Tab 1	**SB 96** by **Bernard;** Identical to H 06521 Relief of Jacob Rodgers by the City of Gainesville

Tab 2	**CS/SB 140** by **ED, Gaetz;** Compare to CS/CS/H 00123 Charter Schools

625976	A	S	RCS	RC, Gaetz	Delete L.204 - 226.	04/16 07:58 PM

Tab 3	**CS/CS/SB 196** by **AEG, RI, Gruters (CO-INTRODUCERS) Calatayud;** Compare to H 00525 Chemicals in Consumer Products

745992	A	S	LRS	RC, Gruters	Delete L.116 - 147:	04/16 08:07 PM
136722	SA	S	LRCS	RC, Gruters	Delete L.116 - 147:	04/16 08:07 PM

Tab 4	**SB 202** by **Jones (CO-INTRODUCERS) Davis;** Similar to H 00011 Municipal Water and Sewer Utility Rates

607430	A	S	RCS	RC, Jones	Delete L.60:	04/16 08:09 PM

Tab 5	**CS/SB 430** by **ED, Simon (CO-INTRODUCERS) Burgess, Arrington;** Similar to CS/H 01607 Cardiac Emergencies

Tab 6	**CS/SB 540** by **ED, Collins (CO-INTRODUCERS) Burgess, Harrell;** Similar to CS/H 00447 Disability History and Awareness Instruction

~~539358~~	A	S	WD	RC, Collins	Delete L.14 - 16:	04/16 04:01 PM

Tab 7	**CS/CS/SB 650** by **AED, TR, Leek (CO-INTRODUCERS) Rouson;** Identical to CS/CS/H 00085 Hazardous Walking Conditions

Tab 8	**CS/SB 818** by **TR, McClain;** Similar to CS/H 00703 Utility Relocation

868666	A	S	RCS	RC, McClain	Delete L.17 - 155:	04/16 05:53 PM

Tab 9	**CS/SB 846** by **CM, Polsky (CO-INTRODUCERS) Pizzo, Smith, Arrington;** Similar to CS/H 00915 Notary Public Fraud

610758	D	S	RCS	RC, Polsky	Delete everything after	04/16 05:49 PM

Tab 10	**CS/SB 868** by **CM, Ingoglia;** Similar to CS/H 00743 Social Media Use by Minors

Tab 11	**CS/CS/SB 922** by **JU, CM, Leek;** Similar to CS/CS/CS/H 01219 Employment Agreements

359244	D	S	RCS	RC, Leek	Delete everything after	04/16 05:56 PM

Tab 12	**CS/SB 998** by **HP, Calatayud;** Identical to CS/H 00647 Physician Assistant and Advanced Practice Registered Nurse Services

Tab 13	**CS/SB 1076** by **RI, McClain;** Identical to CS/CS/H 00715 Roof Contracting

879128	A	S	LRCS	RC, McClain	btw L.69 - 70:	04/16 08:15 PM

Tab 14	**CS/CS/SB 1078** by **CA, BI, McClain;** Similar to CS/CS/H 00551 Fire Prevention

973042	A	S	RCS	RC, McClain	Delete L.121 - 151:	04/16 08:19 PM

Tab 15	**SB 1080** by **McClain;** Similar to CS/H 00579 Local Government Land Regulation

659760	A	S	RCS	RC, McClain	btw L.174 - 175:	04/16 08:27 PM
779662	AA	S	RCS	RC, McClain	Delete L.8:	04/16 08:27 PM

Tab 16	**CS/CS/SB 1174** by **AHS, CF, Jones (CO-INTRODUCERS) Rouson, Davis;** Identical to CS/CS/H 00989 Licensure of Family Foster Homes

Tab 17	**CS/SB 1266** by **CJ, Gruters;** Similar to CS/H 01129 Public Records/Crime Victims/Officers Involved in Use of Force Incidents

557690	A	S	RCS	RC, Gruters	Delete L.50 - 176:	04/16 08:31 PM

Tab 18	**SB 1300** by **Simon (CO-INTRODUCERS) Brodeur;** Similar to H 01143 Permits for Drilling, Exploration, and Extraction of Oil and Gas Resources

Tab 19	**SB 1412** by **Calatayud;** Similar to CS/H 01353 Home Health Care Services

Tab 20	**CS/CS/SB 1422** by **ACJ, CJ, Truenow;** Similar to CS/CS/H 01121 Unmanned Aircraft or Unmanned Aircraft Systems

~~772934~~	A	S	LWD	RC, Pizzo	Delete L.143 - 160.	04/16 04:10 PM
238888	A	S	LUNFAV	RC, Pizzo	Delete L.142 - 160.	04/16 04:10 PM

Tab 21	**CS/SB 1644** by **TR, Rodriguez;** Identical to CS/H 01487 Emergency Services

Tab 22	**CS/CS/SB 1650** by **ACJ, JU, Grall (CO-INTRODUCERS) Yarborough;** Similar to CS/CS/H 01559 Vexatious Litigants

Tab 23	**CS/CS/SB 1652** by **ACJ, JU, Grall (CO-INTRODUCERS) Yarborough;** Identical to CS/CS/H 01569 Public Records/Pleading, Request for Relief, or Other Document Stricken by a Court

Tab 24	**CS/CS/SB 1702** by **AED, ED, Burgess;** Compare to CS/H 01115 Education

374688	A	S	RCS	RC, Burgess	btw L.270 - 271:	04/16 08:38 PM
635596	A	S	RS	RC, Burgess	btw L.287 - 288:	04/16 08:38 PM
846588	SA	S	LRCS	RC, Burgess	btw L.324 - 325:	04/16 08:38 PM
377612	A	S	LRCS	RC, Burgess	Delete L.219 - 234:	04/16 08:38 PM

Tab 25	**CS/CS/SB 1736** by **AHS, CF, Grall (CO-INTRODUCERS) Sharief, Bradley;** Similar to CS/H 01567 Insulin Administration by Direct-support Professionals and Relatives

Tab 26	**CS/SB 1768** by **HP, Trumbull;** Similar to CS/H 01617 Stem Cell Therapy

642556	A	S	LRCS	RC, Trumbull	Delete L.90 - 328:	04/17 08:59 AM
678950	AA	S	LRCS	RC, Trumbull	Delete L.36 - 37:	04/17 08:59 AM

Tab 27	**CS/SB 1808** by **HP, Burton;** Compare to H 01513 Refund of Overpayments Made by Patients

532816	A	S	RCS	RC, Burton	Delete L.60:	04/16 08:50 PM

Tab 28	**CS/SB 1820** by **TR, Leek;** Identical to CS/CS/H 00429 Motor Vehicle Manufacturers and Franchised Motor Vehicle Dealers

Tab 29	**CS/SB 1822** by **CA, Martin;** Similar to H 00565 Waste Management					
853150	A	S	RCS	RC, Martin	Delete L.113 - 117:	04/16 05:41 PM
777380	AA	S	LRCS	RC, Martin	Delete L.16:	04/16 05:41 PM

The Florida Senate

COMMITTEE MEETING EXPANDED AGENDA

RULES
Senator Passidomo, Chair
Senator Jones, Vice Chair

MEETING DATE: Wednesday, April 16, 2025
TIME: 8:30 a.m.—1:00 p.m.
PLACE: *Pat Thomas Committee Room,* 412 Knott Building

MEMBERS: Senator Passidomo, Chair; Senator Jones, Vice Chair; Senators Avila, Berman, Boyd, Bradley, Brodeur, Burgess, Burton, Davis, DiCeglie, Gaetz, Garcia, Gruters, Harrell, Hooper, Ingoglia, Martin, Osgood, Pizzo, Rodriguez, Rouson, Simon, Trumbull, and Wright

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	**SB 96** Bernard (Identical H 6521)	Relief of Jacob Rodgers by the City of Gainesville; Providing for the relief of Jacob Rodgers by the City of Gainesville; providing for an appropriation to compensate Jacob Rodgers for injuries sustained as a result of the negligence of an employee of the City of Gainesville; providing a limitation on compensation and the payment of attorney fees, etc. SM JU 03/25/2025 Favorable CA 03/31/2025 Favorable RC 04/16/2025 Favorable	Favorable Yeas 23 Nays 0
2	**CS/SB 140** Education Pre-K - 12 / Gaetz (Compare CS/CS/H 123, CS/H 1145, CS/S 742)	Charter Schools; Revising which persons or entities may apply for a conversion charter school; revising entities that are included in the Workforce Development Capitalization Incentive Grant Program to include charter schools; requiring a district school board to approve a 5-year plan before occupying purchased or acquired real property, etc. ED 03/17/2025 Fav/CS CA 03/31/2025 Favorable RC 04/16/2025 Fav/CS	Fav/CS Yeas 18 Nays 5
3	**CS/CS/SB 196** Appropriations Committee on Agriculture, Environment, and General Government / Regulated Industries / Gruters (Compare H 525, S 1744)	Chemicals in Consumer Products; Revising the definition of the term “drug”; defining the term “vaccine or vaccine material”; requiring that, beginning on a specified date, cosmetics manufactured, sold, offered or distributed for sale, or distributed for use in this state provide notice of specified added ingredients on the single-use packaging of such cosmetics; deeming a food misbranded if it contains a vaccine or vaccine material, but its label does not include specified information, etc. RI 03/19/2025 Fav/CS AEG 04/10/2025 Fav/CS RC 04/16/2025 Fav/CS	Fav/CS Yeas 23 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	**SB 202** Jones (Similar H 11, Compare CS/CS/H 1523, S 1704)	Municipal Water and Sewer Utility Rates; Requiring a municipality to charge customers receiving its utility services in another municipality the same rates, fees, and charges as it charges consumers within its municipal boundaries under certain circumstances, etc. RI 03/12/2025 Favorable CA 03/31/2025 Favorable RC 04/16/2025 Fav/CS	Fav/CS Yeas 22 Nays 1
5	**CS/SB 430** Education Pre-K - 12 / Simon (Similar CS/H 1607, Compare H 337, S 104)	Cardiac Emergencies; Revising requirements for instruction on cardiopulmonary resuscitation and the use of an automated external defibrillator; requiring each public school to develop a cardiac emergency response plan (CERP); requiring public schools, including charter schools, to have at least one operational automated external defibrillator on school grounds by a specified date, etc. ED 03/17/2025 Fav/CS AED 04/10/2025 Favorable RC 04/16/2025 Favorable	Favorable Yeas 23 Nays 0
6	**CS/SB 540** Education Pre-K - 12 / Collins (Similar CS/H 447)	Disability History and Awareness Instruction; Citing this act as the "Evin B. Hartsell Act"; requiring the Department of Education to develop specified curricula; authorizing the department to consult with the Evin B. Hartsell Foundation to further develop such curricula, etc. ED 03/31/2025 Fav/CS RC 04/16/2025 Favorable	Favorable Yeas 23 Nays 0
7	**CS/CS/SB 650** Appropriations Committee on Pre-K - 12 Education / Transportation / Leek (Identical CS/CS/H 85)	Hazardous Walking Conditions; Revising the criteria that determine a hazardous walking condition for public school students, etc. TR 03/12/2025 Fav/CS AED 04/10/2025 Fav/CS RC 04/16/2025 Favorable	Favorable Yeas 23 Nays 0
8	**CS/SB 818** Transportation / McClain (Similar CS/H 703)	Utility Relocation; Requiring utility owners to provide a certain authority with utility relocation schedules within a certain timeframe to expedite work; requiring the authority to pay relocation expenses in certain instances, etc. RI 03/25/2025 Favorable TR 04/01/2025 Fav/CS RC 04/16/2025 Fav/CS	Fav/CS Yeas 23 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
9	**CS/SB 846** Commerce and Tourism / Polsky (Similar CS/H 915)	Notary Public Fraud; Prohibiting the literal translation of the phrase “Notary Public” into a language other than English; prohibiting notaries public from using specified terms to describe themselves under certain circumstances; authorizing certain entities to file suit for declaratory or injunctive relief for certain violations; prohibiting certain persons from engaging in the practice of law in immigration matters for compensation or engaging in specified acts or practices for compensation in immigration matters, etc. CM 03/25/2025 Fav/CS JU 04/01/2025 Favorable RC 04/16/2025 Fav/CS	Fav/CS Yeas 23 Nays 0
10	**CS/SB 868** Commerce and Tourism / Ingoglia (Similar CS/H 743)	Social Media Use by Minors; Requiring social media platforms to provide a mechanism to decrypt end-to-end encryption when law enforcement obtains a subpoena; requiring social media platforms to allow a parent or legal guardian of a minor account holder to view all messages; prohibiting minor account holders from using or accessing messages that are designed to disappear or self destruct, or are ephemeral in nature, etc. CM 03/25/2025 Fav/CS JU 04/01/2025 Favorable RC 04/16/2025 Favorable	Favorable Yeas 21 Nays 0
11	**CS/CS/SB 922** Judiciary / Commerce and Tourism / Leek (Similar CS/CS/H 1219)	Employment Agreements; Creating the “Florida Contracts Honoring Opportunity, Investment, Confidentiality, and Economic Growth (CHOICE) Act”; providing that certain covered garden leave agreements are not a restraint of trade or an attempt to monopolize trade or commerce; requiring a court to enter a preliminary injunction to stop covered employees, businesses, entities, or individuals if a breach of a covered garden leave agreement is alleged; providing that certain covered noncompete agreements are not a restraint of trade or an attempt to monopolize trade or commerce; authorizing a covered employer to reduce the salary or benefits of a covered employee if he or she engages in gross misconduct, etc. CM 03/17/2025 Fav/CS JU 04/01/2025 Fav/CS RC 04/16/2025 Fav/CS	Fav/CS Yeas 21 Nays 2

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
12	**CS/SB 998** Health Policy / Calatayud (Identical CS/H 647)	Physician Assistant and Advanced Practice Registered Nurse Services; Revising who may file a certificate of death or fetal death; revising who may note corrected information on a permanent certificate of death or fetal death, etc. HP 04/01/2025 Fav/CS RC 04/16/2025 Favorable	Favorable Yeas 23 Nays 0
13	**CS/SB 1076** Regulated Industries / McClain (Identical CS/CS/H 715)	Roof Contracting; Revising the definition of the term "roofing contractor"; revising the circumstances under which residential property owners are authorized to cancel a roof repair or replacement contract without penalty or obligation following a declared state of emergency; revising the notice that contractors must provide to residential property owners when executing such a contract, etc. RI 04/01/2025 Fav/CS RC 04/16/2025 Fav/CS	Fav/CS Yeas 23 Nays 0
14	**CS/CS/SB 1078** Community Affairs / Banking and Insurance / McClain (Similar CS/CS/H 551)	Fire Prevention; Requiring a local enforcement agency to issue a permit for a fire alarm system project or fire sprinkler system project within a specified time period; requiring the local enforcement agency to provide an inspection within a specified timeframe; specifying a condition under which a local amendment to the Florida Fire Prevention Code is unenforceable; revising what must be included in a uniform inspection report, etc. BI 03/10/2025 Fav/CS CA 03/25/2025 Fav/CS RC 04/16/2025 Fav/CS	Fav/CS Yeas 22 Nays 0
15	**SB 1080** McClain (Similar CS/H 579, Compare H 1561, CS/S 1118)	Local Government Land Regulation; Requiring counties to meet specified requirements regarding the minimum information necessary for certain applications; prohibiting counties from limiting the number of quasi-judicial or public hearings held each month in certain circumstances; revising the expedited state review process for adoption of comprehensive plan amendments; requiring municipalities to meet specified requirements regarding the minimum information necessary for certain applications; prohibiting municipalities from limiting the number of quasi-judicial or public hearings held each month in certain circumstances, etc. CA 03/17/2025 Favorable JU 04/01/2025 Favorable RC 04/16/2025 Fav/CS	Fav/CS Yeas 18 Nays 4

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
16	**CS/CS/SB 1174** Appropriations Committee on Health and Human Services / Children, Families, and Elder Affairs / Jones (Identical CS/CS/H 989)	Licensure of Family Foster Homes; Requiring the Department of Children and Families to adopt rules to streamline the licensure application process for licensed foster parents who relocate within this state; requiring that such rules include priority review of applications, expedited home studies and background checks, and recognition of prior foster parent training coursework, etc. CF 03/12/2025 Fav/CS AHS 04/10/2025 Fav/CS RC 04/16/2025 Favorable	Favorable Yeas 22 Nays 0
17	**CS/SB 1266** Criminal Justice / Gruters (Similar CS/H 1129, Compare H 1443)	Public Records/Crime Victims/Officers Involved in Use of Force Incidents; Expanding a public records exemption for crime victims to include the name and personal identification number of the victim and any other information or records that could be used to locate, intimidate, harass, or abuse a victim or the victim's family; providing that certain records identifying law enforcement officers who are involved in a use of force incident are confidential and exempt for a specified timeframe; providing requirements for extending such timeframe; authorizing waivers of the exemptions; providing for future legislative review and repeal of the exemptions; providing a statement of public necessity, etc. CJ 04/01/2025 Fav/CS RC 04/16/2025 Fav/CS	Fav/CS Yeas 21 Nays 1
18	**SB 1300** Simon (Similar H 1143)	Permits for Drilling, Exploration, and Extraction of Oil and Gas Resources; Requiring the Department of Environmental Protection to consider certain factors when determining whether the natural resources of certain bodies of water and shore areas are adequately protected from a potential accident or blowout; providing requirements for a balancing test to make such a determination, etc. EN 03/25/2025 Favorable AEG 04/10/2025 Favorable RC 04/16/2025 Favorable	Favorable Yeas 23 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
19	**SB 1412** Calatayud (Similar CS/H 1353)	Home Health Care Services; Deleting geographical limitations on the home health agencies that an administrator may manage at any given time; deleting a requirement that, under certain circumstances, a home health agency provide the initial admission visit, service evaluation visits, and the discharge visit to admitted patients by a direct employee; revising the eligibility criteria for awards under the Excellence in Home Health Program, etc. HP 04/01/2025 Favorable AHS 04/10/2025 Favorable RC 04/16/2025 Favorable	Favorable Yeas 22 Nays 0
20	**CS/CS/SB 1422** Appropriations Committee on Criminal and Civil Justice / Criminal Justice / Truenow (Similar CS/CS/H 1121)	Unmanned Aircraft or Unmanned Aircraft Systems; Revising the definition of the term “critical infrastructure facility”; increasing the criminal penalty for certain prohibited actions relating to drones; prohibiting certain actions relating to unmanned aircraft and unmanned aircraft systems; authorizing certain persons to use reasonable force to prohibit a drone from conducting surveillance under certain circumstances, etc. CJ 03/18/2025 Fav/CS ACJ 04/10/2025 Fav/CS RC 04/16/2025 Favorable	Favorable Yeas 22 Nays 0
21	**CS/SB 1644** Transportation / Rodriguez (Identical CS/H 1487)	Emergency Services; Deleting a limitation on the number of red or red and white warning signals that certain vehicles may display; revising the circumstances under which certain applicants for a specified license are exempt from a requirement to obtain certificates of public convenience and necessity; providing criminal penalties for the submission of an affidavit that fraudulently attests to certain facts; revising a limitation on the number of counties that may be granted a certain exemption, etc. TR 04/01/2025 Fav/CS ATD 04/10/2025 Favorable RC 04/16/2025 Favorable	Favorable Yeas 23 Nays 0
22	**CS/CS/SB 1650** Appropriations Committee on Criminal and Civil Justice / Judiciary / Grall (Similar CS/CS/H 1559)	Vexatious Litigants; Expanding actions subject to the Florida Vexatious Litigant Law; revising eligibility for designation as a vexatious litigant; prohibiting clerks of the court from accepting certain filings from a vexatious litigant, etc. JU 03/19/2025 Fav/CS ACJ 04/10/2025 Fav/CS RC 04/16/2025 Favorable	Favorable Yeas 22 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
23	**CS/CS/SB 1652** Appropriations Committee on Criminal and Civil Justice / Judiciary / Grall (Identical CS/CS/H 1569)	Public Records/Pleading, Request for Relief, or Other Document Stricken by a Court; Providing an exemption from public records requirements for a matter in a pleading, a request for relief, or other document which has been stricken by the court in a noncriminal case if the court makes specific findings; providing a statement of public necessity, etc. JU 03/19/2025 Fav/CS ACJ 04/10/2025 Fav/CS RC 04/16/2025 Favorable	Favorable Yeas 23 Nays 0
24	**CS/CS/SB 1702** Appropriations Committee on Pre-K - 12 Education / Education Pre-K - 12 / Burgess (Compare CS/H 1115, S 1296, CS/CS/S 1618)	Education; Specifying sufficient notice and prior warning for immediate arrest and prosecution for school bus trespassing; authorizing a private school in a county that meets certain criteria to construct new facilities on certain property; requiring a charter school sponsor to use a standard monitoring tool to monitor and review a charter school; specifying that certain participation in marching band satisfies the physical education or performing arts credit requirement for a standard high school diploma: requiring the Commissioner of Education to coordinate with school districts selected by the Department of Education to implement a policy for a specified school year prohibiting the use of cell phones while on school grounds or engaged in certain activities off school grounds, etc. ED 03/25/2025 Not Considered ED 03/31/2025 Fav/CS AED 04/10/2025 Fav/CS RC 04/16/2025 Fav/CS	Fav/CS Yeas 22 Nays 1
25	**CS/CS/SB 1736** Appropriations Committee on Health and Human Services / Children, Families, and Elder Affairs / Grall (Similar CS/H 1567)	Insulin Administration by Direct-support Professionals and Relatives; Defining the term “direct-support professional”; authorizing direct-support professionals and relatives of clients in group home facilities for individuals with developmental disabilities to administer insulin as prescribed to the client if specified conditions are met, etc. CF 03/19/2025 Fav/CS AHS 04/10/2025 Fav/CS RC 04/16/2025 Favorable	Favorable Yeas 23 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
26	**CS/SB 1768** Health Policy / Trumbull (Similar CS/H 1617)	Stem Cell Therapy; Authorizing physicians to perform stem cell therapy not approved by the United States Food and Drug Administration under certain circumstances; requiring physicians to provide a specified written notice to patients before performing any stem cell therapy; requiring physicians to obtain written consent from the patient or his or her representative before performing the therapy, etc. HP 04/01/2025 Fav/CS AHS 04/10/2025 Favorable RC 04/16/2025 Fav/CS	Fav/CS Yeas 22 Nays 1
27	**CS/SB 1808** Health Policy / Burton (Compare H 1513)	Refund of Overpayments Made by Patients; Requiring health care facility licensees to refund to the patient any overpayment within a specified timeframe; providing applicability; specifying that health care facility licensees who violate certain provisions are subject to administrative fines; requiring health care practitioners to refund to the patient any overpayment within a specified timeframe; revising the acts that constitute grounds for disciplinary actions for health care practitioners, etc. HP 03/18/2025 Fav/CS AHS 04/10/2025 Favorable RC 04/16/2025 Fav/CS	Fav/CS Yeas 21 Nays 0
28	**CS/SB 1820** Transportation / Leek (Identical CS/CS/H 429)	Motor Vehicle Manufacturers and Franchised Motor Vehicle Dealers; Prohibiting an applicant or a licensee, or a common entity thereof, from establishing, implementing, or enforcing certain criteria for measuring the sales or service performance of its franchised motor vehicle dealers unless certain conditions are met; revising the circumstances in which a discontinuation, cancellation, nonrenewal, modification, or replacement of a franchise agreement is deemed unfair, etc. TR 03/25/2025 Fav/CS CM 03/31/2025 Favorable RC 04/16/2025 Favorable	Favorable Yeas 23 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
29	**CS/SB 1822** Community Affairs / Martin (Similar H 565, Compare CS/H 1609, S 1008)	Waste Management; Deleting obsolete provisions that provide legislative findings and require the Department of Environmental Protection to review and update a specified report; prohibiting the local regulation of auxiliary containers; prohibiting a local government and the Department of Environmental Protection, respectively, from issuing a construction permit for certain solid waste disposal facilities in certain counties, etc. EN 03/17/2025 Favorable CA 03/31/2025 Fav/CS RC 04/16/2025 Fav/CS	Fav/CS Yeas 16 Nays 7

Other Related Meeting Documents

THE FLORIDA SENATE

SPECIAL MASTER ON CLAIM BILLS

Location
409 The Capitol

Mailing Address
404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5229

DATE	COMM	ACTION
3/20/25	SM	Favorable
3/25/35	JU	Favorable
3/28/25	CA	Favorable
4/15/25	RC	Favorable

March 20, 2025

The Honorable Ben Albritton
President, The Florida Senate
Suite 409, The Capitol
Tallahassee, Florida 32399-1100

Re: **SB 96** – Senator Bernard
HB 6521 – Representative Weinberger
Relief of Jacob Rodgers by the City of Gainesville

SPECIAL MASTER'S FINAL REPORT

THIS IS A CONTESTED EXCESS JUDGMENT CLAIM FOR LOCAL FUNDS IN THE AMOUNT OF $10,800,000.00. THIS AMOUNT IS THE REMAINING UNPAID BALANCE OF A $11,000,000.00 JURY VERDICT REGARDING THE NEGLIGENCE OF THE CITY OF GAINESVILLE, WHICH RESULTED IN THE INJURY OF JACOB RODGERS.

FINDINGS OF FACT:

The Accident on October 7, 2015

On the evening of October 7, 2015, Jacob Rodgers was riding in a truck with his two friends, Hank Blackwell and Chantz Thomas. During the day, the trio worked as electrical helpers; during the evening, they were enrolled in Santa Fe Community College's training program to become certified electricians and attended night classes. On that particular evening, the three friends had carpooled from work to night school and were returning to retrieve their vehicles from work around 8 pm. The truck belonged to Mr. Blackwell, and Mr. Blackwell was driving. Mr. Thomas was in the passenger seat and Mr. Rodgers was in the back seat. Notably, Mr. Rodgers was not wearing his seatbelt.

Around the same time, William Stormant, a City of Gainesville[1] employee, was traveling home from work in his city-owned vehicle that was provided to him by his employer. Just before leaving, Mr. Stormant went to the on-site gym for the first time, and by the time he left, it was dark outside. On his way home, Mr. Stormant was going to drive by a substation[2] that he managed to check if the gate was closed. That particular site had a history of having construction materials stolen, so a gate was installed to curtail the thefts. Because it was so dark, Mr. Stormant could not see the gate from where he was driving, so he took a detour to drive close enough to see it. As he approached the gate, he saw it was locked and closed. Once he concluded his inspection, he turned around and left. While driving, Mr. Stormant took an interest in the LED lighting in the area[3] and ended up taking his focus off the road. Since he was not paying attention to his driving, he did not see the upcoming stop sign and he failed to stop.

Mr. Stormant was already in the middle of the intersection when he realized he missed the stop sign. Before he knew it, he collided with the truck being driven by Mr. Blackwell and caused it to flip. As a result, Mr. Rodgers was ejected from the vehicle. According to the accident report, the truck overturned an unknown number of times and landed upright on the grass shoulder.[4]

LITIGATION HISTORY:

A lawsuit was filed in February of 2016 with a claim of vicarious liability negligence on behalf of Jacob Rodgers against the City of Gainesville ("the City"). The Third Amended Complaint alleged that the City's employee, William Stormant—in the course and scope of his employment—negligently failed to obey a stop sign and caused his vehicle to collide with Hank Blackwell's truck, which led to Mr.

[1] Mr. Stormant works for the Gainesville Regional Utilities, which is under the City of Gainesville. *See* Day 1 part 2 (PM) Trial Testimony, 294.
[2] Mr. Stormant's working title was "Energy Measurement and Regulation Manager," which meant he was a "manager over the substation group, the relay group, the gas and electric metering group." *See* Day 1 part 2 (PM) Trial Testimony, 301.
[3] Mr. Stormant attended a meeting earlier in the day in which a participant discussed the new LED lights that were being installed, which is why he diverted his attention from the road to the lights. *Id.*
[4] *See* Crash Report Update 10-13-2015, 3.

Rodgers suffering "serious, life threatening and permanent physical and emotional injuries."

Pre-trial

The City argued that sovereign immunity barred Mr. Rodgers's claim because Mr. Stormant was not acting within the course and scope of his employment when he detoured to check the substation gate. It reasoned that Mr. Stormant was on his way home and had already concluded his workday, so he was not acting on behalf of his employer. The City filed a motion for summary judgment asserting this position and argued that it was not responsible for Mr. Stormant's negligent driving. In October of 2018, the trial court denied the City's motion, concluding that Mr. Stormant was acting within the course and scope of his duties at the time of the accident.[5,6]

Trial

Mr. Rodgers testified that, at the time of the accident, he was riding in the back seat of Mr. Blackwell's truck and was not wearing his seatbelt.[7] After he was ejected from the vehicle, he lost all memory from the moment of impact to when he awoke.[8] Upon regaining consciousness, he could no longer feel his lower body; it was completely and permanently paralyzed.[9] He also sustained a skull fracture; his ear was hanging off and had to be restitched to his head;[10] and his broken spine had to be stabilized with the surgical installation of a bar.[11] As a result of the accident, Mr. Rodgers was bound to a wheelchair.

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[5] *See* Order Denying COG's Motion for Final Summary Judgment, 2-3. The trial court acknowledged the City's assertion of the "going and coming rule" set forth in section 440.092 of the Florida Statutes. However, the court also applied the dual-purpose doctrine, an exception to that rule which allows for waiver of sovereign immunity when the employee's travel is serving a dual purpose, one of which being business in nature. In this case, Mr. Stormant was serving a business purpose when he detoured to check the substation and a personal purpose when he was returning to his drive home, so the trial court concluded that he was acting within the course and scope of his work duties.

[6] The City appealed the trial court's decision to the First District Court of Appeal. That court per curiam affirmed the trial court's decision.

[7] *See* Trial Transcript Day 2 PM Session, 181.

[8] *See Id.*

[9] *See* Trial Transcript Day 2 PM Session, 185.

[10] *See Id.*

[11] *See* Trial Transcript Day 2 PM Session, 187.

Mr. Rodgers also testified that he had to relearn how to do basic tasks, such as going to the bathroom; getting himself from a chair to a toilet seat; wheeling himself around for movement; getting dressed; and putting on shoes.[12] Mr. Rodgers also testified that he has to use a catheter to urinate because he cannot urinate normally.[13] This makes him susceptible to urinary tract infections, which requires medical treatment.[14] In order to perform a bowel movement, Mr. Rodgers explained that because he has no sensation in his lower body, he has to manually dig his waste out of his body.[15] Additionally, Mr. Rodgers testified that, because of the paralysis, the change in his circulation has made him susceptible to blood clots.[16] In order to prevent these, he has to physically massage his legs to push blood through his veins, keep his legs propped up, and constantly check them for heat or red spots; if he does not, any undetected blood clot could prove fatal.[17]

Mr. Rodgers testified that he was attending school to become an electrician, but he can no longer do that job because of his disability.[18]

William Stormant, the employee of the City, testified that he was on his way home from work when he detoured to check if a substation gate was locked, as he could not see it from the road because it was too dark.[19] After he confirmed the gate was closed, he resumed his drive home from his detour. Shortly after he resumed his drive, he noticed the new LED lights, which caught his attention and distracted him from the road.[20] Before he knew it, he had run a stop sign and entered the middle of an intersection.[21] He testified that he impacted the truck that Mr. Rodgers was a passenger in.[22]

The City presented the testimony of an accident reconstruction expert, who testified that, had Mr. Blackwell

[12] *See* Trial Transcript Day 2 PM Session, 188.
[13] *See* Trial Transcript Day 2 PM Session, 193.
[14] *See* Trial Transcript Day 2 PM Session, 198.
[15] *See* Trial Transcript Day 2 PM Session, 200-201.
[16] *See* Trial Transcript Day 2 PM Session, 213.
[17] *Id.*
[18] *See* Trial Transcript Day 2 PM Session, 171.
[19] *See* Day 1 part 2 (PM) Trial Testimony, 297.
[20] *See* Day 1 part 2 (PM) Trial Testimony, 301.
[21] *Id.*
[22] *Id.*

been going the speed limit, the accident would not have occurred.[23] He presented a simulation that he relied on to come to this conclusion.[24]

The City also presented the testimony of a biomechanics expert, who testified that, had Mr. Rodgers been wearing his seatbelt, he would not have been ejected from the truck and would have sustained only light injuries.[25]

The City maintained its position that sovereign immunity barred Mr. Rodgers's claim and argued that the amount he was asking for should be reduced by the fact that Mr. Rodgers was not wearing his seatbelt and that Mr. Blackwell was going approximately 10 mph in excess of the speed limit at the time of the accident.[26]

The jury deliberated and entered a verdict in favor of Mr. Rodgers. The jury found that Mr. Stormant was "a legal cause of loss, injury, or damage to" Mr. Rodgers.[27] Due to confusion with the jury instructions,[28] the jury awarded Mr. Rodgers $120,000,000.00.

The City filed two post-trial motions in response to this verdict: a motion for new trial and alternative motion for remittitur, and a motion to set aside the verdict. The trial court denied both, but granted the motion for remittitur, reducing Mr. Rodgers's overall award to $18,319,181.20. Both parties appealed the final judgment. The appellate court affirmed the issue of damages and expressly rejected the City's argument that Mr. Stormant was not acting in the course and scope of his employment at the time of the accident but remanded the case to the trial court to conduct a new trial on the jury instruction issue and the allocation of fault.[29]

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[23] Trial Transcript – Day 4 AM Session, 12 (39).
[24] *Id.*
[25] Trial Transcript – Day 4 AM Session, 22 (78).
[26] Mr. Blackwell estimated that he was going 50 miles an hour at the time of the accident. However, the computer in his car showed he was going nine or ten miles an hour over the 45-mph speed limit. *See* Trial Transcript – Day 2 AM Session, 42.
[27] *See* 2021-05-06 - Verdict.
[28] The jury determined that Mr. Rodgers was not a legal cause of his injuries because not wearing a seatbelt in the back seat is not a crime in Florida. Therefore, it concluded that Mr. Rodgers not wearing a seatbelt was not a legal cause of his injury because he was doing nothing illegal that contributed to his damages.
[29] The appellate court ordered a new trial and directed the trial court to instruct the jury that "Stormant was negligent and the City is liable for Stormant's actions." *See City of Gainesville v. Rodgers*, 377 So. 3d 626, 634 (Fla. 1st DCA 2023); 2023-11-19 Opinion-Disposition, 11.

In lieu of a new trial, the parties agreed to settle the case.[30] Both parties agreed to a judgment in the amount of $11,000,000.00, but both parties reserved all rights with respect to a legislative claim bill.[31] The City included, and Mr. Rodgers agreed to, the provision that: "The City/GRU does not waive any defenses of sovereign immunity and does not agree to execution of judgment beyond the statutory cap provided in FS 768.28."[32]

CONCLUSIONS OF LAW:

The claim bill held on February 28, 2025, was a *de novo* proceeding to determine whether the City of Gainesville is liable in negligence for damages caused by its employee, William Stormant, acting within the scope of his employment, to the claimant, and, if so, whether the amount of the claim is reasonable. This report is based on evidence presented to the special master prior to, during, and after the hearing. The Legislature is not bound by settlements or jury verdicts when considering a claim bill, the passage of which is an act of legislative grace.

Under the legal doctrine of *respondeat superior*, Sarasota County is responsible for the wrongful acts of its employees when the acts are committed within the scope of their employment. Being that Ms. Parnell was operating a parks-and-recreation vehicle in the course and scope of her employment at the time of the collision, and because the vehicle was owned by Sarasota County, the County is responsible for negligence committed by Ms. Parnell.

Negligence

There are four elements to a negligence claim: (1) duty – where the defendant has a legal obligation to protect others against unreasonable risks; (2) breach – which occurs when the defendant has failed to conform to the required standard of conduct; (3) causation – where the defendant's conduct is foreseeably and substantially the cause of the resulting damages; and (4) – damages – actual harm.[33]

[30] *See* Settlement Agreement with Plaintiff's Signature.
[31] *Id.*
[32] *Id.*
[33] *Clay Elec. Co-op., Inc. v. Johnson*, 873 So. 2d 1182, 1185 (Fla. 2003).

The plaintiff bears the burden of proving, by the greater weight of the evidence, that the defendant's action was a breach of the duty that the defendant owed to the plaintiff.[34] The "greater weight of the evidence" burden of proof means the more persuasive and convincing force and effect of the entire evidence in the case.

In this case, the City of Gainesville's liability depends on whether Mr. Stormant negligently operated his city-owned vehicle and whether that negligent operation caused Mr. Rodgers's resulting injuries.

Duty
A legal duty may arise from statutes or regulations; common law interpretations of statutes of regulations; other common law precedent; and the general facts of the case.

In this case, Mr. Stormant was responsible for exercising the duty of reasonable care to others while driving his city-owned vehicle.[35] Any person operating a vehicle within the state "shall drive the same in a careful and prudent manner, having regard for the width, grade, curves, corners, traffic, and all other attendant circumstances, so as not to endanger the life, limb, or property of any person. Failure to drive in such manner shall constitute careless driving and a violation of this section."[36]

Breach
The undersigned finds that Mr. Stormant breached the duty of care owed to Mr. Rodgers.

Mr. Stormant testified that he was distracted by the LED lights and was lost in thought while driving. As a result, he failed to adhere to the stop sign and drove into the middle of the intersection.

Causation
Mr. Rodgers's injuries were the natural and direct consequence of Mr. Stormant's breach of his duty. He was

[34] *Alachua Lake Corp. v. Jacobs*, 9 So. 2d 631, 632 (Fla. 1942).
[35] *Gowdy v. Bell* 993 So. 2d 585, 586 (Fla. 1st DCA 2008) ("The operator of a motor vehicle has a duty to use reasonable care, in light of the attendant circumstances, to prevent injury to persons within the vehicle's path.").
[36] Mr. Stormant was cited for violating section 316.123(2)(a), of the Florida Statutes, which provides that "every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop at a clearly marked stop line." *See* Exhibit #38 (Deposition Exhibits), 2; *see* section 316.123(2)(a), F.S.

ejected from the vehicle and sustained major injuries as a result of Mr. Stormant running the stop sign and colliding with Mr. Blackwell's truck. The City of Gainesville argues that Mr. Stormant was not acting within the course and scope of his employment because he was driving home, but the undersigned finds that the employee was returning to his route home from his detour, which he took solely for a business purpose. Therefore, he was acting within the course and scope of his duties, and the City of Gainesville, as the employer, is liable for damages caused by its employee's negligent act.

Damages

A plaintiff's damages are computed by adding these elements together:

Economic Damages

- Past medical expenses
- Future medical expenses

Non-Economic Damages

- Past pain and suffering and loss of enjoyment of life
- Future pain and suffering and loss of enjoyment of life

As a result of the accident, Mr. Rodgers can no longer feel his lower body; it is completely and permanently paralyzed.[37] He also sustained a skull fracture; his ear was hanging off and had to be restitched to his head;[38] and his broken spine had to be stabilized with the surgical installation of a bar.[39] Mr. Rodgers is also bound to a wheelchair. Mr. Rodgers's attorney provided a breakdown of what the claim bill award would be used for, should this bill pass.[40] $4,814.57 would be used to pay for past medical visits, and $285,683.88 would be used to pay off medical liens.[41] $3,210,355.62 would be used to pay for attorney fees and costs.[42]

[37] *See* Trial Transcript Day 2 PM Session, 185.
[38] *See Id.*
[39] *See* Trial Transcript Day 2 PM Session, 187.
[40] *See* Rodgers Cost Breakdown, 1.
[41] *Id.*, 2.
[42] *Id.*

Mr. Rodgers would net $7,789,644.38.[43] The claimant's attorney explained that $3,900,000.00[44] would be used to "fund a medical annuity that will provide lifetime medical health benefits for his future medical expenses (mostly for home health care and hospitalization expenses)," $1,950,000.00 would purchase "tax free municipal bonds to supplement his income moving forward in case of future job loss[45] (future loss earnings)," and $1,000,000.00 would "establish an investment portfolio to pay for loss of household services and equipment."[46] The claimant's attorney classified these expenses as past and future economic losses.[47] For non-economic damages, his attorney stated that $950,000.00 would be invested in a "general investment fund managed for vacations and enjoyment of life."[48]

The City contests these damages in the entirety, arguing that Mr. Stormant was not acting within the course and scope of his employment. In the alternative, the City argues that Mr. Rodgers was not wearing his seatbelt and more fault should be assigned to him. Specifically, the City believes the "most fair allocation of fault for the spinal cord injury is 10% to Mr. Stormant, 10% to Mr. Blackwell, and 80% to Mr. Rodgers."[49]

Comparative Fault
Florida's comparative fault statute, section 768.81, F.S., applies to this case because Mr. Rodgers, Mr. Blackwell, and Mr. Stormant were all three at fault for Mr. Rodgers's injuries.

