-Verify system to verify the employment eligibility of employees as required under this section, the department must, before the imposition of a fine or suspension of licenses, issue an initial notification of noncompliance to the employer. An employer's failure to provide copies of any documentation relied upon by the employer for the verification of a new employee's employment eligibility to a person or entity listed in paragraph (3)(a) constitutes a reasonable basis that an employer failed to use the E-Verify system. The department must notify the employer that it must cure the noncompliance within 30 days after the date of the department's initial notification. The department, for good cause shown by the employer, may grant the employer an additional 30 days to cure the noncompliance. If the employer does not timely cure the noncompliance, the department shall issue a final determination of noncompliance to the employer, which is subject to chapter 120. If the employer

requests a hearing, the hearing shall be held pursuant to ss. 120.569 and 120.57(1), except that the order of an administrative law judge is a final order and reviewable under s. 120.68 ~~notify the employer of the department's determination of noncompliance and provide the employer with 30 days to cure the noncompliance~~.

(b) If the Department of Commerce determines that an employer failed to use the E-Verify system as required under this section and the employer failed to cure the noncompliance in accordance with paragraph (a) ~~three times in any 24-month period~~, the department must impose a fine of $1,000 for each employee not verified pursuant to this section. Any subsequent noncompliance by the employer after the final determination of ~~per day until the employer provides sufficient proof to the department that the noncompliance is cured.~~ noncompliance constitutes grounds for the suspension of all licenses issued by a licensing agency subject to chapter 120 until the noncompliance is cured.

(c) To cure noncompliance, the employer must:

1. Register with the E-Verify system if the employer is not already registered.

2. Use the E-Verify system or the Employment Eligibility Verification form (Form I-9) as provided in paragraph (2)(c) to properly verify the employment eligibility of each employee.

3. Provide an E-Verify case result for each employee which

verifies the employee's employment eligibility.

4. Provide an affidavit to the Department of Commerce, under penalty of perjury, that all instances of noncompliance have been corrected and that the employer is now in full compliance with this section.

(d) ~~(c)~~ Fines collected under this subsection must be deposited into the State Economic Enhancement and Development Trust Fund for use by the department for employer outreach and public notice of the state's employment verification laws.

(e) The Department of Commerce may adopt rules necessary to implement this section. The department may establish procedures for reporting, enforcement, compliance, noncompliance, license suspension, and the application of fines, as well as any other rules required for effective enforcement and administration of this section.

(f) In addition to any penalties imposed under this section, the Department of Commerce is entitled to recover the reasonable costs of investigation and prosecution if the employer is found to have violated this section. The court shall determine the amount of costs to be assessed after its consideration of an affidavit of itemized costs and any written objections thereto. If the assessed costs are not paid within 60 days after assessment, the department may contract for the collection of such costs, in which case any fees charged by the collection agent may be added to the amount recovered from the

employer, or may bring a civil action to recover such costs, in which case the department is also entitled to recover reasonable attorney fees and court costs incurred in such action. All recovered costs, including additional amounts recovered for collection efforts, shall be deposited into the State Economic Enhancement and Development Trust Fund.

(7) CONSTRUCTION.—

(a) This section must be enforced without regard to race, color, or national origin and must be construed in a manner so as to be fully consistent with any applicable federal laws or regulations. The Department of Commerce may not investigate a complaint that is based solely on race, color, or national origin.

(c) This section shall expire ~~60 days~~ after the E-Verify system is no longer provided or maintained by the Federal Government, or when ~~a pilot program, and~~ the Federal Government requires the use of the E-Verify system by all employers in the United States.

**Section 7. Section 448.09, Florida Statutes, is amended to read:**

448.09 Unauthorized aliens; employment prohibited.—

(1) It is unlawful for any person to knowingly employ, hire, recruit, or refer, either for herself or himself or on behalf of another, for private or public employment within this state, an alien who is not duly authorized to work by the

immigration laws of the United States, the Attorney General of the United States, or the United States Secretary of the Department of Homeland Security. An employer knowingly employs an unauthorized alien if the employer is aware of the unauthorized alien's unauthorized status or fails to take reasonable steps to verify the unauthorized alien's employment eligibility after being made aware of potential violations.

(2) If the Department of Commerce finds or is notified by an entity specified in s. 448.095(3)(a) that an employer has knowingly employed an unauthorized alien, the department must provide the employer with a written determination subject to chapter 120. If the employer requests a hearing, the hearing shall be held pursuant to ss. 120.569 and 120.57(1), except that the order of an administrative law judge is a final order and reviewable under s. 120.68 ~~without verifying the employment eligibility of such person, the department must enter an order pursuant to chapter 120 making such determination and require repayment of any economic development incentive pursuant to s. 288.061(6)~~.

(3) For a violation of this section, the department shall place the employer on probation for a 1-year period and require that the employer report quarterly to the department to demonstrate compliance with the requirements of subsection (1) and s. 448.095. On or before the last day of each quarter, the employer must submit an affidavit that affirms the employer is

not employing any unauthorized aliens and is in compliance with s. 448.095. The first quarter will commence from the issuance date of the final order. Each subsequent quarter commences 90 days after the previous quarter. The department may enforce compliance with this subsection by filing a petition for enforcement with the circuit court in and for Leon County. Venue for all actions under this subsection is in Leon County.

(4) Any violation of this section which takes place within 24 months after a previous violation constitutes grounds for the suspension or revocation of all licenses issued by a licensing agency subject to chapter 120. The Department of Commerce must provide the employer with a written determination subject to chapter 120. The hearing shall be held pursuant to ss. 120.569 and 120.57(1), except that the order of the administrative law judge is a final order and appealable pursuant to s. 120.68. The department shall take the following actions for a violation involving:

(a) One to ten unauthorized aliens, suspension of all applicable licenses held by a private employer for ~~up to~~ 30 days by the respective agencies that issued them.

(b) Eleven to fifty unauthorized aliens, suspension of all applicable licenses held by a private employer for ~~up to~~ 60 days by the respective agencies that issued them.

(c) More than fifty unauthorized aliens, revocation of all applicable licenses held by a private employer by the respective

agencies that issued them.

(5) An alien who is not duly authorized to work by the immigration laws of the United States, the Attorney General of the United States, or the United States Secretary of the Department of Homeland Security and who knowingly uses a false identification document or who fraudulently uses an identification document of another person for the purpose of obtaining employment commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(6) The Department of Commerce may adopt rules to implement this section.

**Section 8. Paragraph (b) of subsection (8) of section 163.3184, Florida Statutes, is amended to read:**

163.3184 Process for adoption of comprehensive plan or plan amendment.—

(8) ADMINISTRATION COMMISSION.—

(b) The commission may specify the sanctions provided in subparagraphs 1. and 2. to which the local government will be subject if it elects to make the amendment effective notwithstanding the determination of noncompliance.

1. The commission may direct state agencies not to provide funds to increase the capacity of roads, bridges, or water and sewer systems within the boundaries of those local governmental entities which have comprehensive plans or plan elements that are determined not to be in compliance. The commission order may

also specify that the local government is not eligible for grants administered under the following programs:

a. The ~~Florida Small Cities~~ Community Development Block Grant Program, as authorized by ss. 290.043-290.044 ~~ss. 290.0401-290.048~~.

b. The Florida Recreation Development Assistance Program, as authorized by chapter 375.

c. Revenue sharing pursuant to ss. 206.60, 210.20, and 218.61 and chapter 212, to the extent not pledged to pay back bonds.

2. If the local government is one which is required to include a coastal management element in its comprehensive plan pursuant to s. 163.3177(6)(g), the commission order may also specify that the local government is not eligible for funding pursuant to s. 161.091. The commission order may also specify that the fact that the coastal management element has been determined to be not in compliance shall be a consideration when the department considers permits under s. 161.053 and when the Board of Trustees of the Internal Improvement Trust Fund considers whether to sell, convey any interest in, or lease any sovereignty lands or submerged lands until the element is brought into compliance.

3. The sanctions provided by subparagraphs 1. and 2. do not apply to a local government regarding any plan amendment, except for plan amendments that amend plans that have not been

finally determined to be in compliance with this part, and except as provided in this paragraph.

**Section 9.** This act shall take effect July 1, 2026.

# FLORIDA HOUSE OF REPRESENTATIVES
# BILL ANALYSIS

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

| | |
|---|---|
| **BILL #:** CS/CS/HB 1093 | **COMPANION BILL:** CS/SB 1362 (Harrell) |
| **TITLE:** Advanced Air Mobility | **LINKED BILLS:** None |
| **SPONSOR(S):** Spencer and Alvarez, J. | **RELATED BILLS:** None |

**Committee References**

| Economic Infrastructure | Ways & Means | Transportation & Economic Development Budget | Commerce |
|---|---|---|---|
| 14 Y, 1 N, As CS | 18 Y, 0 N, As CS | | |

## SUMMARY


**Effect of the Bill:**
The bill contains several provisions related to the advanced air mobility industry, including:

- Authorization for the Florida Department of Transportation (FDOT) to provide funding for vertiports;
- Sovereign immunity protections for operators of vertiports collocated with public airports;
- State preemption over specified aspects of vertiport regulation and operations;
- Adoption of a model vertiport siting code by FDOT; and
- Establishment of vertiport demonstration corridors by FDOT.

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



JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY


## ANALYSIS

**EFFECT OF THE BILL:**

The bill provides that it may be cited as the "Advanced Air Mobility Competitiveness and Infrastructure Act." (Section 1).

The bill amends Florida law to specifically include vertiports and charging systems as qualifying projects for funding under public-private partnerships between state and private entities. (Section 2)

The bill authorizes the Florida Department of Transportation (FDOT) to fund all of the project costs of a public or private vertiport if federal funds are not available. If federal funds are available, FDOT may fund up to 80 percent of the nonfederal share of the project costs. (Section 4)

The bill classifies the operator of a vertiport collocated with a public airport as an agency or subdivision of the state for the purposes of sovereign immunity. The bill provides such vertiport operators protection from tort liability to the same extent as a public airport operator. These provisions expire July 1, 2036, unless reviewed and saved from repeal by the Legislature. (Section 3)

The bill directs DOT to adopt a model vertiport siting code.[1] The bill requires FDOT to expeditiously approve vertiports that adopt this code once it is created. The bill also requires FDOT to establish vertiport demonstration corridors and adopt rules and regulations for coordination with relevant authorities such as the Federal Aviation Administration (FAA) and local government entities with respect to vertiports. (Sections 5 and 6)

The bill provides that the regulation of vertiport design, aircraft charging, aeronautical operations, and aviation safety is preempted to the state to ensure consistency with federal standards authorized by the FAA. Local land use and zoning authority, and reasonable noise compatibility ordinances, that do not effectively prohibit the operation of advanced mobility aircraft authorized by the FAA are exempt from this preemption. (Section 6)

The bill provides an effective date of July 1, 2026. (Section 7)

**RULEMAKING:**

The bill requires FDOT to adopt rules to implement the provisions of the bill that provide liability protections for vertiport operators. The bill also requires FDOT to adopt rules and regulations for coordination with relevant authorities such as the Federal Aviation Administration (FAA) and local government entities with respect to vertiports.

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

**FISCAL OR ECONOMIC IMPACT:**

STATE GOVERNMENT:

The bill creates new responsibilities and requirements for FDOT, however, the fiscal impact of these provisions is indeterminate. The bill authorizes, but does not necessarily require, additional funding within the Work Program or other existing department operational resources.

The bill authorizes FDOT to fund 100 percent of the project costs of a public or private vertiport. If FDOT elects to fund vertiport projects it is anticipated these expenditures will be absorbed within available Work Program revenues.

The bill requires FDOT to create a model vertiport siting code and to expeditiously approve vertiports that adopt this code once it is created. The bill also requires FDOT to establish vertiport demonstration corridors and adopt rules and regulations for coordination with relevant authorities such as the Federal Aviation Administration and local government entities with respect to vertiports. These requirements will likely have an insignificant fiscal impact on FDOT and would be absorbed within existing operational resources.

## RELEVANT INFORMATION

**SUBJECT OVERVIEW:**

**Advanced Air Mobility**

[1] "Vertiport" means an area of land, a body of water, or a structure used or intended to be used for the landing, takeoff, and surface maneuvering of vertical takeoff and landing aircraft, including electric, hybrid, and hydrogen-powered aircraft. The term includes associated buildings, facilities, and infrastructure necessary for the safe and efficient operation of such aircraft, including, but not limited to, electric charging and fueling systems, battery thermal management infrastructure, safety areas, and passenger terminals. (Section 7)

Advanced air mobility (AAM) is an umbrella term for aircraft that are typically highly automated, electrically powered, and have vertical take-off and landing capability.[2]

Numerous uses for AAM are being explored, including air taxi, air cargo, and public services. Air taxis feature passenger transportation within and around urban and regional areas, including routes connecting city centers to airports or to neighboring city centers. Air cargos fature cargo transportation supporting the middle-mile of logistics, generally seen as from the cargo port to the distribution center. Public service uses, such as search and rescue, disaster relief, and air ambulance operations are other catalysts for innovation in AAM.

FDOT is currently laying the groundwork to build an intercity AAM "Aerial Highway Network" to connect major metropolitan areas across Florida.[3] In addition to performing research and development at its SunTrax test facility to accelerate operational viability, FDOT is developing custom curriculums to establish unique requirements for licensing to safely operate within the AAM Network.[4]

SunTrax, located in Polk County, has been designated as the research and development testing hub of the Florida's AAM program.[5] Early development phases of vertiport demonstration will consist of a passenger terminal, at-grade vertiports, access roads with vehicle staging, eVTOL parking positions and charging station, and a research and development hangar.[6]

***eVTOL Aircraft***

The term "electric vertical takeoff and landing (eVTOL) aircraft" is not defined in Florida law. However, the term eVTOL aircraft generally refers to electric-powered aircraft that vertically take off and land. Similar to a helicopter, eVTOL aircraft hover and fly and are typically designed to carry two to six people, including a pilot.[7]

***Vertiports***

Generally, a vertiport is an area of land, water, or structure used, or intended to be used, to support the landing, takeoff, taxiing, parking, and storage of powered-lift aircraft or other aircraft that vertiport design and performance standards established by the FAA can accommodate.[8]

For the purposes of applying to the Florida Department of Commerce for funding to develop vertiports, Florida law currently defines the term "vertiport" as "a system or infrastructure with supporting services and equipment used for landing, ground handling, and takeoff of manned or unmanned vertical takeoff and landing (VTOL) aircraft."[9]

**Florida Airport Development and Assistance Act**

The Florida Airport Development and Assistance Act (FADAA)[10] provides FDOT with certain statutory duties regarding aviation development and assistance. These duties include providing financial and technical assistance to airports[11] and encouraging the maximum allocation of federal funds to local airport projects.[12]

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[2] Federal Aviation Administration, *Advanced Air Mobility: Air Taxis*, https://www.faa.gov/air-taxis (last visited Jan. 27, 2026).
[3] Florida Department of Transportation, *From the Ground to the Skies: Florida's Aerial Highway Network*, November 2025. Available at https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/aviation/aam/fdot-2025-advanced-mobility_strategy.pdf?sfvrsn=19eb551c_1 (last visited Jan. 27, 2026).
[4] *Id*.
[5] Central Florida Development Council, SunTrax Named Florida's Home for Advanced Air Mobility, Positioning Polk as Statewide Innovation Leader, https://www.cfdc.org/suntrax-named-floridas-home-for-advanced-air-mobility-positioning-polk-as-statewide-innovation-leader/ (last visited Jan. 23, 2026).
[6] SunTrax Air, https://suntraxfl.com/suntrax-air/ (last visited Jan. 23, 2026).
[7] Matthew Urwin, *Electricity-powered flying taxis are almost ready for liftoff*, December 3, 2024, available at: https://builtin.com/articles/evtol-aircraft (last visited Jan. 23, 2026).
[8] Federal Aviation Administration, *Advanced Air Mobility Infrastructure*, https://www.faa.gov/airports/new_entrants/aam_infrastructure (last visited Jan. 27, 2026).
[9] S. 288.102(d), F.S.
[10] S. 332.003, F.S., through s. 332.007, F.S.

For purposes of the FADAA, the term "public-use airport" means any publicly owned airport which is used or to be used for public purposes.[13] Further, the term "eligible agency" means a political subdivision of the state or an authority which owns or seeks to develop a public-use airport.[14]

FDOT's annual legislative budget request for aviation and airport development projects is based on the funding required for development projects in its aviation and airport work program. DOT must prioritize funding to support the planning, design, and construction of proposed projects by local sponsors, with special emphasis on projects for runways and taxiways, including the painting and marking of runways and taxiways, lighting, other related airside activities, and airport access transportation facility projects on airport property.[15]

FDOT is authorized to fund certain aviation and airport-related projects, subject to certain requirements and limits on airport funding from the State Transportation Trust Fund (STTF). Requirements can be based on the airport type, availability of federal funds, project type, and size of the airport.[16]

## Public-private Partnerships

Public-private partnerships (P3s) are contractual arrangements between public entities and private sector entities[17] that facilitate increased private sector involvement in the funding and execution of public building and infrastructure projects.[18] These agreements enable the collaboration of skills and assets from both public and private sectors to provide services or facilities for the benefit of the general public.

Responsible public entities (RPEs)[19] may engage in P3 projects aimed at developing an extensive array of public-use facilities or projects that fulfill a public purpose. Examples of qualifying projects[20] include those for mass transit, vehicle parking, airports or seaports, educational facilities, and public sector buildings or complexes such as courthouses or city halls. RPEs must adhere to specific requirements, including protocols for reviewing and approving proposals.

## Federal Airport Investment Partnership Program

The federal Airport Investment Partnership Program,[21] authorizes private companies to own, manage, lease, and develop public airports. Public airport sponsors and private operators may jointly manage an airport. The airport

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[11] S. 332.006(4), F.S.
[12] S. 332.006(8), F.S.
[13] S. 332.004(14), F.S.
[14] S. 332.004(7), F.S.
[15] S. 332.007(4)(a), F.S.
[16] S. 332.007(7), F.S.
[17] "Private entity" means any natural person, corporation, general partnership, limited liability company, limited partnership, joint venture, business trust, public benefit corporation, nonprofit entity, or other private business entity. S. 255.065(1)(g), F.S.
[18] S. 255.065(2)(b), F.S.
[19] "Responsible public entity" means a county, municipality, school district, special district, or any other political subdivision of the state; a public body corporate and politic; or a regional entity that serves a public purpose and is authorized to develop or operate a qualifying project. S. 255.065(1)(j), F.S.
[20] "Qualifying project" means a facility or project that serves a public purpose; an improvement, including equipment, of a building that will be principally used by a public entity or the public at large or that supports a service delivery system in the public sector; a water, wastewater, or surface water management facility or other related infrastructure; or projects that involve a facility owned or operated by the governing board of a county, district, or municipal hospital or health care system, or projects that involve a facility owned or operated by a municipal electric utility, only those projects that the governing board designates as qualifying projects. S. 255.065(1)(i), F.S.
[21] 49 U.S.C. s. 47134, the program was previously known as the Airport Privatization Pilot Program.

owner or leaseholder may be exempt from repayment of federal grants, return of property acquired with federal assistance, and the use of proceeds from the airport's sale or lease to be used exclusively for airport purposes.[22]

## Tort Liability and Negligence

A "tort" is a wrong for which the law provides a remedy. The purpose of tort law is to fairly compensate a person harmed by another person's wrongful acts, whether intentional, reckless, or negligent, through a civil action or other comparable process. A properly-functioning tort system:

- Provides a fair and equitable forum to resolve disputes;
- Appropriately compensates legitimately harmed persons;
- Shifts the loss to responsible parties;
- Provides an incentive to prevent future harm; and
- Deters undesirable behavior.[23]

"Negligence" is a legal term for a type of tort action that is unintentionally committed. In a negligence action, the plaintiff is the party that brings the lawsuit, and the defendant is the party that defends against it. To prevail in a negligence lawsuit, a plaintiff must demonstrate that the:

- Defendant had a legal duty of care requiring the defendant to conform to a certain standard of conduct for the protection of others, including the plaintiff, against unreasonable risks;
- Defendant breached his or her duty of care by failing to conform to the required standard;
- Defendant's breach caused the plaintiff's injury; and
- Plaintiff suffered actual damage or loss resulting from his or her injury.[24]

## Sovereign Immunity

Sovereign immunity generally bars lawsuits against the state or its political subdivisions for torts committed by an officer, employee, or agent of such governments unless the immunity is expressly waived. The Florida Constitution recognizes that the concept of sovereign immunity applies to the state, although the state may waive its immunity through an enactment of general law.[25] The Attorney General has previously stated that public airports and "public instrumentalities", including research and development authorities, fall into the category of political subdivisions granted sovereign immunity.[26]

Current law partially waives sovereign immunity, allowing individuals to sue state government and its subdivisions.[27] Individuals may sue the government under circumstances where a private person "would be liable to the claimant, in accordance with the general laws of [the] state . . . . " Section 768.28(5), F.S., imposes a $200,000 limit on the government's liability to a single person, and a $300,000 total limit on liability for claims arising out of a single incident.