Mr. Rodgers was at fault for:

- Failing to wear his seat belt.

Mr. Blackwell was at fault for:

- Excessive speeding.

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[43] *Id.*
[44] *See* Amended Catastrophic Life Care Plan, 40. Mr. Rodgers submitted a life care plan, in which Dr. Christopher Leber estimated Mr. Rodgers's future medical costs to be $4,759,035.37. These costs included physician services, routine diagnostics, medications, laboratory studies, rehabilitation services, equipment and supplies, nursing and attendant care, and acute care services.
[45] Mr. Rodgers also presented the report of Andrea Bradford, an Associate Vocational Specialist, in which she explained that Mr. Rodgers's lost wages are valued somewhere between $392,040 and $576,840. *See* Amended Vocational Assessment – J. Rodgers, 36-37.
[46] *See* SB 96 Post-Hearing Follow-up Email (March 11, 2025).
[47] *Id.*
[48] *Id.*
[49] *Id.* (March 3, 2025).

Mr. Stormant was at fault for:

- Violating section 316.123(2)(a), F.S., by failing to stop at a clearly marked stop sign;
- Failure to operate his vehicle with reasonable care.

While all three were partially at fault in this matter, Mr. Stormant's negligence far outweighs that of Mr. Rodgers and Mr. Blackwell; the undersigned finds there was sufficient evidence presented to prove the collision ultimately happened because Mr. Stormant ran the stop sign.

The City believes the "most fair allocation of fault for the spinal cord injury is 10% to Mr. Stormant, 10% to Mr. Blackwell, and 80% to Mr. Rodgers."[50] The City argues that 80% of fault should be allocated to Mr. Rodgers because he was not wearing his seatbelt, and his injuries were worsened by his negligent act. However, the undersigned finds that the City's suggested allocation fails to take into account that the mere fact that Mr. Rodgers was not wearing a seatbelt, alone, did not cause him to be ejected from the vehicle.[51] The collision, caused by Mr. Stormant's negligence, was the cause.[52] As such, the undersigned finds that assigning 80% of fault to Mr. Rodgers for his failure to wear a seatbelt would be unreasonable.

The settlement agreement, which was entered into by both parties, reduced the original award of $18,319,181.20 to $11,000,000.00[53] in order to avoid a retrial. While the Legislature is not bound by any settlement agreement, it is worthy of note that it reduced the original award amount by

[50] *Id*.
[51] In support of his position, Mr. Rodgers testified that he habitually does *not* wear his seatbelt in the back seat, and he has never been in an accident before. *See* Day 2 part 2 (PM), 209.
[52] The City presented the testimony of an accident reconstructionist. *See* Day 4 part 1 (AM), 4 (7). Counsel for the City listed three "ingredients" in the case to him: that Mr. Stormant ran a stop sign, Mr. Blackwell was speeding, and Mr. Rodgers was not wearing his seatbelt. *Id.*, 18 (63). The witness was asked "if you take out any of those ingredients, does Mr. Rodgers get ejected from the vehicle?" *Id.* The witness replied "I don't think the ejection happens." *Id.* He continued by stating "his occupant space, by and large, is intact after the crash. He's going to stay in the truck, that much I think is true." *Id.* The undersigned finds this testimony unpersuasive, as he erroneously assumes the crash would have happened regardless of whether Mr. Rodgers wore a seatbelt. To this point, the witness was previously asked "It took somebody to blow through a stop sign and hit him to cause the forces and the flipping of the truck for him to be ejected, correct?" *Id.*, 14 (49). The witness replied "Correct." *Id.* It is undisputed that Mr. Rodgers's choice to not wear his seatbelt worsened his injuries, but him not wearing a seatbelt—that fact by itself—did not eject him from the truck, the collision did.
[53] This is also the same amount asked for in the claim bill.

40%. This agreement, in effect, assigns 40% of fault to Mr. Rodgers in exchange for both parties avoiding a retrial. The undersigned finds that assigning 40% of fault to Mr. Rodgers is reasonable, and, based on the above discussion of damages, the $11,000,000.00 request reflects that appropriate allocation of fault.

Based on the foregoing, the undersigned finds:

- That Mr. Rodgers presented evidence that was sufficient to prove he suffers from a spinal cord injury and requires current and future treatment for that injury;
- The $11,000,000.00 requested in the claim bill is reasonable and represents a reasonable allocation of fault to Mr. Rodgers.

IMPACT ON BUDGET:

The undersigned asked for the impact on the budget and the City responded: "GRU can pull together up to $10.8 million in cash for a claim bill, but GRU has not budgeted any money for a claim bill. If the Legislature passes a bill for the $10.8 million amount requested by Claimant, that would equal roughly one-third of the electric system's operating cash, and would hinder the system's ability to pay its bills. Thus, GRU would need to make up the money by pulling from its reserves, cutting the amount budgeted for paying on existing debt and for its capital improvement plan, or taking on new debt."[54]

ATTORNEY FEES:

Attorney fees may not exceed 25 percent of the amount awarded, and lobbying fees will be limited to 5 percent of any amount awarded by the Legislature.[55] Counsel for Rodgers totaled his attorney fees to $2,612,500.00 and the lobbyist fees to $137,500.00, both of which fall within the statutory limits.[56]

RECOMMENDATIONS:

Based on the reasons above, the undersigned recommends that Senate Bill 96 be reported FAVORABLY.

[54] *See* SB 96 Post-Hearing Follow-up Email (March 6, 2025).
[55] Section 768.28, F.S.
[56] *See* Rodgers Cost Breakdown, 1.

Respectfully submitted,

Oliver Thomas
Senate Special Master

cc: Secretary of the Senate

By Senator Bernard

24-00515-25 202596__

A bill to be entitled

An act for the relief of Jacob Rodgers by the City of Gainesville; providing for an appropriation to compensate Jacob Rodgers for injuries sustained as a result of the negligence of an employee of the City of Gainesville; providing a limitation on compensation and the payment of attorney fees; providing an effective date.

WHEREAS, on October 7, 2015, Jacob Rodgers was a passenger in a vehicle when it was struck by a vehicle owned by the City of Gainesville, d/b/a Gainesville Regional Utilities, and operated by an employee, and

WHEREAS, the City of Gainesville, d/b/a Gainesville Regional Utilities, employee ran a stop sign and struck the side of the vehicle occupied by Mr. Rodgers, and

WHEREAS, Mr. Rodgers, who was 20 years old at the time, sustained catastrophic injuries, including spinal fractures that resulted in Mr. Rodgers becoming a paraplegic, which will require him to receive supervised medical care, home health care, future medical care, and other services in the future, and

WHEREAS, Mr. Rodgers brought suit against the City of Gainesville, d/b/a Gainesville Regional Utilities, in the Circuit Court of the Eighth Judicial Circuit in and for Alachua County under case number 2016-CA-000659, and

WHEREAS, the suit was tried before an Alachua County jury, and the jury found the City of Gainesville 100 percent at fault and assessed total damages of $120 million, and

WHEREAS, the trial court ordered a remittitur, which

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

24-00515-25 202596__

resulted in a final judgment of $18,319,181.20, and

WHEREAS, the City of Gainesville appealed the final judgment, resulting in Mr. Rodgers agreeing to the remittitur of $18,319,181.20 and the City of Gainesville obtaining a new trial on the issue of comparative negligence of Mr. Rodgers, and the damage award of $18,319,181.20 was not reversed by the trial court, and

WHEREAS, the parties mediated the case pursuant to a court order and reached a settlement agreement that the City of Gainesville, d/b/a Gainesville Regional Utilities, would consent to a final judgment of $11 million, and

WHEREAS, the Gainesville Regional Utilities Authority board adopted and approved the settlement agreement, and

WHEREAS, the City of Gainesville paid the statutory limit of $200,000 under s. 768.28, Florida Statutes, NOW, THEREFORE,

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

Section 1. The facts stated in the preamble to this act are found and declared to be true.

Section 2. The City of Gainesville is authorized and directed to appropriate from funds not otherwise encumbered and to draw a warrant in the sum of $10.8 million payable to Jacob Rodgers as compensation for injuries and damages sustained.

Section 3. The amount paid by the City of Gainesville pursuant to s. 768.28, Florida Statutes, and the amount awarded under this act are intended to provide the sole compensation for all present and future claims arising out of the factual situation described in this act which resulted in injuries and

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damages to Jacob Rodgers. The total amount paid for attorney fees relating to this claim may not exceed 25 percent of the total amount awarded under this act.

Section 4. This act shall take effect upon becoming a law.

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

DUPLICATE

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

4/16/25
Meeting Date

Rules
Committee

96
Bill Number or Topic

Amendment Barcode (if applicable)

Name Mat Forrest

Phone 8505770444

Address 201 E. Park Ave.
Street

Email Mat@ballardpartners.com

Tallahasse FL 32301
City *State* *Zip*

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☑ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
Jacob Rodgers

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL:	CS/CS/SB 140
INTRODUCER:	Rules Committee; Education Pre-K -12 Committee and Senator Gaetz
SUBJECT:	Charter Schools
DATE:	April 17, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sabitsch	Bouck	ED	**Fav/CS**
2.	Hackett	Fleming	CA	**Favorable**
3.	Sabitsch	Yeatman	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 140 modifies procedures regarding charter school conversions and establishes "job engine" charter schools. Specifically, the bill:

- Provides that a charter school application submitted by parents for a conversion charter school must be made specifically by parents of children enrolled in the school to be converted, and removes the required demonstration of support of teachers.
- Allows a municipality to apply to establish a "job engine" new or conversion charter school and allows an enrollment preference for child of an employee of a job producing entity that has been identified.
- Includes charter schools in the Workforce Development Capitalization Incentive Grant Program and specifies that the grant program is for grades 6-12. Additionally, the grant program is required to give priority to an application from a "job engine" charter school.

The bill takes effect July 1, 2025.

II. Present Situation:

Florida's Charter Schools

Charter schools are tuition-free public schools created through an agreement or "charter" that provides flexibility relative to regulations created for traditional public schools. During the 2022-2023 school year, 382,367 students were enrolled in 726 charter schools in 46 school districts.[1]

Charter schools are open to all students residing within the district; however, charter schools are allowed to target students within specific age groups or grade levels, students considered at-risk of dropping out or failing, students wishing to enroll in a charter school-in-the-workplace or charter school-in-a-municipality, students residing within a reasonable distance of the school, students who meet reasonable academic, artistic or other eligibility standards established by the charter school, or students articulating from one charter school to another.[2]

Charter schools are created when an individual, a group of parents or teachers, a business, a municipality, or a legal entity applies to the school district; the school district approves the application; the applicants form a governing board that negotiates a contract with the district school board; and the applicants and district school board agree upon a charter or contract. The district school board then becomes the sponsor of the charter school. The negotiated contract outlines the expectations of both parties regarding the school's academic and financial performance.[3]

A charter school must be organized as, or be operated by, a nonprofit organization. The charter school may serve at-risk students, or offer a specialized curriculum or core academic program, provide early intervention programs, or serve exceptional education students.[4]

All charter applicants must prepare and submit an application on a model application form prepared by the Department of Education, which:[5]

- Demonstrates how the school will use the guiding principles.
- Provides a detailed curriculum.
- Contains goals and objectives for improving student learning.
- Describes the separate reading curricula and differentiated strategies.
- Contains an annual financial plan.

A school board is required to review all charter school applications and, within 90 days of receipt, approve or deny the application.[6]

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[1] Florida Department of Education, Office of Independent Education & Parental Choice, *Fact Sheet Florida's Charter Schools* (October 2023), *available at* https:https://www.fldoe.org/core/fileparse.php/7696/urlt/Charter-Sept-2022.pdf.
[2] Florida Department of Education, *Frequently Asked Questions (Charter Schools)*, https://www.fldoe.org/schools/school-choice/charter-schools/charter-school-faqs.stml (last visited Mar. 26, 2025). *See also* s. 1002.33(10), F.S.
[3] Section 1002.33(6), F.S.
[4] *Id.*
[5] *Id.*
[6] *Id.*

Conversion Charter Schools

Florida law allows for applications for conversion charter schools, which are converted from district public schools.[7] The school must have operated for at least two years as a traditional public school (including a school-within-a-school) before conversion. Application for a conversion may be made by a parent, teacher, principal, district school board or school advisory council, but must be approved by a majority of the teachers employed at the school and a majority of the parents whose children are enrolled in the school. A majority of the parents must participate in the vote.[8]

Additionally, for an existing public school converting to charter status, no rental or leasing fee for the existing facility or for the property normally inventoried to the conversion school can be charged to the parents and teachers when those groups are organizing the charter school.[9]

The charter for a conversion charter school must identify the alternative arrangements that will be put in place to serve current students that choose not to attend the school after it is converted. Conversion charter schools are not eligible for charter school capital outlay funding if the conversion charter school operates in facilities provided to them by the school district.[10]

Charter Schools-in-a-Municipality

A municipality that possesses a charter of incorporation may be granted a charter "school-in-a-municipality." The charter school-in-a-municipality must enroll students based upon a random lottery that involves all of the children of the residents of that municipality who are seeking enrollment and enroll students according to the racial/ethnic balance provisions described in law. Any portion of the land and facility used for a public charter school is exempt from ad valorem taxes, as provided for in s. 1013.54, for the duration of its use as a public school.[11]

A charter school-in-a-municipality may give enrollment preference to a resident or employee of a municipality that operates the charter school or allows the charter school to use a school facility or portion of land provided by the municipality for the operation of the charter school.[12]

A charter school may limit the enrollment process to target students enrolling in a charter school-in-a-municipality.[13]

Workforce Development

The Workforce Development Capitalization Incentive Grant Program addresses the need for school districts and Florida College System institutions to be able to respond to emerging local or statewide economic development needs and is critical to the workforce development system.

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[7] Section 1002.33(3)(b), F.S.
[8] Florida Department of Education, Frequently Asked Questions (Charter Schools), https://www.fldoe.org/schools/school-choice/charter-schools/charter-school-faqs.stml (last visited Mar. 26, 2025).
[9] Section 1002.33(18), F.S.
[10] Florida Department of Education, Frequently Asked Questions (Charter Schools), https://www.fldoe.org/schools/school-choice/charter-schools/charter-school-faqs.stml (last visited Mar. 26, 2025).
[11] Section 1002.33(15(c), F.S.
[12] Section 1002.33(10)(d)4.b., F.S.
[13] Section 1002.33(10)(e)3., F.S.

This grant program provides grants to school districts and Florida College System institutions to fund costs associated with the creation or expansion of career and technical education programs that lead to industry certifications included on the Florida Career and Professional Education Act or CAPE Industry Certification Funding List.[14]

III. Effect of Proposed Changes:

Charter School Conversions

CS/CS/SB 140 modifies s. 1002.33, F.S., to require that parents who apply for a conversion charter school must be parents whose children are enrolled in the existing public school. The bill removes the requirement that 50 percent of the teachers employed at the school demonstrate support for the conversion, which may provide an easier path to a charter conversion. Additionally, the bill specifies that a college or state university that denies an application for a conversion charter is subject to the same requirements as a district school board.

The bill includes principals and school advisory councils organizing a conversation charter school in language prohibited the school district from charging rental or leasing fees for existing facilities or normally inventoried property. The bill also requires the municipality to negotiate rental or leasing fees with the district school board when organizing a conversion charter school and prohibits the removal of normally inventoried property from the school.

The bill creates a new preference category for charter school enrollment for the children of employees who are employed at a job producing entity that has been identified by a municipality operating a "job engine" charter school.

Job Engine Charter Schools

The bill establishes in s. 1002.33, F.S., "job engine" charter schools allowing a municipality to apply to operate a "job engine charter" school with the stated purpose to attract job-producing entities to the municipality. The bill requires each municipality operating a "job engine charter" school to:

- Make available an annual report to the sponsor that documents investments made to attract and maintain job-producing entities.
- Include career education opportunities.
- Provide provisions for exceptional student education.
- Use sufficient security technology to secure facilities.
- Accept responsibility for all debts incurred by the school.

The bill creates a new preference category for charter school enrollment for the children of employees who are employed at a job producing entity that has been identified by a municipality operating a "job engine" charter school.

The bill modifies s. 1011.801, F.S., to include charter schools in the Workforce Development Capitalization Incentive Grant program and specifies that the grant program includes grades 6-

[14] Section 1011.801, F.S.

12. Additionally, the bill requires that the Department of Education include "job engine" charter schools in the priorities for the grants.

The bill takes effect on July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The fiscal impact is undetermined if any.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1002.33 and 1011.801.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS by Rules on April 16, 2025:
The committee substitute removes requirements for school districts when acquiring real property related to a five-year plan prior to acquisition and related to school district enrollment, and removes priorities for school districts when disposing of real property.

CS by Education Pre-K – 12 on March 17, 2025:
The committee substitute reinstates language removed in the bill to allow district school boards, principals, teachers and school advisory councils as individuals or groups that can make application for a conversion charter school, and allows a municipality to establish a "job engine" conversion charter school. The amendment also:

- Includes colleges and state universities in requirements for sponsors denying the application for a conversion charter school.
- Adds to charter school allowable enrollment preferences students who may attend a charter school that are the children of employes of the job producing entity of the "job engine" charter school.
- Modifies the provision that a municipality seeking a "job engine" charter school to include a requirement to include career education opportunities and removes a provision that prohibited participation in athletics by first-year students.

The committee substitute also includes charter schools in the provisions for the Workforce Development Capitalization Incentive Grant Program, specifies grades 6-12 for eligibility for the grant program, and includes in the grant priority an application from a "job engine" charter school.

The committee substitute modifies the provision of the bill regarding 5-year facilities plans from submitting a plan to approval of a plan by a district school board and modifies the requirement for school districts acquiring real property and for the disposal of real property.

B. Amendments:

None.

625976

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/16/2025	.	
	.	
	.	
	.	

The Committee on Rules (Gaetz) recommended the following:

Senate Amendment (with title amendment)

Delete lines 204 - 226.

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

And the title is amended as follows:

Delete lines 22 - 30

and insert:

charter school for rulemaking purposes; providing an effective date.

By the Committee on Education Pre-K - 12; and Senator Gaetz

581-02509-25 2025140c1

A bill to be entitled

An act relating to charter schools; amending s. 1002.33, F.S.; revising which persons or entities may apply for a conversion charter school; requiring a college or state university to provide a written notice of denial for denying an application for a conversion charter school; revising eligible students who may receive an enrollment preference; authorizing a municipality to apply for a charter that it may designate as a job engine charter under certain conditions; providing the purpose of a job engine charter school; providing requirements for a job engine charter; prohibiting a district school board from charging a rental or leasing fee for a conversion school; requiring a municipality to negotiate certain rental or leasing fees; prohibiting certain property from being removed; amending s. 1011.801, F.S; revising entities that are included in the Workforce Development Capitalization Incentive Grant Program to include charter schools; requiring the State Board of Education to consider applications from a job engine charter school for rulemaking purposes; amending s. 1013.15, F.S.; requiring a district school board to approve a 5-year plan before occupying purchased or acquired real property; requiring a school board to dispose of real property in certain areas of the district if enrollment in those areas has declined in the preceding 5-year period; requiring that surplus real property be given priority for conversion for

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

581-02509-25 2025140c1

specified purposes; providing an effective date.

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

Section 1. Paragraph (b) of subsection (3), paragraph (d) of subsection (10), paragraph (c) of subsection (15), and paragraph (e) of subsection (18) of section 1002.33, Florida Statutes, are amended to read:

1002.33 Charter schools.—

(3) APPLICATION FOR CHARTER STATUS.—

(b) An application for a conversion charter school must ~~shall~~ be made by the district school board, the principal, teachers, parents whose children are enrolled at the school, or ~~and/or~~ the school advisory council at an existing public school that has been in operation for at least 2 years before ~~prior to~~ the application to convert. A public school-within-a-school ~~that is~~ designated as a school by the district school board may also apply ~~submit an application~~ to convert to charter status. A municipality seeking to attract job-producing entities by establishing a job engine charter school pursuant to paragraph (15)(c) may apply to the district school board to convert an existing public school to a charter school. An application submitted proposing to convert an existing public school to a charter school must ~~shall~~ demonstrate the support of at least ~~50 percent of the teachers employed at the school and~~ 50 percent of the parents voting whose children are enrolled at the school, provided that a majority of the parents eligible to vote participate in the ballot process, according to rules adopted by the State Board of Education. A district school board, college,

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

or state university that denies ~~denying~~ an application for a conversion charter school shall provide notice of denial to the applicants in writing within 10 days after the meeting at which the district school board denied the application. The notice must articulate in writing the specific reasons for denial and must provide documentation supporting those reasons. A private school, parochial school, or home education program is ~~shall~~ not ~~be~~ eligible for charter school status.

(10) ELIGIBLE STUDENTS.—

(d) A charter school may give enrollment preference to the following student populations:

1. Students who are siblings of a student enrolled in the charter school.

2. Students who are the children of a member of the governing board of the charter school.

3. Students who are the children of an employee of the charter school.

4. Students who are the children of:

a. An employee of the business partner of a charter school-in-the-workplace established under paragraph (15)(b) or a resident of the municipality in which such charter school is located; or

b. A resident or employee of a municipality that operates a charter school-in-a-municipality pursuant to paragraph (15)(c) or allows a charter school to use a school facility or portion of land provided by the municipality for the operation of the charter school.

5. Students who have successfully completed, during the previous year, a voluntary prekindergarten education program

under ss. 1002.51-1002.79 provided by the charter school, the charter school's governing board, or a voluntary prekindergarten provider that has a written agreement with the governing board.

6. Students who are the children of an active duty member of any branch of the United States Armed Forces.

7. Students who attended or are assigned to failing schools pursuant to s. 1002.38(2).

8. Students who are the children of a safe-school officer, as defined in s. 1006.12, at the school.

9. Students who transfer from a classical school in this state to a charter classical school in this state. For purposes of this subparagraph, the term "classical school" means a traditional public school or charter school that implements a classical education model that emphasizes the development of students in the principles of moral character and civic virtue through a well-rounded education in the liberal arts and sciences which is based on the classical trivium stages of grammar, logic, and rhetoric.

10. Students who attend a job engine charter school under paragraph (15)(c) who are the children of an employee of a job-producing entity identified by the municipality in the annual job engine charter report.

(15) CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER SCHOOLS-IN-A-MUNICIPALITY.—

(c)1. A charter school-in-a-municipality designation may be granted to a municipality that possesses a charter; enrolls students based upon a random lottery that involves all of the children of the residents of that municipality who are seeking enrollment, as provided for in subsection (10); and enrolls

students according to the racial and ethnic ~~racial/ethnic~~ balance provisions described in subparagraph (7)(a)8. When a municipality has submitted charter applications for the establishment of a charter school feeder pattern, consisting of elementary, middle, and senior high schools, and each individual charter application is approved by the sponsor, such schools shall then be designated as one charter school for all purposes listed pursuant to this section. Any portion of the land and facility used for a public charter school shall be exempt from ad valorem taxes, as provided for in s. 1013.54, for the duration of its use as a public school.

2. A municipality may seek a charter under subparagraph 1. from a sponsor in subsection (5). If granted, such a charter may be designated a job engine charter. The purpose of a job engine charter school is to attract job-producing entities to the municipality. The charter must require the municipality to:

a. Provide an annual report to the sponsor which will be made publicly available and include investments made to attract and maintain job-producing entities, such as private sector industries, in the municipality.

b. Include career education opportunities.

c. Include the provision of exceptional student education administration services, pursuant to subparagraph (20)(a)1.

d. Require the use of sufficient security technology to ensure a secure facility.

e. Notwithstanding paragraph (8)(e), accept responsibility for all debts incurred by the job engine charter school.

3. A job engine charter school may give enrollment preferences pursuant to subparagraph (10)(d)10.

(18) FACILITIES.—

(e) If a district school board facility or property is available because it is surplus, marked for disposal, or otherwise unused, it shall be provided for a charter school's use on the same basis as it is made available to other public schools in the district. A charter school receiving property from the sponsor may not sell or dispose of such property without written permission of the sponsor. Similarly, for an existing public school converting to charter status, a district school board may not charge ~~no~~ rental or leasing fees ~~fee~~ for the existing facility or for the property normally inventoried to the conversion school ~~may be charged by the district school board~~ to the parents ~~and~~, principal, school advisory council, or teachers organizing the charter school. The municipality must negotiate rental or leasing fees with the district school board. Property normally inventoried to the school may not be removed. The charter school shall agree to reasonable maintenance provisions in order to maintain the facility in a manner similar to district school board standards. The Public Education Capital Outlay maintenance funds or any other maintenance funds generated by the facility operated as a conversion school shall remain with the conversion school.

Section 2. Section 1011.801, Florida Statutes, is amended to read:

1011.801 Workforce Development Capitalization Incentive Grant Program.—The Legislature recognizes that the need for school districts, charter schools, and Florida College System institutions to be able to respond to emerging local or statewide economic development needs is critical to the

workforce development system. The Workforce Development Capitalization Incentive Grant Program is created to provide grants to school districts, charter schools, and Florida College System institutions to fund some or all of the costs associated with the creation or expansion of career and technical education programs that lead to industry certifications included on the CAPE Industry Certification Funding List. The programs may serve secondary students or postsecondary students if the postsecondary career and technical education program also serves secondary students in grades 6-12.

(1) Funds awarded for a workforce development capitalization incentive grant may be used for instructional equipment, laboratory equipment, supplies, personnel, student services, or other expenses associated with the creation or expansion of a career and technical education program that serves secondary students. Expansion of a program may include either the expansion of enrollments in a program or expansion into new areas of specialization within a program. No grant funds may be used for recurring instructional costs or for institutions' indirect costs.

(2) The Department of Education shall administer the program. The State Board of Education may adopt rules for program administration. The State Board of Education shall consider the statewide geographic dispersion of grant funds in ranking the applications and shall give priority to applications from education agencies that are making maximum use of their workforce development funding by offering high-performing, high-demand programs or to applications from a job engine charter school under s. 1002.33(15)(c).

Section 3. Subsection (5) is added to section 1013.15, Florida Statutes, to read:

1013.15 Lease, rental, and lease-purchase of educational plants, ancillary plants, and auxiliary facilities and sites.—

(5) Before occupying purchased or acquired real property, a district school board shall, in a public meeting, approve a 5-year plan for the proposed use of the real property, taking into consideration enrollment growth, demographic shifts, and changes in curriculum.

(a) A school board must demonstrate actual or projected 5-year growth in certain areas of a school district before purchasing or acquiring real property, if enrollment in the school district has declined by more than 4 percent in the preceding 5-year period. If such a decline has occurred, a school board must dispose of real property pursuant to s. 1013.28 in areas of the district which have declining enrollment.

(b) Surplus real property must be disposed of only in the best interests of the public, but priority must be given for conversion to affordable housing for teachers, first responders, or military servicemembers; charter school facilities; or the use by a local government for the development of a recreational facility.

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

The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: March 31, 2025

I respectfully request that **Senate Bill #140**, relating to Charter Schools, be placed on the:

☒ committee agenda at your earliest possible convenience.

☐ next committee agenda.

Senator Don Gaetz
Florida Senate, District 1

File signed original with committee office

S-020 (03/2004)

The Florida Senate

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4/16/2025
Meeting Date

Senate Rules
Committee

SB140.
Bill Number or Topic

Amendment Barcode (if applicable)

Name DANAys SiLVa

Phone 7.86 3015340

Address 11659 NW 90 Ave
Street

Email Danays.Silva@gmail

Hialeah Gardens FL 33018
City State Zip

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☒ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

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Rules
Committee

140
Bill Number or Topic

Amendment Barcode (if applicable)

Name Muah Dahn

Phone

Address
Street

Email muahdahn.flspn@floridarising.org

32068
City State Zip

Speaking: ☐ For ☑ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☑ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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SB 140
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Francesca Michelini

Phone 813-468-6219

Address 10925 Tailfeather Ct
Street

Email

Tampa FL 33625
City State Zip

Speaking: ☐ For ☐ Against ☒ Information **OR** Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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Rules
Committee

SB 140
Bill Number or Topic

Amendment Barcode (if applicable)

Name Tessa Barber

Phone 7274003562

Address 2852 Sandpiper PL
Street

Email tessaabarber@gmail.com

Clearwater FL 33762
City State Zip

Speaking: ☐ For ☑ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☑ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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Committee

SB 140
Bill Number or Topic

Amendment Barcode (if applicable)

Name Tessa Barber

Phone 7274093562

Address 2882 Sandpiper PL
Street

Email tessaabarber@gmail.com

Clearwater FL 33762
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☑ Against

PLEASE CHECK ONE OF THE FOLLOWING:

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☐ I am a registered lobbyist, representing:

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Committee

SB 140
Bill Number or Topic

Amendment Barcode (if applicable)

Name Jude Bruno

Phone ~~407~~ 855-7605

Address 1747 Orlando Central Parkway
Street

Email pe@Floridapta.org

Orlando FL ~~3316~~ 32809
City State Zip

Speaking: ☐ For ☑ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☑ ~~I am not~~ a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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SB 0140
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Latisha Jones

Phone 813-495-9765

Address 4055 Willow Dr.
Street

Email revtisha@yahoo.com

Mulberry FL 33860
City *State* *Zip*

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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Rules
Committee

140
Bill Number or Topic

Amendment Barcode (if applicable)

Name Daniel Martinez

Phone 305-240-2917

Address 107 E College Ave
Street

Email DMartinez@AFPHQ.org

TLH FL 32301
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☑ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing: AMERICans for Prosperity

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

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Committee

SB 140
Bill Number or Topic

Amendment Barcode (if applicable)

Name Aurelie Colon

Phone 9548818595

Address 403 Washington Ave
Street

Montgomery AZ
City State Zip

Email aurelie.colon@splcenter.org

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:
SPLC

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

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4-16-25
Meeting Date

Rules
Committee

SB 140
Bill Number or Topic

Amendment Barcode (if applicable)

Name Nathan Hoffman

Phone 217-503-7368

Address 215 South Monroe
Street

Email nathan@afloridapromise.org

Tallahassee FL 32301
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☑ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing: Foundation for Florida's Future

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

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Rules
Committee

SB 140
Bill Number or Topic

Amendment Barcode (if applicable)

Name Thomas Williamson

Phone

Address
Street

Email

Winter Garden FL 34787
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☑ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☑ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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16/4/25
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Committee

SB 140
Bill Number or Topic

Amendment Barcode (if applicable)

Name Yulkis Rosado

Phone 863-251-7968

Address 7035 Broad Way
Street

Email

Davenport, FL 33837
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☑ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☑ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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4/16/2025
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Committee

SB 140
Bill Number or Topic

Amendment Barcode (if applicable)

Name Britt Rutherford

Phone

Address 6940 Krenson Oaks St.
Street

Email

33810
City *State* *Zip*

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☑ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☑ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

The Florida Senate

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04/16/25
Meeting Date

Rules Committee
Committee

SB 140
Bill Number or Topic

Amendment Barcode (if applicable)

Name Hali Emerson

Phone 775-657-1068

Address 5051 Lakewalk Dr. #301
Street

Email

Winter garden FL 34787
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☑ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☑ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

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04/18/25
Meeting Date

S Rules
Committee

SB 140
Bill Number or Topic

Amendment Barcode (if applicable)

Name Brian Simmons

Phone 904-307-4612

Address 54083 Hurst Rd
Street

Email BSSBAA2001@aol.com

Callahan, FL 32011
City *State* *Zip*

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☒ Against

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The Florida Senate

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4/16/25
Meeting Date

Rules
Committee

SB 140
Bill Number or Topic

Amendment Barcode (if applicable)

Name BARRY TILLIS

Phone 407 432 4624

Address 2811 N. CHURCHILL WAY
Street

Email BarryTillis10@gmail.com

Hernando FL 34442
City *State* *Zip*

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☒ Against

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The Florida Senate

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4/16/25
Meeting Date

Rules
Committee

SB 140
Bill Number or Topic

Amendment Barcode (if applicable)

Name Cassandra Urbenz

Phone (727) 641-2817

Address 916 NW 6th Ave
Street

Email cassieurbenz@gmail.com

Gainesville FL 32601
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☑ Against

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Rules
Committee

SB 140
Bill Number or Topic

Amendment Barcode (if applicable)

Name Justin Peacock

Phone (850) 516-6181

Address 20569 County Rd N 68
Street

Email

Robertsdale AL 36567
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☒ Against

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The Florida Senate

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4/16/25
Meeting Date

SB 0140
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Henry Griffin Phone 904 307-7981

Address 2576 Brookview Dr. Email hegriffin56@aol.com
Street

Jax Fla 32073
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☑ Against

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S-001 (08/10/2021)

The Florida Senate

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April 16, 2025
Meeting Date

SB 140
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Shawnese Jennings

Phone 904-753-9972

Address

Email ShawneseJennings@yahoo.com

Street

Jacksonville FL 32256

City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☑ Against

PLEASE CHECK ONE OF THE FOLLOWING:

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S-001 (08/10/2021)

The Florida Senate

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4/16/2025
Meeting Date

S Rules
Committee

SB 140
Bill Number or Topic

Amendment Barcode (if applicable)

Name Jeremy Bullian

Phone 813 802 8718

Address 321 St. Augustine Ave
Street

Email victornil@yahoo.com

Tampa FL 33617
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☑ Against

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S-001 (08/10/2021)

The Florida Senate

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4/16/25
Meeting Date

Rules
Committee

140
Bill Number or Topic

Amendment Barcode (if applicable)

Name Della Denny-Abbott

Phone 8504496061

Address 2111 St Andrews Dr
Street

Email dellabbott@gmail.com

Cantonment FL 32533
City *State* *Zip*

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☒ Against

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S-001 (08/10/2021)

The Florida Senate

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04/14/24
Meeting Date

Rules
Committee

SB 140
Bill Number or Topic

Amendment Barcode (if applicable)

Name Jude Bruno

Phone 305-778-4371

Address 1747 Orlando Central
Street

Email Pe@floridaptla.org

Orlando FL 32804
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☑ Against

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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April 16, 2025
Meeting Date

SB 140
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Lin Yang Phone

Address 12030 USF Beard Drive Email linyang1@usf.edu
Street

Tampa FL 33620
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☑ Against

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S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL:	CS/CS/CS/SB 196
INTRODUCER:	Rules Committee; Appropriations Committee on Agriculture, Environment, and General Government; Regulated Industries Committee; Senators Gruters and Calatayud
SUBJECT:	Chemicals in Consumer Products
DATE:	April 16, 2025 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Baird	Imhof	RI	**Fav/CS**
2.	Wiseheart	Betta	AEG	**Fav/CS**
3.	Baird	Yeatman	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/CS/SB 196 sets forth labeling requirements for specific food products containing "vaccine or vaccine material" and broadens the definition of "drug" in ch. 499, F.S., to include those food items.

The bill further establishes that any food product containing vaccine or vaccine material without required labeling is a misbranded drug.

CS/CS/CS/SB 196 creates a new section for labeling requirements of certain ingredients in cosmetics. The bill defines certain terms and chemicals. The bill also requires specific chemicals or chemical classes that are intentionally added into cosmetics manufactured, sold, offered, or distributed for sale in Florida, to be noticed on such cosmetics' single-use packaging. The bill allows for in-state retailers in possession of cosmetics containing these chemicals to exhaust existing stock, through sales to the public until July 1, 2027. A violation of the newly created section would be subject to disciplinary action under s. 499.066, F.S. Additionally, the bill exempts cosmetic products regulated as drugs by the United States Food and Drug Administration (FDA). The Department of Business and Professional Regulation (DBPR) may adopt rules for implementation.

The bill defines what an "mRNA vaccine" is and it also prohibits the use of a fruit or vegetable as a delivery mechanism for an mRNA vaccine.

Finally, the bill would deem those food products containing vaccine or vaccine material without required labeling as misbranded foods under ch. 500, F.S.

The bill has an indeterminate negative fiscal impact on state expenditures. See Section V. Fiscal Impact Statement below.

The bill provides an effective date of July 1, 2025.

II. Present Situation:

State and Federal Regulation of Drugs, Devices, and Cosmetics

The regulation of drugs and cosmetics is addressed in ch. 499, F.S., which regulates drugs, devices, and cosmetics by the DBPR.[1] The Florida Drug and Cosmetic Act (the act)[2] is intended to safeguard public health and promote public welfare by protecting against injuries and merchandising deceit involving drugs, devices, and cosmetics or the use of such products. The Division of Drugs, Devices, and Cosmetics (the division) under the DBPR handles Florida regulations. Within the division, s. 499.01211, F.S., created the Drug Wholesale Distributor Advisory Council that provides input to the division and the DBPR regarding all proposed rules regarding the distribution of drugs.

Administration of the act must conform to the Federal Food, Drug, and Cosmetic Act[3] and the applicable portions of the Federal Trade Commission Act[4] which prohibit the false advertising of drugs, devices, and cosmetics. The Florida Drug and Cosmetic Act conforms to the FDA's drug laws and regulations and authorizes the DBPR to issue permits to Florida drug manufacturers and wholesale distributors and register drugs manufactured, packaged, repackaged, labeled, or relabeled in Florida.[5] The FDA preempts the state of Florida from regulating certain areas regarding drugs and cosmetics, including generally, the pre-market approval of drugs and the post-market surveillance of cosmetics, in both instances monitoring for safety issues for the American people.

The FDA process for new or innovative drugs is rigorous and requires an extensive series of clinical trials, first on animals and then on humans, before the new drug application can be formally filed with the FDA.[6] The company then sends the FDA the evidence from these trials to prove the drug is safe and effective for its intended use. The FDA's physicians, statisticians, chemists, pharmacologists, and other scientists review the company's data and proposed labeling. The FDA will only approve a new drug application if it determines that the drug is safe and

[1] The Drug, Device, and Cosmetic program was transferred to the Department of Business and Professional Regulation from the Department of Health effective November 1, 2012. See ch. 2012-184, Law of Fla., s. 122, at http://laws.flrules.org/2012/184 (last visited March 18, 2025).
[2] See ss. 499.001-499.081, F.S.
[3] Section 499.003(20), F.S., defines the federal act referencing 21 U.S.C. ss. 301 *et seq.* and 52 Stat. 1040 *et seq*.
[4] *See* 15 U.S.C. ss. 41-58, as amended.
[5] Section 499.01, F.S.
[6] U.S. Food & Drug Administration, New Drug Application (NDA), https://www.fda.gov/Drugs/DevelopmentApprovalProcess/HowDrugsareDevelopedandApproved/ApprovalApplications/NewDrugApplicationNDA/default.htm (last visited March 19, 2025).

effective for its proposed use and that the benefits of the drug appear to outweigh the known risks.[7]

The DBPR has broad authority to inspect and discipline permittees for violations of state or federal laws and regulations, which can include seizure and condemnation of adulterated or misbranded drugs or suspension or revocation of a permit.[8]

Florida currently does not have a routine process in place for the testing of cosmetics products or a facility for testing cosmetic products.

Cosmetics

Florida currently has a limited scope of state-level enforcement regarding cosmetics. The predominant regulation is done by the FDA and whatever is not preempted Florida can regulate. The FDA prohibits misbranded and adulterated products, however most of this regulation is done on the post-production level, leaving a regulatory landscape that is seeing the emergence of state-level regulation initiatives regarding cosmetics. The burden of ensuring product safety largely falls on cosmetic manufacturers and their adherence to the guidelines set by the FDA.