## State Preemption

Local governments have broad authority to legislate on any matter that is not inconsistent with federal or state law. A local government enactment may be inconsistent with state law if (1) the Legislature "has preempted a

[22] Federal Aviation Administration, *Airport Investment Partnership Program*, formerly Airport Privatization Pilot Program, https://www.faa.gov/airports/airport_compliance/privatization (last visit Jan. 23, 2026).
[23] Am. Jur. 2d Torts s. 2
[24] Florida Practice Series s. 1.1; *see Barnett v. Dept. of Financial Services*, 303 So. 3d 508 (Fla. 2020)
[25] Fla. Const. art. X, s. 13.
[26] 96-69, Fla. Op. Att'y Gen. 1 (1996).
[27] S. 768.28, F.S.

particular subject area" or (2) the local enactment conflicts with a state statute. State preemption precludes a local government from exercising authority in that particular area.[28]

Florida law recognizes two types of preemption: express and implied. Express preemption requires a specific legislative statement; it cannot be implied or inferred.[29] Express preemption of a field by the Legislature must be accomplished by clear language stating that intent.[30] In cases where the Legislature expressly or specifically preempts an area, there is no problem with ascertaining what the Legislature intended.[31] In cases determining the validity of ordinances enacted in the face of state preemption, the effect has been to find such ordinances null and void.[32]

## BILL HISTORY

| COMMITTEE REFERENCE | ACTION | DATE | STAFF DIRECTOR/ POLICY CHIEF | ANALYSIS PREPARED BY |
|---|---|---|---|---|
| Economic Infrastructure Subcommittee | 14 Y, 1 N, As CS | 1/28/2026 | Keating | Dallas |
| THE CHANGES ADOPTED BY THE COMMITTEE: | • Provided that vertiports that are collocated with a public airport are entitled to sovereign immunity to the same extent as a public airport operator.<br>• Provided for future legislative review and repeal of the bill's liability immunity provisions. | | | |
| Ways & Means Committee | 18 Y, 0 N, As CS | 2/2/2026 | Aldridge | Kurtz |
| THE CHANGES ADOPTED BY THE COMMITTEE: | • Removed the language creating a sales tax exemption for specified eVTOL expenses. | | | |
| Transportation & Economic Development Budget Subcommittee | | | Davis | McAuliffe |
| Commerce Committee | | | | |

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

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[28] Wolf, *The Effectiveness of Home Rule: A Preemptions and Conflict Analysis*, 83 Fla. B.J. 92 (June 2009), https://www.floridabar.org/the-florida-bar-journal/the-effectiveness-of-home-rule-a-preemption-and-conflict-analysis/ (last visited Jan. 25, 2026).
[29] *See City of Hollywood v. Mulligan*, 934 So. 2d 1238, 1243 (Fla. 2006); *Phantom of Clearwater, Inc. v. Pinellas County*, 894 So. 2d 1011, 1018 (Fla. 2d DCA 2005), approved in *Phantom of Brevard, Inc. v. Brevard County*, 3 So. 3d 309 (Fla. 2008).
[30] *Mulligan*, 934 So. 2d at 1243.
[31] *Sarasota Alliance for Fair Elections, Inc. v. Browning*, 28 So. 3d 880, 886 (Fla. 2010).
[32] *See, e.g., Nat'l Rifle Ass'n of Am., Inc. v. City of S. Miami*, 812 So.2d 504 (Fla. 3d DCA 2002).

A bill to be entitled

An act relating to advanced air mobility; providing a short title; amending s. 255.065, F.S.; revising the definition of the term "qualifying project"; creating s. 330.412, F.S.; defining the term "vertiport"; providing sovereign immunity for certain vertiport operators; providing for future legislative review and repeal; amending s. 332.007, F.S.; revising the definition of the term "airport infrastructure"; authorizing the Department of Transportation to fund up to specified percentages of vertiport project costs; amending s. 332.15, F.S.; providing requirements for the department; creating s. 332.151, F.S.; defining the term "vertiport"; requiring the department to expeditiously approve certain vertiports; preempting the regulation of vertiport design, aeronautical operations, and aviation safety to this state; providing exceptions; preempting the regulation of electric aircraft charging stations and associated infrastructure to this state; prohibiting a local governmental entity from enacting or enforcing certain ordinances and regulations; providing requirements for local governmental entities; providing an effective date.

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

**Section 1.** This act may be cited as the "Advanced Air Mobility Competitiveness and Infrastructure Act."

**Section 2. Paragraph (i) of subsection (1) of section 255.065, Florida Statutes, is amended to read:**

255.065 Public-private partnerships.—

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

(i) "Qualifying project" means:

1. A facility or project that serves a public purpose, including, but not limited to, any ferry or mass transit facility, vehicle parking facility, airport or seaport facility, rail facility or project, fuel supply facility, oil or gas pipeline, medical or nursing care facility, recreational facility, sporting or cultural facility, or educational facility or other building or facility that is used or will be used by a public educational institution, or any other public facility or infrastructure that is used or will be used by the public at large or in support of an accepted public purpose or activity;

2. An improvement, including equipment, of a building that will be principally used by a public entity or the public at large or that supports a service delivery system in the public sector;

3. A water, wastewater, or surface water management facility or other related infrastructure; ~~or~~

4. Notwithstanding any provision of this section, for projects that involve a facility owned or operated by the governing board of a county, district, or municipal hospital or health care system, or projects that involve a facility owned or operated by a municipal electric utility, only those projects that the governing board designates as qualifying projects pursuant to this section; or

5. Vertiports and charging systems.

**Section 3. Section 330.412, Florida Statutes, is created to read:**

330.412 Limitation of liability for certain public vertiport operators.—

(1) For purposes of this section, the term "vertiport" has the same meaning as in s. 332.151(1).

(2) For vertiports that are colocated with a public airport, the vertiport operator shall be considered an agency or subdivision of this state for purposes of s. 768.28 and is entitled to sovereign immunity to the same extent as a public airport operator.

(3) This section expires July 1, 2036, unless reviewed and saved from repeal through reenactment by the Legislature.

**Section 4. Paragraph (c) of subsection (2) of section 332.007, Florida Statutes, is amended, and paragraph (e) is added to subsection (6) of that section, to read:**

332.007 Administration and financing of aviation and

airport programs and projects; state plan.—

(2)

(c) Each commercial service airport as defined in s. 332.0075 shall establish and maintain a comprehensive airport infrastructure program to ensure the ongoing preservation of airport infrastructure and facilities in safe and serviceable condition. For purposes of this paragraph, the term "airport infrastructure" means the facilities, systems, and structural components of an airport necessary for the safe and efficient movement of people and goods. The term includes vertiport pads, safety zones, charging systems, grid upgrades, and resilience energy systems. Beginning November 1, 2025, and annually thereafter, each commercial service airport shall provide a certification to the department, in a manner prescribed by the department, that it has established and maintains a comprehensive airport infrastructure program. The comprehensive airport infrastructure program report, and related documents and records, must be open to inspection by the department and maintained by the airport for at least 5 years. The comprehensive airport infrastructure program must, at a minimum, include all of the following:

1. Identification of airport infrastructure subject to inspection and the schedule for the completion of such inspections, taking into consideration the age, type, intended use, and criticality of the infrastructure to undisrupted

commercial or cargo operations.

2. A preventative maintenance program for routine maintenance of airport infrastructure, for both commercial and cargo operations.

3. A plan to complete any necessary repairs to, or rehabilitation or reconstruction of, airport infrastructure, including prioritization and anticipated timeframe for completion of the work.

4. A progress report of inspections and their outcomes, preventative maintenance, and previously identified repair to, or rehabilitation or reconstruction of, airport infrastructure. The progress report must include any changes in timeline for completion, changes in cost estimates, and reasons any inspection, preventative maintenance, or repair or rehabilitation did not take place.

(6) Subject to the availability of appropriated funds, the department may participate in the capital cost of eligible public-use airport and aviation development projects in accordance with the following rates, unless otherwise provided in the General Appropriations Act or the substantive bill implementing the General Appropriations Act:

(e) When federal funds are not available, the department may fund up to 100 percent of the project costs of a public or private vertiport. If federal funds are available, the department may fund up to 80 percent of the nonfederal share of

such project costs.

**Section 5. Subsection (5) is added to section 332.15, Florida Statutes, to read:**

332.15 Advanced air mobility.—The Department of Transportation shall:

(5) Create a model vertiport siting code, establish vertiport demonstration corridors, and adopt rules and regulations for coordination among the department, the Federal Aviation Administration, and local governmental entities with respect to vertiports.

**Section 6. Section 332.151, Florida Statutes, is created to read:**

332.151 Vertiport siting; preemption.—

(1) The term "vertiport" means an area of land, a body of water, or a structure used or intended to be used for the landing, takeoff, and surface maneuvering of vertical takeoff and landing aircraft, including electric, hybrid, and hydrogen-powered aircraft. The term includes associated buildings, facilities, and infrastructure necessary for the safe and efficient operation of such aircraft, including, but not limited to, electric charging and fueling systems, battery thermal management infrastructure, safety areas, and passenger terminals.

(2) The Department of Transportation shall expeditiously approve vertiports adopting the model vertiport siting code

created pursuant to s. 332.15(5).

(3) The regulation of vertiport design, aeronautical operations, and aviation safety is preempted to this state to ensure consistency with federal regulations. This subsection does not apply to local land use and zoning authority, or to reasonable noise compatibility ordinances, provided such local regulations do not effectively prohibit the operation of advanced air mobility aircraft authorized by the Federal Aviation Administration.

(4)(a) The regulation of electric aircraft charging stations and associated infrastructure is preempted to this state.

(b) A local governmental entity may not enact or enforce an ordinance or regulation related to the design, construction, or installation of electric aircraft charging stations.

(c) Local governmental entities shall issue any required building permits for electric aircraft charging stations based solely upon compliance with the standards established by the Department of Transportation under s. 332.15(5).

(d) If a local governmental entity does not approve or deny a permit application for an electric aircraft charging station within 15 business days after receipt of a complete application, the application shall be deemed approved.

**Section 7.** This act shall take effect July 1, 2026.

COMMITTEE/SUBCOMMITTEE ACTION

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

Committee/Subcommittee hearing bill: Transportation & Economic Development Budget Subcommittee
Representative Spencer offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

**Section 1. Paragraph (i) of subsection (1) of section 255.065, Florida Statutes, is amended to read:**

255.065 Public-private partnerships.—

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

(i) "Qualifying project" means:

1. A facility or project that serves a public purpose, including, but not limited to, any ferry or mass transit facility, vehicle parking facility, airport or seaport facility, rail facility or project, fuel supply facility, oil or gas pipeline, medical or nursing care facility, recreational

facility, sporting or cultural facility, or educational facility or other building or facility that is used or will be used by a public educational institution, or any other public facility or infrastructure that is used or will be used by the public at large or in support of an accepted public purpose or activity;

2. An improvement, including equipment, of a building that will be principally used by a public entity or the public at large or that supports a service delivery system in the public sector;

3. A water, wastewater, or surface water management facility or other related infrastructure; ~~or~~

4. Notwithstanding any provision of this section, for projects that involve a facility owned or operated by the governing board of a county, district, or municipal hospital or health care system, or projects that involve a facility owned or operated by a municipal electric utility, only those projects that the governing board designates as qualifying projects pursuant to this section; or

5. Vertiports and charging systems.

**Section 2. Paragraph (c) of subsection (2) of section 332.007, Florida Statutes, is amended, and paragraph (e) is added to subsection (6) of that section, to read:**

332.007 Administration and financing of aviation and airport programs and projects; state plan.—

(2)

(c) Each commercial service airport as defined in s. 332.0075 shall establish and maintain a comprehensive airport infrastructure program to ensure the ongoing preservation of airport infrastructure and facilities in safe and serviceable condition. For purposes of this paragraph, the term "airport infrastructure" means the facilities, systems, and structural components of an airport necessary for the safe and efficient movement of people and goods. The term includes vertiport pads, safety zones, charging systems, grid upgrades, and resilience energy systems. Beginning November 1, 2025, and annually thereafter, each commercial service airport shall provide a certification to the department, in a manner prescribed by the department, that it has established and maintains a comprehensive airport infrastructure program. The comprehensive airport infrastructure program report, and related documents and records, must be open to inspection by the department and maintained by the airport for at least 5 years. The comprehensive airport infrastructure program must, at a minimum, include all of the following:

1. Identification of airport infrastructure subject to inspection and the schedule for the completion of such inspections, taking into consideration the age, type, intended use, and criticality of the infrastructure to undisrupted commercial or cargo operations.

2. A preventative maintenance program for routine

maintenance of airport infrastructure, for both commercial and cargo operations.

3. A plan to complete any necessary repairs to, or rehabilitation or reconstruction of, airport infrastructure, including prioritization and anticipated timeframe for completion of the work.

4. A progress report of inspections and their outcomes, preventative maintenance, and previously identified repair to, or rehabilitation or reconstruction of, airport infrastructure. The progress report must include any changes in timeline for completion, changes in cost estimates, and reasons any inspection, preventative maintenance, or repair or rehabilitation did not take place.

(6) Subject to the availability of appropriated funds, the department may participate in the capital cost of eligible public-use airport and aviation development projects in accordance with the following rates, unless otherwise provided in the General Appropriations Act or the substantive bill implementing the General Appropriations Act:

(e) When federal funds are not available, the department may fund up to 100 percent of the project costs of a public vertiport. If federal funds are available, the department may fund up to 80 percent of the nonfederal share of such project costs.

**Section 3.** This act shall take effect July 1, 2026.

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

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to vertiports; amending s. 255.065, F.S.; revising the definition of the term "qualifying project"; amending s. 332.007, F.S.; revising the definition of the term "airport infrastructure"; authorizing the Department of Transportation to fund up to specified percentages of public vertiport project costs; providing an effective date.

# FLORIDA HOUSE OF REPRESENTATIVES
# BILL ANALYSIS

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

| | |
|---|---|
| **BILL #:** CS/HB 1211 | **COMPANION BILL:** CS/SB 474 (Wright) |
| **TITLE:** Military Affairs | **LINKED BILLS:** None |
| **SPONSOR(S):** Albert | **RELATED BILLS:** None |

**Committee References**

| Intergovernmental Affairs | ➤ | Transportation & Economic Development Budget | ➤ | State Affairs |
|---|---|---|---|---|
| 12 Y, 0 N, As CS | | | | |

## SUMMARY

**Effect of the Bill:**
The bill makes the following changes relating to the Department of Military Affairs (DMA) and military service generally:

- Revises provisions concerning leaves of absence for military service for state and local government employees to expand eligibility to include members of the Coast Guard and clarify that 90 consecutive days of service to qualify for a paid leave of absence must be on a single order.
- Repeals provisions related to the defunct About Face and Forward March programs.
- Revises eligibility for the Soldiers and Airmen Assistance Program and requires an annual external financial audit and bylaw review.

**Fiscal or Economic Impact:**
The bill may have an indeterminate positive fiscal impact on the state and local governments due to changes in eligibility for paid leaves of absence.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

## ANALYSIS

**EFFECT OF THE BILL:**

**Leaves of Absence for Military Service**
The bill makes the following changes to leaves of absence for military service for state and local government employees:

- Provides that leave of absence provisions for state and local elected officials from their office includes service in the Coast Guard.
- Provides that protections of pay and benefits for reserve or National Guard training apply when the training is ordered under applicable provisions of state law in addition to federal regulations.
- Removes service in the Florida State Guard from definition of "active military service."
- Narrows the instances for which servicemembers who are also public officials or employees are entitled to 30 days' pay from their government employment for federal military service to apply only when the servicemember has federal military service of 90 consecutive days or more on a single order (rather than a series of shorter orders). (Sections 1, 2, 3, 4, and 5)

**Soldiers and Airmen Assistance Program**
The bill revises eligibility for the Soldiers and Airmen Assistance Program to include all traditional drilling guardsmen on state or active duty who do not qualify for assistance programs available to servicemembers currently serving in the U. S. Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard, and their beneficiaries, who demonstrate valid financial need. The bill defines a "beneficiary" as the current spouse,

dependent children, or other designated beneficiaries as determined by the Adjutant General. The bill revises the process for review and approval of assistance funds to be completed by the Florida National Guard Foundation's board of directors. The bill provides that requests for assistance are to be reviewed based on the financial situation of the applicant, their inability to provide quality of life and other qualifying life-impacting family needs, and any other consideration as dictated under the bylaws of the Florida National Guard Foundation. (Section 7)

The bill defines a "beneficiary" as the current spouse, dependent children, or other designated beneficiaries as determined by the Adjutant General. (Section 7)

The bill requires an annual external financial audit to be published on the website of the direct-support organization (DSO) as well as an annual bylaw review of the program to be given to the Department of Military Affairs (DMA) and approved by the Adjutant General. (Section 7)

**Other Provisions**

The bill repeals provisions requiring the Adjutant General to administer the About Face and Forward March programs. (Section 6)

The bill provides an effective date of July 1, 2026. (Section 9)

**FISCAL OR ECONOMIC IMPACT:**

STATE GOVERNMENT:

The bill may have an indeterminate positive fiscal impact on the state generally since employers of servicemembers who are on active duty for more than 90 consecutive days that are not part of a single order will no longer be obligated to pay the first 30 days of the absence.

LOCAL GOVERNMENT:

The bill may have an indeterminate positive fiscal impact on local governments since employers of servicemembers who are on active duty for more than 90 consecutive days that are not part of a single order will no longer be obligated to pay the first 30 days of the absence.

## RELEVANT INFORMATION

**SUBJECT OVERVIEW:**

Department of Military Affairs

The Florida Department of Military Affairs (DMA) is a state agency created to provide management oversight and administrative support to the Florida National Guard (FLNG) and the Florida Air National Guard.[1] DMA is responsible for combat readiness and emergency preparedness of the FLNG, responding to disasters and civil disturbances, drug interdiction operations, and assisting Floridians at risk.[2]

*Adjutant General*

The Adjutant General serves as the director of the DMA.[3] As the commanding officer of the FLNG, the Adjutant General is responsible for the training and operations of the FLNG.[4] The Adjutant General also serves as

[1] Dept. of Military Affairs, *The Florida Department of Military Affairs* (last visited Feb. 2, 2026).
[2] Office of Program Policy Analysis and Government Accountability, Florida Legislature, *Government Program Summaries: Department of Military Affairs* (last visited Feb. 2, 2026).
[3] S. 250.10(1), F.S.
[4] S. 250.10(2)(c)-(d), F.S.

commanding general of the state's militia and supervises the receipt, preservation, repair, distribution, issue, and collection of all arms and military equipment in the state.[5]

The Adjutant General is appointed by the Governor, is subject to Senate confirmation, and must be a federally recognized officer of the FLNG who has served in the FLNG for at least five of the last ten years and attained the rank of colonel or higher.[6]

The Adjutant General is responsible for appointing two Assistant Adjutant Generals for the Army, an Assistant Adjutant General for Air, and the State Quartermaster. [7] Candidates to become Assistant Adjutant Generals must have served for at least three years in their respective National Guard branch and attained the rank of colonel or higher at the time of appointment.