States like California, Colorado, Maryland, Minnesota, Oregon, and Washington have recently enacted legislation regarding the regulation of toxic chemicals in cosmetics. For example, the state of Washington created a program that prohibits the use of over 20 toxic chemicals in cosmetics, including lead (at 1 part per million) and formaldehyde, citing research that shows these chemicals can cause cancer in humans.[9]

Drugs and Devices

General Prohibitions

The act prohibits any person from:[10]

- Offering for sale any drug, device, or cosmetic, that is adulterated or misbranded.
- Disseminating any false or misleading advertisement of a drug, device, or cosmetic.
- Refusing from letting the DBPR to enter or inspect an establishment in which drugs, devices, or cosmetics are manufactured, processed, repackaged, sold, brokered, or held.
- Committing any act that causes a drug, device, or cosmetic to be a counterfeit drug, device, or cosmetic; or selling, dispensing, or holding for sale a counterfeit drug, device, or cosmetic.
- Committing an alteration, mutilation, destruction, obliteration, or removal of the whole or any part of the labeling of a drug, device, or cosmetic, or the doing of any other act with respect to a drug, device, or cosmetic, if the act is done while the drug, device, or cosmetic is held for sale and the act results in the drug, device, or cosmetic being misbranded.

[7] *Id*.
[8] Sections 499.051, 499.062, 499.065, 499.066, 499.0661, and 499.067, F.S.
[9] Daniel Fortin, *Washington State Proposes Ban on Cancer-Linked Chemicals in Cosmetics*, NBC Right Now Tri-Cities Yakima, available at https://www.nbcrightnow.com/regional/washington-state-proposes-ban-on-cancer-linked-chemicals-in-cosmetics/article_9938e436-ec55-5963-bdc1-bb6bf9593155.html (last visited March 19, 2025).
[10] *See* Section 499.005, F.S.

- Forging, counterfeiting, simulating, falsely representing any drug, device, or cosmetic, or without the authority of the manufacturer, using any mark, stamp, tag, label, or other identification device authorized or required by rules adopted under this part.
- Using, on the labeling of any drug or in any advertisement relating to such drug, any representation or suggestion that an application of the drug is effective when it is not or that the drug complies with this part when it does not.
- Possessing any drug in violation of part I, ch. 499, F.S.
- Failing to maintain records as required by law and rules adopted under ch. 499, F.S.
- Providing the DBPR with false or fraudulent records, or making false or fraudulent statements, regarding any matter within the provisions of the act.
- Failing to obtain a permit or registration, or operating without a valid permit when a permit or registration is required by the act for that activity.
- Obtaining or attempting to obtain a prescription drug or device by fraud, deceit, misrepresentation or subterfuge, or engaging in misrepresentation or fraud in the distribution of a drug or device.

Some of these prohibitions will raise to the level of criminal acts under s. 499.0051, F.S.

Misbranding of Drugs

The act specifies that a drug or device is deemed misbranded if:[11]

- Its labeling is in any way false or misleading.
- In package form, it does not bear a label containing certain requirements prescribed by law.
- Any word, statement, or other information required by the act, that appears on the label or labeling is not prominently placed with such conspicuousness as to render the word, statement, or other information likely to be read and understood under customary conditions of purchase and use.
- It is a drug and is not designated solely by a name recognized in an official compendium and its label does not bear certain requirements prescribed by the act.
- It purports to be a drug the name of which is recognized in the official compendium and is not packaged and labeled as prescribed therein. However, the method of packaging may be modified with the consent of the DBPR.
- It is dangerous to health when used in the dosage or with the frequency or duration prescribed, recommended, or suggested in the labeling of the drug.
- It purports to be, or is represented, as a drug composed wholly or partly of insulin and it is not from a batch with respect to which a certificate has been issued pursuant to s. 506 of the federal act, which certificate is in effect with respect to the drug.
- It purports to be, or is represented, as a drug composed wholly or partly of any kind of antibiotic requiring certification under the federal act and it is not from a batch with respect to which a certificate has been issued pursuant to s. 507 of the federal act, which certificate is in effect with respect to the drug. However, this subsection does not apply to any drug or class of drugs exempted by regulations adopted under s. 507(c) or (d) of the federal act.

[11] *See* Section 499.007, F.S.

Misbranding or Misrepresenting Food

In Florida, a food is deemed to be misbranded:[12]

- If its labeling is false or misleading in any particular manner;
- If it is offered for sale under the name of another food;
- If it is an imitation of another food, with exception;
- If its container is so made, formed, or filled as to be misleading;
- If in package form, unless it bears a label containing certain information;[13]
- If any word, statement, or other information required by or under authority of ch. 500, F.S.,
- does not meet certain requirements;[14]
- If it purports to be or is represented as a food for which a definition and standard of identity has been prescribed by statute or by rule;
- If it purports to be or is represented as:
  - A food for which a standard of quality has been prescribed by rules as provided by s. 500.09, F.S., and its quality falls below such standard unless its label bears a statement that it falls below such standard; or
  - A food for which a standard or standards or fill of container have been provided by rule as provided by s. 500.09, F.S., and it falls below the standard or fill container unless its label bears a statement that it falls below such standard.
- Unless the label bears the common or usual name of the food and specific requirements if it is fabricated from two or more ingredients.[15]
- If it purports to be or is represented for special dietary uses, unless its label contains certain information.[16]
- If it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact.
- If it is a fresh fruit or vegetable, package of honey, or bee pollen not labeled in accordance with the provisions of s. 504.012, F.S., or not otherwise labeled in such a manner as to indicate to an ultimate purchaser the country of origin.
- If it is offered for sale and its label or labeling does not comply with federal requirements pertaining to nutrition or allergen information.
- If it is offered for sale and its label or labeling does not comply with federal labeling requirements pertaining to nutritional content claims and health claims.
- If it is bottled water and does not meet certain labeling requirements.[17]
- If it is an animal product that fails to have directly thereon or on its container the official USDA inspection legend.

An operator may not knowingly and willfully misrepresent the identity of any food or food product to any of the patrons of such establishment. The identity of a food product is misrepresented if:

- The description of the food or food product is false or misleading;

[12] Section 500.11, F.S.
[13] Section 500.11(1)(e), F.S.
[14] Section 500.11(1)(f), F.S.
[15] Section 500.11(1)(i), F.S.
[16] Section 500.11(1)(j), F.S.
[17] Section 500.11(1)(o), F.S.

- The food or food product is served, sold, or distributed under the name of another food or food product; or
- The food or food product purports to be or is represented as a food or food product that does not conform to a definition of identity and standard of quality if such standard has been established by custom and usage.[18]

Vaccines

General Regulation

The Advisory Committee on Immunization Practices (ACIP) develops recommendations on the use of vaccines in the United States.[19] The ACIP is comprised of medical and public health experts, and works with professional organizations, such as the American Academy of Pediatrics, the American Academy of Family Physicians, the American College of Obstetricians and Gynecologists, and the American College of Physicians to develop annual childhood and adult immunization schedules.[20]

The Centers for Disease Control and Prevention (CDC) reviews the ACIP's recommendations; once approved by the CDC Director and the U.S. Department of Health and Human Services, they are published as the CDC's official recommendations for immunizations of the U.S. population.[21] New vaccines are considered for addition to the schedule after licensure by the United States Food and Drug Administration (FDA).[22]

The FDA oversees the safety, effectiveness, and quality of vaccines used in the United States. Once a vaccine is developed, the pre-clinical phase begins, which consists of laboratory research and testing on animals. If the pre-clinical phase shows the vaccine is likely to be safe and work well in humans, it is tested on humans through clinical trials. While clinical trials are underway, the FDA assesses the manufacturing process to ensure that the vaccine can be produced reliably and consistently. Once a manufacturing process is developed and pre-clinical and clinical trials are successfully completed, developers submit a Biologics License Application to the FDA, which includes details on the manufacturing process and data from pre-clinical and clinical trials. The FDA evaluates the application and decides whether to license the vaccine for use in the United States. The FDA continues to monitor and regulate vaccines and manufacturers after licensing.[23]

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[18] Section 509.292(1), F.S.
[19] Centers for Disease Control and Prevention, Advisory Committee on Immunization Practices (ACIP), *General Committee-Related Information*, available at https://www.cdc.gov/vaccines/acip/committee/index.html (last visited March 18, 2025). Established under Title 42 U.S.C. § 217a, ACIP members are appointed by the Secretary of the U.S. Department of Health and Human Services and consist of a mix of medical and public health experts from private industry and the public sector. There are 15 voting members (14 are industry experts and one consumer member), 6 non-voting, ex-officio members consisting of specific federal government employees, and 30 non-voting representatives from professional health care organizations.
[20] Centers for Disease Control and Prevention, Advisory Committee on Immunization Practices (ACIP), *ACIP Recommendations*, available at https://www.cdc.gov/vaccines/acip/recommendations.html (last visited March 18, 2025).
[21] *Id*.
[22] College of Physicians of Philadelphia, *The History of Vaccines: The Development of the Immunization Schedule*, available at http://www.historyofvaccines.org/content/articles/development-immunization-schedule (last visited March 18, 2025).
[23] U.S. Food and Drug Administration, *Vaccine Development – 101*, https://www.fda.gov/vaccines-blood-biologics/development-approval-process-cber/vaccine-development-101 (last visited March 15, 2025).

All vaccines must be licensed (approved) by the FDA in order to be marketed in the United States.[24] However, during public health emergencies, the FDA may authorize vaccines for emergency use, which speeds up the process of bringing a vaccine to market.[25]

Plant-Based mRNA Vaccines

In 2021, scientists at UC Riverside were awarded a $500,000 grant from the National Science Foundation to study plant-based messenger ribonucleic acid (mRNA) vaccines. The research projected was charged with covering three concepts:[26]

- Showing that DNA containing the mRNA vaccine can be successfully delivered into the part of plant cells where it will replicate;
- Demonstrating that plants can produce enough mRNA to rival a traditional vaccine shot; and
- If findings prove possible, determining the right dosage.

Prior to the $500,000 grant, Juan Pablo Giraldo, an associate professor at UC Riverside, was granted over $1,000,000 to develop a project that is using nanomaterials to deliver nitrogen into chloroplasts through their leaves and control its release.[27] The $500,000 grant provided by the National Science Foundation, was awarded to further Giraldo's original research for repurposing naturally occurring nanoparticles for gene delivery to plants.[28] However, since this study began in 2021, there are still many unsolved difficulties in the research, including optimizing plant growth for consistent antigen yield, preventing dosage variability, and more importantly actually being able to reproduce a safe human vaccine in a plant.

If the research proves successful, potential advantages of plant-based mRNA vaccines would be cheaper costs associated with producing and storage of vaccines. A current challenge that was well-reported during the COVID-19 Pandemic was the expiration of the mRNA vaccines that needed to be stored at cold temperatures.[29] (Plant-based mRNA vaccines could be stored at room temperature).

As of the beginning of 2025, there are no approved plant-based mRNA vaccines.

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[24] U.S. Food and Drug Administration, *Ensuring the Safety of Vaccines in the United States*, https://www.fda.gov/files/vaccines,%20blood%20&%20biologics/published/Ensuring-the-Safety-of-Vaccines-in-the-United-States.pdf (last visited March 18, 2025).
[25] Food and Drug Administration, *Emergency Use Authorization*, https://www.fda.gov/emergency-preparedness-and-response/mcm-legal-regulatory-and-policy-framework/emergency-use-authorization (last visited March 15, 2025). Medical countermeasures are FDA-regulated products (biologics, drugs, and devices) that may be used in the event of a public health emergency.
[26] UC Riverside, *Grow and Eat your own Vaccines?*, Jules Bernsein, September 16, 2021, available at https://www.universityofcalifornia.edu/news/grow-and-eat-your-own-vaccines (last visited March 18, 2025).
[27] *Id*.
[28] *Id*.
[29] *See* Mohammad Uddin, *Challenges of Storage and Stability of mRNA-Based COVID-19 Vaccines*, Vaccines (Basel), September 2021, available at https://pmc.ncbi.nlm.nih.gov/articles/PMC8473088/pdf/vaccines-09-01033.pdf (last visited March 18, 2025).

III. Effect of Proposed Changes:

Section 1 amends s. 499.003, F.S., to expand the definition of "drug" to also mean a "food as defined in s. 500.03, [F.S.] which contains a vaccine or vaccine material." This would allow foods that contain a vaccine or vaccine material to be defined as a drug; those foods would have the same regulations as drugs.

Further, the bill defines a "vaccine or vaccine material" to mean: "a substance authorized or approved by the United States Food and Drug Administration which is intended for use **in humans** to stimulate the production of antibodies and provide immunity against disease and which is prepared from the causative agent of a disease, its products, or a synthetic substitute and is treated to act as an antigen without inducing the disease."

Section 2 amends s. 499.007, F.S., to provide what qualifies as a misbranded drug. The bill provides that a drug is misbranded if "it is a food as defined in s. 500.03,[F.S.] and contains a vaccine or vaccine material, but its label does not bear, in type of uniform size and prominence, the words "contains vaccine or vaccine material" and does not specify that the food is classified as a drug under the Florida Drug and Cosmetic Act."

Section 3 of the bill creates a new section of law that requires notice of certain ingredients on cosmetics single-use packaging. The bill:

- Defines certain terms and chemicals.
- Requires specific chemicals or chemical classes that are intentionally added into cosmetics manufactured, sold, offered, or distributed for sale or use in Florida, to be noticed on such cosmetics' single-use packaging. Allows an in-state retailer in possession of cosmetics containing these chemicals that do not comply as of July 1, 2026 to exhaust its existing stock through sales to the public until July 1, 2027.
- Allows that a violation of the newly created section would be subject to disciplinary action under s. 499.066, F.S.
- Exempts cosmetic products regulated as drugs by the FDA.
- Provides that DBPR may adopt necessary rules for implementation.

Section 4 of the bill defines "mRNA vaccine" to mean "a vaccine that uses laboratory-produced messenger ribonucleic acid to trigger the human body's immune system to generate an immune response."

Section 5 prohibits "the use of fruit or vegetable as a delivery mechanism for an mRNA vaccine."

Section 6 of the bill amends what qualifies as misbranded food. The bill provides that food is deemed to be misbranded if "it contains a vaccine or vaccine material as defined in s. 499.003, F.S.] unless its label bears, in type of uniform size and prominence, the words "contains vaccine or vaccine material" and specifies that the food is classified as a drug under the Florida Drug and Cosmetic Act"

Sections 7 and 8 conform cross-references to amendments made by the bill.

Section 9 of the bill provides an effective date of July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Potential impact due to updating packaging and labeling of cosmetics containing certain ingredients

C. Government Sector Impact:

The bill has an indeterminate negative fiscal impact on state expenditures for both the DBPR and potentially the Department of Agriculture and Consumer Services. If targeted laboratory testing of food products for specific vaccines or vaccine materials, or cosmetic products for restricted chemicals is required, additional expenditures would be necessary to establish the testing methods, maintain adequate staffing and account for any additional product samples.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 499.003, 499.007, 500.03, 500.04, and 500.11.

The bill creates section 499.0095 of Florida Statute.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS/CS by Rules on April 16, 2025:
The committee substitute does the following:
- Provides that beginning July 1, 2026, cosmetics may not release formaldehyde unless it is a natural byproduct with no functional or technical purpose. A retailer is allowed to exhaust its existing stock until July 1, 2027.

Changes the rulemaking authority by DBPR from "shall" to "may."

CS/CS by Appropriations Committee on Agriculture, Environment, and General Government on April 10, 2025:
The committee substitute does the following:
- Defines the terms "Incidental ingredient" and "ingredient".
- Replaces the prohibition of certain chemicals in cosmetics manufactured, sold, offered or distributed for sale, or distributed for use in the state with a notice requirement for certain ingredients on such cosmetics' single-use packaging.
- Removes the requirement that the Department of Business and Professional Regulation (department) identify, assess, and publicize the hazards of chemical or chemical classes that could provide the same or similar function as those to be prohibited.
- Removes the requirement that the department identify chemicals used in cosmetics which release formaldehyde which would be subject to restriction.
- Exempts cosmetic products regulated as drugs by the U.S. Food and Drug Administration from the notice requirements.

CS by Regulated Industries on March 19, 2025:
The committee substitute does the following:
- Defines "mRNA vaccine" to mean "a vaccine that uses laboratory-produced messenger ribonucleic acid to trigger the human body's immune system to generate an immune response."
- Prohibits "the use of fruit or vegetable as a delivery mechanism for an mRNA vaccine."
- Creates a new section to prohibit certain toxic chemicals in cosmetics.

- Defines certain chemicals and defines specific chemicals from being intentionally added into cosmetics manufactured, sold, offered or distributed for sale or use in Florida, including any lead or lead compounds, at 1 part per million or above, whether intentionally added or naturally occurring.
- Allows an in-state retailer in possession of cosmetics containing these chemicals to exhaust its existing stock through sales to the public until July 1, 2027.
- Requires the DBPR, in consultation with the Department of Health, by January 1, 2026, to identify additional chemicals that could be a hazard to the public and make the information publicly available on its website.
- Prohibits the delineated chemicals in cosmetics, regardless of whether the product also contains ingredients regulated by the FDA but it does not apply to the specific ingredients in drugs regulated by the FDA. A violation of the newly created section would be subject to disciplinary action under s. 499.066, F.S.
- Requires the DBPR to adopt necessary rules regarding the use of formaldehyde, including identifying a list of chemicals used in cosmetics (no more than 10) which release formaldehyde and which are subject to restrictions that will apply on or after July 1, 2026, and providing that the restrictions on any remaining listed chemicals may take effect on or after July 1, 2027.
- In adopting the rules, the DBPR is required to consider the input received from stakeholders.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

745992

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
04/16/2025	.	
	.	
	.	
	.	

The Committee on Rules (Gruters) recommended the following:

Senate Amendment (with title amendment)

Delete lines 116 - 147

and insert:

(2) Except as provided in subsection (5), beginning July 1, 2026, cosmetics manufactured, sold, offered or distributed for sale, or distributed for use in this state must provide notice on such cosmetics' single-use packaging of the following intentionally added chemicals or chemical classes:

(a) Ortho-phthalates.

(b) PFAS.


745992

(c) Formaldehyde as identified in CAS 50-00-0.

(d) Methylene glycol as identified in CAS 463-57-0.

(e) Mercury as identified in CAS 7439-97-6.

(f) Triclosan as identified in CAS 3380-34-5.

(g) M-phenylenediamine or its salt derivatives as identified in CAS 108-45-2.

(h) O-phenylenediamine or its salt derivatives as identified in CAS 95-54-5.

(3) Except as provided in subsection (5), beginning July 1, 2026, cosmetics manufactured, sold, offered or distributed for sale, or distributed for use in this state must provide notice on such cosmetics' single-use packaging of any lead or lead compounds as identified by CAS 7439-92-1, whether intentionally added or naturally occurring, at 10 parts per million or more, or as otherwise determined by department rule.

(4) Except as provided in subsection (5), beginning July 1, 2026, cosmetics manufactured, sold, offered or distributed for sale, or distributed for use in this state may not release formaldehyde as identified in paragraph (2)(c) unless it is a natural byproduct with no functional or technical purpose.

(5) A retailer in possession of cosmetics that do not comply with the requirements of this section as of July 1, 2026, may exhaust its existing stock through sales to the public until July 1, 2027.

(6) A violation of this section is subject to the penalties and remedies provided in s. 499.066.

(7) This section does not apply to cosmetic products regulated as drugs by the United States Food and Drug Administration.

745992

(8) The department shall adopt rules necessary to implement this section.

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

And the title is amended as follows:

Delete line 14

and insert:

cosmetics; prohibiting, by a specified date, cosmetics manufactured, sold, offered or distributed for sale, or distributed for use in this state from releasing formaldehyde, unless it is a natural byproduct with no functional or technical purpose; providing an exception; providing

136722

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/16/2025	.	
	.	
	.	
	.	

The Committee on Rules (Gruters) recommended the following:

Senate Substitute for Amendment (745992) (with title amendment)

Delete lines 116 - 147

and insert:

(2) Except as provided in subsection (5), beginning July 1, 2026, cosmetics manufactured, sold, offered or distributed for sale, or distributed for use in this state must provide notice on such cosmetics' single-use packaging of the following intentionally added chemicals or chemical classes:

(a) Ortho-phthalates.

136722

(b) PFAS.

(c) Formaldehyde as identified in CAS 50-00-0.

(d) Methylene glycol as identified in CAS 463-57-0.

(e) Mercury as identified in CAS 7439-97-6.

(f) Triclosan as identified in CAS 3380-34-5.

(g) M-phenylenediamine or its salt derivatives as identified in CAS 108-45-2.

(h) O-phenylenediamine or its salt derivatives as identified in CAS 95-54-5.

(3) Except as provided in subsection (5), beginning July 1, 2026, cosmetics manufactured, sold, offered or distributed for sale, or distributed for use in this state must provide notice on such cosmetics' single-use packaging of any lead or lead compounds as identified by CAS 7439-92-1, whether intentionally added or naturally occurring, at 10 parts per million or more, or as otherwise determined by department rule.

(4) Except as provided in subsection (5), beginning July 1, 2026, cosmetics manufactured, sold, offered or distributed for sale, or distributed for use in this state may not release formaldehyde as identified in paragraph (2)(c) unless it is a natural byproduct with no functional or technical purpose.

(5) A retailer in possession of cosmetics that do not comply with the requirements of this section as of July 1, 2026, may exhaust its existing stock through sales to the public until July 1, 2027.

(6) A violation of this section is subject to the penalties and remedies provided in s. 499.066.

(7) This section does not apply to cosmetic products regulated as drugs by the United States Food and Drug

136722

Administration.

(8) The department may adopt rules necessary to implement this section.

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

And the title is amended as follows:

Delete lines 14 - 16

and insert:

cosmetics; prohibiting, by a specified date, cosmetics manufactured, sold, offered or distributed for sale, or distributed for use in this state from releasing formaldehyde, unless it is a natural byproduct with no functional or technical purpose; providing an exception; providing construction; providing penalties and remedies; providing applicability; authorizing the Department of

By the Appropriations Committee on Agriculture, Environment, and General Government; the Committee on Regulated Industries; and Senator Gruters

601-03464-25 2025196c2

A bill to be entitled

An act relating to chemicals in consumer products; amending s. 499.003, F.S.; revising the definition of the term "drug"; defining the term "vaccine or vaccine material"; amending s. 499.007, F.S.; deeming a drug misbranded if it is a food containing a vaccine or vaccine material, but its label does not include specified information; creating s. 499.0095, F.S.; defining terms; requiring that, beginning on a specified date, cosmetics manufactured, sold, offered or distributed for sale, or distributed for use in this state provide notice of specified added ingredients on the single-use packaging of such cosmetics; providing an exception; providing construction; providing penalties and remedies; providing applicability; requiring the Department of Business and Professional Regulation to adopt rules; amending s. 500.03, F.S.; defining the term "messenger ribonucleic acid vaccine" or "mRNA vaccine"; amending s. 500.04, F.S.; prohibiting the use of fruits and vegetables to deliver an mRNA vaccine; amending s. 500.11, F.S.; deeming a food misbranded if it contains a vaccine or vaccine material, but its label does not include specified information; amending ss. 499.01 and 499.05, F.S.; conforming cross-references; providing an effective date.

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

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

601-03464-25 2025196c2

Section 1. Present subsections (47), (48), and (49) of section 499.003, Florida Statutes, are redesignated as subsections (48), (49), and (50), respectively, a new subsection (47) is added to that section, and subsections (17) and (40) of that section are amended, to read:

499.003 Definitions of terms used in this part.—As used in this part, the term:

(17) "Drug" means an article that is:

(a) Recognized in the current edition of the United States Pharmacopoeia and National Formulary, official Homeopathic Pharmacopoeia of the United States, or any supplement to any of those publications;

(b) Intended for use in the diagnosis, cure, mitigation, treatment, therapy, or prevention of disease in humans or other animals;

(c) Intended to affect the structure or any function of the body of humans or other animals; ~~or~~

(d) Intended for use as a component of any article specified in paragraph (a), paragraph (b), or paragraph (c), and includes active pharmaceutical ingredients, but does not include devices or their nondrug components, parts, or accessories; or

(e) Food as defined in s. 500.03 which contains a vaccine or vaccine material.

(40) "Prescription drug" means a prescription, medicinal, or legend drug, including, but not limited to, finished dosage forms or active pharmaceutical ingredients subject to, defined by, or described by s. 503(b) of the federal act or s. 465.003, s. 499.007(13), subsection (31), or subsection (48) ~~(47)~~, except that an active pharmaceutical ingredient is a prescription drug

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

only if substantially all finished dosage forms in which it may be lawfully dispensed or administered in this state are also prescription drugs.

(47) "Vaccine or vaccine material" means a substance authorized or approved by the United States Food and Drug Administration which is intended for use in humans to stimulate the production of antibodies and provide immunity against disease and which is prepared from the causative agent of a disease, its products, or a synthetic substitute and is treated to act as an antigen without inducing the disease.

Section 2. Present subsection (17) of section 499.007, Florida Statutes, is redesignated as subsection (18), and a new subsection (17) is added to that section, to read:

499.007 Misbranded drug or device.—A drug or device is misbranded:

(17) If it is a food as defined in s. 500.03 and contains a vaccine or vaccine material, but its label does not bear, in type of uniform size and prominence, the words "contains vaccine or vaccine material" and does not specify that the food is classified as a drug under the Florida Drug and Cosmetic Act.

Section 3. Section 499.0095, Florida Statutes, is created to read:

499.0095 Presence of certain ingredients in cosmetics; notice required.—

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

(a) "Incidental ingredient" means a substance that has no technical or functional effect in the cosmetics but is present by reason of having been incorporated into the cosmetics as an ingredient of another cosmetic ingredient.

(b) "Ingredient" means:

1. Any chemical or mixture of chemicals intentionally used in the manufacturing of cosmetics. The term does not include any incidental ingredient that is present in cosmetics at insignificant levels or that has no technical or functional effect; or

2. A processing aid, including any of the following:

a. A substance that is used in the processing of cosmetics but is removed from the cosmetics in accordance with good manufacturing practices before the cosmetics are packaged in their finished form.

b. A substance that is used in the processing of cosmetics for its technical or functional effect to produce the cosmetics and is then converted to a substance the same as constituents of a declared ingredient, in accordance with good manufacturing practices, and does not significantly increase the concentration of such constituents before the cosmetics are packaged in their finished form.

c. A substance that is used in the processing of cosmetics for its technical or functional effect to produce the cosmetics in accordance with good manufacturing practices, that is present in the cosmetics' finished form at insignificant concentrations, and that does not have any technical or functional effect in such cosmetics.

(c) "Ortho-phthalates" means esters of ortho-phthalic acid.

(d) "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" means a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

(2) Except as provided in subsection (4), beginning July 1,

2026, cosmetics manufactured, sold, offered or distributed for sale, or distributed for use in this state must provide notice on such cosmetics' single-use packaging of the following intentionally added chemicals or chemical classes:

(a) Ortho-phthalates.

(b) PFAS.

(c) Formaldehyde as identified in CAS 50-00-0.

(d) Methylene glycol as identified in CAS 463-57-0.

(e) Mercury as identified in CAS 7439-97-6.

(f) Triclosan as identified in CAS 3380-34-5.

(g) M-phenylenediamine or its salt derivatives as identified in CAS 108-45-2.

(h) O-phenylenediamine or its salt derivatives as identified in CAS 95-54-5.

(3) Except as provided in subsection (4), beginning July 1, 2026, cosmetics manufactured, sold, offered or distributed for sale, or distributed for use in this state must provide notice on such cosmetics' single-use packaging of any lead or lead compounds as identified by CAS 7439-92-1, whether intentionally added or naturally occurring, at 10 parts per million or more, or as otherwise determined by department rule.

(4) A retailer in possession of cosmetics that do not comply as of July 1, 2026, may exhaust its existing stock through sales to the public until July 1, 2027.

(5) A violation of this section is subject to the penalties and remedies provided in s. 499.066.

(6) This section does not apply to cosmetic products regulated as drugs by the United States Food and Drug Administration.

(7) The department shall adopt rules necessary to implement this section.

Section 4. Present paragraphs (t) through (z) of subsection (1) of section 500.03, Florida Statutes, are redesignated as paragraphs (u) through (aa), respectively, and a new paragraph (t) is added to that subsection, to read:

500.03 Definitions; construction; applicability.—

(1) For the purpose of this chapter, the term:

(t) "Messenger ribonucleic acid vaccine" or "mRNA vaccine" means a vaccine that uses laboratory-produced messenger ribonucleic acid to trigger the human body's immune system to generate an immune response.

Section 5. Subsection (12) is added to section 500.04, Florida Statutes, to read:

500.04 Prohibited acts.—The following acts and the causing thereof within the state are prohibited:

(12) The use of a fruit or vegetable as a delivery mechanism for an mRNA vaccine as defined in s. 500.03.

Section 6. Paragraph (q) is added to subsection (1) of section 500.11, Florida Statutes, to read:

500.11 Food deemed misbranded.—

(1) A food is deemed to be misbranded:

(q) If it contains a vaccine or vaccine material as defined in s. 499.003, unless its label bears, in type of uniform size and prominence, the words "contains vaccine or vaccine material" and specifies that the food is classified as a drug under the Florida Drug and Cosmetic Act.

Section 7. Paragraphs (a), (b), and (h) of subsection (2) of section 499.01, Florida Statutes, are amended to read:

499.01 Permits.—

(2) The following permits are established:

(a) *Prescription drug manufacturer permit.*—A prescription drug manufacturer permit is required for any person that is a manufacturer of a prescription drug and that manufactures or distributes such prescription drugs in this state.

1. A person that operates an establishment permitted as a prescription drug manufacturer may engage in distribution of prescription drugs for which the person is the manufacturer and must comply with s. 499.0121 and all other provisions of this part and rules adopted under this part. The department shall adopt rules for issuing a virtual prescription drug manufacturer permit to a person who engages in the manufacture of prescription drugs but does not make or take physical possession of any prescription drugs. The rules adopted by the department under this section may exempt virtual manufacturers from certain establishment, security, and storage requirements set forth in s. 499.0121.

2. A prescription drug manufacturer must comply with all appropriate state and federal good manufacturing practices.

3. A blood establishment, as defined in s. 381.06014, operating in a manner consistent with the provisions of 21 C.F.R. parts 211 and 600-640, and manufacturing only the prescription drugs described in s. 499.003(49)(j) ~~s. 499.003(48)(j)~~ is not required to be permitted as a prescription drug manufacturer under this paragraph or to register products under s. 499.015.

(b) *Prescription drug repackager permit.*—A prescription drug repackager permit is required for any person that

repackages a prescription drug in this state.

1. A person that operates an establishment permitted as a prescription drug repackager may engage in distribution of prescription drugs repackaged at that establishment and must comply with all of the provisions of this part and the rules adopted under this part that apply to a prescription drug manufacturer.

2. A prescription drug repackager must comply with all appropriate state and federal good manufacturing practices.

3. A prescription drug repackager permit is not required for distributing medicinal drugs or prepackaged drug products between entities under common control which each hold either an active Class III institutional pharmacy permit under chapter 465 or an active health care clinic establishment permit under paragraph (r). For purposes of this subparagraph, the term "common control" has the same meaning as in s. 499.003(49)(a)3. ~~s. 499.003(48)(a)3.~~

(h) *Restricted prescription drug distributor permit.*—

1. A restricted prescription drug distributor permit is required for:

a. Any person located in this state who engages in the distribution of a prescription drug, which distribution is not considered "wholesale distribution" under s. 499.003(49)(a) ~~s. 499.003(48)(a)~~.

b. Any person located in this state who engages in the receipt or distribution of a prescription drug in this state for the purpose of processing its return or its destruction if such person is not the person initiating the return, the prescription drug wholesale supplier of the person initiating the return, or

the manufacturer of the drug.

c. A blood establishment located in this state which collects blood and blood components only from volunteer donors as defined in s. 381.06014 or pursuant to an authorized practitioner's order for medical treatment or therapy and engages in the wholesale distribution of a prescription drug not described in s. 499.003(49)(j) ~~s. 499.003(48)(j)~~ to a health care entity. A mobile blood unit operated by a blood establishment permitted under this sub-subparagraph is not required to be separately permitted. The health care entity receiving a prescription drug distributed under this sub-subparagraph must be licensed as a closed pharmacy or provide health care services at that establishment. The blood establishment must operate in accordance with s. 381.06014 and may distribute only:

(I) Prescription drugs indicated for a bleeding or clotting disorder or anemia;

(II) Blood-collection containers approved under s. 505 of the federal act;

(III) Drugs that are blood derivatives, or a recombinant or synthetic form of a blood derivative;

(IV) Prescription drugs that are identified in rules adopted by the department and that are essential to services performed or provided by blood establishments and authorized for distribution by blood establishments under federal law; or

(V) To the extent authorized by federal law, drugs necessary to collect blood or blood components from volunteer blood donors; for blood establishment personnel to perform therapeutic procedures under the direction and supervision of a

licensed physician; and to diagnose, treat, manage, and prevent any reaction of a volunteer blood donor or a patient undergoing a therapeutic procedure performed under the direction and supervision of a licensed physician, as long as all of the health care services provided by the blood establishment are related to its activities as a registered blood establishment or the health care services consist of collecting, processing, storing, or administering human hematopoietic stem cells or progenitor cells or performing diagnostic testing of specimens if such specimens are tested together with specimens undergoing routine donor testing. The blood establishment may purchase and possess the drugs described in this sub-subparagraph without a health care clinic establishment permit.

2. Storage, handling, and recordkeeping of these distributions by a person required to be permitted as a restricted prescription drug distributor must be in accordance with the requirements for wholesale distributors under s. 499.0121.

3. A person who applies for a permit as a restricted prescription drug distributor, or for the renewal of such a permit, must provide to the department the information required under s. 499.012.

4. The department may adopt rules regarding the distribution of prescription drugs by hospitals, health care entities, charitable organizations, other persons not involved in wholesale distribution, and blood establishments, which rules are necessary for the protection of the public health, safety, and welfare.

5. A restricted prescription drug distributor permit is not

required for distributions between pharmacies that each hold an active permit under chapter 465, have a common ownership, and are operating in a freestanding end-stage renal dialysis clinic, if such distributions are made to meet the immediate emergency medical needs of specifically identified patients and do not occur with such frequency as to amount to the regular and systematic supplying of that drug between the pharmacies. The department shall adopt rules establishing when the distribution of a prescription drug under this subparagraph amounts to the regular and systematic supplying of that drug.

6. A restricted prescription drug distributor permit is not required for distributing medicinal drugs or prepackaged drug products between entities under common control that each hold either an active Class III institutional pharmacy permit under chapter 465 or an active health care clinic establishment permit under paragraph (r). For purposes of this subparagraph, the term "common control" has the same meaning as in s. 499.003(49)(a)3. ~~s. 499.003(48)(a)3.~~

Section 8. Paragraphs (i) and (l) of subsection (1) of section 499.05, Florida Statutes, are amended to read:

499.05 Rules.—

(1) The department shall adopt rules to implement and enforce this chapter with respect to:

(i) Additional conditions that qualify as an emergency medical reason under s. 499.003(49)(b)2. ~~s. 499.003(48)(b)2.~~ or s. 499.82.

(l) The recordkeeping, storage, and handling with respect to each of the distributions of prescription drugs specified in s. 499.003(49)(a)-(v) ~~s. 499.003(48)(a)-(v)~~ or s. 499.82(14).

Section 9. This act shall take effect July 1, 2025.

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL:	CS/SB 202
INTRODUCER:	Rules Committee; Senators Jones and Davis
SUBJECT:	Municipal Water and Sewer Utility Rates
DATE:	April 17, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Schrader	Imhof	RI	**Favorable**
2.	Shuler	Fleming	CA	**Favorable**
3.	Schrader	Yeatman	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 202 creates an exception to the maximum rates that a municipality may charge municipal water and sewer utility customers who are outside of the corresponding municipality's boundaries. The bill provides that if a municipal utility provides water or sewer services to another municipality and serves that other municipality using a facility or water or sewer plant located within that other municipality, then the utility must charge its customers within that other municipality the same rates, fees, and charges as it does for those customers within its own municipal boundaries.

The provisions of the bill are limited only to counties specified in s. 125.011(1), F.S. These counties are ones that have adopted a home rule charter, by resolution of its board of county commissioners, pursuant to ss. 10, 11, and 24 of Article VIII of the Florida Constitution of 1885, as preserved by Art. VIII, s. 6(e) of the State Constitution. Monroe, Hillsborough, and Miami-Dade counties are the only counties that could adopt a home rule charter under this provision, and, to date, only Miami-Dade has done so. Hillsborough has adopted a home rule charter, however, it has done so pursuant to Part IV of ch. 125, F.S., and, thus, would not meet the definition provided in s. 125.011(1), F.S.

The bill takes effect July 1, 2025.

II. Present Situation:

Florida Public Service Commission

The Florida Public Service Commission (PSC) is an arm of the legislative branch of government.[1] The role of the PSC is to ensure Florida's consumers receive utility services, including electric, natural gas, telephone, water, and wastewater, in a safe and reliable manner and at fair prices.[2] In order to do so, the PSC exercises authority over utilities in one or more of the following areas: rate base or economic regulation; competitive market oversight; and monitoring of safety, reliability, and service issues.[3] PSC authority over municipal utilities is more limited, however.

Water and Wastewater Utilities

Florida's Water and Wastewater System Regulatory Law, ch. 367, F.S., regulates water and wastewater systems in the state. Section 367.011, F.S., grants the PSC exclusive jurisdiction over each utility with respect to its authority, service, and rates. For the chapter, a "utility" is defined as "a water or wastewater utility and, except as provided in s. 367.022, F.S., includes every person, lessee, trustee, or receiver owning, operating, managing, or controlling a system, or proposing construction of a system, who is providing, or proposes to provide, water or wastewater service to the public for compensation." In 2023, the PSC had jurisdiction over 146 investor-owned water and/or waste-water utilities in 38 of Florida's 67 counties.[4]

Section 367.022, F.S., exempts certain types of water and wastewater operations from PSC jurisdiction and the provisions of ch. 367, F.S. (except as expressly provided in the chapter). Such exempt operations include: municipal water and wastewater systems, public lodging systems that only provide service to their guests, systems with a 100-person or less capacity, landlords that include service to their tenants without specific compensation for such service, and mobile home parks operating both as a mobile home park and a mobile home subdivision that provide "service within the park and subdivision to a combination of both tenants and lot owners, provided that the service to tenants is without specific compensation," and others.[5] The PSC also does not regulate utilities in counties that have exempted themselves from PSC regulation pursuant to s. 367.171, F.S. However, under s. 367.171(7), F.S., the PSC retains exclusive jurisdiction over all utility systems whose service crosses county boundaries, except for utility systems that are subject to interlocal utility agreements.

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[1] Section 350.001, F.S.
[2] *See* Florida Public Service Commission, *Florida Public Service Commission Homepage*, http://www.psc.state.fl.us (last visited Mar. 27, 2025).
[3] Florida Public Service Commission, *About the PSC*, https://www.psc.state.fl.us/about (last visited Mar. 27, 2025).
[4] Florida Public Service Commission, *2024 Facts and Figures of the Florida Utility Industry*, 29 https://www.floridapsc.com/pscfiles/website-files/PDF/Publications/Reports/General/FactsAndFigures/April%202024.pdf (last visited Mar. 27, 2025).
[5] Section 367.022, F.S.

Municipal Water and Sewer Utilities in Florida

A municipality[6] may establish a utility by resolution or ordinance under s. 180.03, F.S. A municipality may establish a service area within its municipal boundary or within five miles of its corporate limits of the municipality.[7]

Under s. 180.19, F.S., a municipality may permit another municipality and the owners or association of owners of lands outside of its corporate limits or within another municipality's corporate limits to connect to its utilities upon such terms and conditions as may be agreed upon between the municipalities.

Municipal Water and Sewer Utility Rate Setting

The PSC does not have jurisdiction over municipal water and sewer utilities, and as such, has no authority over the rates for such utilities. Municipally-owned water and sewer utility rates and revenues are regulated by their respective local governments, sometimes through a utility board or commission.

Municipal Water and Sewer Utility Rates for Customers Outside of Corporate Limits

Section 180.191, F.S., provides limitations on the rates that can be charged to customers outside their municipal boundaries. The first option is that such a municipality may charge the same rates outside as inside its municipal boundaries, but may add a surcharge of not more than 25 percent to those outside the boundaries.[8] The fixing of rates, fees, or charges for customers outside of the municipal boundaries, in this manner, does not require a public hearing.

Alternatively, a municipality may charge rates that are just and equitable and based upon the same factors used in fixing the rates for the customers within the boundaries of the municipality. In addition, the municipality may add a 25 percent surcharge. When a municipality uses this methodology, the total of all rates, fees, and charges for the services charged to customers outside the municipal boundaries may not be more than 50 percent in excess of the total amount the municipality charges consumers within its municipal boundaries, for corresponding service.[9] Under this scenario, the rates, fees, and charges may not be set until a public hearing is held and the users, owners, tenants, occupants of property served or to be served, and all other interested parties have an opportunity to be heard on the rates, fees, and charges. Any change in the rates, fees, and charges must also have a public hearing unless the change is applied pro rata to all classes of service, both inside and outside of the municipality.[10]

The provisions of s. 180.191, F.S., may be enforced by civil action. Whenever any municipality violates, or if reasonable grounds exist to believe that a municipality is about to violate, s. 180.191, F.S., an aggrieved party may seek preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order.[11] A prevailing party under

[6] Defined by s. 180.01, F.S., as "any city, town, or village duly incorporated under the laws of the state."
[7] Section 180.02, F.S., *see also* s. 180.06, F.S.
[8] Section 180.191(1)(a), F.S.
[9] Section 180.191(1)(b), F.S.
[10] *Id.*
[11] Section 180.191(2), F.S.

such an action may seek treble damages and, in addition, a reasonable attorney's fee as part of the cost.[12]

City of Miami Gardens v. City of North Miami Beach

The Norwood Water Treatment Plant (Norwood Plant), operated by the City of North Miami Beach (NMB), treats and distributes water for North Miami Beach's municipal water and wastewater utility which provides service to customers in NMB and the City of Miami Gardens. Though owned by NMB, the plant is physically located outside of the geographic boundaries of that municipality in what is now, since May 13, 2003,[13] within the geographic boundaries of Miami Gardens.[14]

On January 7, 2003, NMB adopted an ordinance, pursuant to s. 180.191, F.S., increasing the surcharge on its water and wastewater customers residing outside of its municipal boundaries. On May 22, 2017, NMB entered into an agreement for a private entity to maintain, repair and manage the Norwood Plant; however, NMB retained ownership of the plant.[15]
In December of 2018, Miami Gardens brought a class action lawsuit, which sought to represent not only itself, but also its residents who purchase water from the Norwood Plant. In part, Miami Gardens sought a declaratory judgment seeking the answers to three questions:

- If NMB assigned to a private contractor all operational responsibility for water utilities it owns that are located outside its geographical bounds, is NMB still "operating" those water utilities?
- If NMB is no longer "operating" water utilities it owns that are located outside its geographical bounds, may NMB lawfully charge a 25 percent surcharge on water provided to consumers within the City of Miami Gardens?
- Does s. 180.191, F.S., provide for the imposition of a 25 percent surcharge per billing cycle by NMB upon the City of Miami Gardens and the members of the class for water drawn from the aquifer located within the boundaries of the City of Miami Gardens which is processed in and never leaves the boundaries of the municipality?16

After the parties were given a chance to resolve the dispute for six months, the trial court eventually dismissed the complaint on four bases:

- NMB had terminated the contract with the private entity to operate the Norwood Plant, and thus the complaint was moot;
- The complaint was not supported by the plain language of s. 180.191(1), F.S;
- Statute of limitations, as the complaint had been filed 15 years after Miami Gardens was incorporated and 16 years after the surcharge had been put in place (citing to the four-year statute of limitations provided in s. 95.11(3), F.S; and
- Sovereign immunity.[17]

[12] Section 180.191(4), F.S.
[13] Miami Gardens was incorporated on May 13, 2003.
[14] *City of Miami Gardens v. City of N. Miami Beach*, 346 So. 3d 648, 650–51 (Fla. 3d DCA 2022). The City of North Miami Beach operated the Norwood Plant before the City of Miami Gardens was incorporated.
[15] *Id.*at 651.
[16] *Id.*
[17] *Id* at 653.

Miami Gardens appealed this dismissal to the Florida Third District Court of Appeal. The Third District Court reversed the dismissal and remanded the case back to the trial court, stating that:

- Sovereign immunity did not bar the claims of Miami Gardens. The court found that sovereign immunity did not apply in this matter since s. 180.191(4), F.S., clearly provides a financial damages remedy for actions pursuant to s. 180.191, F.S. In addition, the court found that sovereign immunity did not apply to refunds of previously paid illegal fees;
- Miami Gardens' allegation that an NMB-owned water treatment plant, contracted to be operated by a private party, was not entitled to assess a 25 percent surcharge on non-NMB residents, was sufficient to state a claim under s. 180.191, F.S.; and
- The matter was not moot, even though, since October 30, 2019, NMB had removed the surcharges for the services supplied to the City of Miami Gardens itself (but not for other residential and business customers) and, as of August 6, 2020, NMB had terminated its contract with the private entity operating the plant. The court found that Miami Gardens and its class still had a case and controversy as to whether it, and its residents, were due a refund and that the cessation of the surcharge was not permanent.[18]

On January 16, 2025, the trial court issued a final order approving a settlement that pays $9 million to Miami Gardens and its class from NMB.[19]

III. Effect of Proposed Changes:

Section 1 of the bill creates an exception to the maximum rates that municipalities may charge municipal water and sewer utility customers that are outside of the municipality's boundaries under s. 180.191, F.S. The bill provides that if a municipal utility provides water and sewer services to a second municipality, and serves that second municipality using a facility or water or sewer plant located within that second municipality, that municipality must charge the customers within that second municipality the same rates, fees, and charges as the customers within its own municipal boundaries.

The bill provides the following definitions:

- "Facility" means a water treatment facility, wastewater treatment facility, intake station, pumping station, well, and other physical components of a water or wastewater system. The term "facility" in the bill does not include facilities that transport water from the point of entry to a wastewater treatment facility, or from a water source or treatment facility to the customer.
- "Wastewater treatment facility" means a facility that accepts and treats domestic or industrial wastewater.
- "Water treatment facility" means a facility within a water system which can alter the physical, chemical, or bacteriological quality of water.

The provisions of the bill are limited only to counties specified in s. 125.011(1), F.S. These counties are ones that have adopted a home rule charter, by resolution of its board of county commissioners, pursuant to ss. 10, 11, and 24 of Article VIII of the Florida Constitution of 1885,

[18] *Id* at 653-58.
[19] *City of Miami Gardens v. City of North Miami Beach*, No. 2018-042450-CA-01 (Fla. 11th Cir. Ct. Jan. 16, 2025)(final order and judgment approving settlement agreement).

as preserved by Art. VIII, s. 6(e) of the State Constitution. Monroe, Hillsborough, and Miami-Dade counties are the only counties that could adopt a home rule charter under this provision, and, to date, only Miami-Dade has done so. Hillsborough has adopted a home rule charter, however, it has done so pursuant to Part IV of ch. 125, F.S.,[20] and, thus, would not meet the definition provided in s. 125.011(1), F.S.

Section 2 of the bill provides an effective date of the bill of July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, s. 18 of the Florida Constitution governs laws that require counties and municipalities to spend funds, limit the ability of counties and municipalities to raise revenue, or reduce the percentage of state tax shared with counties and municipalities.

Subsection (b) of Art. VII, s. 18 of the Florida Constitution provides that except upon approval of each house of the Legislature by two-thirds vote of the membership, the legislature may not enact, amend, or repeal any general law if the anticipated effect of doing so would be to reduce the authority that municipalities or counties have to raise revenue in the aggregate, as such authority existed on February 1, 1989. However, the mandates requirements do not apply to laws having an insignificant impact,[21] which is $2.4 million or less for Fiscal Year 2024-2025.[22]

The bill provides that if a municipal utility provides water or sewer services to another municipality and serves that other municipality using a facility or water or sewer plant located within that other municipality, then the utility must charge its customers within that other municipality the same rates, fees, and charges as it does for those customers within its own municipal boundaries. The provisions of the bill are limited only to counties specified in s. 125.011(1), F.S. These counties are ones that have adopted a home rule charter, by resolution of its board of county commissioners, pursuant to ss. 10, 11, and 24 of Article VIII of the Florida Constitution of 1885, as preserved by Art. VIII, s. 6(e) of the State Constitution. Monroe, Hillsborough, and Miami-Dade counties are the only counties that could adopt a home rule charter under this provision, and, to date, only Miami-Dade has done so. In the same situation under current law, the providing municipality could charge just and equitable rates, fees, and charges based on rate fixing factors, as well as a surcharge of up to 25 percent.

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[20] Hillsborough County, FL, Hillsborough Code, Appendix A-Legal Status Provisions of Ord. No. 83-9 (2025).
[21] FLA. CONST. art. VII, s. 18(d). An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year multiplied by $0.10. *See* Florida Senate Committee on Community Affairs, *Interim Report 2012-115: Insignificant Impact*, (September 2011), *available at* http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf (last visited Mar. 5, 2025).
[22] Based on the Demographic Estimating Conference's estimated population adopted on February 6, 2025. The conference packet is *available at* http://edr.state.fl.us/Content/conferences/population/index.cfm (last visited Mar. 5, 2025).

If the anticipated effect of this provision is a not insignificant reduction in a municipality's ability to raise revenue, the bill requires approval by two-thirds vote of the membership of both chambers of the legislature.

To the extent that the limitation on fees, which are meant to cover actual costs, requires municipalities to take actions requiring the not-insignificant expenditure of funds, the bill requires a finding of important state interest and approval by two-thirds vote of the membership in order to bind municipalities. Staff is not aware of any estimates on anticipated costs associated with the bill.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Municipal water and sewer utility customers that are located in a different municipality than the municipality that operates the utility may see a water and sewer rate reduction under the provisions of the bill if that customer's municipality contains facilities or water or sewer plants for the utility.

C. Government Sector Impact:

Municipal governments that operate a municipal water and sewer utility, with facilities or water or sewer plants located in a second municipality, may see a reduction in utility revenue under the provisions of the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 180.191 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Rules on April 16, 2025:
The committee substitute amends SB 202 to provide that the bill's provisions only apply to counties specified in s. 125.011(1), F.S. These counties are ones that have adopted a home rule charter, by resolution of its board of county commissioners, pursuant to ss. 10, 11, and 24 of Article VIII of the Florida Constitution of 1885, as preserved by Art. VIII, s. 6(e) of the State Constitution. Monroe, Hillsborough, and Miami-Dade counties are the only counties that could adopt a home rule charter under this provision, and, to date, only Miami-Dade has done so. Hillsborough has adopted a home rule charter, however, it has done so pursuant to Part IV of ch. 125, F.S., and, thus, would not meet the definition provided in s. 125.011(1), F.S.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

607430

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/16/2025	.	
	.	
	.	
	.	

The Committee on Rules (Jones) recommended the following:

Senate Amendment (with title amendment)

Delete line 60

and insert:

consumers inside its own municipal boundaries. This subsection applies only to a municipality located within a county as defined in s. 125.011(1). As used in this

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

And the title is amended as follows:

Delete line 8

607430

and insert:

providing applicability; defining terms; making technical changes; providing an

By Senator Jones

34-00510-25 2025202__

A bill to be entitled

An act relating to municipal water and sewer utility rates; amending s. 180.191, F.S.; requiring a municipality to charge customers receiving its utility services in another municipality the same rates, fees, and charges as it charges consumers within its municipal boundaries under certain circumstances; defining terms; making technical changes; providing an effective date.

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

Section 1. Present subsections (2), (3), and (4) of section 180.191, Florida Statutes, are redesignated as subsections (3), (4), and (5), respectively, a new subsection (2) is added to that section, and subsection (1) of that section is amended, to read:

180.191 Limitation on rates charged consumer outside city limits.—

(1) Any municipality within this ~~the~~ state operating a water or sewer utility outside of the boundaries of such municipality shall charge consumers outside the boundaries rates, fees, and charges determined in one of the following manners:

(a) It may charge the same rates, fees, and charges as consumers inside the municipal boundaries. However, in addition ~~thereto~~, the municipality may add a surcharge of not more than 25 percent of such rates, fees, and charges to consumers outside the boundaries, except as provided in subsection (2). Fixing of

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

34-00510-25 2025202__

such rates, fees, and charges in this manner does ~~shall~~ not require a public hearing except as may be provided for service to consumers inside the municipality.

(b) It may charge rates, fees, and charges that are just and equitable and that ~~which~~ are based on the same factors used in fixing the rates, fees, and charges for consumers inside the municipal boundaries, except as provided in subsection (2). In addition ~~thereto~~, the municipality may add a surcharge not to exceed 25 percent of such rates, fees, and charges for ~~said~~ services to consumers outside the boundaries. However, the total of all such rates, fees, and charges for the services to consumers outside the boundaries may ~~shall~~ not be more than 50 percent in excess of the total amount the municipality charges consumers served within the municipality for corresponding service. ~~No~~ Such rates, fees, and charges may not ~~shall~~ be fixed until after a public hearing at which all of the users of the water or sewer systems; owners, tenants, or occupants of property served or to be served thereby; and all others interested must ~~shall~~ have an opportunity to be heard concerning the proposed rates, fees, and charges. Any change or revision of such rates, fees, or charges may be made in the same manner as such rates, fees, or charges were originally established, but if such change or revision is to be made substantially pro rata as to all classes of service, both inside and outside the municipality, no hearing or notice is ~~shall be~~ required.

(2) A municipality within this state which operates a water or sewer utility providing service to customers in another recipient municipality, which also has a facility in that recipient municipality, shall charge consumers in the recipient

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

municipality the same rates, fees, and charges as it does the consumers inside its own municipal boundaries. As used in this subsection, the term:

(a) "Facility" means a water treatment facility, a wastewater treatment facility, an intake station, a pumping station, a well, and other physical components of a water or wastewater system. The term does not include:

1. Pipes, tanks, pumps, or other facilities that transport water from a water source or treatment facility to the consumer; or

2. Pipes, conduits, and associated appurtenances that transport wastewater from the point of entry to a wastewater treatment facility.

(b) "Wastewater treatment facility" means a facility that accepts and treats domestic wastewater or industrial wastewater.

(c) "Water treatment facility" means a facility within a water system which can alter the physical, chemical, or bacteriological quality of water.

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

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

The Florida Senate

APPEARANCE RECORD

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4/16/25
Meeting Date

Rules
Committee

202
Bill Number or Topic

Amendment Barcode (if applicable)

Name Bill Helmich

Phone 850 251 3126

Address 303 Johns Dr
Street

Tallahassee FL 32301
City *State* *Zip*

Email

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing: City of North Miami Beach

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

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4/16/25
Meeting Date

202
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Mayor Rodney Harris

Phone (786) 459-3419

Address 18605 NW 27th Ave
Street

Email

Miami Gardens Fl. 33056
City State Zip

Speaking: ☑ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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4/16/25
Meeting Date

SB 202
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Cameron Benson

Phone 9305-622-8000

Address 18605 NW 27th Ave
Street

Email CBenson@miamigardens-fl.gov

Miami Gardens, FL 33056
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

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☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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4-16-25
Meeting Date

Rules
Committee

SB 202
Bill Number or Topic

Amendment Barcode (if applicable)

Name Vice Mayor Robert Stephens

Phone (786) 523-5209

Address 18605 NW 27 Ave
Street

Email RStephens@miamigardens-FL.gov

Miami Gardens FL 33056
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

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☐ I am a registered lobbyist, representing:

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4/16-25
Meeting Date

Rules
Committee

SB 202
Bill Number or Topic

Amendment Barcode (if applicable)

Name Linda Julien Miami Gardens Councilwoman

Phone 786-695-1720

Address 18605 NW 37 Ave
Street

Email LJulien@miamigardens-FL.gov

Miami Gardens, FL 33056
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☑ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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04/16/2025
Meeting Date

Rules
Committee

SB 202
Bill Number or Topic

Amendment Barcode (if applicable)

Name Jileah B. Wilder

Phone 850-412-1115

Address 215 South Monroe Street
Street

Email Jwilder@beckerlawyers.com

Tallahassee FL 32301
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:
City of Miami Gardens

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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04/16/2025
Meeting Date

Rules
Committee

SB 202
Bill Number or Topic

Amendment Barcode (if applicable)

Name Yolanda Cash Jackson

Phone 850-412-1115

Address 215 South Monroe Street
Street

Email yjackson@beckerlawyers.com

Tallahassee FL 32301
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

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☒ I am a registered lobbyist, representing: City of Miami Gardens

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL:	CS/SB 430
INTRODUCER:	Education Pre-K - 12 Committee; Senator Simon and others
SUBJECT:	Cardiac Emergencies
DATE:	April 15, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jahnke	Bouck	ED	**Fav/CS**
2.	Gray	Elwell	AED	**Favorable**
3.	Jahnke	Yeatman	RC	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 430 requires school districts to provide basic training in first aid, including cardiopulmonary resuscitation (CPR), once during middle school in a physical education or health class and once during high school in a physical education or health class. The bill also requires that no later than July 1, 2027, every public school, including charter schools, must have at least one operational automated external defibrillator (AED) on school grounds. Specifically, public schools are required to:

- Ensure appropriate school staff are trained in first aid, CPR, and AED use.
- Maintain AEDs according to manufacturer specifications.
- Publicize and clearly mark AED locations.

The bill requires each public school to develop a Cardiac Emergency Response Plan (CERP) to guide school personnel in responding to sudden cardiac arrest or similar emergencies. Schools must collaborate with local emergency service providers to integrate their CERPs into the community's emergency response system.

The bill provides civil liability immunity to school employees and volunteers under the Good Samaritan Act and the Cardiac Arrest Survival Act. It also clarifies that schools required to maintain an AED for Florida High School Athletic Association (FHSAA) athletics do not automatically comply with this act.

The bill may have an indeterminate negative fiscal impact on local governments. **See Section V. Fiscal Impact Statement.**

The bill takes effect on July 1, 2025.

II. Present Situation:

Sudden Cardiac Arrest

Sudden cardiac arrest (SCA) is a significant health risk in school settings, particularly during vigorous physical activity such as athletic practices and games. Immediate intervention through cardiopulmonary resuscitation (CPR) and the use of an automated external defibrillator (AED) is crucial. Research indicates that individuals experiencing ventricular fibrillation, a common cause of SCA, have a survival rate of 50 percent or higher when CPR and AED treatment are administered within three to five minutes of collapse. In 2014 alone, approximately 360,000 cases of sudden cardiac arrest occurred in community settings across the United States, including schools, highlighting the importance of readily accessible AEDs on school grounds.[1]

CPR, First Aid, and AEDs

CPR is an emergency lifesaving procedure performed when the heart stops beating. Immediate CPR can double or triple the chances of survival after cardiac arrest by keeping the blood flow active until the arrival of trained medical staff.[2]

First aid refers to medical attention that is usually administered immediately on-site after the injury occurs. It often consists of a one-time, short-term treatment and requires little technology or training to administer. First aid can include cleaning minor cuts, scrapes, or scratches; treating a minor burn; applying bandages and dressings; the use of non-prescription medicine; draining blisters; removing debris from the eyes; massage; and drinking fluids to relieve heat stress.[3]

An AED is a lightweight, portable device that delivers an electric shock through the chest to the heart when it detects an abnormal rhythm and changes the rhythm back to normal. AEDs can greatly increase a cardiac arrest victim's chance of survival. Although formal AED training isn't required, it's recommended to increase the confidence level of the user, promoting better outcomes. [4]

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[1] American Heart Association, *Cardiac Emergency Response Planning for Schools: A Policy Statement* (2016), *available at* https://cpr.heart.org/-/media/CPR-Files/Training-Programs/Nation-of-Heartsavers/CERP/CERP-for-Schools-Policy-in-Brief.pdf.
[2] American Heart Association Emergency Cardiovascular Care, *What is CPR?, available at* https://cpr.heart.org/en/resources/what-is-cpr (last visited Mar. 20, 2025).
[3] Occupational Safety and Health Administration, *What is First Aid?, available at* https://www.osha.gov/medical-first-aid/recognition (last visited Mar. 20, 2025).
[4] American Heart Association, *What Is an Automated External Defibrillator?,* available at https://www.heart.org/-/media/files/health-topics/answers-by-heart/what-is-an-aed.pdf (last visited Mar. 20, 2025).

AEDs on School Grounds

Since 2006, a public school that is a member of the Florida High School Athletic Association (FHSAA)[5] has been required to have an operational AED on school grounds.[6] In 2020, the "Zachary Martin Act" required the AED to be in a clearly marked and publicized location for each athletic contest, practice, workout, or conditioning session, including those conducted outside of the school year. Public and private partnerships are encouraged to cover the cost associated with the purchase and placement of the AED and training in the use of the AED.

Beginning in 2021, a school employee or volunteer with current training in CPR and the use of an AED must be present at every athletic event during and outside of the school year, including athletic contests, practices, workouts, and conditioning sessions. The training must include completion of a course in CPR or a basic first aid course that includes CPR training and demonstrated proficiency in the use of an AED. Each employee or volunteer who is reasonably expected to use an AED must complete this training.

The location of the AED must be registered with a local emergency medical services medical director and each employee or volunteer required to complete the training must be notified annually in writing of the location of the AED on school grounds. The use of defibrillators by employees and volunteers is covered under the Good Samaritan Act and the Cardiac Arrest Survival Act.[7]

Athletic coaches employed by a public school, not just schools that are members of the FHSAA, must hold and maintain certification in CPR, first aid, and the use of an AED. The certification must be consistent with national evidence-based emergency cardiovascular care guidelines.[8]

State Required Cardiopulmonary Resuscitation Training

According to the American Heart Association, 40 states and Washington D.C. have passed laws or adopted curriculum requiring hands-on, guidelines-based CPR training for students to graduate high school.[9]

Florida school districts are encouraged, but not required, to provide basic first aid training, including CPR, to students in grades six and eight. However, districts must provide this training to students in grades nine and 11. The training must include CPR and follow a one-hour, nationally recognized program based on the most current, evidence-based emergency cardiovascular care guidelines.

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[5] Section 1006.20, F.S.
[6] Ch. 2006-301, Laws of Fla.
[7] Section 1006.165(1) F.S.
[8] Section 1012.55(2), F.S.
[9] CPR and AED Laws, *State CPR education requirements for schools,* https://www.sca-aware.org/about-sudden-cardiac-arrest/cpr-and-aed-laws#:~:text=State%20CPR%20education%20requirements%20for,students%20before%20high%20school%20graduation, (last visited March 20,2025).

Instruction must allow students to practice psychomotor skills for performing CPR and using an AED if the school has the necessary equipment. Additionally, school districts are encouraged to form public and private partnerships to support training and funding needs. [10]

School Wellness Policy

Each school district is required to electronically submit its local school wellness policy to the Department of Agriculture.[11] The local school wellness policy is a written plan that includes goals aimed at creating a healthy school environment.[12]

As part of the model local school wellness policy, districts are encouraged to integrate wellness activities across the entire school setting to promote student well-being. One suggested activity includes a health services component, which must provide a coordinated program of accessible health services for both students and staff. The program must include, but is not limited to:

- Violence prevention
- School safety
- Communicable disease prevention
- Health screenings, including body mass index (BMI)
- Community health referrals
- Immunizations
- Parenting skills
- First aid and CPR training. [13]

III. Effect of Proposed Changes:

This bill amends s. 1003.453, F.S., to require school districts to, instead of encouraging, provide basic training in first aid, including cardiopulmonary resuscitation, once in middle school in a physical education or health class and once in high school in a physical education or health class. The instruction in both the middle and high school courses must:

- Allow students to practice the psychomotor skills associated with performing cardiopulmonary resuscitation; and
- Include the use of an automated external defibrillator.

The bill creates s. 1003.457, F.S., Cardiac emergencies and automated external defibrillators on school ground, to require each public school district to develop a cardiac emergency response plan (CERP) that addresses the appropriate use of school personnel to respond to incidents involving an individual experiencing sudden cardiac arrest or a similar life-threatening emergency while on school grounds. School districts are required to work directly with local emergency service providers to integrate the CERP into the community's emergency responder protocols.

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[10] Section 1003.453(3), F.S.
[11] Section 1003.453(1), F.S.
[12] Florida Department of Agriculture, *Local School Wellness Policies,* https://www.fdacs.gov/Food-Nutrition/Nutrition-Programs/National-School-Lunch-Program/Wellness-Policies. (last visited March 20, 2025).
[13] Florida Department of Agriculture, *FDACS Model Local School Wellness Policy, available at* https://www.fdacs.gov/content/download/72589/file/ModelLocalSchoolWellnessPolicy3-2020-f6379e0d1df4485c85ffcc772cb52917.pdf.

The bill also requires that no later than July 1, 2027, each public school including charter schools, must have at least one operational automated external defibrillator on school grounds. The defibrillator must be available in a clearly marked and publicized location. Schools are required to maintain the defibrillator according to the manufacturer's recommendations and maintain all verification records for such defibrillators. Schools are also required to:

- Ensure appropriate school staff are trained in first aid, cardiopulmonary resuscitation, and defibrillator use.
- Register the location of each defibrillator with a local emergency medical services medical director.

The bill provides that school employees are immune from civil liability under the Good Samaritan Act[14] and the Cardiac Arrest Survival Act.[15] The bill clarifies that a public school that is a member of the Florida High School Athletic Association (FHSAA) and required to maintain an operational AED on campus related to athletics does not constitute compliance with this act.

Finally, the bill requires the State Board of Education to adopt rules.

The bill takes effect on July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

[14] Section 786.13, F.S.
[15] Section 786.1325, F.S.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Providing training to students and appropriate school staff would pose a fiscal impact to the districts. The requirement for each public school, including charter schools, to have at least one operational automated external defibrillator on school grounds would not pose an immediate impact as this provision is not required until July 1, 2027. Upon the implementation date, there would be an indeterminate fiscal impact to school districts to purchase and maintain the automated external defibrillator (AED). Based on a recent survey by the Florida Association of District School Superintendents, with 38 of 67 school districts responding, many schools in these districts reported having at least one AED in addition to the AED required for FHSAA member schools.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill substantially amends section 1003.453 of the Florida Statutes.

This bill creates section 1003.457 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Education Pre-K-12 on March 17, 2025:
The committee substitute maintains provisions in SB 430, with modifications. The committee substitute:

- Removes annual automated external defibrillators (AED) reporting requirements related to AED use and success.
- Removes the authorization for the Department of Education (DOE) to reimburse school districts and charter schools for up to 50 percent of the total AED purchase price.
- Requires appropriate school staff to be trained in first aid, cardiopulmonary resuscitation (CPR), and AED use.
- Requires the State Board of Education to adopt administrative rules.

The committee substitute also adds the following requirements:

- School districts must provide basic training in first aid and CPR in a physical education or health class once in middle school and once in high school.
- The CPR training must allow students to practice the psychomotor skills associated with performing CPR and include the use of an AED.
- Public schools must develop a cardiac emergency response plan (CERP) that addresses the appropriate use of school personnel to respond to incidents involving an individual experiencing sudden cardiac arrest or similar life-threatening emergency while on school grounds. In addition:
  - Each CERP must integrate evidence-based core elements.
  - School officials must work directly with local emergency service providers to integrate the CERP into the community's emergency responder protocols.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By the Committee on Education Pre-K - 12; and Senators Simon and Burgess

581-02506-25 2025430c1

A bill to be entitled

An act relating to cardiac emergencies; amending s. 1003.453, F.S.; revising requirements for instruction on cardiopulmonary resuscitation and the use of an automated external defibrillator; creating s. 1003.457, F.S.; requiring each public school to develop a cardiac emergency response plan (CERP); requiring school officials to work with local emergency service providers to integrate the CERP into emergency responder protocols; requiring public schools, including charter schools, to have at least one operational automated external defibrillator on school grounds by a specified date; providing requirements for the placement and maintenance of the defibrillators; requiring that certain school staff receive specified training as determined by the CERP; providing immunity from liability for school employees and volunteers under the Good Samaritan Act and the Cardiac Arrest Survival Act; providing construction; requiring the State Board of Education to adopt rules; providing an effective date.

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

Section 1. Subsection (3) of section 1003.453, Florida Statutes, is amended to read:

1003.453 School wellness and physical education policies; nutrition guidelines.—

(3) School districts must ~~are encouraged to~~ provide basic

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

581-02506-25 2025430c1

training in first aid, including cardiopulmonary resuscitation, once in middle school in a physical education or health class and once in high school in a physical education or health class. Instruction in the use of cardiopulmonary resuscitation must:

(a) Allow students to practice the psychomotor skills associated with performing cardiopulmonary resuscitation; and

(b) Include the use of an automated external defibrillator ~~for all students in grade 6 and grade 8. School districts are required to provide basic training in first aid, including cardiopulmonary resuscitation, for all students in grade 9 and grade 11. Instruction in the use of cardiopulmonary resuscitation must be based on a one-hour, nationally recognized program that uses the most current evidence-based emergency cardiovascular care guidelines. The instruction must allow students to practice the psychomotor skills associated with performing cardiopulmonary resuscitation and use an automated external defibrillator when a school district has the equipment necessary to perform the instruction. Private and public partnerships for providing training or necessary funding are encouraged~~.

Section 2. Section 1003.457, Florida Statutes, is created to read:

1003.457 Cardiac emergencies and automated external defibrillators on school grounds.—

(1) Each public school shall develop a cardiac emergency response plan (CERP) that addresses the appropriate use of school personnel to respond to incidents involving an individual experiencing sudden cardiac arrest or a similar life-threatening emergency while on school grounds. Each CERP must integrate

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evidence-based core elements.

(2) School officials shall work directly with local emergency service providers to integrate the CERP into the community's emergency responder protocols.

(3)(a) No later than July 1, 2027, each public school, including charter schools, must have at least one operational automated external defibrillator on school grounds. The defibrillator must be available in a clearly marked and publicized location. Schools must maintain the defibrillator according to the manufacturer's recommendations and maintain all verification records for such defibrillators.

(b) Appropriate school staff must be trained in first aid, cardiopulmonary resuscitation, and defibrillator use.

(c) The location of each defibrillator must be registered with a local emergency medical services medical director.

(d) The use of defibrillators by school employees and volunteers is covered under ss. 768.13 and 768.1325.

(4) Compliance with the requirements of s. 1006.165 does not constitute compliance with this section.

(5) The State Board of Education shall adopt rules to administer this section.

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

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

The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: April 10th, 2025

I respectfully request that **Senate Bill # 430**, relating to Cardiac Emergencies, be placed on the:

☐ Committee agenda at your earliest possible convenience.

☒ Next committee agenda.

Senator Corey Simon
Florida Senate, District 3

File signed original with committee office

S-020 (03/2004)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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4/16/25
Meeting Date

Rules
Committee

SB 430
Bill Number or Topic

Amendment Barcode (if applicable)

Name Tiffany McCaskill Henderson

Phone 850 933 5928

Address remote
Street

Email tiffany.henderson@heart.org

Tallahassee FL 32317
City State Zip

Speaking: ☑ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing: American Heart Association

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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04/16/2025
Meeting Date

Rules
Committee

SB 430
Bill Number or Topic

Amendment Barcode (if applicable)

Name Marnie George

Phone (850) 510-8866

Address P.O. Box 10805
Street

Email marnie@teamjb.com

Tallahassee FL 32302
City *State* *Zip*

Reset Form

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☑ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
FL Chapter, Am College of Cardiology

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL:	CS/SB 540
INTRODUCER:	Education Pre-K - 12 Committee; Senators Collins and Burgess
SUBJECT:	Disability History and Awareness Instruction
DATE:	April 15, 2025 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brick	Bouck	ED	**Fav/CS**
2.	Brick	Yeatman	RC	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 540 designates the act as the "Evin B. Hartsell Act" and amends s. 1003.4205, F.S., relating to disability history and awareness instruction.

The bill directs the Department of Education (DOE) to develop statewide curricula for disability history and awareness for the following grade ranges:

- Kindergarten through grade 3 – an introduction to physical disabilities and bullying;
- Grades 4 through 6 – autism spectrum disorder;
- Grades 7 through 9 – hearing impairments;
- Grades 10 through 12 – learning styles and intellectual disabilities.

The bill authorizes the DOE to consult with the Evin B. Hartsell Foundation to assist in developing the required curricula.

The bill takes effect July 1, 2025.

II. Present Situation:

Disability History and Awareness Instruction

Each district school board may provide disability history and awareness instruction in all K-12 public schools in the district during the first two weeks in October each year. District school

boards that provide this instruction must designate these two weeks as "Disability History and Awareness Weeks."[1]

Content and Scope of Instruction

During this two-week period, students may be provided intensive instruction to expand their knowledge, understanding, and awareness of individuals with disabilities, the history of disability, and the disability rights movement. Disability history may include the events and timelines of the development and evolution of services to, and the civil rights of, individuals with disabilities. Disability history may also include the contributions of specific individuals with disabilities, including the contributions of acknowledged national leaders.[2]

The instruction may be integrated into the existing school curriculum in ways including, but not limited to, supplementing lesson plans, holding school assemblies, or providing other school-related activities. The instruction may be delivered by qualified school personnel or by knowledgeable guest speakers, with a particular focus on including individuals with disabilities.[3]

Goals and Intended Outcomes

The goals of disability history and awareness instruction include:[4]

- Better treatment for individuals with disabilities, especially for youth in school, and increased attention to preventing the bullying or harassment of students with disabilities.
- Encouragement to individuals with disabilities to develop increased self-esteem, resulting in more individuals with disabilities gaining pride in being an individual with a disability, obtaining postsecondary education, entering the workforce, and contributing to their communities.
- Reaffirmation of the local, state, and federal commitment to the full inclusion in society of, and the equal opportunity for, all individuals with disabilities.

Evin B. Hartsell Foundation

The Evin B. Hartsell Foundation is a nonprofit organization dedicated to promoting disability awareness, education, and advocacy. The foundation's mission is to inspire the world to understand and appreciate the true value of people with disabilities, just like Evin did.[5]

The foundation offers educational initiatives aimed at increasing public understanding of disability history. The foundation also develops curriculum materials and educator training resources to support disability awareness instruction in schools.[6]

In collaboration with the University of South Florida, the foundation established the Evin B. Hartsell Endowed Memorial Scholarship, which supports students participating in the

[1] Section 1003.4205(1), F.S.
[2] Section 1003.4205(2)(a), F.S.
[3] Section 1003.4205(2)(b), F.S.
[4] Section 1003.4205(3), F.S.
[5] Evin B. Hartsell Foundation, *About*, https://evinbhartsell.com/about/ (last visited Mar. 19, 2025).
[6] Evin B. Hartsell Foundation, *Education and Awareness*, https://evinbhartsell.com/education-awareness/ (last visited Mar. 19, 2025).

Interdisciplinary Training Program of the Florida Center for Inclusive Communities. This scholarship prioritizes students pursuing degrees in social work, psychology, or counseling, with preference given to individuals with disabilities, U.S. military veterans, and students with a GPA of 3.0 or higher.[7]

III. Effect of Proposed Changes:

CS/SB 540 designates the act as the "Evin B. Hartsell Act" and amends s. 1003.4205, F.S., relating to disability history and awareness instruction.

The bill directs the Department of Education (DOE) to develop statewide curricula for disability history and awareness for the following grade ranges:

- Kindergarten through grade 3 – an introduction to physical disabilities and bullying;
- Grades 4 through 6 – autism spectrum disorder;
- Grades 7 through 9 – hearing impairments;
- Grades 10 through 12 – learning styles and intellectual disabilities.

The bill authorizes the DOE to consult with the Evin B. Hartsell Foundation to assist in developing the required curricula.

The bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

[7] University of South Florida, *Evin B. Hartsell Foundation Gift Establishes Endowed Memorial Scholarship*, Dec. 14, 2021, https://www.usf.edu/cbcs/news/2021/hartsell-gift.aspx (last visited Mar. 19, 2025).

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1003.4205 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Education Pre-K -12 on March 31, 2025:

- Removes the bill's requirement that all K-12 public schools provide disability history and awareness instruction during a designated two-week period in October, and instead maintains current law, under which each district school board may choose whether to offer the instruction.
- Removes the requirement that district school boards implement grade-specific instructional content and instead directs the Department of Education to develop statewide curricula for four specified grade ranges.
- Specifies the content to be included in the Department-developed curricula by grade range as follows:
  - For kindergarten through grade 3, instruction must address physical disabilities and bullying;
  - For grades 4 through 6, instruction must address autism spectrum disorder;
  - For grades 7 through 9, instruction must address hearing impairments; and
  - For grades 10 through 12, instruction must address learning styles and intellectual disabilities.
- Authorizes the Department of Education to consult with the Evin B. Hartsell Foundation in developing the required curricula.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

539358

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/16/2025	.	
	.	
	.	
	.	

The Committee on Rules (Collins) recommended the following:

Senate Amendment (with title amendment)

Delete lines 14 - 16

and insert:

Section 2. Subsection (1) and paragraph (a) of subsection (2) of section 1003.4205, Florida Statutes, are amended to read:

1003.4205 Disability history and awareness instruction.—

(1) Each district school board may provide, and each private school receiving state scholarship funds under s. 1002.394 or s. 1002.395 may provide, disability history and awareness instruction in all K-12 public schools and

539358

participating private schools in the district during the first 2 weeks in October each year. The participating district school boards and private schools ~~board~~ shall designate these 2 weeks as "Disability History and Awareness Weeks."

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

And the title is amended as follows:

Delete line 4

and insert:

1003.4205, F.S.; authorizing certain private schools to participate in Disability History and Awareness Weeks; requiring the Department of Education

By the Committee on Education Pre-K - 12; and Senators Collins and Burgess

581-03086-25 2025540c1

A bill to be entitled

An act relating to disability history and awareness instruction; providing a short title; amending s. 1003.4205, F.S.; requiring the Department of Education to develop specified curricula; authorizing the department to consult with the Evin B. Hartsell Foundation to further develop such curricula; providing an effective date.

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

Section 1. This act may be cited as the "Evin B. Hartsell Act."

Section 2. Paragraph (a) of subsection (2) of section 1003.4205, Florida Statutes, is amended to read:

1003.4205 Disability history and awareness instruction.—

(2)(a) During this 2-week period, students may be provided intensive instruction to expand their knowledge, understanding, and awareness of individuals with disabilities, the history of disability, and the disability rights movement. Disability history may include the events and timelines of the development and evolution of services to, and the civil rights of, individuals with disabilities. Disability history may also include the contributions of specific individuals with disabilities, including the contributions of acknowledged national leaders.

1. The Department of Education shall develop the following curricula for the grade levels specified:

a. For kindergarten through grade 3, an introduction to

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581-03086-25 2025540c1

physical disabilities and bullying.

b. For grades 4 through 6, autism spectrum disorder.

c. For grades 7 through 9, hearing impairments.

d. For grades 10 through 12, learning styles and intellectual disabilities.

2. The department may consult with the Evin B. Hartsell Foundation to further develop the curricula in subparagraph 1.

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

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

The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: April 2, 2025

I respectfully request that **Senate Bill #540**, relating to Disability History and Awareness Instruction, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Senator Jay Collins
Florida Senate, District 14

File signed original with committee office

S-020 (03/2004)

The Florida Senate

APPEARANCE RECORD

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4/16/25
Meeting Date

Rules
Committee

540
Bill Number or Topic

Amendment Barcode (if applicable)

Name Liliana Diaz

Phone 305-490-3414

Address 10945 SW 82 Ave
Street

Email

Miami FL 33156
City *State* *Zip*

Speaking: ☒ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

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The Florida Senate

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4-16-2025
Meeting Date

RULES
Committee

SB 540
Bill Number or Topic

Amendment Barcode (if applicable)

Name Melisa HARTSELL Phone

Address Evin B. HARTSELL Foundation Email
Street
(President)

City *State* *Zip*

Speaking: ☒ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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4-16-25
Meeting Date

Rules
Committee

SB 0540
Bill Number or Topic

Amendment Barcode (if applicable)

Name Vivian Pennywells

Phone (850) 566-7219

Address PO Box 7371
Street

Email vivian@arcflorida.org

Tallahassee, FL 32314
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☑ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing: The Arc of Florida

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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4/16
Meeting Date

540
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Joe McCann, The Family Cafe, Inc.