*About Face*

About Face was an after-school program serving economically disadvantaged youth, ages 13-17, who were still in school but at risk of dropping out.[8] The program was designed to help students by improving their academic skills, teaching effective study habits, teaching life coping skills and good citizenship, and providing strong mentor and role model experiences. Participants' results were monitored through benchmarks and were incorporated into program delivery. About Face was funded through the DMA. The program was terminated in 2011 when state funding was eliminated.[9]

*Forward March*

Forward March was a community service program designed to assist economically disadvantaged out-of-school youth and adults, ages 17-39, in making a successful transition into the workforce.[10] The program was designed to help participants by teaching core academics and work readiness skills that facilitate job placement and retention. Participants' results were monitored through benchmarks and are incorporated into program delivery. The program was terminated in 2011 when state funding was eliminated.[11]

*Soldiers and Airmen Assistance Program*

The Soldiers and Airmen Assistance Program (Program) was created in 2010 to provide financial assistance and services to eligible servicemembers of the FLNG and their families.[12] Servicemembers who part of the FLNG are eligible if they meet one of the following criteria:

- On active duty serving in the Global War on Terrorism or Overseas Contingency Operation who request assistance within 120 days after the termination of orders for service and return to their home of record; or
- Are deployed by the federal government and participating in state operations for homeland defense or request assistance within 120 days after the termination of orders for service and return to their home of record.

A beneficiary of an eligible guardsman designated on the United States Department of Defense Form 93 and an individual demonstrating a financial need who is a dependent or family member of a guardsman are also eligible to receive assistance.[13]

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[5] S. 250.10(2)(a)-(b), F.S.
[6] S. 250.10(1), F.S.
[7] Ss. 250.10(4)(a)-(b), (5), F.S.
[8] Dept. of Military Affairs, *Long Range Program Plan FY 2020-2021 through FY 2024-2025*, p. 15 (last visited Feb. 2, 2026).
[9] Dept. of Military Affairs, Agency Analysis of SB 474, p. 2 (Dec. 4, 2025) (on file with Intergovernmental Affairs Subcommittee).
[10] Dept. of Military Affairs, *Long Range Program Plan FY 2020-2021 through FY 2024-2025*, p. 15 (last visited Feb. 2, 2026).
[11] Dept. of Military Affairs, Agency Analysis of SB 474, p. 2 (Dec. 4, 2025) (on file with Intergovernmental Affairs Subcommittee).
[12] Ch. 2010-98, s. 2, Laws of Fla., codified as s. 250.116, F.S.
[13] S. 250.116(4)(b), F.S.

The Program is funded by the Florida National Guard Foundation, a direct-support organization (DSO).[14] Under the Program, eligible servicemembers and their beneficiaries may receive assistance with housing, living expenses necessary to support basic needs, vehicles, health care, and other services.[15]

The requests for assistance are reviewed at the local level by an official designated by the Adjutant General.[16] The DMA may accept assistance from the DSO when reviewing and processing requests but the DMA provides the final review and approval. Requests for assistance are reviewed and evaluated based on the following criteria:

- The impact of a servicemember's absence and inability to assist in home and vehicle repairs or meet other family needs;
- The economic impact of deployment;
- The overall financial situation of the applicant; and
- Other relevant information.[17]

Current law requires the DSO to operate under a written contract with the DMA. The written contract must provide for:

- Annual certification by the department that the DSO is complying with the terms for the contract and is doing so consistent with the goals and purposes of DMA and in the best interests of the state.
- The reversion of moneys and property held by the DSO if the DSO is no longer approved to operate by DMA, the DSO ceases to exist, or DMA ceases to exist.
- The disclosure to donors of the material provisions of the contract and the distinction between DMA and the DSO.[18]

The financial committee of the DSO must conduct quarterly reviews of the financial transactions of the Program and may request the Office of Inspector General to conduct additional reviews.[19] The quarterly reviews are submitted to the DMA to determine if the DSO is being operated consistent with the purposes of the Soldiers and Airmen Assistance Fund.

## Leaves of Absence for Military Service

Uniformed Services Employment and Reemployment Rights Act

The federal Uniformed Services Employment and Reemployment Rights Act (USERRA) provides employment protections to servicemembers who have to leave employment to perform military service.[20] USERRA areas of coverage include reemployment rights, freedom from discrimination and retaliation, and continuation of health insurance coverage.[21] USERRA requires compliance of private and public employers, including state and local governments.[22]

### Leaves of Absence for Military Duty for County and State Officials

A county or state official may be granted a leave of absence from office to serve in the volunteer forces of the United States, in the National Guard of any state, or in the regular federal Army, Navy, Air Force, Marine Corps, or Space Force when the official is called into active service of the United States during war between the United States and a foreign government.[23] Upon completing the service, the county or state officer granted such leave must immediately enter into the duties of his or her office for the remainder of the term for which elected.[24]

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[14] S. 250.115, F.S.
[15] S. 250.116(3), F.S.
[16] S. 250.116(5)(a), F.S.
[17] S. 250.116(5)(b), F.S.
[18] S. 250.115(3)(a)-(c), F.S.
[19] S. 250.116(6), F.S.
[20] 38 U.S.C. ch. 43.
[21] U.S. Dept. of Labor, *Veterans' Employment and Training Service, Know Your Rights* (last visited Feb. 2, 2026).
[22] U.S. Dept. of Labor, *A Guide to the Uniformed Services Employment and Reemployment Rights Act* (last visited Jan. 21, 2026).
[23] S. 115.01, F.S.
[24] S. 115.06, F.S.

These provisions interact with the background rule that governs when a vacancy occurs in any office.[25] In pertinent part, a vacancy occurs upon the officer's unexplained absence for 60 consecutive days.[26] When an executive branch officer, other than a Cabinet officer, wants to be absent from the state for 60 consecutive days or more, the officer must provide written notification to the Governor.[27] However, the officer must return to the state and perform his or her duties whenever requested by the Governor. Failure to return and perform such duties allows the Governor to declare the office vacant.[28]

The Attorney General, Chief Financial Officer, and the Commissioner of Agriculture may not be absent from the state for 60 consecutive days or more without the consent of the Governor and a majority of the Cabinet. If a Cabinet officer violates this prohibition, the office may be deemed vacant.[29]

Any official of the state or of a county, municipality, or other political subdivision of the state, including a school district and a community college, who is a servicemember in the National Guard or a reserve component of the Armed Forces must be granted a leave of absence from office and duties to perform active military service.[30] The servicemember will receive full pay from the governmental entity which the official serves for the first 30 days of the leave of absence if the active federal military service is equal to or greater than 90 consecutive days.[31]

**Leaves of Absence for Military Service for Public Employees**

Every officer or employee of the state, counties, cities, or other political subdivisions of the state who is a member of the U.S. military reserves or a member of the National Guard and assigned to active or inactive duty is entitled to a leave of absence while in training ordered pursuant to the U.S. military or naval training regulations.[32] This leave is available without loss of vacation leave, pay, time, or efficiency rating, for those days during which the officer or employee is engaged in the training. This type of leave of absence may not exceed 240 working hours (equivalent of six 40-hour workweeks) in any one annual period.[33]

All employees of the state, counties, municipalities, and other political subdivisions of the state must be granted a leave of absence for active military service with the same rights and privileges granted officers of the governmental entities.[34] Like the officers, the employees receive full pay for the first 30 days of a leave of absence whenever the active federal military service is equal to or greater than 90 consecutive days.[35]

[25] *See* s. 114.01, F.S.
[26] S. 114.01(1)(f), F.S.
[27] S. 114.02, F.S.
[28] *Id.*
[29] S. 114.03, F.S.
[30] S. 115.09, F.S.
[31] *Id.*
[32] S. 115.07(1), F.S.
[33] S. 115.07(2), F.S.
[34] S. 115.14, F.S.
[35] *Id.*

# BILL HISTORY

| COMMITTEE REFERENCE | ACTION | DATE | STAFF DIRECTOR/ POLICY CHIEF | ANALYSIS PREPARED BY |
|---|---|---|---|---|
| Intergovernmental Affairs Subcommittee | 12 Y, 0 N, As CS | 2/5/2026 | Darden | Burgess |
| THE CHANGES ADOPTED BY THE COMMITTEE: | • Removed provisions revising eligibility for Senior Management Service Class in the Florida Retirement System.<br>• Revised financial review requirements for the Soldiers and Airmen Assistance Fund and requires an annual audit be posted to the Florida National Guard Foundation's website. | | | |
| Transportation & Economic Development Budget Subcommittee | | | Davis | Andeara |
| State Affairs Committee | | | | |

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

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A bill to be entitled

An act relating to military affairs; amending s. 115.01, F.S.; revising the authorization to be granted a leave of absence for military service to include the Coast Guard; removing the condition that such service be during war between the United States and a foreign government; amending s. 115.07, F.S.; clarifying a provision relating to leaves of absence for all officers and employees of the state and the counties, municipalities, and political subdivisions of the state for reserve or guard training; amending s. 115.08, F.S.; revising the definition of the term "active military service"; amending s. 115.09, F.S.; specifying that an authorization for a leave of absence for public officials to perform active military service for a specified timeframe is based on a single order; amending s. 115.14, F.S.; specifying that an authorization for a leave of absence for all employees of the state and the counties, municipalities, and political subdivisions of the state to perform active military service for a specified timeframe is based on a single order; amending s. 250.10, F.S.; removing a requirement that the Adjutant General administer youth About Face Programs and adult Forward March programs; removing

provisions governing the programs; amending s. 250.116, F.S.; revising eligibility for the Soldiers and Airmen Assistance Program to include traditional drilling guardsmen on state active duty or on Title 32 United States Code duty and their eligible beneficiaries demonstrating valid financial need; defining the term "beneficiary"; requiring requests for assistance to be reviewed, processed, and approved by the Florida National Guard Foundation's board of directors; requiring requests for assistance to be reviewed and evaluated based on specified criteria; requiring an annual external audit of the program; requiring the board to annually review the bylaws that govern the program; requiring the board to provide a report to the Department of Military Affairs to be approved by the Adjutant General; reenacting s. 115.06, F.S., relating to reassumption of duties for officers returning from the service of the United States, to incorporate the amendment made to s. 115.01, F.S., in a reference thereto; providing an effective date.