Phone 850 322 6858

Address 713 E. Park Ave.
Street

Email JMccann@Familycafe.net

Tallahassee FL 32301
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☑ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☑ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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4/16/2025
Meeting Date

J. RULES
Committee

SB 540
Bill Number or Topic

Amendment Barcode (if applicable)

Name KEYNA CORY

Phone 850 566-9575

Address 730 E. PARK AVE
Street

Email keynacory@paconsultants.com

TALLAHASSEE FL 32301
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:
FLORIDA GOODWILL ASSN

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL:	CS/CS/SB 650
INTRODUCER:	Appropriations Committee on Pre-K - 12 Education; Transportation Committee; Senators Leek and Rouson
SUBJECT:	Hazardous Walking Conditions
DATE:	April 15, 2025 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Shutes	Vickers	TR	**Fav/CS**
2.	Gray	Elwell	AED	**Fav/CS**
3.	Shutes	Yeatman	RC	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 650 expands the criteria for identifying hazardous walking conditions for public elementary school students to include walkway that is along a limited access..

The bill may have an indeterminate negative fiscal impact on local governments. **See Section V. Fiscal Impact Statement.**

This bill takes effect July 1, 2025.

II. Present Situation:

Hazardous Walking Conditions

Hazardous walking conditions are classified based on statutory criteria for walkways that are parallel or perpendicular to a road, as well as for crossings over the road at uncontrolled sites that students must use to walk to and from school.[1]

[1] Section 1006.23(2), F.S.

The purpose of identifying hazardous walking conditions is to ensure that public school students, whose grade level does not exceed grade six[2] and who live within two miles of their school are eligible for state transportation funding if they walk to school and are subjected to such conditions.[3] State funds are generally not allocated for transporting these students unless a hazardous walking condition is identified.[4]

The following statutory criteria define hazardous walking conditions for walkways parallel to the road.

Walkways Parallel to the Road

A hazardous walking condition exists for walkways parallel to the road when there is less than a four-foot wide surface adjacent to the road for students to walk, not including drainage ditches, sluiceways, swales, or channels. Additionally, if the road is uncurbed and has a posted speed limit of 50 miles per hour or greater, the walking surface must be set back at least three feet from the edge of the road, or it will be identified as a hazardous walking condition.

A condition on a parallel walkway may not be designated as hazardous if:
- The volume of traffic on the road is less than 180 vehicles per hour, per direction, during the time when students walk to and from school; or
- The road is located in a residential area with a posted speed limit of 30 miles per hour or less.[5]

Inspecting, Determining, and Reporting Hazardous Walking Conditions

Identification of hazardous walking conditions begins when the district school superintendent requests a review of a condition perceived to be hazardous for students who live within the two-mile limit of a school and who walk to school.

Once a request for review is received, the perceived hazardous walking condition must be jointly inspected by a representative of the:
- school district;
- state or local governmental entity with jurisdiction over the location; and
- either a municipal police department, the sheriff's office, or the Florida Department of Transportation (FDOT).

Under current law, the governmental representatives must determine whether the condition constitutes a hazardous walking condition. If the governmental representatives concur that a condition constitutes a hazardous walking condition, the governmental entity with jurisdiction must report that determination in writing to the superintendent, who then initiates a formal request for correction.

[2] Section 1006.23(1), F.S.
[3] Section 1006.23(4), F.S.
[4] Section 1011.68(1), F.S.
[5] Section 1006.23(2), F.S.

If the governmental representatives are unable to reach a consensus, the reasons for lack of consensus are reported to the superintendent, who must provide a report and recommendation to the district school board. The board may initiate a proceeding under Chapter 86 of the Florida Statutes, to determine whether the condition constitutes a hazardous walking condition after providing at least 30 days' notice to the state or local governmental entity having jurisdiction over the road. [6]

Roadway Definitions and Access

The FDOT Design Manual sets forth design criteria, as well as procedures, for all new construction, reconstruction, and resurfacing projects on the State Highway System and the National Highway System. The manual utilizes a functional classification that groups streets and highways into classes, or systems, according to the character of service they are intended to provide. Relevant definitions include:

- *Freeway*: A freeway is a divided highway that provides full control of access (i.e. limited access) and is intended for long distance trips.
- *Expressway*: Expressways are freeways situated in major metropolitan areas with primary service for commuters; and may or may not be tolled.
- *Ramp*: A turning roadway that connects a freeway to a crossing roadway within an interchange. [7]

Section 316.091, F.S., prohibits the operation of a bicycle or other human-powered vehicle on the roadway or along the shoulder of a limited access highway, including bridges, unless official signs and a designated, marked bicycle lane are present at the entrance of the section of highway indicating that such use is permitted pursuant to a pilot program of the FDOT.[8]

Safe Routes to School Program

The Safe Routes to School (SRTS) is a statewide program funded by the FDOT. Its goal is to make it safer for more children to walk and bicycle to school. The program provides funding for roadway improvement projects that improve safety near schools. The program funds projects that address unsafe or lack of infrastructure, as well as programs that promote walking and bicycling through education/encouragement programs aimed at children, parents, and the community.[9]

A 2022 OPPAGA report found that for Fiscal Years 2016-2017 through 2021-2022, FDOT allocated approximately $40 million to 30 school districts for 109 SRTS projects. Most of the SRTS projects involved the construction of sidewalks.[10]

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[6] Section 1006.23(3), F.S.

[7] Florida Department of Transportation, *FDOT Design Manual 2025*, at 1, *available at* https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/roadway/fdm/2025/2025-fdm-complete.pdf?sfvrsn=624b0e74_10

[8] Section 316.091(4), F.S.

[9] Florida Department of Transportation, *What is Florida SRTS?*, available at https://www.fdot.gov/projects/floridasrts/florida-safe-routes-to-school/what-is-florida-srts (last visited March 22, 2025).

[10] OPPAGA, *Hazardous Walking Conditions in Florida: A 2022 Analysis* (2022), at 45, available at https://ricksblog.biz/wp-content/uploads/2022/08/OPPAGA-Research-Hazardous-Walking-Conditions-07-26-2022.pdf (last visited March 22, 2025).

III. Effect of Proposed Changes:

The bill expands the criteria for identifying hazardous walking conditions for public elementary school students who use walkways parallel to the road to walk to and from school. The bill adds that a walkway is also considered hazardous if it is along a street or highway that is specifically designed for through traffic, and over, from, or to which owners or occupants of abutting land have no right of access. Such highways or streets may be facilities from which trucks, buses, and other commercial vehicles are excluded, or they may be facilities open to use by all customary forms of street and highway traffic.

It is unclear from the bill, but local school districts may be required to purchase additional buses for increased transportation services for students who currently use walkways that would be considered hazardous under the requirements of the bill.

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

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill could increase the number of students eligible for school transportation services. As a result, school districts may incur costs related to the purchase of additional buses for increased transportation services. Thus, the bill could have an indeterminate negative fiscal impact on local government expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends section 1006.23 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS by Appropriations Committee on Pre-K - 12 Education on April 10, 2025:
The committee substitute modifies the bill to specify a walkway that is along a limited access facility shall be included as a hazardous walking condition.

CS by Transportation on March 12, 2025:
The committee substitute removed the reference in the bill related to expressways.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By the Appropriations Committee on Pre-K - 12 Education; the Committee on Transportation; and Senators Leek and Rouson

602-03445-25 2025650c2

A bill to be entitled

An act relating to hazardous walking conditions; amending s. 1006.23, F.S.; revising the criteria that determine a hazardous walking condition for public school students; providing an effective date.

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

Section 1. Paragraph (a) of subsection (2) of section 1006.23, Florida Statutes, is amended to read:

1006.23 Hazardous walking conditions.—

(2) HAZARDOUS WALKING CONDITIONS.—

(a) *Walkways parallel to the road.*—

1. It shall be considered a hazardous walking condition with respect to any road along which students must walk in order to walk to and from school if there is not an area at least 4 feet wide adjacent to the road, not including drainage ditches, sluiceways, swales, or channels, having a surface upon which students may walk without being required to walk on the road surface or if the walkway is along a limited access facility as defined in s. 334.03(12). In addition, whenever the road along which students must walk is uncurbed and has a posted speed limit of 50 miles per hour or greater, the area as described above for students to walk upon shall be set off the road by no less than 3 feet from the edge of the road.

2. Subparagraph 1. does not apply when the road along which students must walk:

a. Is a road on which the volume of traffic is less than 180 vehicles per hour, per direction, during the time students

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

602-03445-25 2025650c2

walk to and from school; or

b. Is located in a residential area and has a posted speed limit of 30 miles per hour or less.

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

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

The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: April 10, 2025

I respectfully request that **Senate Bill #650**, relating to Hazardous Walking Conditions, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Sincerely,

Sen. Tom Leek
Florida Senator, District 7

File signed original with committee office

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL:	CS/CS/SB 818
INTRODUCER:	Rules Committee; Transportation Committee and Senator McClain
SUBJECT:	Utility Relocation
DATE:	April 17, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Schrader	Imhof	RI	**Favorable**
2.	Johnson	Vickers	TR	**Fav/CS**
3.	Schrader	Yeatman	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 818 amends the process under which utilities located within the right-of-way of a public road or publicly-owned rail corridor must be relocated when such utility is found by an authority (Florida Department of Transportation (FDOT) and local government entities) to be unreasonably interfering in any way with the convenient, safe, or continuous use, or the maintenance, improvement, extension, or expansion, of such public road or publicly-owned rail corridor. The general requirement is that utility owners must pay for such relocation.

The bill creates a grant program within the Department of Commerce (DCM), funded by a portion of local communications services tax revenue, to reimburse providers of communications services which are subject to the state's communications services tax provisions (ch. 202, F.S.), for relocation expenses directly attributable to the physical relocation of facilities required by a county or municipal authority. The bill provides that 7.5 percent of the communications services tax levied by municipalities or counties must be distributed to the DCM to fund the Utility Relocation Reimbursement Grant Program established by the bill. If this grant program lacks the funds to pay for such relocation, the burden to pay for such relocation is shifted to the county or municipal authority.

The bill also revises the process for communications services providers that have permitted infrastructure within a planned or existing public right-of-way within 90 days after a project is added to the department's project schedule which may require the provider to relocate its infrastructure for roadway improvements to increase safety or reduce congestion. In addition to

revising notification requirements, the bill requires, for certain relocations, that the department incur at least 50 percent of the cost of the relocation. The department is defined as FDOT and the Greater Miami, Tampa, and Central Florida Expressway Authorities and the Jacksonville Transportation Authority.

The bill provides a legislative finding and declaration that the bill fulfills an important state interest.

The bill has an effective date of July 1, 2025.

II. Present Situation:

Utility Use of Right of Way

Florida law authorizes an authority, defined as the Florida Department of Transportation (FDOT) and local governmental entities,[1] with jurisdiction and control of public roads or publicly-owned rail corridors to prescribe and enforce reasonable rules or regulations regarding the placement and maintenance of utilities within their rights-of-way.[2] For the purposes of this provision, the term "utility" is defined to mean electric transmission, voice, telegraph, data, or other communications services lines or wireless facilities; pole lines; poles; railways; ditches; sewers; water, heat, or gas mains; pipelines; fences; gasoline tanks and pumps; or other structures.[3]

An authority may grant such a utility the use of its right-of-way in accordance with its rules or regulations. A utility may not be installed, located, or relocated unless authorized by an authority-issued permit. However, for roads or rail corridors under FDOT's jurisdiction, in lieu of a written permit, a utility relocation schedule and relocation agreement may be executed. A utility permit must require that the permitholder is responsible for any damage resulting from the issuance of such permit.[4]

Payment for Moving or Removing Utilities and Exceptions

Section 337.403(1), F.S., requires utilities to bear the cost of relocating utilities placed upon, under, over, or within the right-of-way limits of any public road or publicly-owned rail corridor which is found by the authority to be unreasonably interfering in any way with the convenient, safe, or continuous use, or the maintenance, improvement, extension, or expansion, of such public road or publicly-owned rail corridor. The requirements of s. 337.403(1), F.S., apply even if the utility is within a public utility easement and the utility owner has a franchise agreement

[1] Section 334.03(13), F.S., defines the term "local governmental entity" to mean a unit of government with less than statewide jurisdiction, or any officially designated public agency or authority of such a unit of government, that has the responsibility for planning, construction, operation, or maintenance of, or jurisdiction over, a transportation facility; the term includes, but is not limited to, a county, an incorporated municipality, a metropolitan planning organization, an expressway or transportation authority, a road and bridge district, a special road and bridge district, and a regional governmental unit.
[2] Section 337.401(1)(a), F.S. Section 334.03(21), F.S., defines the term "right-of-way" to mean land in which the state, the department, a county, or a municipality owns the fee or has an easement devoted to or required for use as a transportation facility.
[3] *Id.*
[4] Section 337.401(2), F.S.

with the authority, absent some other agreement to the contrary regarding costs of relocation.[5] Utility owners, upon 30 days' written notice, must eliminate the unreasonable interference within a reasonable time or an agreed time, at their own expense. Numerous exceptions are provided to this provision, and are located in s. 337.403(1)(a)-(j), F.S.

Communications Services Tax

Chapter 202, F.S., is the Communications Services Tax (CST) Simplification Law. The term "communications services" means the transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals, including video services, to a point, or between or among points, by or through any electronic, radio, satellite, cable, optical, microwave, or other medium or method, regardless of the protocol used for such transmission or conveyance.[6]

Section 202.105, F.S., provides the legislative findings and intent related to enactment of the CST simplification law. The law simplified an extremely complicated state and local tax and fee system, by restructuring separate taxes and fees into a revenue-neutral CST centrally administered by the Department of Revenue (DOR), i.e. a single tax to replace multiple taxes and fees previously imposed. Among the Legislature's stated intentions in creating the CST was that it not reduce the authority that municipalities or counties had to raise revenue in the aggregate, as such authority existed on February 1, 1989.

The state CST rate, except for direct-to-home satellite service, is 4.92 percent.[7] Local governments may also levy a discretionary CST:

- Charter counties and municipalities may levy the CST at a rate of up to 5.1 percent for municipalities and charter counties that have not chosen to levy permit fees, and at a rate of up to 4.98 percent for municipalities and charter counties that have chosen to levy permit fees; and
- Noncharter counties may levy the CST at a rate of up to 1.6 percent.[8]

These maximum rates do not include the add-ons, pursuant to s. 337.401, F.S., of up to 0.12 percent for municipalities and charter counties or of up to 0.24 percent for noncharter counties, if those local governments have elected not to require right-of-way permit fees.[9]

The local discretionary CST and add-on rates, if applicable, constitute the total local adopted rate.[10]

The local CST includes and is in lieu of any fee or other consideration, including, but not limited to, application fees, transfer fees, renewal fees, or claims for related costs, to which the

[5] *Lee County Electric Coop., Inc. v. City of Cape Coral*, 159 So. 3d 126, 130 (Fla. 2d DCA 2014).
[6] Section 202.11(1), F.S. Excluded from this definition is information services; installation or maintenance of wiring or equipment on a customer's premises; the sale or rental of tangible personal property; the sale of advertising, including, but not limited to, directory advertising; bad check charges; late payment charges; billing and collection services; and Internet access service, electronic mail service, electronic bulletin board service, or similar online computer services.
[7] Section 202.12(1)(a) and (b), F.S.
[8] Section 202.19, F.S.
[9] Section 337.401(3)(c), F.S.
[10] Florida Department of Revenue, *2023 Agency Legislative Bill Analysis for SB 1432*, (Mar. 14, 2023) (on file with the Senate Regulated Industries Committee).

municipality or county is otherwise entitled for granting permission to dealers of communications services to use or occupy its roads or rights-of-way for the placement, construction, and maintenance of poles, wires, and other fixtures used in the provision of communications services.[11] Additionally, the term "replaced revenue sources" includes permit fees relating to use of rights-of-way collected from communication services providers; however, if a municipality or charter county elects the option to charge permit fees pursuant to s. 337.401(3)(c), F.S., such fees are not be included as a replaced revenue source.[12]

Under s. 202.19(5), F.S., any discretionary sales surtax levied by a county or school board under s. 212.055, F.S., is imposed as a local CST. This surtax is added to the adopted local rate at the respective conversion rate, as determined in accordance with methodology and chart in s. 202.20(3), F.S. However, any increase to the discretionary sales surtax levied under s. 212.055, F.S., on or after January 1, 2023, may not be added to the local communications services tax under this s. 202.19, F.S., before January 1, 2026.

The total local CST rate is the total adopted rate plus the local option tax (at the converted rate), if applicable. The total local CST rates vary by jurisdiction.

Broadband Services

Broadband (or high-speed Internet) services allow users to access Internet and Internet-related services at speeds significantly higher than could be provided by traditional dial-up Internet services. The speeds that can be obtained through broadband service can vary significantly based on a number of factors including the technology used by the provider, infrastructure in place to provide service to a particular end user by that provider, and the level of broadband service ordered by that end user.[13]

Types of broadband generally available include:

- Digital Subscriber Line (DSL), which is a wireline transmission technology that allows data to be transmitted faster over copper-based telephone wires already installed in end-user locations.
- Cable modem, which is a type of broadband provided through the same coaxial cable that delivers an end user's cable television service.
- Fiber, which is a fiber optic technology that converts to light electrical signals that carry data. This light is then sent through transparent glass fibers (these fibers are about the same diameter as a human hair). Fiber can transmit data at speeds far exceeding current DSL or cable modem speeds.
- Wireless (WiFi), which is a technology that connects end-user devices to internet services through short-range wireless technology. Public "hotspots" use this technology. In addition, fixed wireless technologies with longer-range directional equipment can also be used to provide broadband service in sparsely populated or remote areas too costly to provide other types of broadband. Mobile wireless services are also available from mobile broadband

[11] Section 202.19(3)(a), F.S.
[12] Section 202.20(2)(b)1.e, F.S.
[13] Federal Communications Commission, *Getting Broadband Q&A*, https://www.fcc.gov/consumers/guides/getting-broadband-qa (last accessed Mar. 21, 2025).

service providers—however, this type of service is generally slower than wired or fixed wireless services.
- Satellite, which is essentially another type of wireless broadband, where an end user receives broadband service connection through a fixed satellite mounted at their location transmitting data to a satellite internet modem. This type of connection, which requires a clear line of sight to the provider's satellite, can be useful as well in providing broadband service to remote or sparsely populated areas.[14]

Broadband in Florida

Section 288.9961, F.S., establishes the Florida Office of Broadband within the Division of Community Development within the Florida Department of Commerce (DCM). The Office of Broadband "works with local and state government agencies, community organizations and private businesses to increase the availability and effectiveness of broadband internet throughout the state, specifically in small and rural communities."[15] The section defines "broadband internet service" as a service that offers a connection to the Internet with a capacity for transmission at a consistent speed of at least 25 megabits per second (mbps) downstream and 3 mbps upstream (25/3 mbps service). This 25/3 mbps service benchmark to be defined as broadband service was the same as that used by the Federal Communications Commission (FCC) since 2015. However, in 2024, the FCC increased that standard to 100 mbps downstream and 20 mbps upstream.[16]

Currently, 91.8 percent of Floridians have access to 25/3 mbps service. Presently, there are 229 internet service providers in Florida,[17] including investor-owned companies and cooperative electric utilities.[18]

Cable and Video Services in Florida

Section 610.102, F.S., provides that the Florida Department of State is the franchising authority for state-issued franchises for the provision of cable or video service. The section provides that municipalities and counties may not grant new franchises for the provision of cable or video services within their jurisdictions. Section 610.103, F.S., which provides the definitions for ch. 610, F.S., defines:
- "Cable service" as the one-way transmission to subscribers of video programming or any other programming service and the subscriber interaction, if any, required for the selection or use of such service.
- "Cable service provider" as a person that provides cable service over a cable system.
- "Cable system" as a facility consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service

[14] *Id.*
[15] Florida Department of Commerce, *Office of Broadband*, https://www.floridajobs.org/community-planning-and-development/broadband/office-of-broadband (last visited Jan. 22, 2024).
[16] Federal Communications Commission, *FCC Increases Broadband Speed Benchmark*, Mar. 14, 2024 (available at https://docs.fcc.gov/public/attachments/DOC-401205A1.pdf).
[17] Broadband Now, *Internet Service Providers in Florida*, https://broadbandnow.com/Florida (last accessed Mar. 21, 2025).
[18] Section 425.04, F.S., provides that rural electric cooperatives may engage in the provision of broadband, pursuant to the requirement in s. 364.391, F.S. Section 364.391, F.S., provides that if a cooperative engages in the provision of broadband, all poles owned by the cooperative are subject to regulation under s. 366.04(8), F.S., on the same basis as if that cooperative were a public utility under that subsection.

that includes video programming and that is provided to multiple subscribers within a community.[19]
- "Video service" as video programming services, including cable services, provided through wireline facilities located at least in part in the public rights-of-way without regard to delivery technology, including Internet protocol technology.[20]
- "Video service provider" as an entity providing video service.

III. Effect of Proposed Changes:

Section 1 of the bill amends s. 202.18, F.S., to establish the Utility Relocation Reimbursement Grant Program (grant program). The purpose of this grant program, administered by the Department of Commerce (DCM), is to reimburse providers of communications services which are subject to ch. 202, F.S. (communication services providers), for eligible costs incurred in relocating facilities at the request of a county or municipal authority.

To fund this grant program, 7.5 percent of the proceeds of each local communications services tax levied by a municipality or county pursuant to s. 202.19(1) or s. 202.20(1), F.S., must be redirected to the DCM. The DCM must then, beginning October 1, 2025, deposit then deposit these proceeds into an account funding the grant program.

The bill also directs the DCM to establish the following, by rule, relating to the grant program:
- The criteria and process by which communication services providers may apply for reimbursement;
- The minimum documentation required to verify eligible relocation costs, which may not be excessive or burdensome; and
- The timeline for application review and reimbursement disbursement, which may not exceed 90 days from submission.

The bill specifies that grant program funds documented expenses directly attributable to the physical relocation of facilities required by a county or municipal authority. Indirect or administrative costs are not eligible. Funds in the grant program are exempt from the requirement in s. 215.20, F.S., that certain income and certain trust funds contribute to the state's General Revenue Fund. Any interest earned on program funds must accrue to the program's fund.

Section 2 of the bill amends s. 337.403, F.S., to revise the process under which certain utilities located within a public road or publicly-owned rail corridor must be relocated when such utility

[19] However, the term does not include 1) a facility serving only to retransmit the television signals of television broadcast stations; 2) a facility serving only subscribers in one or more multiple-unit dwellings under common ownership, control, or management (unless it does so using any public right-of-way); 3) a facility serving subscribers without using public right-of-way; 4) a facility of a common carrier that is subject, in whole or in part, to the provisions of Title II of the federal Communications Act of 1934 (except that such facility is considered a cable system other than for purposes of 47 U.S.C. s. 541(c) to the extent such facility is used in the transmission of video programming directly to subscribers, unless the extent of such use is solely to provide interactive on-demand services); 5) any facilities of any electric utility used solely for operating its electric utility systems; or 6) an open video system complying with 47 U.S.C. s. 573.

[20] "Video service" does not, however, include any video programming provided by a commercial mobile service provider as defined in 47 U.S.C. s. 332(d), video programming provided as part of and via a service that enables end users to access content, information, electronic mail, or other services offered over the public Internet.

is found by an authority to be unreasonably interfering in any way with the convenient, safe, or continuous use, or the maintenance, improvement, extension, or expansion, of such public road or publicly-owned rail corridor. The utility owner must initiate work within 30 days to alleviate the interference. The general requirement is that the utility owner must pay for such relocation.

However, the bill provides that when a county or municipal authority requires a communication services provider to relocate facility used to provide such communications services, the service provider owning or operating such facility must perform any necessary work upon notice from the authority. The county or municipal authority requiring such relocation is not responsible for paying the expense of such work. The service provider may apply for reimbursement of relocation expenses from the grant program, subject to funds availability. If the grant program does not contain the necessary funds for reimbursement, the bill specifies that the county or municipal authority must pay the entire expense properly attributable to such relocation work.

The bill also requires that the department,[21] must notify communications services providers that have permitted infrastructure within a planned or existing public right-of-way within 90 days after a project is added to the department's project schedule which may require the provider to relocate its infrastructure for roadway improvements to increase safety or reduce congestion. Such notification must include an estimated project schedule and timeline, including the anticipated year of construction. Within 90 days of this notification, communications services provider must respond to the department with an estimated timeframe and project cost for the relocation of the provider's infrastructure. The response must include a draft relocation schedule within or adjacent to the existing or planned public right-of-way. The department must then provide a reasonable offer for joint participation in relocation costs, so long as the communications services provider begins work within a mutually agreed upon timeframe and, if the infrastructure relocation is a result of roadway improvements within the public right-of-way to increase safety or reduce congestion and the impacted infrastructure was, at the time of notification under this subsection, installed within the past 7 state fiscal years, the department must incur at least 50 percent of the costs for relocation work as described in a joint participation agreement. These provisions do not prevent the department from relocation processes, agreements, or payment options authorized under this section or to prevent a communications services provider from using grant funds provided through other government sources to support all or a portion of the relocation costs.

Section 3 of the bill amends s. 125.42, F.S., to conform a cross-reference to amendments made by the bill.

Section 4 of the bill provides a legislative finding and declaration that the bill fulfills an important state interest.

Section 5 of the bill provides an effective date of July 1, 2025.

[21] The department is defined as FDOT; the Greater Miami, Tampa, and Central Florida Expressway Authorities; and the Jacksonville Transportation Authority.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, section 18(a) of the Florida Constitution provides that a county or municipality may not be bound by a general law requiring a county or municipality to spend funds or take an action that requires the expenditure of funds unless certain specified exemptions or exceptions are met. Under the bill, local governments are required to pay the entire cost of relocating communications services provider's facilities if the grant program created in the bill does not have the funds to pay for such relocation.

However, the bill meets an exception specified in the Constitution and the Legislature has determined that the bill fulfills an important state interest. However, the expenditures required by this law which applies differently to a state agency (DOT) and local governments.

Article VII, section 18(b), of the Florida Constitution provides that except upon approval of each house of the legislature by two-thirds of the membership, the legislature may not enact, amend, or repeal any general law if the anticipated effect of doing so would be to reduce the authority that municipalities or counties have to raise revenues in the aggregate, as such authority exists on February 1, 1989. The bill requires that 7.5 percent of the local communications services tax levied by a municipality or county pursuant to s. 202.19(1) or s. 202.20(1), F.S., is to be redirected to the DCM to fund the grant program.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

Article VII, section 9(a), of the Florida Constitution states that counties, school districts, and municipalities shall, and special districts may, be authorized by law to levy ad valorem taxes and may be authorized by general law to levy other taxes, *for their respective purposes* (emphasis added), except ad valorem taxes on intangible personal property and taxes prohibited by this constitution. Under *Amos v. Mathews*, 126 So. 308 (Fla. 1930), a "tax cannot be so laid as to tax people of one district for benefit of another district for purpose in which people taxed have no concern." Further, "even though the Legislature may impose excise taxes for county purposes, it cannot take the revenue thus raised in one county for county purposes and appropriate it to pay the debts of some other county, upon the assumption that, as the revenue is public funds raised by act of the

Legislature itself, it must be at the absolute disposal of the Legislature." Under *Cassady v. Consol. Naval Stores Co.*, 119 So. 2d 35, 37 (Fla. 1960), the "Legislature may lawfully delegate to counties, acting through their constitutionally authorized and duly elected taxing officials, the authority to assess and impose taxes for county purposes." However, "the execution of a tax statute or the exercise of taxing powers thereby granted cannot be made to depend upon the unbridled discretion or whim of a 'statutory' board or individual or group of individuals."

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill eliminates utility relocation costs for providers of broadband Internet, cable service, and video service when such providers are located within the right-of-way limits of roads and rail corridors under the jurisdiction and control of a local government entity. When such utilities are within the jurisdiction and control of the FDOT or expressway authorities, such costs may be substantially reduced.

C. Government Sector Impact:

The bill will have an indeterminate, but likely substantial, impact on state and local government expenditures when engaging in a transportation project requiring the relocation of facilities used to provide broadband Internet, cable service, and video service.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The Department of Revenue has indicated, in its analysis of the amendment to CS/SB 818 passed by the Senate Rules Committee on April 16, 2025, that it "is unable to meet the July 1, 2025, effective date due to extensive programing required by the…amendment. The required programming would ensure that in the event of a subsequent refund or schedule IV adjustment the correct amount would be taken into account. An effective date of January 1, 2026, will allow enough time for the required programming to be completed."[22]

Section 2 of the bill uses the term "permitted infrastructure," however, the term "infrastructure" is not used elsewhere in s. 337.403, F.S. In regards material that may be considered "infrastructure," the section uses either "utility" or "utility facilities." It is unclear whether the

[22] Florida Department of Revenue, *2025 Agency Legislative Bill Analysis for Amendment 868666 to SB 818*, (Apr. 16, 2025) (on file with the Senate Regulated Industries Committee).

material indicated in the bill as "infrastructure" is intended to differ from these terms and in what way.

VIII. Statutes Affected:

This bill substantially amends sections 202.18 and 337.403 of the Florida Statutes.

This bill amends section 125.42 of the Florida Statutes to amend a cross-reference.

This bill creates an undesignated section of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS by Rules on April 16, 2025:
The committee substitute amended CS/SB 818 to establish a Utility Reimbursement Grant Program (grant program) to reimburse providers of communications services subject to ch. 202, F.S., (providers) for the cost to relocate utilities located within the right-of-way of a public road or publicly-owned rail corridor must be relocated when such utility is found by a county or municipal authority unreasonably interfering in any way with the use, or the improvement, of such public road or publicly-owned rail corridor. The committee substitute specifies that 7.5% of the local communications services tax levied by a municipality or county pursuant to s. 202.19(1) or s. 202.20(1), F.S., is to be redirected to the Department of Commerce to fund the grant program. Providers may seek reimbursement for such relocation costs from the grant program subject to the availability of funds. If the grant program does not contain enough funds, the authority is responsible for paying the relocation cost. The committee substitute also provides for rulemaking to establish the procedures for reimbursement by the grant program and that relocation costs may not be excessive or burdensome.

The committee substitute also deletes a provision in the bill requiring utility owners to provide the authority, upon notice that their utility is unreasonably interfering, a reasonable utility relocation schedule to expedite the completion of the authority's construction or maintenance project identified in the notice, and, within 60 days after the notice. The committee substitute adds a provision that the department must notify providers which have permitted infrastructure within a planned or existing public right-of-way within 90 days after a project is added to the department's project schedule which may require the provider to relocate its infrastructure for roadway improvements to increase safety or reduce congestion. This notification must include an estimated schedule and timeline. Within 90 days after receipt of the notification, providers must provide department with estimated timeframe and project cost for the relocation of the provider's infrastructure. The department must also provide a reasonable offer for joint participation in relocation costs, so long as the provider begins work within a mutually agreed timeframe and, if the relocation is a result of roadway improvements increase safety or reduce congestion and the infrastructure was installed within the past 7 state fiscal years. The department must pay at least 50 percent of this cost.

CS by Transportation on April 1, 2025:
Provides a legislative finding and declaration that the bill fulfills an important state interest.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/16/2025	.	
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The Committee on Rules (McClain) recommended the following:

Senate Amendment (with title amendment)

Delete lines 17 - 155
and insert:

Section 1. Paragraphs (a) and (c) of subsection (3) of section 202.18, Florida Statutes, are amended, and subsection (4) is added to that section, to read:

202.18 Allocation and disposition of tax proceeds.—The proceeds of the communications services taxes remitted under this chapter shall be treated as follows:

(3)(a) Notwithstanding any law to the contrary, the

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proceeds of each local communications services tax levied by a municipality or county pursuant to s. 202.19(1) or s. 202.20(1), less 7.5 percent distributed to the Department of Commerce to fund the Utility Relocation Reimbursement Grant Program created in subsection (4) and less the department's costs of administration, shall be transferred to the Local Communications Services Tax Clearing Trust Fund and held there to be distributed to such municipality or county. However, the proceeds of any communications services tax imposed pursuant to s. 202.19(5) shall be deposited and disbursed in accordance with ss. 212.054 and 212.055. For purposes of this section, the proceeds of any tax levied by a municipality, county, or school board under s. 202.19(1) or s. 202.20(1) are all funds collected and received by the department pursuant to a specific levy authorized by such sections, including any interest and penalties attributable to the tax levy.

(c)1. Except as otherwise provided in this paragraph, proceeds of the taxes levied pursuant to s. 202.19, less 7.5 percent distributed to the Department of Commerce to fund the Utility Relocation Reimbursement Grant Program created in subsection (4) and less amounts deducted for costs of administration in accordance with paragraph (b), shall be distributed monthly to the appropriate jurisdictions. The proceeds of taxes imposed pursuant to s. 202.19(5) shall be distributed in the same manner as discretionary surtaxes are distributed, in accordance with ss. 212.054 and 212.055.

2. The department shall make any adjustments to the distributions pursuant to this section which are necessary to reflect the proper amounts due to individual jurisdictions or



trust funds. In the event that the department adjusts amounts due to reflect a correction in the situsing of a customer, such adjustment shall be limited to the amount of tax actually collected from such customer by the dealer of communication services.

3.a. Adjustments in distributions which are necessary to correct misallocations between jurisdictions shall be governed by this subparagraph. If the department determines that misallocations between jurisdictions occurred, it shall provide written notice of such determination to all affected jurisdictions. The notice shall include the amount of the misallocations, the basis upon which the determination was made, data supporting the determination, and the identity of each affected jurisdiction. The notice shall also inform all affected jurisdictions of their authority to enter into a written agreement establishing a method of adjustment as described in sub-subparagraph c.

b. An adjustment affecting a distribution to a jurisdiction which is less than 90 percent of the average monthly distribution to that jurisdiction for the 6 months immediately preceding the department’s determination, as reported by all communications services dealers, shall be made in the month immediately following the department’s determination that misallocations occurred.

c. If an adjustment affecting a distribution to a jurisdiction equals or exceeds 90 percent of the average monthly distribution to that jurisdiction for the 6 months immediately preceding the department’s determination, as reported by all communications services dealers, the affected jurisdictions may



enter into a written agreement establishing a method of adjustment. If the agreement establishing a method of adjustment provides for payments of local communications services tax monthly distributions, the amount of any such payment agreed to may not exceed the local communications services tax monthly distributions available to the jurisdiction that was allocated amounts in excess of those to which it was entitled. If affected jurisdictions execute a written agreement specifying a method of adjustment, a copy of the written agreement shall be provided to the department no later than the first day of the month following 90 days after the date the department transmits notice of the misallocation. If the department does not receive a copy of the written agreement within the specified time period, an adjustment affecting a distribution to a jurisdiction made pursuant to this sub-subparagraph shall be prorated over a time period that equals the time period over which the misallocations occurred.

(4) There is created within the Department of Commerce a Utility Relocation Reimbursement Grant Program. The purpose of the program is to reimburse providers of communications services which are subject to this chapter for eligible costs incurred in relocating facilities at the request of a county or municipal authority.

(a) Beginning October 1, 2025, the department shall deposit the proceeds to be distributed to the Department of Commerce under subsection (3) into an account to fund the Utility Relocation Reimbursement Grant Program. The department shall ensure the transfer of such funds on a monthly basis.

(b) The Department of Commerce shall establish by rule all



of the following:

1. The criteria and process by which service providers may apply for reimbursement.

2. The minimum documentation required to verify eligible relocation costs, which may not be excessive or burdensome.

3. The timeline for application review and reimbursement disbursement, which may not exceed 90 days from submission.

(c) Program funds may be used only to reimburse actual, documented expenses directly attributable to the physical relocation of facilities required by a county or municipal authority. Reimbursement may not be made to a service provider for indirect or administrative costs.

(d) Program funds are exempt from s. 215.20 and any interest earnings shall accrue to the program's fund.

Section 2. Subsection (1) of section 337.403, Florida Statutes, is amended, and subsection (4) is added to that section, to read:

337.403 Interference caused by utility; expenses.—

(1) If a utility that is placed upon, under, over, or within the right-of-way limits of any public road or publicly owned rail corridor is found by the authority to be unreasonably interfering in any way with the convenient, safe, or continuous use, or the maintenance, improvement, extension, or expansion, of such public road or publicly owned rail corridor, the utility owner must ~~shall~~, within 30 days after ~~upon 30 days'~~ written notice to the utility or its agent by the authority, initiate the work necessary to alleviate the interference at its own expense except as provided in paragraphs (a)-(k) ~~(a)-(j)~~. The work must be completed within such reasonable time as stated in



the notice or such time as agreed to by the authority and the utility owner.

(a) If the relocation of utility facilities, as referred to in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No. 84-627, is necessitated by the construction of a project on the federal-aid interstate system, including extensions thereof within urban areas, and the cost of the project is eligible and approved for reimbursement by the Federal Government to the extent of 90 percent or more under the Federal-Aid Highway Act, or any amendment thereof, then in that event the utility owning or operating such facilities must ~~shall~~ perform any necessary work upon notice from the department, and the state must ~~shall~~ pay the entire expense properly attributable to such work after deducting therefrom any increase in the value of a new facility and any salvage value derived from an old facility.

(b) When a joint agreement between the department and the utility is executed for utility work to be accomplished as part of a contract for construction of a transportation facility, the department may participate in those utility work costs that exceed the department’s official estimate of the cost of the work by more than 10 percent. The amount of such participation is limited to the difference between the official estimate of all the work in the joint agreement plus 10 percent and the amount awarded for this work in the construction contract for such work. The department may not participate in any utility work costs that occur as a result of changes or additions during the course of the contract.

(c) When an agreement between the department and utility is executed for utility work to be accomplished in advance of a



contract for construction of a transportation facility, the department may participate in the cost of clearing and grubbing necessary to perform such work.

(d) If the utility facility was initially installed to exclusively serve the authority or its tenants, or both, the authority must ~~shall~~ bear the costs of the utility work. However, the authority is not responsible for the cost of utility work related to any subsequent additions to that facility for the purpose of serving others. For a county or municipality, if such utility facility was installed in the right-of-way as a means to serve a county or municipal facility on a parcel of property adjacent to the right-of-way and if the intended use of the county or municipal facility is for a use other than transportation purposes, the obligation of the county or municipality to bear the costs of the utility work shall extend only to utility work on the parcel of property on which the facility of the county or municipality originally served by the utility facility is located.

(e) If, under an agreement between a utility and the authority entered into after July 1, 2009, the utility conveys, subordinates, or relinquishes a compensable property right to the authority for the purpose of accommodating the acquisition or use of the right-of-way by the authority, without the agreement expressly addressing future responsibility for the cost of necessary utility work, the authority must ~~shall~~ bear the cost of removal or relocation. This paragraph does not impair or restrict, and may not be used to interpret, the terms of any such agreement entered into before July 1, 2009.

(f) If the utility is an electric facility being relocated



underground in order to enhance vehicular, bicycle, and pedestrian safety and in which ownership of the electric facility to be placed underground has been transferred from a private to a public utility within the past 5 years, the department must ~~shall~~ incur all costs of the necessary utility work.

(g) An authority may bear the costs of utility work required to eliminate an unreasonable interference when the utility is not able to establish that it has a compensable property right in the particular property where the utility is located if:

1. The utility was physically located on the particular property before the authority acquired rights in the property;

2. The utility demonstrates that it has a compensable property right in adjacent properties along the alignment of the utility or, after due diligence, certifies that the utility does not have evidence to prove or disprove that it has a compensable property right in the particular property where the utility is located; and

3. The information available to the authority does not establish the relative priorities of the authority's and the utility's interests in the particular property.

(h) If a municipally owned utility or county-owned utility is located in a rural area of opportunity, as defined in s. 288.0656(2), and the department determines that the utility is unable, and will not be able within the next 10 years, to pay for the cost of utility work necessitated by a department project on the State Highway System, the department may pay, in whole or in part, the cost of such utility work performed by the

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department or its contractor.

(i) If the relocation of utility facilities is necessitated by the construction of a commuter rail service project or an intercity passenger rail service project and the cost of the project is eligible and approved for reimbursement by the Federal Government, then in that event the utility owning or operating such facilities located by permit on a department-owned rail corridor must ~~shall~~ perform any necessary utility relocation work upon notice from the department, and the department must ~~shall~~ pay the expense properly attributable to such utility relocation work in the same proportion as federal funds are expended on the commuter rail service project or an intercity passenger rail service project after deducting therefrom any increase in the value of a new facility and any salvage value derived from an old facility. In no event is ~~shall~~ the state ~~be~~ required to use state dollars for such utility relocation work. This paragraph does not apply to any phase of the Central Florida Commuter Rail project, known as SunRail.

(j) If a utility is lawfully located within an existing and valid utility easement granted by recorded plat, regardless of whether such land was subsequently acquired by the authority by dedication, transfer of fee, or otherwise, the authority must bear the cost of the utility work required to eliminate an unreasonable interference. The authority shall pay the entire expense properly attributable to such work after deducting any increase in the value of a new facility and any salvage value derived from an old facility.

(k)1. Except as provided in subparagraph 2., if the authority requires a provider of communications services which

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is subject to chapter 202 to relocate a facility used to provide such communications services, the service provider owning or operating such facility must perform any necessary work upon notice from the authority. The authority requiring the relocation shall pay the entire expense properly attributable to such work.

2. If a county or municipal authority requires a provider of communications services which is subject to chapter 202 to relocate a facility used to provide such communications services, the service provider owning or operating such facility must perform any necessary work upon notice from the authority. The county or municipal authority requiring such relocation is not responsible for paying the expense of such work. The service provider may apply for reimbursement of relocation expenses from the Utility Relocation Reimbursement Grant Program pursuant to s. 202.18(4), subject to the availability of funds and in compliance with the requirements of the program.

(4) Notwithstanding paragraph (1)(k), a department shall notify providers of communications services that are subject to chapter 202 which have permitted infrastructure within a planned or existing public right-of-way within 90 days after a project is added to the department's project schedule which may require the provider to relocate its infrastructure for roadway improvements to increase safety or reduce congestion. For purposes of this subsection, the term "department" means the Department of Transportation or an agency of the state created under chapter 348 or chapter 349.

(a) The notification provided under this subsection must include an estimated project schedule and timeline, including

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the anticipated year of construction.

(b) Within 90 days after receipt of the notification, the provider shall respond to the department with an estimated timeframe and project cost for the relocation of the provider's infrastructure. The response must include a draft relocation schedule within or adjacent to the existing or planned public right-of-way.

(c) Notwithstanding any other provision of this section, the department shall provide a reasonable offer for joint participation in relocation costs, so long as the provider begins work within a mutually agreed upon timeframe and, if the infrastructure relocation is a result of roadway improvements within the public right-of-way to increase safety or reduce congestion and the impacted infrastructure was, at the time of notification under this subsection, installed within the past 7 state fiscal years, the department must incur at least 50 percent of the costs for relocation work as described in a joint participation agreement.

(d) This subsection may not be construed to prevent a department from pursuing the additional relocation processes, agreements, or payment options authorized under this section or to prevent a provider from using grant funds provided through other government sources to support all or a portion of the relocation costs.

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

And the title is amended as follows:

Delete lines 3 - 10

and insert:


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202.18, F.S.; requiring that a specified percentage of a local communications services tax levied by municipalities and counties be distributed to the Department of Commerce to fund a Utility Relocation Reimbursement Grant Program; creating the program within the department; providing the purpose of the program; requiring the Department of Revenue to deposit certain proceeds into an account to fund the program beginning on a certain date; requiring the Department of Commerce to establish program requirements by rule; authorizing certain uses of program funds; exempting program funds from a certain service charge; providing that interest earned on program funds accrues to the program's fund; amending s. 337.403, F.S.; requiring a service provider to perform communications services facility relocation work under certain circumstances; requiring the authority to pay the expense properly attributable to such work; providing an exception for county and municipal authorities; authorizing a service provider to apply to the Utility Relocation Reimbursement Grant Program for reimbursement of relocation expenses; requiring a department to notify certain providers of communications services of certain projects within a specified timeframe; defining the term "department"; providing notification requirements; requiring a provider to respond to the notification with certain information within a specified timeframe; requiring a department to provide a reasonable offer for joint

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participation in certain relocation costs under certain conditions; providing construction; amending s. 125.42, F.S.; conforming a

By the Committee on Transportation; and Senator McClain

596-03161-25 2025818c1

A bill to be entitled

An act relating to utility relocation; amending s. 337.403, F.S.; requiring utility owners to provide a certain authority with utility relocation schedules within a certain timeframe to expedite work; revising the timeframe within which a utility owner must initiate work; requiring a service provider to perform work under specific circumstances; requiring the authority to pay relocation expenses in certain instances; amending s. 125.42, F.S.; conforming a cross-reference; providing a finding and declaration of important state interest; providing an effective date.

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

Section 1. Subsection (1) of section 337.403, Florida Statutes, is amended to read:

337.403 Interference caused by utility; expenses.—

(1) If a utility that is placed upon, under, over, or within the right-of-way limits of any public road or publicly owned rail corridor is found by the authority to be unreasonably interfering in any way with the convenient, safe, or continuous use, or the maintenance, improvement, extension, or expansion, of such public road or publicly owned rail corridor, the utility owner must ~~shall~~, within 30 days after ~~upon 30 days'~~ written notice to the utility or its agent by the authority, provide the authority a reasonable utility relocation schedule to expedite the completion of the authority's construction or maintenance

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

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project identified in the notice, and, within 60 days after the written notice from the authority, initiate the work necessary to alleviate the interference at its own expense except as provided in paragraphs (a)-(k) ~~(a)-(j)~~. The work must be completed within such reasonable time as stated in the notice or such time as agreed to by the authority and the utility owner.

(a) If the relocation of utility facilities, as referred to in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No. 84-627, is necessitated by the construction of a project on the federal-aid interstate system, including extensions thereof within urban areas, and the cost of the project is eligible and approved for reimbursement by the Federal Government to the extent of 90 percent or more under the Federal-Aid Highway Act, or any amendment thereof, then in that event the utility owning or operating such facilities must ~~shall~~ perform any necessary work upon notice from the department, and the state must ~~shall~~ pay the entire expense properly attributable to such work after deducting therefrom any increase in the value of a new facility and any salvage value derived from an old facility.

(b) When a joint agreement between the department and the utility is executed for utility work to be accomplished as part of a contract for construction of a transportation facility, the department may participate in those utility work costs that exceed the department's official estimate of the cost of the work by more than 10 percent. The amount of such participation is limited to the difference between the official estimate of all the work in the joint agreement plus 10 percent and the amount awarded for this work in the construction contract for such work. The department may not participate in any utility

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

work costs that occur as a result of changes or additions during the course of the contract.

(c) When an agreement between the department and utility is executed for utility work to be accomplished in advance of a contract for construction of a transportation facility, the department may participate in the cost of clearing and grubbing necessary to perform such work.

(d) If the utility facility was initially installed to exclusively serve the authority or its tenants, or both, the authority must ~~shall~~ bear the costs of the utility work. However, the authority is not responsible for the cost of utility work related to any subsequent additions to that facility for the purpose of serving others. For a county or municipality, if such utility facility was installed in the right-of-way as a means to serve a county or municipal facility on a parcel of property adjacent to the right-of-way and if the intended use of the county or municipal facility is for a use other than transportation purposes, the obligation of the county or municipality to bear the costs of the utility work shall extend only to utility work on the parcel of property on which the facility of the county or municipality originally served by the utility facility is located.

(e) If, under an agreement between a utility and the authority entered into after July 1, 2009, the utility conveys, subordinates, or relinquishes a compensable property right to the authority for the purpose of accommodating the acquisition or use of the right-of-way by the authority, without the agreement expressly addressing future responsibility for the cost of necessary utility work, the authority must ~~shall~~ bear

the cost of removal or relocation. This paragraph does not impair or restrict, and may not be used to interpret, the terms of any such agreement entered into before July 1, 2009.

(f) If the utility is an electric facility being relocated underground in order to enhance vehicular, bicycle, and pedestrian safety and in which ownership of the electric facility to be placed underground has been transferred from a private to a public utility within the past 5 years, the department must ~~shall~~ incur all costs of the necessary utility work.

(g) An authority may bear the costs of utility work required to eliminate an unreasonable interference when the utility is not able to establish that it has a compensable property right in the particular property where the utility is located if:

1. The utility was physically located on the particular property before the authority acquired rights in the property;

2. The utility demonstrates that it has a compensable property right in adjacent properties along the alignment of the utility or, after due diligence, certifies that the utility does not have evidence to prove or disprove that it has a compensable property right in the particular property where the utility is located; and

3. The information available to the authority does not establish the relative priorities of the authority's and the utility's interests in the particular property.

(h) If a municipally owned utility or county-owned utility is located in a rural area of opportunity, as defined in s. 288.0656(2), and the department determines that the utility is

unable, and will not be able within the next 10 years, to pay for the cost of utility work necessitated by a department project on the State Highway System, the department may pay, in whole or in part, the cost of such utility work performed by the department or its contractor.

(i) If the relocation of utility facilities is necessitated by the construction of a commuter rail service project or an intercity passenger rail service project and the cost of the project is eligible and approved for reimbursement by the Federal Government, then in that event the utility owning or operating such facilities located by permit on a department-owned rail corridor must ~~shall~~ perform any necessary utility relocation work upon notice from the department, and the department must ~~shall~~ pay the expense properly attributable to such utility relocation work in the same proportion as federal funds are expended on the commuter rail service project or an intercity passenger rail service project after deducting therefrom any increase in the value of a new facility and any salvage value derived from an old facility. In no event is ~~shall~~ the state ~~be~~ required to use state dollars for such utility relocation work. This paragraph does not apply to any phase of the Central Florida Commuter Rail project, known as SunRail.

(j) If a utility is lawfully located within an existing and valid utility easement granted by recorded plat, regardless of whether such land was subsequently acquired by the authority by dedication, transfer of fee, or otherwise, the authority must bear the cost of the utility work required to eliminate an unreasonable interference. The authority shall pay the entire expense properly attributable to such work after deducting any

increase in the value of a new facility and any salvage value derived from an old facility.

(k) If the authority requires a provider of broadband Internet service as defined in s. 288.9961(2), or a cable service provider or video service provider as defined in s. 610.103, to relocate a facility used to provide such service, the service provider owning or operating such facility must perform any necessary work upon notice from the authority, and the authority requiring such relocation must pay the entire expense properly attributable to such work.

Section 2. Subsection (5) of section 125.42, Florida Statutes, is amended to read:

125.42 Water, sewage, gas, power, telephone, other utility, and television lines within the right-of-way limits of county roads and highways.—

(5) In the event of widening, repair, or reconstruction of any such road, the licensee shall move or remove such water, sewage, gas, power, telephone, and other utility lines and television lines at no cost to the county should they be found by the county to be unreasonably interfering, except as provided in s. 337.403(1)(d)-(k) ~~s. 337.403(1)(d)-(j)~~.

Section 3. The Legislature finds and declares that this act fulfills an important state interest.

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

The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: April 2, 2025

I respectfully request that **Senate Bill #818**, relating to Utility Relocation, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Senator Stan Mcclain
Florida Senate, District 9

File signed original with committee office

S-020 (03/2004)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

4-16-25
Meeting Date

Rules
Committee

818
Bill Number or Topic

868666
Amendment Barcode (if applicable)

Name Chris Doolin

Phone 850-508-5492

Address 1018 Thomasville Rd. 102B
Street

Email cdoolin@doolinandassoc.com

Tallahassee Fla. 32303
City *State* *Zip*

Speaking: ☑ For ☐ Against ☐ Information **OR** Waive Speaking: ☑ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
SMALL COUNTY COALITION

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

4/16/25
Meeting Date

Rules
Committee

818
Bill Number or Topic

868666
Amendment Barcode (if applicable)

Name Charles Dudley Phone 850 681 0024

Address 108 S. Monroe St. Email cdudley@flapartners.com
Street

Tall. FL 32301
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☑ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing: FL Internet + Television Assoc.

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

4-16-2025
Meeting Date

Rules
Committee

SB 818
Bill Number or Topic

868666
Amendment Barcode (if applicable)

Name Floyd R. Self

Phone 850-566-6347

Address 313 N. Monroe St 201
Street

Email fself@bergersingerman.com

TLH FL 32301
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing: Charter Communications

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

4/16/25
Meeting Date

Rules
Committee

SB 818
Bill Number or Topic

868666
Amendment Barcode (if applicable)

Name Peter Abello

Phone 786-715-5885

Address 100 S Monroe
Street

Email

City *State* *Zip*

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☑ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing: Florida Association of Counties

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

April 16, 2025
Meeting Date

Rules
Committee

818
Bill Number or Topic

3688666
Amendment Barcode (if applicable)

Name Matthew Singer

Phone 850-701-3652

Address 301 S. Bronough St, #300
Street

Email MSinger@FLCities.com

Tallahassee FL 32301
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☑ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
FL League of Cities

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

4/16/25
Meeting Date

Rules
Committee

818
Bill Number or Topic

Amendment Barcode (if applicable)

Name Tanner Warwicke

Phone (850) 728-8419

Address 516 N Adams St
Street

Tallahassee FL 32301
City *State* *Zip*

Email TWarwicke@aif.com

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☑ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing: Associated Industries of Florida

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

4/16/25
Meeting Date

Rules
Committee

SB 818
Bill Number or Topic

Amendment Barcode (if applicable)

Name Daphnee Sainvil

Phone 305-343-2104

Address 100 N Andrews Ave
Street

Email DSainvil@fortlauderdale.gov

Fort Lauderdale FL 33301
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL:	CS/CS/SB 846
INTRODUCER:	Rules Committee; Commerce and Tourism Committee; Senator Polsky and others
SUBJECT:	Advertisements for Representation Services
DATE:	April 17, 2025 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McMillan	McKay	CM	**Fav/CS**
2.	Collazo	Cibula	JU	**Favorable**
3.	McMillan	Yeatman	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 846 amends existing statutes and introduces new provisions addressing notary public fraud and the unlicensed practice of law in connection with immigration matters.

The bill prohibits a notary public who is not authorized to represent a person in an immigration matter, when advertising his or her notary public services, from using the terms notario público, notario, immigration assistant, immigration consultant, or immigration specialist, or any other designation of title, in any language, which conveys or implies that he or she possesses professional legal skills in immigration law.

The bill requires unlicensed or unauthorized individuals offering immigration services to post conspicuous notices on their websites and at their places of business in relevant languages.

A person aggrieved by these provisions has a civil cause of action against the entity, person, or business violating such provisions for declaratory or injunctive relief, actual damages, and reasonable attorney fees and costs.

The bill takes effect July 1, 2025.

II. Present Situation:

Notaries Public in Florida

A notary public is a public officer under the Florida Constitution[1] and "an impartial agent of the state."[2] As a public officer, notaries public are constitutionally required to give a bond (as required by law) and swear or affirm to uphold the Constitutions of the U.S. and Florida.[3] Notaries public are appointed and commissioned by the Governor to four-year terms[4] and are authorized under state law to perform six basic duties:

- Administer oaths or affirmations.[5]
- Take acknowledgments.[6]
- Solemnize marriages.[7]
- Attest to photocopies.[8]
- Verify vehicle identification numbers (VINs).[9]
- Certify the contents of a safe-deposit box.[10]

A notary public may only exercise the foregoing duties within the physical boundaries of the state of Florida.[11] Generally, a notary public may not charge more than $10 per notarial act and may not charge a fee for notarizing a vote-by-mail ballot.[12]

A notary public may provide an electronic signature that is unique, verifiable, under the notary public's sole control, and attached to a document in a way revealing any subsequent alteration.[13] When an electronic signature must be accompanied by a notary public seal, the requirement is met when the notary public includes his or her full name as provided in the notary public's application for commission, the words "Notary Public State of Florida," the expiration date of the notary public's commission, and the notary public's commission number.[14] The seal must also be applied to all notarized paper documents using a rubber stamp containing the foregoing information.[15] The rubber stamp seal must be affixed to the notarized paper document in photographically reproducible black ink. Every notary public must print, type, or stamp below his or her signature on a paper document his or her name exactly as commissioned.[16]

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[1] *See* FLA. CONST. art. II, s. 5(a) (recognizing that notaries public are public officers that may hold another office).
[2] 58 AM. JUR. 2D s. 1 *Notaries Public.*
[3] *See* s. 117.01(3), F.S. (requiring that, as part of oath, the applicant must swear he or she has read ch. 117, F.S., and knows the duties, responsibilities, limitations, and powers of a notary); *see also* s. 117.01(7), F.S. (requiring that notaries give a bond in the amount of $7,500, which is to be kept on file with the Department of State, in the event the notary breaches his or her duties). Notaries must be able to read, write, and understand the English language. Section 117.01(1), F.S.
[4] Section 117.01(1), F.S.
[5] Section 117.03, F.S.
[6] Section 117.04, F.S.
[7] Section 117.045, F.S.
[8] Section 117.05(12)(a), F.S.
[9] Section 319.23(3)(a)2., F.S.
[10] Section 655.94(1), F.S.
[11] Section 117.01(1), F.S.
[12] Section 117.05(2), F.S.
[13] Section 117.021(2), F.S.
[14] Section 117.021(3), F.S.
[15] Section 117.05(3), F.S.
[16] *Id.*

Additionally, as a public officer, a notary public is held to high standards and is subject to discipline, including suspension by the Governor and removal by the Senate, for malfeasance, misfeasance, neglect of duty, drunkenness, incompetence, permanent inability to perform official duties, or commission of a felony.[17] A notary public is also subject to criminal penalties for certain unlawful uses of the notary public commission (such as notarizing his or her own signature),[18] and liable to pay fees for certain civil infractions (such as notarizing a document when the signor is not in the notary public's presence).[19]

Becoming a Notary Public in Florida

To be eligible to become a notary public in Florida, a person must:
- Be at least 18 years of age.
- Be a Florida resident or permanent resident alien with a recorded declaration of domicile.
- Maintain Florida residence throughout the appointment.
- Be able to read, write, and understand the English language.[20]

To apply to be a notary public in Florida, the application form provided by the Department of State must be completed, signed, sworn, and filed along with the appropriate applications fees.[21] Because the bond must be attached, the bonding agency usually submits the application in both a paper and electronic format. The oath of office and notary public bond must accompany the notary public's application when filed with the Department of State.[22]

Applicants must also provide the following as part of the application:
- Personal identification information.
- Affidavit of good character from a reference who has known the applicant for at least 1 year and is not a relative.
- 10-year history of any licenses and discipline.
- Statement regarding whether the applicant has ever been convicted of a felony or had his or her civil rights restored.
- Any other information requested by the Governor's office to confirm eligibility.[23]

Notary's Duty to Confirm Identity

One of the notary public's primary duties is to verify the identity of the person who is signing a document. If the person is personally known to the notary public or provides "satisfactory evidence" by producing valid identification or witnesses or both verifying that the person is who he or she claims to be, the notary public may notarize the document.[24]

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[17] FLA. CONST. art. IV, s. 7.
[18] Section 117.05(1), F.S. (providing that any violation of the subsection is a third-degree felony); *see also* s. 117.05(3)(d), (7), and (8), F.S.; s. 117.105, F.S.; s. 117.107(9), F.S. (additional examples of unlawful uses of the notary public commission).
[19] Section 117.107(9), F.S. (providing that any violation is a civil infraction punishable by a fine of up to $5,000).
[20] Section 117.01(1), F.S.
[21] Section 117.01(2), F.S. (requiring a $25 application fee, a $10 commission fee, and a $4 educational surcharge, except that the commission fee is waived for veterans with a 50 percent disability).
[22] Section 117.01(2), F.S.
[23] *Id.*
[24] Section 117.05(5), F.S.

Prohibited Acts

State law prohibits certain acts by notaries.[25] A notary public may not:

- Use a name or initial in signing certificates other than that by which the notary public is commissioned.
- Sign notarial certificates using a facsimile signature stamp, unless the notary public has a physical disability that limits his or her ability to make a written signature, and unless the notary public has first submitted written notice to the Department of State with an exemplar of the facsimile signature stamp. This does not apply to, or prohibit the use of, an electronic signature and seal by a notary public who is registered as an online notary public to perform an electronic or online notarization in accordance with ch. 117, F.S.
- Affix his or her signature to a blank form of affidavit or certificate of acknowledgment and deliver that form to another person, with the intent that it be used as an affidavit or acknowledgment.
- Take the acknowledgment of or administer an oath to a person whom the notary public actually knows to have been adjudicated mentally incapacitated by a court of competent jurisdiction, if the acknowledgment or oath necessitates the exercise of a right that has been removed, and if the person has not been restored to capacity as a matter of record.
- Notarize a signature on a document if it appears that the person is mentally incapable of understanding the nature and effect of the document at the time of notarization.
- Take the acknowledgment of a person who does not speak or understand the English language, unless the nature and effect of the instrument to be notarized is translated into a language which the person does understand.
- Change anything in a written instrument after it has been signed by anyone.
- Amend a notarial certificate after the notarization is complete.
- Notarize a signature on a document if the person whose signature is being notarized does not appear before the notary public either by means of physical presence or by means of audio-video communication technology as authorized under part II of ch. 117, F.S., at the time the signature is notarized.
- Notarize a signature on a document if the document is incomplete or blank. However, an endorsement or assignment in blank of a negotiable or nonnegotiable note, and the assignment in blank of any instrument given as security for such note, is not deemed incomplete.
- Notarize a signature on a document if the person whose signature is to be notarized is the spouse, son, daughter, mother, or father of the notary public.
- Notarize a signature on a document if the notary public has a financial interest in or is a party to the underlying transaction; however, a notary public who is an employee may notarize a signature for his or her employer, and this employment does not constitute a financial interest in the transaction nor make the notary a party to the transaction as long as he or she does not receive a benefit other than his or her salary and the fee for services as a notary public authorized by law.[26]

[25] Section 117.107, F.S.
[26] *Id.*

Notaries in Other Countries

The services that a notary public in Florida or the U.S. can legally offer may differ significantly from the services, and legal expertise, that notaries in other countries can offer. In the U.S., notaries do not require a law degree, nor may they offer legal advice unless they are licensed to practice law.[27] This dynamic is typical for common law countries.[28]

However, in civil law jurisdictions notaries can assume certain duties that are similar to those of a practicing lawyer in common law jurisdictions. For example, in France, notaries essentially serve the government and can provide neutral legal counsel to both parties during a contract negotiation for real estate and in other matters. In such cases, notaries must have an undergraduate law degree along with a master's degree in law or from a notarial school.[29]

The differing competencies and roles of notaries around the world can confuse individuals seeking immigration services in the U.S.

Unlicensed Practice of Law

Florida's Constitution gives the Supreme Court of Florida the power to regulate the conduct of attorneys, and the Court has given The Florida Bar the duty to investigate and take action against the unlicensed practice of law.[30]

Unlicensed Practice of Law (UPL) committees investigate instances of unlicensed practice of law.[31] The Florida Bar prosecutions are filed with the Supreme Court of Florida and trials are held before judges, called referees, appointed by the Court.[32] The Florida Bar acts as prosecutor in UPL cases.[33]Additionally, the unlicensed practice of law is a third-degree felony.[34]

III. Effect of Proposed Changes:

The bill prohibits a notary public who is not authorized to represent a person in an immigration matter, when advertising his or her notary public services, from using the terms notario público, notario, immigration assistant, immigration consultant, or immigration specialist, or any other

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[27] *See* s. 117.01(1), F.S. (identifying the minimum requirements to be a notary public in Florida); *see also* s. 117.01(4)(f), F.S. (providing that a notary public engaging in the unauthorized practice of law constitutes malfeasance, misfeasance, or neglect of duty, for which the Governor may suspend the notary public).

[28] Notarize with Proof Blog, *Going Global: How Notaries Differ Across the World* (updated Jun. 11, 2024), https://www.notarize.com/blog/going-global-how-notaries-differ-across-the-world.

[29] *Id.*

[30] The Florida Bar, *Unlicensed Practice of Law – Consumer Help*, https://www.floridabar.org/rules/upl/upl001/ (last visited Mar. 26, 2025); *see also* R. Regul. Fl. Bar 10-1.1, https://www.floridabar.org/rules/rrtfb/ (last visited April 17, 2025); *see also* FLA. CONST. art. V, s. 15; *see also* s. 454.021, F.S.

[31] The Florida Bar, *Consumer Information: Filing an Unlicensed Practice of Law Complaint*, https://www.floridabar.org/public/consumer/pamphlet012/ (last visited April 17, 2025).

[32] *Id.*

[33] *Id.*

[34] *Id.; see also* s. 454.23, F.S. (providing that the unlicensed practice of law is punishable as provided in ss. 775.082. 775.083, or 775.084, F.S.). A third-degree felony is punishable by imprisonment not to exceed 5 years and a fine not to exceed $5,000. Sections 775.082 and 775.083, F.S.

designation of title, in any language, which conveys or implies that he or she possesses professional legal skills in immigration law.

The bill requires unlicensed or unauthorized individuals offering immigration services to post conspicuous notices on their websites and at their places of business in relevant languages. The following statement must be included:

> I AM NOT AN ATTORNEY LICENSED TO PRACTICE LAW AND MAY NOT GIVE LEGAL ADVICE OR ACCEPT FEES FOR LEGAL ADVICE. I AM NOT ACCREDITED TO REPRESENT YOU IN IMMIGRATION MATTERS.

A person aggrieved by these provisions has a civil cause of action against the entity, person, or business violating such provisions for declaratory or injunctive relief, actual damages, and reasonable attorney fees and costs.

The bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Because the bill creates a new cause of action, courts may experience an indeterminate increase in the number of notary public fraud cases they docket and hear. However, it is unlikely that the bill will significantly impact judicial resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Line 50 of the bill provides for a cause of action against an "entity" that violates certain provisions in s. 117.05, F.S. Those provisions provide duties for a "notary public," and never refer to an "entity." This cause of action would be clearer if it referred to "notary public."

VIII. Statutes Affected:

This bill substantially amends section 117.05 of the Florida Statutes.

This bill creates the following sections of the Florida Statutes: 117.051 and 501.1391.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS by Rules on April 16, 2025:
The committee substitute provides that a notary public who is not authorized to represent a person in an immigration matter is prohibited from using the terms notario público, notario, immigration assistant, immigration consultant, or immigration specialist, or any other designation or title, in any language, which conveys or implies that he or she possesses professional legal skills in immigration law, when advertising his or her notary public services. When there is a violation of the aforementioned prohibition, the committee substitute removes the provision that authorizes the Attorney General, a state attorney, or a city attorney to file suit for declaratory or injunctive relief, and creates s. 117.051, F.S., which provides a civil cause of action for violations.

The committee substitute creates s. 501.1391, F.S., which requires a conspicuous notice for those other than licensed attorneys who offer immigration services, and provides that a person aggrieved by this provision may bring a civil cause of action against the person or business for a violation. Additionally, the committee substitute removes provisions in the bill that had provided enforcement mechanisms in ch. 908, F.S.

CS by Commerce and Tourism on March 25, 2025:
The committee substitute removes the requirement that an action be set for trial at the earliest possible date and take precedence over all other cases for violations of ss. 117.107(13)(a) and 117.05(11), F.S., which are the sections of the bill restricting the use

of the phrase "notary public" into a language other than English and prohibiting a notary public who does not hold an active law license from practicing law. The committee substitute removes the provision providing a private right of action and damages for violations of ch. 908, F.S., which is the chapter that provides the framework for federal immigration enforcement. Additionally, the committee substitute removes certain provisions in s. 908.113, F.S., which is the section of the bill providing fraud protection for the unlicensed or unauthorized practice of law, and lists certain prohibitions for individuals other than those authorized to practice law relating to assisting individuals in immigration matters.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

610758

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/16/2025	.	
	.	
	.	
	.	

The Committee on Rules (Polsky) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (11) of section 117.05, Florida Statutes, is amended, and subsection (10) of that section is republished, to read:

117.05 Use of notary commission; unlawful use; notary fee; seal; duties; employer liability; name change; advertising; photocopies; penalties.—

(10) A notary public who is not an attorney who advertises

610758

the services of a notary public in a language other than English, whether by radio, television, signs, pamphlets, newspapers, or other written communication, with the exception of a single desk plaque, shall post or otherwise include with the advertisement a notice in English and in the language used for the advertisement. The notice shall be of a conspicuous size, if in writing, and shall state: "I AM NOT AN ATTORNEY LICENSED TO PRACTICE LAW IN THE STATE OF FLORIDA, AND I MAY NOT GIVE LEGAL ADVICE OR ACCEPT FEES FOR LEGAL ADVICE." If the advertisement is by radio or television, the statement may be modified but must include substantially the same message.

(11)(a) Literal translation of the phrase "Notary Public" into a language other than English is prohibited in an advertisement for notarial services.

(b) A notary public who is not authorized to represent a person in an immigration matter may not, when advertising his or her notary public services, use the terms notario público, notario, immigration assistant, immigration consultant, or immigration specialist, or any other designation or title, in any language, which conveys or implies that he or she possesses professional legal skills in immigration law.

Section 2. Section 117.051, Florida Statutes, is created to read:

117.051 Civil cause of action.—A person aggrieved by a violation of s. 117.05(10) or (11) has a civil cause of action against the entity violating such provision for, where appropriate:

(1) Declaratory or injunctive relief.

(2) Actual damages.

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(3) Reasonable attorney fees and costs.

Section 3. Section 501.1391, Florida Statutes, is created to read:

501.1391 Fraud prevention in the advertisement of immigration services.—

(1) A business or person offering immigration services, other than a person holding an active license to practice law in this state or otherwise permitted to practice law or represent others under federal law in an immigration matter, must post on the business's or person's main website and at the business's or person's place of business, in English and in every other language in which the business or person provides or offers immigration services, conspicuous notices with the following statement:

I AM NOT AN ATTORNEY LICENSED TO PRACTICE LAW AND MAY NOT GIVE LEGAL ADVICE OR ACCEPT FEES FOR LEGAL ADVICE. I AM NOT ACCREDITED TO REPRESENT YOU IN IMMIGRATION MATTERS.

(2) A person aggrieved by a violation of subsection (1) has a civil cause of action against the person or business violating such provision for, where appropriate:

(a) Declaratory or injunctive relief.

(b) Actual damages.

(c) Reasonable attorney fees and costs.

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

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

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And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled

An act relating to advertisements for representation services; amending s. 117.05, F.S.; prohibiting notaries public from using specified terms to describe themselves under certain circumstances; creating s. 117.051, F.S.; creating a civil cause of action for declaratory or injunctive relief and to recover damages and attorney fees and costs; creating s. 501.1391, F.S.; requiring certain businesses or persons offering immigration services to post a conspicuous notice with a specified statement; creating a civil cause of action for declaratory or injunctive relief and to recover damages and attorney fees and costs; providing an effective date.

By the Committee on Commerce and Tourism; and Senator Polsky

577-02810-25 2025846c1

A bill to be entitled

An act relating to notary public fraud; amending s. 117.05, F.S.; prohibiting the literal translation of the phrase "Notary Public" into a language other than English; specifying the applicable penalties for violations; amending s. 117.107, F.S.; prohibiting notaries public from using specified terms to describe themselves under certain circumstances; authorizing declaratory or injunctive relief and civil actions for injunctive relief or to recover damages; providing for the recovery of attorney fees and costs; amending s. 908.107, F.S.; authorizing certain entities to file suit for declaratory or injunctive relief for certain violations; creating s. 908.113, F.S.; prohibiting certain persons from engaging in the practice of law in immigration matters for compensation or engaging in specified acts or practices for compensation in immigration matters; providing exceptions; requiring certain persons or businesses offering immigration assistance to make a specified disclosure; providing applicability; providing construction; providing an effective date.

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

Section 1. Subsection (11) of section 117.05, Florida Statutes, is amended to read:

117.05 Use of notary commission; unlawful use; notary fee; seal; duties; employer liability; name change; advertising; photocopies; penalties.—

(11) Literal translation of the phrase "Notary Public" into a language other than English is prohibited ~~in an advertisement for notarial services~~. A person who violates this subsection is subject to the penalties in s. 117.107(13)(b).

Section 2. Subsection (13) is added to section 117.107, Florida Statutes, to read:

117.107 Prohibited acts.—

(13)(a) A notary public, who does not hold an active license to practice law in a state, territory, or jurisdiction of the United States and is not otherwise authorized to practice law or represent others under federal law in an immigration matter, may not, when advertising his or her notary public services, use the term notario público, notario, immigration assistant, immigration consultant, immigration specialist, or any other designation or title, in any language, which conveys or implies that he or she possesses professional legal skills in immigration law.

(b) For a violation of paragraph (a) or s. 117.05(11):

1. The Attorney General, a state attorney, or a city attorney may file suit against the appropriate party in a court of competent jurisdiction for declaratory or injunctive relief.

2. An aggrieved person or an entity may, in an appropriate state court, bring a civil action for injunctive relief or to recover for actual monetary loss from such a violation, plus an amount equal to treble the amount of actual damages or $1,000 per violation, whichever is greater.

3. If a person or an entity prevails in a civil action for injunctive relief, the person or entity is entitled to recover

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

reasonable attorney fees and costs.

Section 3. Subsection (2) of section 908.107, Florida Statutes, is amended to read:

908.107 Enforcement.—

(2) ~~In addition,~~ The Attorney General, a state attorney, or a city attorney may file suit against a local governmental entity, ~~or~~ local law enforcement agency, or any other appropriate party in a court of competent jurisdiction for declaratory or injunctive relief for a violation of this chapter.

Section 4. Section 908.113, Florida Statutes, is created to read:

908.113 Fraud protection.—

(1) Persons may not, other than those licensed to practice law in a state, territory, or jurisdiction of the United States or otherwise authorized to practice law or represent others under federal law in an immigration matter, engage in the practice of law in an immigration matter for compensation.

(2) Persons may not, other than those licensed to practice law in a state, territory, or jurisdiction of the United States or otherwise authorized to practice law or represent others under federal law in an immigration matter, engage in the following acts or practices for compensation:

(a) Selecting or assisting another in selecting, or advising another in selecting, a benefit, visa, or program to apply for in an immigration matter.

(b) Soliciting to prepare documents for, or otherwise representing the interests of, another in a judicial or administrative proceeding in an immigration matter.

(c) Explaining, advising, or otherwise interpreting the meaning or intent of a question on a governmental agency form in an immigration matter.

(d) Charging a fee for referring another to a person licensed to practice law that such person may perform.

(e) Selecting, drafting, or completing legal documents affecting the legal rights of another in an immigration matter.

(3) A person or business offering immigration services, other than those persons or businesses holding active licenses to practice law in this state or otherwise permitted to practice law or represent others under federal law in an immigration matter, must post conspicuous notices on its main website and at its place of business in English and every other language in which the person or business proves or offers immigration assistance with the following statement:

I AM NOT AN ATTORNEY LICENSED TO PRACTICE LAW AND MAY NOT GIVE LEGAL ADVICE OR ACCEPT FEES FOR LEGAL ADVICE. I AM NOT ACCREDITED TO REPRESENT YOU IN IMMIGRATION MATTERS.

(4) Persons may not, other than those holding an active license to practice law in a state of the United States or otherwise authorized to practice law or represent others under federal law in an immigration matter, engage in the following acts or practices, regardless of whether compensation is sought:

(a) Representing, either orally or in any document, letterhead, advertisement, stationery, business card, website, or other comparable written material, that he or she is a

notario público, notario, immigration assistant, immigration consultant, immigration specialist, or using any other designation or title, in any language, that conveys or implies that he or she possesses professional legal skills in the area of immigration law.

(b) Representing, in any language, either orally or in any document, letterhead, advertisement, stationery, business card, website, or other comparable written material, that he or she can or is willing to provide services in an immigration matter, if such services would constitute the practice of law.

(5)(a) The prohibitions of subsections (1)-(4) do not apply to the activities of nonlawyer assistants acting under the supervision of a person holding an active license to practice law in this state or otherwise authorized to practice law or represent others under federal law in an immigration matter.

(b) This section does not prohibit a person from offering translation or interpretation services, regardless of whether compensation is sought. Translating words contained on a governmental form from English to another language and translating a person's words from another language to English does not constitute the unauthorized practice of law.

Section 5. This act shall take effect July 1, 2025.

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

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Appropriations on Transportation, Tourism, and Economic Development, *Vice Chair*
Appropriations
Appropriations on Criminal and Civil Justice
Environment and Natural Resources
Ethics and Elections
Governmental Oversight and Accountability
Judiciary
Joint Administrative Procedures

SELECT COMMITTEE:
Joint Select Committee on Collective Bargaining

SENATOR TINA SCOTT POLSKY
30th District

April 2, 2025

Chairwoman Passidomo
Committee on Rules
402 Senate Building
404 S. Monroe Street
Tallahassee, FL 32399-1100

Chairwoman Passidomo,

I respectfully request that you place SB 846, relating to Notary Public Fraud on the agenda of the Committee on Rules, at your earliest convenience.

Should you have any questions or concerns, please feel free to contact me or my office. Thank you in advance for your consideration.

Kindest Regards,

Senator Tina S. Polsky
Florida Senate, District 30

cc: Tom Yeatman, Staff Director
Cynthia Futch, Administrative Assistant

REPLY TO:
- **5301 North Federal Highway, Suite 135, Boca Raton, Florida 33487 (561) 443-8170**
- **220 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5030**

Senate's Website: *www.flsenate.gov*

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

4/16/25
Meeting Date

Rules
Committee

846
Bill Number or Topic

Amendment Barcode (if applicable)

Name Michael Sheedy

Phone 850-222-3803

Address 201 W. Park Ave
Street

Email mcheedy@flaccb.org

TLH FL 32301
City *State* *Zip*

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☑ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

FL Conference of Catholic Bishops

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

4/16/2025
Meeting Date

RULES
Committee

The Florida Senate

APPEARANCE RECORD

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SB 846
Bill Number or Topic

Amendment Barcode (if applicable)

Name TIFFANY HANKINS

Phone 206 915 7426

Address 561 NE 79TH ST SUITE 400
Street

Email TIFFANY@FLIC.ORG

Miami FL 33138
City *State* *Zip*

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing: FLIC

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

Card received after
public appearance
on the bill

LATE

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

4/16/25
Meeting Date

Rules
Committee

8.46
Bill Number or Topic

Amendment Barcode (if applicable)

Name Karen Woodall

Phone 850-321-9386

Address 579 E. Call St.
Street

Email fcfep@yahoo.com

Tallahassee, FL 32301
City State Zip

after heard

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing: FL Center for Fiscal & Economic Policy

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL:	CS/SB 868
INTRODUCER:	Commerce and Tourism Committee and Senator Ingoglia
SUBJECT:	Social Media Use by Minors
DATE:	April 15, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McMillan	McKay	CM	**Fav/CS**
2.	Collazo	Cibula	JU	**Favorable**
3.	McMillan	Yeatman	RC	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 868 amends s. 501.1736, F.S., which regulates social media platforms and the services they offer to minors. These changes to the statute make it easier for law enforcement agencies to investigate potential crimes involving minors on regulated social media platforms and facilitate greater parental supervision of online communications between their children and others.

Specifically, the bill requires social media platforms to:

- Provide a mechanism to decrypt end-to-end encryption and similar features, which can restrict access to messages on a minor's account, if a law enforcement agency obtains a subpoena and is seeking to investigate a potential crime on the account.
- Allow the parent or legal guardian of a minor account holder to view all messages.
- Prohibit a minor account holder from using or accessing messages that disappear, self-destruct, or are ephemeral in nature.

The bill takes effect July 1, 2025.