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

**Section 1. Section 115.01, Florida Statutes, is amended to**

**read:**

115.01 Leave of absence for military service.—Any county or state official of the state, subject to the provisions and conditions hereinafter set forth, may be granted leave of absence from his or her office, to serve in the volunteer forces of the United States, or in the National Guard of any state, or in the regular Army, Navy, Air Force, Marine Corps, Coast Guard, or Space Force of the United States, when the same shall be called into active service of the United States ~~during war between the United States and a foreign government~~.

**Section 2. Subsection (1) of section 115.07, Florida Statutes, is amended to read:**

115.07 Officers and employees' leaves of absence for reserve or guard training.—

(1) All officers or employees of the state, of the several counties of the state, and of the municipalities or political subdivisions of the state who are commissioned reserve officers or reserve enlisted personnel in the United States military or naval service or members of the National Guard are entitled to leaves of absence from their respective duties, without loss of vacation leave, pay, time, or efficiency rating, on all days during which they are engaged in training ordered under the provisions of the United States military or naval training regulations or applicable general law for such personnel when assigned to active or inactive duty.

**Section 3. Subsection (1) of section 115.08, Florida Statutes, is amended to read:**

115.08 Definitions.—

(1) The term "active military service" as used in this chapter means ~~shall signify~~ active duty ~~in the Florida defense force or federal service in training or on active duty~~ with any branch of the Armed Forces or Reservists of the Armed Forces, the Florida National Guard, the Coast Guard of the United States, and service of all officers of the United States Public Health Service detailed by proper authority for duty with the Armed Forces, and includes ~~shall include~~ the period during which a person in military service is absent from duty on account of sickness, wounds, leave, or other lawful cause.

**Section 4. Section 115.09, Florida Statutes, is amended to read:**

115.09 Leave to public officials for military service.—All officials of the state, the several counties of the state, and the municipalities or political subdivisions of the state, including district school and Florida ~~community~~ College System officers, which officials are also servicemembers in the National Guard or a reserve component of the Armed Forces of the United States, must be granted leave of absence from their respective offices and duties to perform active military service, with the first 30 days of any such leave of absence to be with full pay for active federal military service that is

equal to or greater than 90 consecutive days on a single order.

**Section 5. Section 115.14, Florida Statutes, is amended to read:**

115.14 Employees.—All employees of the state, the several counties of the state, and the municipalities or political subdivisions of the state must be granted leave of absence under the terms of this law; upon such leave of absence being granted, such employee must enjoy the same rights and privileges as are granted to officials under this law, including, without limitation, receiving full pay for the first 30 days for federal military service that is equal to or greater than 90 consecutive days on a single order. Notwithstanding s. 115.09, the employing authority may supplement the military pay of its officials and employees who are reservists called to active military service after the first 30 days in an amount necessary to bring their total salary, inclusive of their base military pay, to the level earned at the time they were called to active military duty. The employing authority shall continue to provide all health insurance and other existing benefits to such officials and employees as required by the Uniformed Services Employment and Reemployment Rights Act, chapter 43 of Title 38 U.S.C.

**Section 6. Paragraph (m) of subsection (2) of section 250.10, Florida Statutes, is amended to read:**

250.10 Appointment and duties of the Adjutant General.—

(2) The Adjutant General shall:

~~(m) Subject to annual appropriations, administer youth About Face programs and adult Forward March programs at sites to be selected by the Adjutant General. Both programs must provide schoolwork assistance, focusing on the skills needed to master basic high school competencies and functional life skills, including teaching students to work effectively in groups; providing basic instruction in computer skills; teaching basic problem-solving, decisionmaking, and reasoning skills; teaching how the business world and free enterprise work through computer simulations; and teaching home finance and budgeting and other daily living skills.~~

~~1. About Face is a summer and year-round after-school life-preparation program for economically disadvantaged and at-risk youths from 13 through 17 years of age. The program must provide training in academic study skills, and the basic skills that businesses require for employment consideration.~~

~~2. Forward March is a job-readiness program for economically disadvantaged participants who are directed to Forward March by the local workforce development boards. The Forward March program shall provide training on topics that directly relate to the skills required for real-world success. The program shall emphasize functional life skills, computer literacy, interpersonal relationships, critical-thinking skills, business skills, preemployment and work maturity skills, job-search skills, exploring careers activities, how to be a~~

~~successful and effective employee, and some job-specific skills. The program also shall provide extensive opportunities for participants to practice generic job skills in a supervised work setting. Upon completion of the program, Forward March shall return participants to the local workforce development boards for placement in a job placement pool.~~

**Section 7. Subsections (4), (5), and (6) of section 250.116, Florida Statutes, are amended, and subsection (7) is added to that section, to read:**

250.116 Soldiers and Airmen Assistance Program.—

(4) ELIGIBILITY.—Persons eligible for assistance from the program include:

(a) Servicemembers who are members of the Florida National Guard who are~~:~~

~~1.~~ traditional drilling guardsmen on state active duty or on Title 32 United States Code duty, who otherwise do not qualify for the assistance programs available to servicemembers serving under Title 10 United States Code, and who demonstrate valid financial need, and their eligible beneficiaries, are authorized to apply for and receive financial assistance from the program, as administered by the Florida National Guard Foundation's board of directors and its governing bylaws, contingent upon the availability of funds ~~serving in the Global War on Terrorism or Overseas Contingency Operation or who request assistance within 120 days after the termination of~~

~~orders for such service and return to their home of record~~.

~~2. Deployed by the Federal Government and participating in state operations for homeland defense or request assistance within 120 days after the termination of orders for such service and return to their home of record.~~

(b)~~1.~~ As used in this subsection, the term "beneficiary" means the current spouse, dependent children, or other designated beneficiaries as determined by the Adjutant General ~~Beneficiaries of an eligible servicemember designated on United States Department of Defense Form 93~~.

~~2. Individuals demonstrating a financial need for authorized assistance who are dependents or family members of an eligible servicemember.~~

(5) REQUESTS FOR ASSISTANCE; REVIEW; AWARDS.—

(a) A request for assistance must ~~shall~~ be reviewed, ~~and~~ processed, and approved by the Florida National Guard Foundation's board of directors ~~at the local level by an official designated by the Adjutant General. During the initial review and processing of the request, the Department of Military Affairs may accept assistance from the direct-support organization. Final review and approval of requests for assistance shall be made by the Department of Military Affairs~~.

(b) Requests for assistance must ~~shall~~ be reviewed and evaluated based on the following criteria:

1. The impact of a servicemember's financial situation

~~absence~~ and inability to provide quality of life and other qualifying life-impacting ~~assist in home and vehicle repairs or meet other~~ family needs;

~~2. The economic impact of deployment;~~

~~3. The overall financial situation of the applicant;~~

2.~~4.~~ The assistance authorized under the program; and

3.~~5.~~ Any other consideration dictated in the bylaws of the Florida National Guard Foundation ~~Other relevant information~~.

(6) ~~QUARTERLY~~ FINANCIAL REVIEW.—The financial committee of the board of directors of the direct-support organization shall review financial transactions of the program each quarter. The board of directors must also ensure an annual external audit is completed and published on the publicly available website of the direct-support organization. This audit must ~~review shall~~ be provided to the Department of Military Affairs in order to determine whether the direct-support organization is being operated in a manner that is consistent with the purposes of the Soldiers and Airmen Assistance Fund, and in the best interests of the department. The financial committee may request the Office of Inspector General to conduct additional reviews.

(7) ANNUAL BYLAW REVIEW.—The Florida National Guard Foundation's board of directors shall annually review the bylaws that govern the program. This review shall be provided in a report to the Department of Military Affairs and subject to approval by the Adjutant General.

**Section 8. For the purpose of incorporating the amendment made by this act to section 115.01, Florida Statutes, in a reference thereto, section 115.06, Florida Statutes, is reenacted to read:**

115.06 Reassumption of duties.—Upon being mustered out of the service of the United States, such officer granted leave under s. 115.01 shall immediately enter into the duties of his or her office for the remainder of the term for which he or she was elected.

**Section 9.** This act shall take effect July 1, 2026.

COMMITTEE/SUBCOMMITTEE ACTION

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

Committee/Subcommittee hearing bill: Transportation & Economic Development Budget Subcommittee
Representative Albert offered the following:

**Amendment (with title amendment)**

Between lines 121 and 122, insert:

**Section 6. Paragraph (g) of subsection (1) of section 121.055, Florida Statutes, is amended to read:**

121.055 Senior Management Service Class.—There is hereby established a separate class of membership within the Florida Retirement System to be known as the "Senior Management Service Class," which shall become effective February 1, 1987.

(1)

(g) Effective July 1, 1996, participation in the Senior Management Service Class shall be compulsory for any member of the Florida Retirement System employed with the Department of

Military Affairs in the uniformed positions of the Adjutant General, Assistant Adjutant General-Army, Assistant Adjutant General-Air, State Quartermaster~~, Director of Human Resources, Director of Legislative Affairs, Inspector General, Executive Officer~~, and additional directors as designated by the agency head, not to exceed two Special Projects Officers of the Florida National Guard ~~a total of 10 positions~~. In lieu of participation in the Senior Management Service Class, such members may participate in the Senior Management Service Optional Annuity Program as established in subsection (6).

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

Between lines 22 and 23, insert:

amending s. 121.055, F.S.; revising military positions required to participate in the Senior Management Service Class of the Florida Retirement System;

# FLORIDA HOUSE OF REPRESENTATIVES
# BILL ANALYSIS

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

| | |
|---|---|
| **BILL #:** CS/HB 1387 | **COMPANION BILL:** SB 1236 (Massullo) |
| **TITLE:** State Economic Development Contracts | **LINKED BILLS:** None |
| **SPONSOR(S):** Overdorf | **RELATED BILLS:** None |

**Committee References**

| Housing, Agriculture & Tourism | ➤ | Transportation & Economic Development Budget | ➤ | Commerce |
|---|---|---|---|---|
| 11 Y, 4 N, As CS | | | | |

## SUMMARY


**Effect of the Bill:**

The bill creates the Taxpayer Dollars Protect Workers Act (Act) to provide that, in order to be eligible for an economic development incentive, an employer may not:

- Grant recognition rights for employees solely on the basis of signed labor organization authorization cards if the selection of a bargaining representative could instead be accomplished through a secret ballot election by the National Labor Relations Board;
- Voluntarily disclose an employee's personal contact information to a labor organization without the employee's prior written consent;
- Sign a neutrality agreement with a labor organization; or
- Require a subcontractor to engage in any of the foregoing activities.

The bill requires the Department of Commerce (Department), before awarding an economic development incentive, to enter into a separate agreement with the recipient of the incentive to reserve the right of the Department to recover any incentives if the recipient violates the Act. The bill authorizes anyone to report a suspected violation of the Act to the Attorney General (AG) and requires the AG to investigate the violation. If the AG finds the employer in violation of the Act the AG must initiate proceedings to recover incentives awarded to the employer.

**Fiscal or Economic Impact:**

The bill appears to have an indeterminate fiscal impact on state expenditures. The bill will have an insignificant fiscal impact on Department of Commerce workload. The bill may have an indeterminate negative fiscal impact on the Attorney General, but it is expected the AG can handle the workload within its existing resources.



JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY


## ANALYSIS

**EFFECT OF THE BILL:**

The bill creates the "Taxpayer Dollars Protect Workers Act" (Act). (Section 1).

The bill provides the following definitions:

- "Contract" means an agreement between an employer and the state, or an agreement between an employer and a labor organization.
- "Economic development incentive" means a state grant, authorized under this chapter for the purposes of economic development, provided to an employer to attract or retain the employer's physical presence in this state.
- "Employee" means an individual who performs services for an employer for wages that are subject to withholding requirements under 26 U.S.C. s. 3402.

- "Employer" means a business entity that voluntarily pursues economic development incentives authorized under this section or enters into an agreement with the Department of Commerce (Department) for the purpose of receiving those incentives.
- "Labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, hours of employment, or conditions of work.
- "Neutrality agreement" means an agreement signed with a labor organization wherein the employer agrees to conditions including, but not limited to, not speaking to employees about labor organization issues.
- "Personal contact information" means an employee's home address, home or personal cellular telephone number, or personal e-mail address.
- "Secret ballot election" means a process conducted by the National Labor Relations Board (NLRB) in which an employee casts a secret ballot for or against labor organization representation.
- "Subcontractor" means a person or entity that has contracted with an employer to perform work or provide services. (Section 2).

The bill establishes that to be eligible for an economic development incentive, an employer may not:

- Grant recognition rights for employees solely on the basis of signed labor organization authorization cards if the selection of a bargaining representative could have been conducted through a secret ballot election by the National Labor Relations Board (NLRB).
- Voluntarily disclose an employee's personal contact information to a labor organization, or a third party acting on behalf of a labor organization, without the employee's prior written consent, unless otherwise required by state or federal law.
- Sign a neutrality agreement with a labor organization.
- Require a subcontractor performing work for or providing services to the employer to engage in the above prohibited activities. (Section 2).

The bill provides that eligibility requirements apply to any work or service for an employer on a project for which an economic development incentive is awarded. (Section 2).

The bill authorizes a person or an entity to report a suspected violation of the Act to the Attorney General during the term of the separate agreement entered into between the Department and the employer. Upon receiving a report, the Attorney General shall determine whether a violation has occurred and shall request from the employer a copy of the written agreement executed pursuant to the Act. An employer's refusal to provide the written agreement to the Attorney General constitutes a violation of the separate agreement between the Department and the employer. (Section 2).

The bill requires the Attorney General to deliver written findings to the employer alleged to be in violation within 60 days. If the Attorney General finds that the employer violated the written agreement executed pursuant to the Act, the Attorney General shall initiate proceedings to recover funds awarded to the employer. The Attorney General's findings are final. (Section 2).

Before awarding an economic development incentive, the bill requires the Department to execute a separate agreement with the recipient of the incentive that reserves the right of the Department to recover the amount of money, grants, funds, or other incentives disbursed by the Department if the recipient benefitting from such money, grants, funds, or other incentives fails to comply with this section. Such agreement is effective for either:

- The duration of the project, to be determined by the Department, for an economic development incentive of less than $5 million; or
- No longer than 5 years, for an economic development incentive of $5 million or more. (Section 2).

The bill applies prospectively and excludes:

- A contract between the state and an employer executed before July 1, 2026; or

- A contract between an employer and a labor organization executed before July 1, 2026. (Section 2).

The bill provides an effective date of July 1, 2026. (Section 3).

**FISCAL OR ECONOMIC IMPACT:**

STATE GOVERNMENT:

The bill requires the Department to enter into a separate agreement with economic development incentive recipients. Because the Department is currently required to enter into agreements with incentive recipients, and since this new activity aligns with current responsibilities of the Department, there will likely be an insignificant impact on their workload.

The bill however, creates new responsibilities and requirements for the Attorney General. The bill requires the AG to investigate reported violations of the provisions of the Act. If the AG finds an employer in violation of their written agreement with the Department, the AG must initiate proceedings to recover funds awarded to the employer. This provision bill will likely have an have an indeterminate negative fiscal impact on the Attorney General, but it is expected the AG can handle the workload within its existing resources. Additionally, any potential recovery of funds cannot be quantified at this time.

PRIVATE SECTOR:

The bill has an indeterminate impact on the private sector to the extent a recipient of an economic development incentive will be required to enter into a certain agreement with the Department in order to be eligible for such incentive.

## RELEVANT INFORMATION

**SUBJECT OVERVIEW:**

**Economic Development Incentives**

Florida's current economic incentive framework reflects a major restructuring following the enactment of Chapter 2023-173, Laws of Florida, which eliminated Enterprise Florida, Inc. and consolidated economic development authority under the Florida Department of Commerce (Department).[1] The legislation repealed or removed several long-standing incentive programs, including the Qualified Target Industry Tax Refund, Quick Action Closing Fund, and Innovation Incentive Program, while adding programs such as the Florida Job Growth Grant Fund, the Research and Development Tax Credit Program, and rural and urban job tax credits to the state's review cycle.[2]

Florida's economic development system is multi-faceted and includes public agencies, non-profit corporations, and private entities at the state, regional, and local level.[3] A core principle of the state's economic development incentive programs is that businesses are paid based on verified performance, meaning no tax dollars are paid until job creation or capital investment numbers are audited and confirmed.[4] Florida provides different types of incentives such as tax refunds, tax exemptions, tax credits, and performance based grants.[5]

To apply for an economic incentive program, a business must submit a complete application to the Division of Economic Development of the Department, which will ensure completeness, identify required state and local

[1] Office of Program Policy Analysis and Government Accountability (OPPAGA), *Economic Development Programs: 2025*, https://oppaga.fl.gov/Documents/Reports/25-08.pdf (last visited Feb. 2, 2026).
[2] *Id.*
[3] FloridaCommerce, *Types of Incentive Awards*, https://www.floridajobs.org/office-directory/division-of-economic-development/economic-development-incentives-portal/types-of-incentive-awards (last visited Feb. 2, 2026).
[4] FloridaCommerce, *Economic Development Incentives Portal*, https://floridajobs.org/office-directory/division-of-economic-development/economic-development-incentives-portal (last visited Feb. 2, 2026).
[5] FloridaCommerce, *supra* note 3.

permits (and whether they can be waived), and evaluate the potential incentives and their economic benefits using methods from the Office of Economic and Demographic Research.[6] Within 10 business days of receiving a complete application, the Secretary of Commerce approves or denies the request and provides a written justification.[7] Approved incentives are governed by contracts detailing the award amount, performance requirements, payment schedule, and sanctions, with funds released only if appropriated by the Legislature.[8] The Department validates contractor performance annually and reports the results, while applicants must certify the accuracy of submitted information and comply with the E-Verify system, with noncompliance requiring repayment of funds.[9]

## Labor Organizations

The State Constitution provides that "[t]he right of persons to work shall not be denied or abridged on account of membership or non-membership in any labor union or labor organization."[10] Based on this constitutional right, Florida is regarded as a "right-to-work" state.