II. Present Situation:

Social Media Use for Minors

In 2024, the Florida Legislature passed a law limiting minors' access to social media platforms.[1] The law, in part, prohibits minors 13 years of age or younger from holding a social media account, and requires parental consent for 14 and 15 year olds to hold an account.[2]

Definitions

The law provides the following definitions:[3]

- "Account holder" means a resident who opens an account, creates a profile, or is identified by the social media platform by a unique identifier while using or accessing the social media platform, if the social media platform knows or has reason to believe the resident is located in Florida.
- "Daily active users" means the number of unique users in the U.S. who used the online forum, website, or application at least 80 percent of the days during the previous 12 months; or if the online forum, website, or application did not exist during the previous 12 months, the number of unique users in the U.S. who used the online forum, website, or application at least 80 percent of the days during the previous month.
- "Resident" means a person who lives in Florida for more than 6 months of the year.
- "Social media platform" means an online forum, website, or application that satisfies each of the following criteria:
  - The platform allows users to upload content or view the content or activity of other users.
  - Ten percent or more of the daily active users who are younger than 16 years of age spent, on average, 2 hours per day or longer on the online forum, website, or application on the days they used the online forum, website, or application during the previous 12 months; or, if the online forum, website, or application did not exist during the previous 12 months, during the previous month.
  - The platform employs algorithms that analyze user data or information on users to select content for users.
  - The platform has any of the following addictive features:
    - Infinite scrolling, which means either continuously loading content, or content that loads as the user scrolls down the page without the need to open a separate page, or seamless content or the use of pages with no visible or apparent end or page breaks.
    - Push notifications or alerts sent by the online forum, website, or application to inform a user about specific activities or events related to the user's account.
    - A display of personal interactive metrics that indicate the number of times other users have clicked a button to indicate their reaction to content, or the number of times they have shared or reposted the content;
    - Auto-play video or video that begins to play without the user first clicking on the video or on a play button for that video.
    - Live-streaming or a function that allows a user or advertiser to broadcast live video content in real-time.

[1] Ch. 2024-42, Laws of Fla.
[2] Section 501.1736(2)-(3), F.S.
[3] Section 501.1736(1), F.S.

- The term does not include an online service, website, or application if its exclusive function is e-mail or direct messaging consisting of text, photographs, pictures, images, or videos that are shared only between the sender and the recipients, without displaying or posting publicly or to other users not specifically identified as the recipients by the sender.

Minors Under 14

For minors under 14 years of age, the law requires a social media platform to:[4]

- Prohibit him or her from entering into a contract with a social media platform to become an account holder.
- Terminate any account held by him or her, including accounts that the social media platform treats or categorizes as belonging to an account holder who is likely younger than 14 years of age for purposes of targeting content or advertising.
  - The social media platform must provide 90 days for an account holder to dispute the termination. Termination must be effective upon the expiration of the 90 days if the account holder fails to effectively dispute it.
- Allow an account holder to request to terminate the account. Termination must be effective within 5 business days after the request.
- Allow the confirmed parent or guardian of an account holder to request that the minor's account be terminated. Termination must be effective within 10 business days after the request.
- Permanently delete all personal information held by the social media platform relating to the terminated account, unless there are legal requirements to maintain the information.

Minors 14 or 15 Years of Age

For minors who are 14 or 15 years of age, the law requires a social media platform to:[5]

- Prohibit him or her from entering into a contract with the social media platform to become an account holder, unless the minor's parent or guardian provides consent for the minor to become an account holder.
- Terminate any account held by an account holder, including accounts that the social media platform treats or categorizes as belonging to an account holder who is likely 14 or 15 years of age for purposes of targeting content or advertising, if the account holder's parent or guardian has not provided consent for the minor to create or maintain the account.
  - The social media platform must provide 90 days for an account holder to dispute the termination. Termination must be effective upon the expiration of the 90 days if the account holder fails to effectively dispute it.
- Allow an account holder to request to terminate the account. Termination must be effective within 5 business days after the request.
- Allow the confirmed parent or guardian of an account holder to request that the minor's account be terminated. Termination must be effective within 10 business days after the request.
- Permanently delete all personal information held by the social media platform relating to the terminated account, unless there are legal requirements to maintain the information.

[4] Section 501.1736(2), F.S.
[5] Section 501.1736(3), F.S.

If a court enjoins the enforcement of the provisions for minors 14 or 15 years of age, or the provision caused a court to otherwise enjoin enforcement of any other of the provisions, then the provision is severed, and the following comes into effect:[6]

- A social media platform must prohibit him or her from entering into a contract with a social media platform to become an account holder.
- A social media platform must:
  - Terminate any account held by an account holder, including accounts that the social media platform treats or categorizes as belonging to an account holder who is likely 14 or 15 years of age for purposes of targeting content or advertising. The social media platform must provide 90 days for an account holder to dispute the termination. Termination must be effective upon the expiration of 90 days if the account holder fails to effectively dispute it.
  - Allow an account holder to request to terminate the account. Termination must be effective within 5 business days after the request.
  - Allow the confirmed parent or guardian of an account holder to request that the minor's account be terminated. Termination must be effective within 10 business days after the request.
  - Permanently delete all personal information held by the social media platform relating to the terminated account, unless there are legal requirements to maintain such information.

Violations and Enforcement

Knowing or reckless violation of the requirements for minor users under 14 years of age or the requirements for minor users under 16 years of age by a social media platform is an unfair and deceptive trade practice actionable under the Florida Deceptive and Unfair Trade Practices Act solely by the Department of Legal Affairs.[7] In addition to other remedies under the Act, the department may collect a civil penalty of up to $50,000 per violation and reasonable attorney fees and court costs. If the social media platform's failure to comply with such requirements becomes a consistent pattern of knowing or reckless conduct, punitive damages may be assessed against the platform.[8]

A social media platform that knowingly or recklessly violates the requirements for minor users under 14 years of age, or the requirements for minor users under 16 years of age, is liable to such minor account holder, including court costs and reasonable attorney fees as ordered by the court. Claimants may be awarded up to $10,000 in damages. Such an action must be brought within 1 year from the date the complainant knew, or reasonably should have known, of the alleged violation.[9]

Actions may only be brought on behalf of a resident minor,[10] and do not preclude any other available remedy at law or equity against the social media platform.[11]

[6] Section 501.1736(4), F.S.
[7] Section 501.1736(5), F.S.
[8] *Id.*
[9] Section 501.1736(6), F.S.
[10] *Id*.
[11] Section 501.1736(9), F.S.

For purposes of bringing an action, a social media platform that allows a minor younger than 14 years of age, or a minor who is 14 or 15 years of age, to create an account on the platform is considered to be both engaged in substantial and not isolated activities within Florida, and operating, conducting, engaging in, or carrying on a business and doing business in Florida, and is therefore subject to the jurisdiction of Florida courts.[12]

Department of Legal Affairs Subpoena Power

If, by its own inquiry or as a result of complaints, the Department of Legal Affairs has reason to believe that an entity or person has engaged in, or is engaging in, an act or practice that violates the bill, the department may administer oaths and affirmations, subpoena witnesses or matter, and collect evidence. Within 5 days, excluding weekends and legal holidays, after the service of a subpoena or at any time before the return date specified therein, whichever is longer, the party served may file in the circuit court in the county in which it resides or in which it transacts business and serve upon the enforcing authority a petition for an order modifying or setting aside the subpoena. The petitioner may raise any objection or privilege which would be available upon service of such subpoena in a civil action. The subpoena must inform the party served of its rights.[13]

If the matter that the department seeks to obtain by subpoena is located outside of Florida, the entity or person subpoenaed may make it available to the department or its representative to examine the matter at the place where it is located. The department may designate representatives, including Florida officials where the matter is located, to inspect the matter on its behalf, and may respond to similar requests from officials of other states.[14]

Upon failure of an entity or person without lawful excuse to obey a subpoena and upon reasonable notice to all persons affected, the department may apply to the circuit court for an order compelling compliance.[15]

The department may request that an entity or person refusing to comply with a subpoena, because the testimony or matter may incriminate the entity or person, be ordered by the court to provide the testimony or matter. Except in a prosecution for perjury, an entity or individual complying with a court order to provide testimony or matter, after asserting a valid privilege against self-incrimination, must not have the testimony or matter so provided, or the evidence derived from it, received against the entity or person in any criminal investigation or proceeding.[16]

Any entity or person upon whom a subpoena is served must comply with the terms of the subpoena unless otherwise provided by order of the court. Failure to appear is punishable as a civil penalty up to $5,000 per week, including attorney's fees, and costs.[17]

[12] Section 501.1736(7), F.S.
[13] Section 501.1736(10), F.S.
[14] *Id.*
[15] *Id.*
[16] *Id.*
[17] *Id.*

Recent Cases

In October 2024, two internet-industry groups filed a federal lawsuit challenging the constitutionality of Florida's law limiting minors' access to social media platforms. The Computer & Communications Industry Association and NetChoice, whose members include tech giants such as Google and Meta Platforms, alleged that the law violated their First Amendment rights and that parents should have exclusive control of their children's social-media use.[18]

In March 2025, the motion for preliminary injunction was denied. The order did not include a ruling on the First Amendment issue. Instead, the court denied the motion because the plaintiffs did not show "a substantial likelihood of establishing standing." The plaintiffs failed to show that at least one of the group members "will suffer irreparable injury" without an injunction. The effective date of the law was supposed to be January 1, 2025; however, in November the state agreed not to enforce it until the ruling occurred.[19]

Disappearing Messages

According to the *National Law Review*, "ephemeral messages are self-destructing messages with no backup or archiving option. Unlike a typical text message that is sent and remains on a user's and receiver's phone until manually deleted, ephemeral messages delete themselves after a set time. Some examples of platforms that offer this type of feature are Signal, WhatsApp, WeChat, and Snapchat."[20]

Disappearing messages have been found to be harmful to children. In 2020, when Facebook introduced disappearing messages, Anna Edmundson, the National Society for the Prevention of Cruelty to Children (NSPCC)'s head of policy, expressed concerns, stating: "Despite its age restriction, many under-16s use WhatsApp and disappearing messages could put children at greater risk of harm, by providing groomers with yet another tool to avoid detection and erase evidence."[21]

Some of the risks to children of disappearing messages include: cyberbullying, sexting, grooming, inadequate oversight, false sense of security and privacy, and inappropriate content.[22]

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[18] Complaint at 3-4, 24-39, *Computer & Communications Industry Association and NetChoice v. Uthmeier*, Case No.: 4:24-cv-00438-MW-MAF (N.D. Fla. 2024). The initial complaint was filed October 28, 2024.
[19] Order Denying Motion for Preliminary Injunction, 3, 13, *Computer & Communications Industry Association and NetChoice v. Uthmeier*, Case No.: 4:24-cv-00438-MW-MAF (N.D. Fla. 2024); Douglas Soule, *Florida social media minor restriction won't be immediately enforced against top platforms,* TALLAHASSEE DEMOCRAT, Nov. 21, 2024, https://www.tallahassee.com/story/news/politics/2024/11/21/florida-wont-immediately-enforce-social-media-age-restrictions/76457476007/.
[20] Michelle A. Freeman, *Disappearing Messages, Unofficial Communications Platforms and Ever-Increasing Scrutiny by Regulators*, THE NATIONAL LAW REVIEW (Oct. 7, 2024), https://natlawreview.com/article/disappearing-messages-unofficial-communications-platforms-and-ever-increasing.
[21] Mobicip Blog, *Gone in a Flash: How Disappearing Messages Can Impact Your Child's Online Safety* (May 13, 2024), https://www.mobicip.com/blog/gone-flash-how-disappearing-messages-can-impact-your-childs-online-safety [hereinafter "*Gone in a Flash*"]. The NSPCC is the United Kingdom's leading children's charity. NSPCC, *About the NSPCC,* https://www.nspcc.org.uk/about-us/ (last visited Mar. 27, 2025).
[22] *Gone in a Flash, supra* note 21.

End-to-end Encryption

Advancements in technology create both opportunity and challenges for law enforcement.[23] One challenge that law enforcement officials cite as preventing investigations is end-to-end encryption or "warrant-proof" encryption. Companies employing this type of encryption have emphasized that they do not hold encryption keys to unlock or decrypt the devices or communication. Because of these challenges, law enforcement prefers "front door" access, which means there is clear understanding of when they are accessing a device. A "front door" could be opened with a "key" once law enforcement demonstrates a lawful basis for access; however, this has the potential to lead to exploitation by hackers, criminals, and other malicious actors.[24]

Florida Deceptive and Unfair Trade Practices Act

The Florida Deceptive and Unfair Trade Practices Act[25] is a consumer and business protection measure that prohibits unfair methods of competition, and unconscionable, deceptive, or unfair acts or practices in the conduct of trade or commerce.[26] The Act was modeled after the Federal Trade Commission Act.[27]

The Department of Legal Affairs or the state attorney's office in the judicial circuit affected or where the violation occurs may bring actions on behalf of consumers or governmental entities if it serves the public interest.[28] The state attorney's office may enforce violations of the Act if the violations take place within its jurisdiction. The department has enforcement authority when: the violation is multi-jurisdictional; the state attorney defers to the department in writing; or the state attorney fails to act within 90 days after a written complaint is filed.[29] In certain circumstances, consumers may also file suit through private actions.[30]

The department and the state attorney's office have powers to investigate claims under the Act, which include:[31]

- Administering oaths and affirmations.
- Subpoenaing witnesses or matter.
- Collecting evidence.

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[23] Congressional Research Service, *Law Enforcement and Technology: The "Lawful Access" Debate*, 1 (Jan. 6, 2025), available at https://www.congress.gov/crs-product/IF11769.
[24] *Id*.
[25] Part II, ch. 501, F.S.; *see also* s. 501.201, F.S. (providing the short title).
[26] Section 501.202(2), F.S.
[27] *See* 15 U.S.C. ss. 41-58; *see also* D. Matthew Allen, et. al., *The Federal Character of Florida's Deceptive and Unfair Trade Practices Act*, 65 U. MIAMI L. REV. 1083 (Summer 2011).
[28] Sections 501.203(2) and 501.207(1)(c) and (2), F.S.; *see also* David J. Federbush, *FDUTPA for Civil Antitrust Additional Conduct, Party, and Geographic Coverage; State Actions for Consumer Restitution*, 76 FLA. BAR J. 52 (Dec. 2002), available at https://www.floridabar.org/the-florida-bar-journal/fdutpa-for-civil-antitrust-additional-conduct-party-and-geographic-coverage-state-actions-for-consumer-restitution/ (analyzing the merits of the Act and the potential for deterrence of anticompetitive conduct in Florida).
[29] Section 501.203(2), F.S.
[30] Section 501.211, F.S.
[31] Section 501.206(1), F.S.

The department and the state attorney's office may seek the following remedies:[32]

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

The Act may not be applied to certain entities in certain circumstances, including:[33]

- Any person or activity regulated under laws administered by the Office of Insurance Regulation of the Department of Financial Services.
- Banks, credit unions, and savings and loan associations regulated by the Office of Financial Regulation or federal agencies.

III. Effect of Proposed Changes:

The bill amends s. 501.1736, F.S., which regulates social media platforms and the services they offer to minors. These changes to the statute make it easier for law enforcement agencies to investigate potential crimes involving minors on regulated social media platforms, and facilitate greater parental supervision of online communications between their children and others.

Specifically, the bill requires social media platforms to do all of the following with respect to accounts held by minors:

- Provide, if a law enforcement agency obtains a subpoena, a mechanism to decrypt end-to-end encryption or other data encryption features that restrict the accessibility of messages on any account of a minor, so that the agency may view messages relevant to a criminal investigation involving a minor.
- Allow a parent or legal guardian of a minor account holder to view all messages.
- Prohibit a minor account holder from using or accessing messages that:
  - Are designed to disappear after a certain period of time or upon viewing;
  - Self-destruct; or
  - Are ephemeral in nature.

The bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

[32] Sections 501.207(1), 501.208, and 501.2075, F.S. Civil Penalties are deposited into general revenue. Enforcing authorities may also request attorney fees and costs of investigation or litigation. Section 501.2105, F.S.
[33] Section 501.212(4), F.S.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

The U.S. Supreme Court has determined that the state has a "compelling interest in protecting the physical and psychological well-being of minors," which "extends to shielding minors from the influence of literature that is not obscene by adult standards."[34] In doing so, however, the means must be narrowly tailored to achieve that end so as not to unnecessarily deny adults access to material which is constitutionally protected indecent material.[35]

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Social media platforms will be required to provide a mechanism to decrypt end-to-end encryption or other data encryption features that restrict the accessibility of messages on any account of a minor when law enforcement agencies obtain a subpoena. Additionally, social media platforms must allow the parent or legal guardian of a minor account holder to view all messages, as well as prohibit a minor account holder from using or accessing messages that are designed to disappear. Social media platforms will likely incur costs by implementing the technological changes needed to comply with the bill.

C. Government Sector Impact:

The bill may result in an unknown increase in civil penalties collected by the Department of Legal Affairs. Enforcing the bill may also increase the department's regulatory costs.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

[34] *Sable Commc's of California, Inc. v. F.C.C.*, 492 U.S. 115, 126 (1989).
[35] *Ashcroft v. American Civil Liberties Union*, 542 U.S. 656, 664-66 (2004); *Cashatt v. State*, 873 So. 2d 430, 434 (Fla. 1st DCA 2004); *but see Erznoznik v. City of Jacksonville*, 422 U.S. 205, 213 (1975) (determining that the city's regulation was overly broad).

VIII. Statutes Affected:

This bill amends section 501.1736 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Commerce and Tourism on March 25, 2025:
The committee substitute provides that if law enforcement obtains a subpoena, then a social media platform must provide a mechanism to decrypt end-to-end encryption or other data encryption features that restrict the accessibility of messages on any account of a minor so that law enforcement may view messages relevant to a criminal investigation involving a minor. Additionally, a social media platform must allow a parent or legal guardian of a minor account holder to view all messages, as well as prohibit a minor account holder from using or accessing messages that are designed to disappear after a certain period of time or upon viewing, self-destructing messages, or messages that are ephemeral in nature.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By the Committee on Commerce and Tourism; and Senator Ingoglia

577-02809-25 2025868c1

A bill to be entitled

An act relating to social media use by minors; amending s. 501.1736, F.S.; requiring social media platforms to provide a mechanism to decrypt end-to-end encryption when law enforcement obtains a subpoena; requiring social media platforms to allow a parent or legal guardian of a minor account holder to view all messages; prohibiting minor account holders from using or accessing messages that are designed to disappear or self destruct, or are ephemeral in nature; providing an effective date.

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

Section 1. Paragraph (b) of subsection (2), paragraph (b) of subsection (3), and paragraph (b) of subsection (4) of section 501.1736, Florida Statutes, are amended to read:

501.1736 Social media use for minors.—

(2)

(b) A social media platform shall:

1. Terminate any account held by an account holder younger than 14 years of age, including accounts that the social media platform treats or categorizes as belonging to an account holder who is likely younger than 14 years of age for purposes of targeting content or advertising, and provide 90 days for an account holder to dispute such termination. Termination must be effective upon the expiration of the 90 days if the account holder fails to effectively dispute the termination.

2. Allow an account holder younger than 14 years of age to

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577-02809-25 2025868c1

request to terminate the account. Termination must be effective within 5 business days after such request.

3. Allow the confirmed parent or guardian of an account holder younger than 14 years of age to request that the minor's account be terminated. Termination must be effective within 10 business days after such request.

4. Permanently delete all personal information held by the social media platform relating to the terminated account, unless there are legal requirements to maintain such information.

5. If law enforcement obtains a subpoena, provide a mechanism to decrypt end-to-end encryption or other data encryption features that restrict the accessibility of messages on any account of a minor so that law enforcement may view messages relevant to a criminal investigation involving a minor.

6. Allow a parent or legal guardian of a minor account holder to view all messages.

7. Prohibit a minor account holder from using or accessing messages that are designed to disappear after a certain period of time or upon viewing, self-destructing messages, or messages that are ephemeral in nature.

(3)

(b) A social media platform shall:

1. Terminate any account held by an account holder who is 14 or 15 years of age, including accounts that the social media platform treats or categorizes as belonging to an account holder who is likely 14 or 15 years of age for purposes of targeting content or advertising, if the account holder's parent or guardian has not provided consent for the minor to create or maintain the account. The social media platform shall provide 90

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days for an account holder to dispute such termination. Termination must be effective upon the expiration of the 90 days if the account holder fails to effectively dispute the termination.

2. Allow an account holder who is 14 or 15 years of age to request to terminate the account. Termination must be effective within 5 business days after such request.

3. Allow the confirmed parent or guardian of an account holder who is 14 or 15 years of age to request that the minor's account be terminated. Termination must be effective within 10 business days after such request.

4. Permanently delete all personal information held by the social media platform relating to the terminated account, unless there are legal requirements to maintain such information.

5. If law enforcement obtains a subpoena, provide a mechanism to decrypt end-to-end encryption or other data encryption features that restrict the accessibility of messages on any account of a minor so that law enforcement may view messages relevant to a criminal investigation involving a minor.

6. Allow a parent or legal guardian of a minor account holder to view all messages.

7. Prohibit a minor account holder from using or accessing messages that are designed to disappear after a certain period of time or upon viewing, self-destructing messages, or messages that are ephemeral in nature.

(4) If a court enjoins the enforcement of subsection (3) or would otherwise enjoin enforcement of any other provision of this section due to subsection (3), then subsection (3) shall be severed, and the following shall come into effect:

(b) A social media platform shall:

1. Terminate any account held by an account holder who is 14 or 15 years of age, including accounts that the social media platform treats or categorizes as belonging to an account holder who is likely 14 or 15 years of age for purposes of targeting content or advertising, and provide 90 days for an account holder to dispute such termination. Termination must be effective upon the expiration of 90 days if the account holder fails to effectively dispute the termination.

2. Allow an account holder who is 14 or 15 years of age to request to terminate the account. Termination must be effective within 5 business days after such request.

3. Allow the confirmed parent or guardian of an account holder who is 14 or 15 years of age to request that the minor's account be terminated. Termination must be effective within 10 business days after such request.

4. Permanently delete all personal information held by the social media platform relating to the terminated account, unless there are legal requirements to maintain such information.

5. If law enforcement obtains a subpoena, provide a mechanism to decrypt end-to-end encryption or other data encryption features that restrict the accessibility of messages on any account of a minor so that law enforcement may view messages relevant to a criminal investigation involving a minor.

6. Allow a parent or legal guardian of a minor account holder to view all messages.

7. Prohibit a minor account holder from using or accessing messages that are designed to disappear after a certain period of time or upon viewing, self-destructing messages, or messages

that are ephemeral in nature.

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

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THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
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Environment and Natural Resources, *Vice Chair*
Appropriations Committee on Criminal and Civil Justice
Appropriations Committee on Transportation, Tourism, and Economic Development
Fiscal Policy
Regulated Industries
Rules

JOINT COMMITTEE:
Joint Committee on Public Counsel Oversight

SENATOR BLAISE INGOGLIA
11th District

April 2nd, 2025

The Honorable Kathleen Passidomo, Chair
Rules Committee
400 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399

RE: SB 868 Social Media Use by a Minor

President Passidomo,

Senate Bill 868 has been referred to the Rules Committee as its final committee of reference. I respectfully ask that it be placed on the committee agenda at your earliest convenience.

If I may answer questions or be of assistance, please do not hesitate to contact me. Thank you for your leadership and consideration.

Regards,



Blaise Ingoglia
State Senator, District 11

CC'd: Tom Yeatman, Shasta Kruse, Cynthia Futch

REPLY TO:
❒ 2943 Landover Boulevard, Spring Hill, Florida 34608 (352) 666-5707
❒ 306 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5011

Senate's Website: *www.flsenate.gov*

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

04/16/25
Meeting Date

The Florida Senate

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SB 868
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Devy Begona Phone (786) 332-1222

Address 4430 SW 11 St Email

Street

Gables, Fl. 33134

City State Zip

Speaking: ☐ For ☑ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☑ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by: FLSP

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

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Rules
Committee

SB 868
Bill Number or Topic

Amendment Barcode (if applicable)

Name Sofia Hernandez

Phone 786-560-1536

Address 17300 NW 87 Ave.
Street

Email sofiahernan100@outlook.com

Hialeah FL 33015
City State Zip

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☒ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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Senate Rules
Committee

SB 868
Bill Number or Topic

Amendment Barcode (if applicable)

Name Philip Gunn

Phone 601-942-2943

Address 101 Pinehaven Cove
Street

Email pgunn@balch.com

Clinton MS 39056
City State Zip

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☒ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:
Net Choice

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Committee

SB 868
Bill Number or Topic

Amendment Barcode (if applicable)

Name Katie Kelly

Phone 850-933-2822

Address P.O. BOX 12186
Street

Email KKelly@technet.org

Tlh FL 32317
City *State* *Zip*

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
TechNet

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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Rules
Committee

868
Bill Number or Topic

Amendment Barcode (if applicable)

Name Chris Carmody

Phone 407-843-8880

Address 301 E. Pine St.
Street

Email ccarmody@gray-robinson.com

Orlando FL 32801
City *State* *Zip*

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing: Meta

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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CS/SB 868
Bill Number or Topic

Amendment Barcode (if applicable)

Name State Attorney Amira Fox 20th Circuit

Phone

Address
Street

Email afox@sao20.org

City *State* *Zip*

Speaking: ☒ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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SB 868
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Romina Montenegro

Phone 786-334-9868

Address 1620 West Ave
Street

Email romina@engage.miami

Miami Beach FL 33139
City *State* *Zip*

Speaking: ☐ For ☑ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☑ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:
FLSPN

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

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Rules
Committee

CS/SB 868
Bill Number or Topic

Amendment Barcode (if applicable)

Name Brian Haas, State Attorney, 10th Circuit Phone (863) 534-4801

Address 255 N. Broadway Ave Email Bhaas@sao10.com
Street

Bartow FL 33831
City *State* *Zip*

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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Rules
Committee

SB 868
Bill Number or Topic

Amendment Barcode (if applicable)

Name Aaron DiPietro

Phone 904-608-4471

Address P.O Box 530103
Street

Email aarond@flfamily.org

Orlando FL 32853
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☑ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
Florida Family Voice

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

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Rules
Committee

SB868
Bill Number or Topic

Amendment Barcode (if applicable)

Name David Rodriguez Phone 786-597-8064

Address 1885 NE 121st ST Email drodr426@gmail.com
Street

Miami FL 33181
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☑ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☑ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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04-16-2025
Meeting Date

Rules
Committee

SB 668
Bill Number or Topic

Amendment Barcode (if applicable)

Name Cleyver Diaz Morales

Phone

Address 15860 SW 290th St.
Street

Email diaz.cleyver@gmail.com

Homestead FL 33032
City State Zip

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☒ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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Rules
Committee

SB 868
Bill Number or Topic

Amendment Barcode (if applicable)

Name Barbara Myers

Phone 850/443-9177

Address 8172 Wenonga Ct
Street

Email Barb1748@Yahoo.com

Tallahassee, FL 32311
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

The Florida Senate

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4/16/25
Meeting Date

Committee

868
Social Media
Bill Number or Topic

Amendment Barcode (if applicable)

Name Michi Cearsi (FL Student Power) Phone 786-681-7589

Address Street

Email

City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☒ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by: FL Student Power

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

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The Florida Senate

APPEARANCE RECORD

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4/16/25
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Rules
Committee

SB 868
Bill Number or Topic

Amendment Barcode (if applicable)

Name Parker Keaton

Phone (352) 727-3746

Address

Street

Email

Tallahassee FL 32312
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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04/16/2025
Meeting Date

Rules
Committee

CS/SB 868
Bill Number or Topic

Amendment Barcode (if applicable)

Name Estherling Charles

Phone 954-404-2636

Address [redacted]
Street

Email echar062@fiu.edu

NL
City

FL
State

33068
Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☒ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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04/16/25
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Rules
Committee

SB 868
Bill Number or Topic

Amendment Barcode (if applicable)

Name Dia-Solana Felix

Phone 954-708-8373

Address [redacted]
Street

Email diafelix503@gmail.com

Lauderhill
City

Florida
State

Zip

Speaking: ☐ For ☑ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☑ Against

PLEASE CHECK ONE OF THE FOLLOWING:

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☑ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by: Florida Student Power

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April 16, 2025
Meeting Date

Committee

SB 868
Bill Number or Topic

Amendment Barcode (if applicable)

Name Lin Yang

Phone

Address 12030 USF Beard Drive
Street

Email linyang1@usf.edu

Tampa FL 33620
City *State* *Zip*

Speaking: ☐ For ☐ Against ☐ Information **OR** **Waive Speaking:** ☐ In Support ☑ Against

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04/16/2025
Meeting Date

Rules
Committee

SB868
Bill Number or Topic

Amendment Barcode (if applicable)

Name Evelyn Chavez-Sanchez

Phone (863) 857-9147

Address 429 Adriel Avenue
Street

Email echavezsan29@gmail.com

Winter Haven FL 33880
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

WD

PLEASE CHECK ONE OF THE FOLLOWING:

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S-001 (08/10/2021)

4/16/25

Meeting Date

The Florida Senate
APPEARANCE RECORD

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SB 868

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Emely Herrera

Phone 3058046632

Address 12788 SW 187th TER

Email Emelyherrera32@gmail

Street

Miami FL 33177

City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☑ Against

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Meeting Date

Rules
Committee

SB 868
Bill Number or Topic

Amendment Barcode (if applicable)

Name Alyssa White

Phone 443-643-6145

Address 1907 e 22nd Ave
Street

Email alyssa.flspn@floridarising.org

Tampa FL 33605
City *State* *Zip*

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☒ Against

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Meeting Date

Rules
Committee

SB 868
Bill Number or Topic

Amendment Barcode (if applicable)

Name Farah Aljallad

Phone 4076072245

Address

Street

Email

32765

City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☒ Against

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Rules
Committee

SB 868
Bill Number or Topic

Amendment Barcode (if applicable)

Name Amy Patricia Marles

Phone

Address
Street

Email

Miami FL 33130
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☑ Against

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S-001 (08/10/2021)

The Florida Senate

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April 16, 2025
Meeting Date

Rules
Committee

SB 868
Bill Number or Topic

Amendment Barcode (if applicable)

Name Diego Dulanto Falcon

Phone 813-317-9798

Address 9607 N. Pawnee Ave
Street

Email diego.dulanto@hotmail.com

Tampa FL 33617
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☑ Against

PLEASE CHECK ONE OF THE FOLLOWING:

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4.16.25
Meeting Date

Rules
Committee

SB 868
Bill Number or Topic

Amendment Barcode (if applicable)

Name Alexandra Witt

Phone 904.518.9224

Address 2012 Chelwood ct
Street

Email alexandrazwitt@gmail.com

Jacksonville FL 32233
City *State* *Zip*

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

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4/16/2025.
Meeting Date

Senate Rules
Committee

SB 868.
Bill Number or Topic

Amendment Barcode (if applicable)

Name DANAYS SILVA Phone 786 301 5340

Address _____ Email _____
Street

_____ 33018
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

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S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL:	CS/CS/CS/SB 922
INTRODUCER:	Rules Committee; Judiciary Committee; Commerce and Tourism Committee and Senator Leek
SUBJECT:	Employment Agreements
DATE:	April 17, 2025 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McMillan	McKay	CM	**Fav/CS**
2.	Bond	Cibula	JU	**Fav/CS**
3.	McMillan	Yeatman	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/CS/SB 922 creates the "Florida Contracts Honoring Opportunity, Investment, Confidentiality, and Economic Growth (CHOICE) Act," which establishes the framework for the use of covered garden leave agreements and covered noncompete agreements between a covered employer and a covered employee. A covered garden leave agreement or a covered noncompete agreement does not violate state antitrust laws. An employee must be given 7 days to review a covered agreement before signing. The bill limits covered agreements to 4 years and provides for the enforcement of covered agreements.

A covered employee is an employee or an individual contractor who earns or is reasonably expected to earn a salary greater than twice the annual mean wage of the county in Florida which the employer has its principal place of business, or the county in Florida in which the employee resides. A covered garden leave agreement is an agreement to keep paying an existing covered employee even though the employee is not required to appear at work or produce any output. The employee agrees not to take any other employment during that period without the permission of the employer. A covered noncompete agreement is an agreement usually signed at the beginning of employment whereby the covered employee agrees not to work for a competitor for a set length of time after termination of employment.

The bill takes effect July 1, 2025.

II. Present Situation:

Federal Antitrust Laws

In 1890, Congress passed the first antitrust law, the Sherman Act, as a comprehensive charter of economic liberty aimed at preserving free and unfettered competition as the rule of trade. Congress subsequently passed two additional antitrust laws in 1914: the Federal Trade Commission Act, which created the Federal Trade Commission (FTC), and the Clayton Act. Currently, these are the three core federal antitrust laws.[1]

The Sherman Act

The Sherman Act outlaws every contract, combination, or conspiracy in restraint of trade, and any monopolization, attempted monopolization, or conspiracy or combination to monopolize. The Sherman Act does not prohibit every restraint of trade – only those that are unreasonable. For example, an agreement between two individuals to form a partnership may restrain trade, but may not do so unreasonably, and thus may be lawful under the antitrust laws. In contrast, certain acts are considered "per se" violations of the Sherman Act because they are harmful to competition. These include plain arrangements among competing individuals or businesses to fix prices, divide markets, or rig bids.[2]

The penalties for violating the Sherman Act can be severe. Although most enforcement actions are civil, the Sherman Act is also a criminal law, and individuals and businesses that violate it may be prosecuted by the U.S. Department of Justice. Criminal prosecutions are typically limited to intentional and clear violations. The Sherman Act imposes criminal penalties of up to $10 million for a corporation and $350,000 for an individual, along with up to 3 years in prison.[3] Under some circumstances, the maximum fines can be higher.[4]

The Federal Trade Commission Act

The Federal Trade Commission Act prohibits unfair methods of competition and unfair or deceptive acts or practices.[5] The U.S. Supreme Court has ruled that all violations of the Sherman Act also violate the FTC Act. Therefore, the FTC can bring cases under the FTC Act against the same kinds of activities that violate the Sherman Act. The FTC Act also reaches other practices that harm competition but may not fit neatly into categories of conduct formally prohibited by the Sherman Act. Only the FTC may bring cases under the FTC Act.[6]

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[1] *See The Antitrust Laws*, Federal Trade Commission, *available at* https://www.ftc.gov/tips-advice/competition-guidance/guide-antitrust-laws/antitrust-laws (last visited April 17, 2025).
[2] *Id.*
[3] *Antitrust Enforcement and the Consumer*, U.S. Department of Justice, *available at* https://www.govinfo.gov/content/pkg/GOVPUB-J-PURL-LPS16084/pdf/GOVPUB-J-PURL-LPS16084.pdf (last visited April 17, 2025). *See also* 15 U.S.C.A. § 2
[4] *Id.*
[5] 15 U.S.C. §§ 41-58.
[6] *The Antitrust Laws*, Federal Trade Commission, *available at* https://www.ftc.gov/tips-advice/competition-guidance/guide-antitrust-laws/antitrust-laws (last visited April 17, 2025).

The Clayton Act

The Clayton Act addresses specific practices that the Sherman Act does not clearly prohibit, such as mergers and interlocking directorates.[7] It also bans mergers and acquisitions where the effect may substantially lessen competition or create a monopoly. As amended by the Robinson-Patman Act of 1936, the Clayton Act also prohibits certain discriminatory prices, services, and allowances in dealings between merchants. The Clayton Act was amended again in 1976 by the Hart-Scott-Rodino Antitrust Improvements Act to require companies planning large mergers or acquisitions to notify the government of their plans in advance. Additionally, private parties are authorized to sue for triple damages when they have been harmed by conduct that violates either the Sherman or Clayton Act and to obtain a court order prohibiting the anticompetitive practice prospectively.[8]

Florida Antitrust Laws

Florida law also provides protections against anticompetitive practices. Chapter 542, F.S., the Florida Antitrust Act of 1980, is intended to complement the body of federal law prohibiting restraints of trade or commerce in order to foster effective competition.[9] It outlaws every contract, combination, or conspiracy in restraint of trade or commerce in Florida[10] and any person from monopolizing or attempting or conspiring to monopolize any part of trade.[11]

Contracts in Restraint of Trade or Commerce

Generally, a contract in restraint of trade or commerce in Florida is unlawful.[12] However, non-competition restrictive covenants[13] contained in employment agreements that are reasonable in time, area, and line of business, are not prohibited.[14] In any action concerning enforcement of a restrictive covenant, a court may not enforce a restrictive covenant unless it is set forth in a writing signed by the person against whom enforcement is sought, and the person seeking enforcement of a restrictive covenant must prove the existence of one or more legitimate business interests justifying the restrictive covenant.[15] The term "legitimate business interest" includes, but is not limited to:

- Trade secrets;[16]
- Valuable confidential business or professional information that does not otherwise qualify as trade secrets;

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[7] "Interlocking directorates" means the same person making business decisions for competing companies. *See also id.*
[8] *Id.*
[9] Section 542.16, F.S.
[10] Section 542.18, F.S.
[11] Section 542.19, F.S.
[12] Section 542.18, F.S.
[13] Section 542.335, F.S. employs the term "restrictive covenants" and includes all contractual restrictions such as noncompetition/nonsolicitation agreements, confidentiality agreements, exclusive dealing agreements, and all other contractual restraints of trade. *See Henao v. Prof'l Shoe Repair, Inc.*, 929 So.2d 723, 726 (Fla. 5th DCA 2006).
[14] Section 542.335(1), F.S.
[15] *Id.*
[16] Section 688.002(4), F.S., defines a "trade secret" as information, including a formula, pattern, compilation, program, device, method, technique, or process that derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

- Substantial relationships with specific prospective or existing customers, patients, or clients;
- Customer, patient, or client goodwill associated with:
  - An ongoing business or professional practice, by way of trade name, trademark, service mark, or "trade dress;"
  - A specific geographic location; or
  - A specific marketing or trade area; or
- Extraordinary or specialized training.[17]
- Any restrictive covenant not supported by a legitimate business interest is unlawful and is void and unenforceable.[18] A person seeking enforcement of a restrictive covenant must prove that the contractually specified restraint is reasonably necessary to protect the legitimate business interest or interests justifying the restriction.[19]

Trade Secrets

Section 812.081, F.S., defines a "trade secret" as the whole or any portion or phase of any formula, pattern, device, combination of devices, or compilation of information which is for use, or is used, in the operation of a business and which provides the business an advantage, or an opportunity to obtain an advantage, over those who do not know or use it. The term includes any scientific, technical, or commercial information, including financial information, and includes any design, process, procedure, list of suppliers, list of customers, business code, or improvement thereof, whether tangible or intangible, and regardless of whether or how it is stored, compiled, or memorialized physically, electronically, graphically, photographically, or in writing. Irrespective of novelty, invention, patentability, the state of the prior art, and the level of skill in the business, art, or field to which the subject matter pertains, a trade secret is considered to be:

- Secret;
- Of value;
- For use or in use by the business; and
- Of advantage to the business, or providing an opportunity to obtain an advantage, over those who do not know or use it.[20]

Penalties

Florida law criminalizes the disclosure or theft of trade secrets. For example:

- Section 815.04, F.S., makes it a third degree felony[21] for a person to willfully, knowingly, and without authorization disclose or take data, programs, or supporting documentation that are trade secrets that reside or exist internal or external to a computer, computer system, computer network, or electronic device.[22]
- Section 812.081(2), F.S., makes it a third degree felony for a person to willfully and without authorization, obtain or use, or endeavor to obtain or use, a trade secret with the intent to either temporarily or permanently:

[17] Section 542.335(1)(b), F.S.
[18] *Id*.
[19] Section 542.335(1)(c), F.S.
[20] Section 812.081(1)(f), F.S.
[21] A third degree felony is punishable by up to 5 years imprisonment and a $5,000 fine. *See* ss. 775.082 and 775.083, F.S.
[22] The offense is a second degree felony if committed for the purpose of devising or executing any scheme or artifice to defraud or to obtain property.

- Deprive or withhold from the trade secret's owner the control or benefit of a trade secret; or
- Appropriate a trade secret to his or her own use or to the use of another person not entitled to the trade secret.

- Section 812.081(3), F.S., makes it a second degree felony[23] for a person who traffics in, or endeavors to traffic in, a trade secret that he or she knows or should know was obtained or used without authorization.