Florida law defines "labor organization" as any organization of employees or local or subdivision thereof, the members of which are residents of the state, whether incorporated or not, organized for the purpose of negotiating with employers on issues such as work hours, rate of pay, working conditions, or grievances of any kind relating to employment, and which is recognized as a unit of bargaining by one or more employers doing business in Florida.[11]

The State Constitution also guarantees that "the right of employees, by and through a labor organization, to bargain collectively shall not be denied or abridged."[12] To implement this constitutional provision, the Legislature enacted ch. 447, F.S., which provides that employees in Florida have the right to:

- Self-organization;
- Form, join, or assist labor unions or labor organizations, or refrain from such activity;
- Bargain collectively through representatives of their own choosing; and
- Engage in concerned activities for the purpose of collective bargaining or other mutual aid or protection.[13]

Labor organizations in Florida are prohibited from charging an initiation fee in excess of $15,[14] and are required to keep accurate books of accounts that itemize all receipts and expenditures.[15] Additionally, it is unlawful for any person in Florida to engage in any of the following activities:[16]

- To interfere with or prevent the "right of franchise"[17] of any member of a labor organization.[18]
- To prohibit or prevent any election of the officers of a labor organization.[19]
- To charge, receive, or retain any dues, assessments, or other charges in excess of, or not authorized by, the constitution or bylaws of a labor organization.[20]

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[6] S. 288.061(1), F.S.
[7] S. 288.061(3), F.S.
[8] S. 288.061(3)(a), F.S.
[9] S. 288.061(4) and (6), F.S.
[10] FLA. CONST. art. I, s. 6.
[11] S. 447.02(1), F.S.
[12] FLA. CONST. art. I, s. 6.
[13] S. 447.03, F.S.
[14] This prohibition does not apply to initiation fees in effect on January 1, 1940, which may continue as authorized. S. 447.05, F.S.
[15] A member of a labor organization is entitled to inspect the books, records, and accounts of such labor organization at a reasonable time. *See* s. 447.07, F.S.
[16] *See* s. 447.09(1)-(13), F.S.
[17] The "right of franchise" includes the right of an employee to make complaint, file charges, give information or testimony concerning the violations of ch. 477, F.S., or the petitioning to a union regarding any grievance he or she may have concerning membership or employment, or the disclosure of facts concerning such grievance or violations of law to any public official, and the right of free petition, lawful assemblage, and free speech. S. 447.09(1), F.S.
[18] *Id.*
[19] S. 447.09(2), F.S.
[20] S. 447.09(5), F.S.

- To solicit membership for or to act as a representative of an existing labor organization without authority of such labor organization to do so.[21]
- To engage in picketing by force and violence, or to picket in such a manner as to prevent ingress and egress to and from any premises, or to picket other than in a reasonable and peaceable manner.[22]

**National Labor Relations Board (NLRB)**

The National Labor Relations Board (NLRB) is an independent federal agency created in 1935 and vested with the power to safeguard employees' rights to organize, engage with one another to seek better working conditions, choose whether or not to have a collective bargaining representative negotiate on their behalf with their employer, or refrain from doing so.[23] The NLRB also acts to prevent and remedy unfair labor practices committed by private sector employers and unions, and conducts secret-ballot elections regarding union representation.[24] The NLRB is a bifurcated agency governed on one side by a five-person board and on the other side by a general counsel.[25] The board acts as a quasi-judicial body and decides cases in administrative proceedings, and the general counsel is responsible for the investigation and prosecution of unfair labor practice cases and for the general supervision of the NLRB field offices in the processing of cases.[26]

## BILL HISTORY

| COMMITTEE REFERENCE | ACTION | DATE | STAFF DIRECTOR/ POLICY CHIEF | ANALYSIS PREPARED BY |
|---|---|---|---|---|
| Housing, Agriculture & Tourism Subcommittee | 11 Y, 4 N, As CS | 2/5/2026 | Curtin | Rodriguez |
| THE CHANGES ADOPTED BY THE COMMITTEE: | • Revises the definitions of "contract," "employee," and "employer";<br>• Requires the Attorney General to determine whether a violation of the separate agreement entered into by the Department of Commerce and the employer has occurred; and<br>• Reduces the term of the separate agreement for economic development incentive awards of $5 million or more from 20 years to no more than 5 years. | | | |
| Transportation & Economic Development Budget Subcommittee | | | Davis | McAuliffe |
| Commerce Committee | | | | |

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

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[21] S. 447.09(6), F.S.
[22] S. 447.09(11), F.S.
[23] National Labor Relations Boards, *About NLRB*, https://www.nlrb.gov/ (last visited Feb. 2, 2026).
[24] *Id.*
[25] *Id.*
[26] *Id.*

A bill to be entitled

An act relating to state economic development contracts; providing a short title; creating s. 288.0615, F.S.; defining terms; requiring an employer to sign an agreement with the Department of Commerce before becoming eligible for an economic development incentive; specifying the provisions of the agreement; providing applicability; authorizing persons and entities to report a suspected violation to the Attorney General within a specified timeframe; requiring the Attorney General to determine whether a violation has occurred; requiring the Attorney General to request certain information from the employer alleged to be in violation; providing that refusal of such employer to provide such information is in violation of the agreement; requiring the Attorney General to deliver his or her findings to such employer within a specified timeframe; requiring the Attorney General to initiate proceedings to recover funds awarded to the employer if the employer is found to have violated the agreement; providing that the Attorney General's findings are final; requiring the department to execute a separate written agreement with the recipient of the economic development incentive before the department awards the incentive;

specifying the contents of the separate agreement; providing the effective periods of the separate agreement; providing applicability; providing an effective date.

WHEREAS, the state has the right to set terms and conditions in connection with the awarding of economic development incentives as part of its economic development policy, and

WHEREAS, the state seeks to play an integral role in the formulation of economic opportunities, conditions of grants, and general management of compliance with such awards for moneys, and

WHEREAS, the state may, as part of awarding economic development incentives, oversee compliance with land use regulations, including management of the subdivision of property, offer and provide water and wastewater services, require fire protection systems and mechanical systems for buildings and structures, approve capital grants, and ensure such moneys are approved by the Department of Commerce, and

WHEREAS, the state may, as part of awarding economic development incentives, also require a private business to hire a certain number of new full-time employees, require a specific amount of company investment, and ensure workers obtain certain skills and knowledge, and

WHEREAS, the state has a vested interest in seeking to advance and preserve its own interest in projects receiving economic development incentives as a financer of projects contributing to the state's overall economic health, and

WHEREAS, it is the intent of the Legislature, as part of its economic development policy, that whenever state funds or benefits are sought by a private business that such benefits are conditioned on the private business agreeing not to waive its employees' right to a secret ballot election when recognizing a labor organization as a bargaining unit, or requiring subcontractors to waive their employees' right to a secret ballot election, and

WHEREAS, it is the intent of the Legislature that whenever state funds or benefits are provided or awarded to a private business, the private business working on a project receiving state funds or benefits, may not voluntarily disclose employee personal contact information to a labor organization without an employee's prior consent, waive their right to speak to their employees, or require subcontractors to voluntarily disclose employee personal contact information to a labor organization without an employee's prior consent or waive the subcontractor's right to speak to the subcontractor's employees, NOW, THEREFORE,

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

**Section 1.** This act may be cited as the "Taxpayer Dollars Protect Workers Act."

**Section 2. Section 288.0615, Florida Statutes, is created to read:**

288.0615 Employee protections in economic development contracts.-

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

(a) "Contract" means an agreement:

1. Between an employer and the state; or

2. Between an employer and a labor organization.

(b) "Economic development incentive" means a state grant, authorized under this chapter for the purposes of economic development, provided to an employer to attract or retain the employer's physical presence in this state.

(c) "Employee" means an individual who performs services for an employer for wages that are subject to withholding requirements under 26 U.S.C. s. 3402.

(d) "Employer" means a business entity that voluntarily pursues economic development incentives authorized under this section or enters into an agreement with the department for the purpose of receiving those incentives.

(e) "Labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers

concerning grievances, labor disputes, wages, hours of employment, or conditions of work.

(f) "Neutrality agreement" means an agreement signed with a labor organization wherein the employer agrees to conditions including, but not limited to, not speaking to employees about labor organization issues.

(g) "Personal contact information" means an employee's home address, home or personal cellular telephone number, or personal e-mail address.

(h) "Secret ballot election" means a process conducted by the National Labor Relations Board in which an employee casts a secret ballot for or against labor organization representation.

(i) "Subcontractor" means a person or entity that has contracted with an employer to perform work or provide services.

(2)(a) To be eligible for an economic development incentive, an employer must sign an agreement with the department stating that it will not do any of the following:

1. Grant union recognition rights for employees solely on the basis of signed labor organization authorization cards if the selection of a bargaining representative may instead be conducted through a secret ballot election conducted by the National Labor Relations Board.

2. Voluntarily disclose an employee's personal contact information to a labor organization, or a third party acting on behalf of a labor organization, without the employee's written

consent, unless otherwise required by state or federal law.

3. Sign a neutrality agreement with a labor organization.

4. Require a subcontractor performing work for or providing services to the employer to engage in activities prohibited in this paragraph.

(b) The prohibitions in paragraph (a) apply to any work or service provided to the employer on the project for which the economic development incentive is awarded.

(3)(a) A person or an entity may report, based upon a reasonable belief, a violation of paragraph (2)(a) to the Attorney General, provided that such report is made during the term of the separate agreement entered into by the department and the employer in subsection (4).

(b) Upon receiving the report, the Attorney General shall determine whether a violation has occurred. The Attorney General shall request from the employer a copy of the written agreement signed pursuant to paragraph (2)(a). If the employer refuses to provide the Attorney General with the written agreement, the employer is in violation of the agreement entered into between the employer and the department. The Attorney General must deliver in writing his or her findings to the employer alleged to be in violation within 60 days. If the Attorney General finds that an employer has violated the written agreement signed pursuant to paragraph (2)(a), he or she shall initiate proceedings to recover funds awarded to the employer. The

Attorney General's findings are final.

(4) Notwithstanding any other law to the contrary, before contracting to award an economic development incentive, the department must execute a separate written agreement with the recipient of the economic development incentive which reserves the right of the department to recover the amount of money, grants, funds, or other incentives disbursed by the department if the recipient benefiting from such money, grants, funds, or other incentives fails to comply with this section. This agreement is effective for either:

(a) The duration of the project, to be determined by the department, for an economic development incentive award of less than $5 million; or

(b) No longer than 5 years, for an economic development incentive award of $5 million or more.

(5) This section does not apply to:

(a) A contract between the state and an employer executed before July 1, 2026; or

(b) A contract between an employer and a labor organization executed before July 1, 2026.

**Section 3.** This act shall take effect July 1, 2026.