Restrictive Covenants in Florida Health Care

Under s. 542.336, F.S., a restrictive covenant entered into with a physician who practices a medical specialty in a county where one entity employs or contracts with all physicians who practice that specialty in that county, is not supported by a legitimate business interest and is void and unenforceable.[24] The restrictive covenant remains void and unenforceable until three years after the date on which a second entity that employs or contracts with one or more physicians who practice that specialty begins serving patients in that county.[25]

In *21st Century Oncology, Inc.*, the plaintiff sought a preliminary injunction to enjoin the application and enforcement of s. 542.336, F.S. In August of 2019, the U.S. District Court for the Northern District of Florida denied the injunction. While s. 542.336, F.S., was found to impair the plaintiff's employment contracts within the meaning of the Contracts Clause, the court held that the degree of impairment did not outweigh the statute's significant, legitimate public purpose.[26]

Federal Trade Commission Rule

In September of 2024, the FTC's rule[27] against noncompete agreements was set to take effect to promote competition by banning noncompete agreements nationwide.[28] Under the rule, existing

[23] A second degree felony is punishable by up to 15 years imprisonment and a $10,000 fine. *See* ss. 775.082 and 775.083, F.S.
[24] Section 542.336, F.S.
[25] *Id*.
[26] The ostensible public purpose of section 542.336, F.S., is to reduce healthcare costs and improve patients' access to physicians. *See* s. 542.336, F.S.; ECF No. 64 at 8 (Attorney General's post-hearing brief, stating "section 542.336 explicitly sets forth its own rational basis in declaring that the restrictive covenants addressed by it are not supported by a legitimate business interest, restrict patient access to physicians, and increase costs"). It is well settled that access to affordable healthcare is a legitimate state interest." *See also 21st Century Oncology, Inc. v. Moody*, 402 F. Supp. 3d 1351, 1359 (N.D. Fla. 2019). "Allopathy" is a system of medical practice that emphasizes diagnosing and treating disease and the use of conventional, evidence-based therapeutic measures (such as drugs or surgery). *See also* Merriam-Webster Dictionary, "allopathy," *available at* https://www.merriam-webster.com/dictionary/allopathy (last visited April 17, 2025). "Osteopathy" is a system of medical practice that emphasizes a holistic and comprehensive approach to patient care and utilizes the manipulation of musculoskeletal tissues along with therapeutic measures to prevent or treat disease. *See also* Merriam-Webster Dictionary, "osteopathy," *available at* https://www.merriam-webster.com/dictionary/osteopathy (last visited April 17, 2025).
[27] 16 C.F.R. § 910.1-6
[28] *FTC Announces Rule Banning Noncompetes*, The Federal Trade Commission, *available at* https://www.ftc.gov/news-events/news/press-releases/2024/04/ftc-announces-rule-banning-noncompetes (last visited April 17, 2025).

noncompete agreements[29] for most workers would no longer be enforceable.[30] Existing noncompete agreements for senior executives[31] would remain in force; however, new noncompete agreements, even if they involve senior executives would be banned.[32] Additionally, the rule requires employers to provide notice to workers other than senior executives who are bound by an existing noncompete agreement that they will not be enforceable.[33] Ultimately, the rule determined that it is an unfair method of competition for employers to enter into noncompete agreements with workers, and therefore noncompete agreements are a violation of Section 5 of the FTC Act.[34]

On July 23, 2024, the U.S. District Court for the Eastern District of Pennsylvania issued a decision, which held that the FTC had the authority to issue its rule banning most employment based noncompete agreements.[35]

On August 14, 2024, the U.S. District Court for the Middle District of Florida entered a limited injunction prohibiting the FTC from enforcing the FTC's noncompete rule. The court used the "major questions doctrine" to argue that the FTC did not have a valid grant of congressional authority to enact the rule.[36]

On August 20, 2024, the U.S. District Court for the Northern District of Texas granted summary judgement to the plaintiffs in *Ryan, LLC v. FTC*, which sets aside the FTC's noncompete clause rule.[37] The court found that the FTC has no authority to promulgate substantive rules regarding unfair competition, and the rule is invalid because it is arbitrary and capricious.[38]

---

[29] The rule defines "noncompete clause" as one that prevents the worker from seeking or accepting new employment "after the conclusion" of the current employment. Thus, under the rule "garden leave agreements" may or may not be prohibited depending on how they are structured. For instance, a garden leave agreement where the employee remains employed but is not allowed to access the business during the garden leave period should be permissible. *See id.*

[30] *Id.* The following are exceptions listed under the rule: (1) noncompete agreements that are entered into by a person pursuant to a bona fide sale of a business entity, of the person's ownership interest in a business entity, or of all or substantially all of a business entity's operating assets; (2) noncompete agreements where a cause of action related to a noncompete clause accrued prior to the effective date of the rule; and (3) where a person has a good faith basis to believe that the rule is inapplicable. *See* 16 C.F.R. § 910.1-6.

[31] The FTC defines "senior executive" as someone who earns at least $151,164 per year and has "policy making" authority. "Policy making" authority means a role that involves making decisions that significantly impact business.

[32] *Id.* The final rule defines "senior executives" as workers earning more than $151,164 annually and who are in policy-making positions. *See id. See also* 16 C.F.R. § 910.1-6.

[33] *Id.*

[34] *Id.* The FTC found that employers have several alternatives to noncompete agreements that still enable them to protect their investments without having to enforce a noncompete agreement. For instance, trade secret laws and non-disclosure agreements both provide employers with means to protect proprietary and other sensitive information. *See id.*

[35] *ATS Tree Services, LLC. v. Federal Trade Commission*, WL 3511630 (E.D. Pa. 2024). The court found that the FTC has broad authority to regulate "unfair methods of competition" under the FTC Act. *See also* 15 U.S.C. §§ 41-58.

[36] *Properties of the Villages, Inc. v. Federal Trade Commission*, WL 3870380 (M.D. Fla. 2024). The "major questions doctrine" requires administrative agencies issuing rules of extraordinary economic and political significance to point to clear and unambiguous congressional intent to confer such power on the agency.

[37] *Ryan, LLC v. Federal Trade Commission*, 746 F.Supp.3d 369 (N.D. Tex. 2024). This is a nationwide injunction.

[38] *Id.*

The term "garden leave"

The term or idea of "garden leave" or "gardening leave" first appears to have originated in England at the end of World War I. Soldiers suffering from shell shock and unable to fight would be sent home with full pay to tend to their garden, growing food for the war effort while rehabilitating. The term came into popular use in 1986 when it was used in the BBC sitcom Yes, Prime Minister. It is thought that the leave is called gardening leave because that's all the employee can do: they can't come in to work and they can't work for anyone else. All they can do is work in or sit in their garden.[39]

III. Effect of Proposed Changes:

Section 1 of the bill creates Part I of ch. 542, F.S., consisting of existing ss. 542.15-542.36, F.S., entitled "The Florida Antitrust Act of 1980." The new Part I contains all of current ch. 542, F.S., without substantive amendment. **Sections 3 to 21** of the bill make technical changes to those sections to account for the creation of part of a chapter.

Section 2 of the bill creates Part II of ch. 542, F.S., consisting of ss. 542.41-542.45, F.S., entitled the "Florida Contracts Honoring Opportunity, Investment, Confidentiality, and Economic Growth (CHOICE) Act."

The bill establishes that the Legislature finds a proper and legitimate state interest is served by enforcing strong legal protections in contracts between employers and contracted personnel which encourage optimal levels of information sharing and training and development. The Legislature further finds that alternative means of protecting confidential information and client relationships, such as nondisclosure agreements, fixed-duration term contracts, and nonsolicitation clauses in employment contracts, are inadequate to protect against the significant global risks faced by companies in Florida. Additionally, the Legislature finds that predictability in the enforcement of contracts described in Part II of ch. 542, F.S., encourages investment in Florida. Therefore, the Legislature determines and declares that Part II of ch. 542, F.S., fulfills an important state interest.

Definitions

The bill creates the following definitions:

- "Annual mean wage of employees in Florida" or "annual mean wage" means the most recent annual mean wage as calculated by the United States Department of Labor Bureau of Labor Statistics, or its successor calculation, for all occupations in Florida.[40]
- "Benefit" means access to health insurance, life insurance, or disability insurance that is the same as or similar to the insurance that a covered employee had access to and at the same cost to that employee during the month before the commencement of his or her notice period.

[39] Edmonson, *Gardening Leave?*, March 25, 2019, *available at* https://www.linkedin.com/pulse/gardening-leave-david-edmondson (last visited April 17, 2025).

[40] According to the United States Department of Labor Bureau of Labor Statistics, the most recent annual mean wage for all occupations in Florida is $60,210. *Occupational Employment and Wage Statistics*, U.S. Bureau of Labor Statistics, *available at* https://www.bls.gov/oes/current/oes_fl.htm#00-0000 (last visited April 17, 2025).

- "Covered employee" means an employee or an individual contractor who earns or is reasonably expected to earn a salary greater than twice the annual mean wage of the county in Florida which the employer has its principal place of business, or the county in Florida in which the employee resides if the employer's principal place of business is not in Florida. The term does not include a person classified as a medical professional[41] as defined in s. 1006.0626, F.S.
- "Covered employer" means an entity or individual who employs or engages a covered employee.
- "Covered garden leave agreement" means a written agreement, or part of a written agreement, between a covered employee and covered employer in which:
  - The covered employee and covered employer agree to up to, but no more than, 4 years of advance, express notice before terminating the employment or contractor relationship;
  - The covered employee agrees not to resign before the end of such notice period; and
  - The covered employer agrees to retain the covered employee for the duration of such notice period and to continue paying the covered employee the same salary and providing the same benefits that the covered employee received from the covered employer in the last month before the commencement of the notice period.[42]
- "Covered noncompete agreement" means a written agreement, or a portion of a written agreement, between a covered employee and a covered employer in which, for a period not to exceed 4 years and within a specified geographic area, which may be global in scope, the covered employee agrees not to assume a role with or for another business, entity, or individual:
  - In which the covered employee would provide services similar to the services provided to the covered employer during the 3 years preceding the noncompete period; or
  - In which it is reasonably likely the covered employee would use the confidential information or customer relationships of the covered employer.
- "Noncompete period" means the time from the covered employee's termination of employment through the end of the agreed-upon postemployment period of noncompetition as set forth in the covered noncompete agreement.
- "Notice period" means the date from the covered employee's or covered employer's written notice of intent to terminate the covered employee's employment through the date of termination as set forth in a covered garden leave agreement.
- "Primary place of work" means the location where the covered employee spends more work time than any other single workplace.
- "Salary" means the base compensation, calculated on an annualized basis, which a covered employer pays a covered employee, including a base wage, a salary, a professional fee, or other compensation for personal services, and the fair market value of any benefit other than cash. Salary does not include health care benefits, severance pay, retirement benefits, expense reimbursement, distribution of earnings and profits not included as compensation for personal services, discretionary incentives or awards, or anticipated but indeterminable compensation, including tips, bonuses, or commissions.

[41] Section 1006.0626, F.S., defines "medical professional" as a physician licensed under chapter 458 or chapter 459, F.S., a physician assistant licensed under chapter 458 or chapter 459, F.S., or an advanced practice registered nurse licensed under s. 464.012, F.S, who provides epilepsy or seizure disorder care.

[42] The bill provides that the covered employer is not obligated to provide discretionary incentive compensation or benefits or have the covered employee continue performing any work during the notice period.

Applicability -- In General

This section of the bill applies to a covered garden leave agreement or a covered noncompete agreement with a covered employee[43] who maintains a primary place of work in Florida, as well as to a covered employee who is subject to a covered garden leave agreement or a covered noncompete agreement with a covered employer whose principal place of business is in Florida. If any provision of ss. 542.44 or 542.45, F.S., are in conflict with any other law, the provisions of ss. 542.44 or 542.45, F.S., apply.

Certain Garden Leave Agreements Authorized

The bill provides that a covered garden leave agreement does not violate public policy as a restraint of trade[44] or as an attempt to monopolize trade or commerce[45] in Florida, and is fully enforceable according to its terms, if the following requirements are met:

- A covered employee is provided proper notice of the covered garden leave agreement before its execution; and
- The covered garden leave agreement provides that:
  - After the first 90 days of the notice period, the covered employee does not have to provide services to the covered employer;
  - The covered employee may engage in nonwork activities at any time, including during normal business hours, during the remainder of the notice period; and
  - The covered employee may, with the permission of the covered employer, work for another employer while still employed by the covered employer during the remainder of the notice period.

Certain Noncompete Agreements Authorized

The bill establishes that a covered noncompete agreement does not violate public policy as a restraint of trade, or as an attempt to monopolize trade or commerce in Florida, and is fully enforceable according to its terms, provided that:

- A covered employee was advised, in writing, of the right to seek counsel prior to execution of the covered noncompete agreement and was provided with proper notice;
- A covered employee acknowledges, in writing, that in the course of his or her employment he or she will receive confidential information or customer relationships; and
- A covered noncompete agreement provides that the noncompete period is reduced day-for-day by any nonworking portion of the notice period, pursuant to a covered garden leave agreement between the covered employee and the covered employer, if applicable.

Notice Requirements for Garden Leave Agreements and Noncompete Agreements

The bill requires proper notice of a covered garden leave agreement or a covered noncompete agreement in the following circumstances:

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[43] A "covered employee" means an employee or individual contractor who earns or is reasonably expected to earn a salary greater than twice the annual mean wage, or who has access to his or her employer's or client's confidential information or customer relationships. A court must presume that an employee or individual contractor has access to confidential information or customer relationships if the employee or individual contractor acknowledges the access or receipt of such access in writing.

[44] *See* s. 542.18, F.S.

[45] *See* s. 542.19, F.S.

- For a prospective covered employee, at least 7 days before a prospective covered employee's offer of employment expires; or
- For a current covered employee, at least 7 days before an offer to enter into a covered garden leave agreement expires.

In either case, a prospective or current covered employee is required to acknowledge in writing that he or she was expressly advised of the right to seek legal counsel before the execution of the covered garden leave agreement or the covered noncompete agreement. However, the covered employer may, without breach of the covered garden leave agreement, waive any portion of the notice requirement by providing at least 30 days' advance notice in writing to the covered employee.

Other Agreements with Employee

The bill provides that this section of the bill does not affect or limit the enforceability of any other employment agreement or any other agreement.

Remedies -- Garden Leave Agreements

Upon application by a covered employer, a court must preliminarily enjoin a covered employee from providing services to any business, entity, or individual other than the covered employer during the notice period. The court may modify or dissolve the injunction only if the covered employee establishes by clear and convincing evidence based on public or other nonconfidential information that:

- The covered employee will not perform, during the notice period, any work similar to the services provided to the covered employer during the 3-year period preceding the commencement of the notice period, or use confidential information or customer relationships of the covered employer;
- The covered employer has failed to pay or provide the salary and benefits provided for in the covered garden leave agreement during the notice period and has had a reasonable opportunity to cure the failure; or
- The business or individual seeking to employ or engage the covered employee is not engaged in, and is not planning or preparing to engage in during the noncompete period:
  - Business activity similar to that engaged in by the covered employer; and
  - In the geographic area specified in the noncompete agreement.

Remedies -- Noncompete Agreements

Upon application by a covered employer, a court must preliminarily enjoin a business, an entity, or an individual from engaging a covered employee during the covered employee's noncompete period. The court may modify or dissolve the injunction only if the business, entity, or individual establishes by clear and convincing evidence, based on public or other nonconfidential information, that:

- The covered employee will not provide any services similar to the services provided to the covered employer during the 3-year period preceding the commencement of the noncompete period, or use confidential information or customer relationships of the covered employer; or

- The business or individual seeking to employ or engage the covered employee is not engaged in, and is not planning or preparing to engage in, any business activity similar to those engaged in by the covered employer during the noncompete period.

Miscellaneous Other Provisions Regarding Garden Leave Agreements and Noncompete Agreements

Any information filed with the court which the covered employer deems to be confidential must be filed under seal to protect trade secrets or avoid substantial injury. This provision will require parties to a lawsuit regarding a covered garden leave agreement or covered noncompete agreement will be required to comply with the filing requirements of Rule 2.420(d)(2) of the Florida Rules of General Practice and Judicial Administration and the court will have to rule that the information qualifies for an exemption pursuant to existing public records laws.

The injunctive relief provided is not an exclusive remedy, and a prevailing covered employer is entitled to recover all available monetary damages for all available claims.

In any action to enforce this section, the prevailing party is entitled to reasonable attorney fees and costs.

If the covered employee engages in gross misconduct against the covered employer, the covered employer may reduce the salary or benefits of the covered employee or take other appropriate action during the notice period or the noncompete period, which reduction or other action may not be considered a breach of the covered garden leave agreement or the covered noncompete agreement.

The bill provides that any action regarding a restrictive covenant that does not meet the definitions of covered garden leave agreement or covered noncompete agreement governed by the provisions created by this bill is governed by s. 542.335, F.S. That section generally regulates restraints on trade or commerce.

Effective Date

Section 22 of the bill provides that it takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

Sections 542.44(2)(b) and 542.45(2)(b), created by this bill, provide that: “Any information filed with the court which the covered employer deems to be confidential must be filed under seal to protect confidentiality or avoid substantial injury.” To the extent that this language creates a directive requiring parties to ask the court to seal the information under existing public records law, they are enforceable. However, this

language cannot create a new public records exemption because a new exemption must be created in a separate bill. Fla. Const. Art. I, s. 24(c).

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

Article VI, Paragraph 2 of the U.S. Constitution, commonly referred to as the Supremacy Clause, establishes that the federal constitution, and federal law generally, take precedence over state laws and constitutions. The Supremacy Clause also prohibits states from interfering with the federal government's exercise of its constitutional powers and from assuming any functions that are exclusively entrusted to the federal government. It does not, however, allow the federal government to review or veto state laws before they take effect.[46]

As described in the "Present Situation" of this bill analysis, on August 20, 2024, the U.S. District Court for the Northern District of Texas issued an order stopping the FTC from enforcing the noncompete rule. The FTC has appealed the decision.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

[46] *Supremacy Clause*, Cornell Law School, Legal Information Institute, *available at* https://www.law.cornell.edu/wex/supremacy_clause (last visited April 17, 2025).

VIII. Statutes Affected:

This bill creates the following sections of the Florida Statutes: 542.41, 542.45, 542.42, 542.43, and 542.44.

This bill amends the following sections of the Florida Statutes: 542.15, 542.16, 542.17, 542.20, 542.22, 542.23, 542.235, 542.24, 542.25, 542.26, 542.27, 542.28, 542.29, 542.30, 542.31, 542.32, 542.33, 542.35, and 542.36.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS/CS by Rules on April 16, 2025:
The committee substitute changes the definition of "covered employee," to mean an employee or an individual contractor who earns or is reasonably expected to earn a salary greater than twice the annual mean wage of the county in Florida which the employer has its principal place of business, or the county in Florida in which the employee resides if the employer's principal place of business is not in Florida. The committee substitute clarifies that a covered noncompete agreement does not violate public policy as a restraint of trade if certain requirements are met, including the requirement that a covered employee acknowledges in writing, that in the course of his or her employment he or she will receive confidential information or customer relationships. Additionally, the committee substitute provides that a court may modify or dissolve an injunction awarded for breach of a covered noncompete agreement only if the covered employee establishes by clear and convincing evidence "based on public or other nonconfidential information" that certain parameters are met. It also provides additional circumstances that would authorize a court to modify or dissolve an injunction.

CS/CS by Judiciary on April 1, 2025:
The committee substitute renames the new Part II of ch. 542, F.S., which is created by the bill, as the CHOICE Act; limits application of new statutes on covered agreements to only a business whose principal place of business is in the state or to an employee whose principal place of employment is in the state; and makes numerous grammar and style improvements. It also makes technical changes to ss. 542.15 through 542.36, F.S., to conform to the new classification as Part I of ch. 542, F.S.

CS by Commerce and Tourism on March 17, 2025:
The committee substitute clarifies that a covered employer is not obligated to provide “discretionary benefits” or have the covered employee continue performing any work during the notice period. The amendment also clarifies that a provision should read “covered garden leave agreement,” instead of “covered garden agreement.” Lastly, the amendment fixes a drafting error to the title of a subsection in the bill.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/16/2025	.	
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The Committee on Rules (Leek) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Part I of chapter 542, Florida Statutes, consisting of ss. 542.15-542.36, Florida Statutes, is created and entitled the "Florida Antitrust Act of 1980."

Section 2. Part II of chapter 542, Florida Statutes, consisting of ss. 542.41-542.45, Florida Statutes, is created and entitled the "Florida Contracts Honoring Opportunity, Investment, Confidentiality, and Economic Growth (CHOICE) Act."

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542.41 Short title.—This part may be cited as the "Florida Contracts Honoring Opportunity, Investment, Confidentiality, and Economic Growth (CHOICE) Act."

542.42 Legislative findings.—The Legislature finds that a proper and legitimate state interest is served by enforcing strong legal protections in contracts between employers and contracted personnel which encourage optimal levels of information sharing and training and development. The Legislature further finds that alternative means of protecting confidential information and client relationships, such as nondisclosure agreements, fixed-duration term contracts, and nonsolicitation clauses in employment contracts, are inadequate to protect against the significant global risks faced by companies in this state. The Legislature further finds that predictability in the enforcement of contracts described in this part encourages investment in this state. Therefore, the Legislature determines and declares that this part fulfills an important state interest.

542.43 Definitions.—For the purposes of this part, the term:

(1) "Annual mean wage of employees in Florida" or "annual mean wage" means the most recent annual mean wage as calculated by the United States Department of Labor Bureau of Labor Statistics, or its successor calculation, for all occupations in this state.

(2) "Benefit" means access to health insurance, life insurance, or disability insurance that is the same as or similar to the insurance that a covered employee had access to and at the same cost to that employee during the month before

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the commencement of his or her notice period.

(3) "Covered employee" means an employee or an individual contractor who earns or is reasonably expected to earn a salary greater than twice the annual mean wage of the county in this state which the employer has its principal place of business, or the county in this state in which the employee resides if the employer's principal place of business is not in this state. The term does not include a person classified as a health care practitioner as defined in s. 456.001.

(4) "Covered employer" means an entity or individual who employs or engages a covered employee.

(5) "Covered garden leave agreement" means a written agreement, or part of a written agreement, between a covered employee and covered employer in which:

(a) The covered employee and covered employer agree to up to, but no more than, 4 years of advance, express notice before terminating the employment or contractor relationship;

(b) The covered employee agrees not to resign before the end of such notice period; and

(c) The covered employer agrees to retain the covered employee for the duration of such notice period and to continue paying the covered employee the same salary and providing the same benefits that the covered employee received from the covered employer in the last month before the commencement of the notice period. The covered employer is not obligated to provide discretionary incentive compensation or benefits or have the covered employee continue performing any work during the notice period.

(6) "Covered noncompete agreement" means a written

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agreement, or a portion of a written agreement, between a covered employee and a covered employer in which, for a period not to exceed 4 years and within the geographic area defined in the agreement, the covered employee agrees not to assume a role with or for another business, entity, or individual:

(a) In which the covered employee would provide services similar to the services provided to the covered employer during the 3 years preceding the noncompete period; or

(b) In which it is reasonably likely the covered employee would use the confidential information or customer relationships of the covered employer.

(7) "Noncompete period" means the time from the covered employee's termination of employment through the end of the agreed-upon postemployment period of noncompetition as set forth in the covered noncompete agreement.

(8) "Notice period" means the date from the covered employee's or covered employer's written notice of intent to terminate the covered employee's employment through the date of termination as set forth in a covered garden leave agreement.

(9) "Primary place of work" means the location where the covered employee spends more work time than any other single workplace.

(10) "Salary" means the base compensation, calculated on an annualized basis, which a covered employer pays a covered employee, including a base wage, a salary, a professional fee, or other compensation for personal services, and the fair market value of any benefit other than cash. Salary does not include health care benefits, severance pay, retirement benefits, expense reimbursement, distribution of earnings and profits not

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included as compensation for personal services, discretionary incentives or awards, or anticipated but indeterminable compensation, including tips, bonuses, or commissions.

542.44 Covered garden leave agreement.—

(1) APPLICABILITY.—This section applies to:

(a) A covered garden leave agreement with a covered employee who maintains a primary place of work in this state, regardless of any applicable choice of law provisions; or

(b) A covered garden leave agreement with a covered employer whose principal place of business is in this state and which agreement is expressly governed by the laws of this state.

If any provision of this section is in conflict with any other law, the provisions of this section shall govern.

(2) RESTRAINT OF TRADE.—A covered garden leave agreement does not violate public policy as a restraint of trade, as described in s. 542.18, or an attempt to monopolize trade or commerce in this state, as described in s. 542.19, and is fully enforceable according to its terms, provided that:

(a) A covered employee was advised, in writing, of the right to seek counsel prior to execution of the covered garden leave agreement and was provided notice as described in subsection (3);

(b) A covered employee acknowledges, in writing, receipt of confidential information or customer relationships; and

(c) The covered garden leave agreement provides that:

1. After the first 90 days of the notice period, the covered employee does not have to provide services to the covered employer;

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2. The covered employee may engage in nonwork activities at any time, including during normal business hours, during the remainder of the notice period;

3. The covered employee may, with the permission of the covered employer, work for another employer while still employed by the covered employer during the remainder of the notice period; and

4. The garden leave agreement notice period may be reduced during the notice period if the covered employer provides at least 30 days' advance notice in writing to the covered employee.

(3) NOTICE.—

(a) A covered employer must provide a proposed covered garden leave agreement to:

1. A prospective covered employee at least 7 days before an offer of employment expires; or

2. A current covered employee at least 7 days before the date that an offer to enter into a covered garden leave agreement expires.

(b) A covered employer may, as provided for in the covered garden leave agreement, shorten the term of the notice period at any time during the notice period by providing at least 30 days' advance notice in writing to the covered employee.

(4) OTHER AGREEMENTS.—This section does not affect or limit the enforceability of any other employment agreement or any other agreement.

(5) BREACH OF A COVERED GARDEN LEAVE AGREEMENT; REMEDIES.—

(a) Upon application by a covered employer seeking enforcement of a covered garden leave agreement, a court must

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preliminarily enjoin a covered employee from providing services to any business, entity, or individual other than the covered employer during the notice period. The court may modify or dissolve the injunction only if the covered employee establishes by clear and convincing evidence that:

1. The covered employee will not perform, during the notice period, any work similar to the services provided to the covered employer during the 3-year period preceding the commencement of the notice period, or use confidential information or customer relationships of the covered employer; or

2. The covered employer has failed to pay or provide the salary and benefits provided for in the covered garden leave agreement during the notice period and has had a reasonable opportunity to cure the failure.

(b) Upon application by a covered employer seeking enforcement of a covered garden leave agreement, a court must preliminarily enjoin any business, entity, or individual from engaging a covered employee during the covered employee's notice period. The court may modify or dissolve the injunction only if the business, entity, or individual establishes by clear and convincing evidence, based on public or other nonconfidential information, that:

1. The covered employee will not provide any services similar to the services provided to the covered employer during the 3-year period preceding the commencement of the notice period, or use confidential information or customer relationships of the covered employer; or

2. The business or individual seeking to employ or engage the covered employee is not engaged in, and is not planning or

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preparing to engage in, any business activity similar to that engaged in by the covered employer during the notice period.

Any information filed with the court which the covered employer deems to be confidential must be filed under seal to protect confidentiality or avoid substantial injury. A court must presume that an employee or an individual contractor has access to confidential information or customer relationships if the employee or individual contractor acknowledges the access or receipt of such access in writing.

(c) The injunctive relief provided under this section is not an exclusive remedy, and a prevailing covered employer is entitled to recover all available monetary damages for all available claims.

(d) In any action to enforce this section, the prevailing party is entitled to reasonable attorney fees and costs.

(e) If the covered employee engages in gross misconduct against the covered employer, the covered employer may reduce the salary or benefits of the covered employee or take other appropriate action during the notice period, which reduction or other action may not be considered a breach of the covered garden leave agreement.

542.45 Covered noncompete agreements.—

(1) APPLICABILITY.—This section applies to:

(a) A covered noncompete agreement with a covered employee who maintains a primary place of work in this state, regardless of any applicable choice of law provisions; or

(b) A covered noncompete agreement with a covered employer whose principal place of business is in this state and which

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agreement is expressly governed by the laws of this state.

In either case, if any provision of this section is in conflict with any other law, the provisions of this section govern.

(2) RESTRAINT OF TRADE.—A covered noncompete agreement does not violate public policy as a restraint of trade, as described in s. 542.18, or an attempt to monopolize trade or commerce in this state, as described in s. 542.19, and is fully enforceable according to its terms, provided that:

(a) A covered employee was advised, in writing, of the right to seek counsel prior to execution of the covered noncompete agreement and was provided notice as described in subsection (3);

(b) A covered employee acknowledges, in writing, that in the course of his or her employment he or she will receive confidential information or customer relationships; and

(c) A covered noncompete agreement provides that the noncompete period is reduced day-for-day by any nonworking portion of the notice period, pursuant to a covered garden leave agreement between the covered employee and the covered employer, if applicable.

(3) NOTICE.—A covered employer must provide a proposed covered noncompete agreement to:

(a) A prospective covered employee at least 7 days before an offer of employment expires; or

(b) A current covered employee at least 7 days before the date that an offer to enter into a covered noncompete agreement expires.

(4) OTHER AGREEMENTS.—This section does not affect or limit

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the enforceability of any other employment agreement or any other agreement.

(5) BREACH OF COVERED NONCOMPETE AGREEMENT; REMEDIES.—

(a) Upon application by a covered employer seeking enforcement of a covered noncompete agreement, a court must preliminarily enjoin a covered employee from providing services to any business, entity, or individual other than the covered employer during the noncompete period. The court may modify or dissolve the injunction only if the covered employee establishes by clear and convincing evidence based on public or other nonconfidential information that:

1. The covered employee will not perform, during the noncompete period, any work similar to the services provided to the covered employer during the 3-year period preceding the commencement of the noncompete period, or use confidential information or customer relationships of the covered employer;

2. The covered employer has failed to pay or provide the consideration provided for in the covered noncompete agreement and has had a reasonable opportunity to cure the failure; or

3. The business or individual seeking to employ or engage the covered employee is not engaged in, and is not planning or preparing to engage in during the noncompete period:

a. Business activity similar to that engaged in by the covered employer; and

b. In the geographic area specified in the noncompete agreement.

(b) Upon application by a covered employer seeking enforcement of a covered noncompete agreement, a court must preliminarily enjoin any business, entity, or individual from

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engaging a covered employee during the covered employee's noncompete period. The court may modify or dissolve the injunction only if the business, entity, or individual establishes by clear and convincing evidence, based on public or other nonconfidential information, that:

1. The covered employee will not provide any services similar to the services provided to the covered employer during the 3-year period preceding the commencement of the noncompete period, or use confidential information or customer relationships of the covered employer; or

2. The business or individual seeking to employ or engage the covered employee is not engaged in, and is not planning or preparing to engage in during the noncompete period:

a. Business activity similar to that engaged in by the covered employer; and

b. In the geographic area specified in the noncompete agreement.

Any information filed with the court which the covered employer deems to be confidential must be filed under seal to protect confidentiality or avoid substantial injury. A court must presume that an employee or an individual contractor has access to confidential information or customer relationships if the employee or individual contractor acknowledges the access or receipt of such access in writing.

(c) The injunctive relief provided in this section is not an exclusive remedy, and a prevailing covered employer is entitled to recover all available monetary damages for all available claims.

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(d) In any action to enforce this section, the prevailing party is entitled to reasonable attorney fees and costs.

(e) If the covered employee engages in gross misconduct against the covered employer, the covered employer may reduce the salary or benefits of the covered employee or take other appropriate action during the noncompete period, which reduction or other action may not be considered a breach of the covered noncompete agreement.

Any action regarding a restrictive covenant that does not meet the definition of a covered garden leave agreement or a covered noncompete agreement as provided in this part is governed by s. 542.335.

Section 3. Section 542.15, Florida Statutes, is amended to read:

542.15 Short title.—This part ~~act~~ shall be known and may be cited as the "Florida Antitrust Act of 1980."

Section 4. Section 542.16, Florida Statutes, is amended to read:

542.16 Purpose.—The Legislature declares it to be the purpose of this part ~~act~~ to complement the body of federal law prohibiting restraints of trade or commerce in order to foster effective competition. It is the intent of the Legislature that this part ~~act~~ be liberally construed to accomplish its beneficial purpose.

Section 5. Section 542.17, Florida Statutes, is reordered and amended to read:

542.17 Definitions.—Unless a different meaning is clearly indicated by the context, for the purposes of this part ~~chapter~~,

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the terms defined in this section have the following meanings ascribed to them:

(2)~~(1)~~ "Commodity" means any goods, merchandise, wares, produce, chose in action, land, article of commerce, or other tangible or intangible property, real, personal, or mixed, for use, consumption, production, enjoyment, or resale.

(6)~~(2)~~ "Service" means any kind of activity performed in whole or in part for economic benefit.

(5)~~(3)~~ "Person" means any individual, corporation, firm, partnership, limited partnership, incorporated or unincorporated association, professional association, or other legal, commercial, or governmental entity, including the State of Florida, its departments, agencies, political subdivisions, and units of government.

(8)~~(4)~~ "Trade or commerce" means any economic activity of any type whatsoever involving any commodity or service whatsoever.

(3)~~(5)~~ "Document" means any stored or retained data or information in whatever form.

(1)~~(6)~~ "Attorney General" includes not only the Attorney General of Florida but also any designee of the Attorney General or any assistant attorney general or special assistant attorney general.

(7) "State attorney" includes not only the state attorneys of Florida but also any designee of a state attorney or any assistant state attorney or special assistant state attorney.

(4)~~(8)~~ "Local government" means a municipality, county, school district, or any other general-function or special-function governmental unit established by the laws of the state.

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Section 6. Section 542.20, Florida Statutes, is amended to read:

542.20 Exemptions.—Any activity or conduct exempt under Florida statutory or common law or exempt from the provisions of the antitrust laws of the United States is exempt from the provisions of this part ~~chapter~~.

Section 7. Subsection (1) of section 542.22, Florida Statutes, is amended to read:

542.22 Suits for damages.—

(1) Any person who shall be injured in her or his business or property by reason of any violation of s. 542.18 or s. 542.19 may sue therefor in the circuit courts of this state and shall recover threefold the damages by her or him sustained, and the cost of suit, including a reasonable attorney ~~attorney's~~ fee. The court shall award a reasonable attorney ~~attorney's~~ fee to a defendant prevailing in any action under this part ~~chapter~~ for damages or equitable relief in which the court finds there was a complete absence of a justiciable issue of either law or fact raised by the plaintiff.

Section 8. Section 542.23, Florida Statutes, is amended to read:

542.23 Equitable remedies.—In addition to other remedies provided by this part ~~chapter~~, any person shall be entitled to sue for and have injunctive or other equitable relief in the circuit courts of this state against threatened loss or damage by a violation of this part ~~chapter~~. In any action under this section in which the plaintiff substantially prevails, the court shall award the cost of suit, including a reasonable attorney ~~attorney's~~ fee, to the plaintiff.



Section 9. Subsection (4) of section 542.235, Florida Statutes, is amended to read:

542.235 Limitations of actions and penalties against local governments and their officials and employees.—

(4) No criminal action shall be maintained pursuant to s. 542.21(2), and no civil penalties, damages, interest on damages, costs, or attorney ~~attorneys'~~ fees shall be recovered pursuant to s. 542.21(1) or s. 542.22, against any local government official or employee for official conduct within the scope of her or his lawful authority, unless the official or employee has violated the provisions of this part ~~chapter~~ for the purpose of deriving personal financial or professional gain or for the professional or financial gain of her or his immediate family or of any principal by whom the official is retained.

Section 10. Section 542.24, Florida Statutes, is amended to read:

542.24 Consent decrees and settlement agreements.—In a civil action maintained under this part ~~chapter~~ by the Attorney General or a state attorney, any party to such action may petition the court for entry of a consent decree or for approval of a settlement agreement. The proposed decree or agreement shall set out the alleged violations, the future obligations of the parties, the damages or other relief agreed upon, and the reasons for entering into the consent decree or settlement agreement.

Section 11. Section 542.25, Florida Statutes, is amended to read:

542.25 Judgment in favor of state as prima facie evidence.—A final judgment or decree entered in any civil or criminal

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proceeding brought by the Attorney General or a state attorney under s. 542.21 or s. 542.23 to the effect that a defendant has violated s. 542.18 or s. 542.19, or entered in any civil or criminal proceeding brought by the United States Department of Justice under comparable federal laws, shall be prima facie evidence against such defendant in any civil action or proceeding under this part ~~chapter~~ brought by any other person against such defendant as to all matters with respect to which such judgment or decree would be an estoppel as between the parties thereto; however, this section does not apply to a consent judgment or decree entered before any testimony has been taken. Nothing contained in this section shall be construed to impose any limitation on the application of collateral estoppel.

Section 12. Subsection (2) of section 542.26, Florida Statutes, is amended to read:

542.26 Limitation of actions.—

(2) Whenever any civil or criminal proceeding is instituted by the Attorney General or a state attorney to prevent, restrain, or punish any violation of this part ~~chapter~~, the running of the statute of limitations, with respect to every private right of action arising under this part ~~chapter~~ and based in whole or in part on any matter complained of in said proceeding, shall be suspended during the pendency thereof and for 1 year thereafter. Whenever the running of the statute of limitations in respect of a cause of action arising under s. 542.22(1) is suspended hereunder, any action to enforce such cause of action shall be forever barred unless commenced either within the period of suspension or within the period of limitation.

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Section 13. Section 542.27, Florida Statutes, is amended to read:

542.27 Enforcement authority.—

(1) The Attorney General, or a state attorney with written permission from the Attorney General, acting jointly or independently, may commence and try all criminal prosecutions under this part ~~chapter~~. Criminal prosecutions under this part ~~chapter~~ shall be commenced by indictment. With respect to commencement and trial of such prosecutions, the Attorney General or a state attorney shall have all the powers and duties vested by law with respect to criminal prosecutions generally. Incident to any investigation commenced under this part ~~chapter~~, the Attorney General may participate in and appear before a grand jury in assistance of any state attorney, irrespective of the provisions of chapter 905.

(2) The Attorney General is authorized to institute or intervene in civil proceedings seeking the full range of relief afforded by this part ~~chapter~~ or by federal laws pertaining to antitrust or restraints of trade on behalf of the state, its departments, agencies, and units of government. In addition, the Attorney General, as chief state legal officer, may institute any action authorized under this part ~~chapter~~, federal laws pertaining to antitrust or restraints of trade, or similar laws of other states on behalf of natural persons in the state.

(3) Whenever the Attorney General, by her or his own inquiry or as a result of a complaint, suspects that a violation of this part ~~chapter~~ or federal laws pertaining to restraints of trade is imminent, occurring, or has occurred, the Attorney General may investigate such suspected violation.



Section 14. Paragraph (b) of subsection (2), paragraph (b) of subsection (3), and subsections (5) and (13) of section 542.28, Florida Statutes, are amended to read:

542.28 Civil investigative demand.—

(2) The demand shall:

(b) State the nature of the conduct which constitutes the violation of this part ~~chapter~~ or of the federal antitrust laws and which is alleged to have occurred or to be imminent.

(3) No such demand shall require the production of any documentary material, the submission of any answers to written interrogatories, or the giving of any oral testimony if such material, answers, or testimony would be protected from disclosure under:

(b) The standards applicable to a discovery request under the Florida Rules of Civil Procedure, to the extent that the application of such standards to any such demand is appropriate and consistent with the provisions and purposes of this part ~~chapter~~.

(5) Within 30 days after the service of an investigative demand upon any person or at any time before the return date specified therein, whichever period is longer, the person served may file in the circuit court in and for the county in which the person resides or transacts business, and serve upon the Attorney General or state attorney, a petition for an order of the court modifying or setting aside the demand. The time allowed for compliance in whole or in part with the demand as deemed proper and ordered by the court shall not run while the petition is pending before the court. The petition shall specify each ground upon which the petitioner relies in seeking relief

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and may be based upon the failure of the demand to comply with the provisions of this part ~~chapter~~ or upon any constitutional or other legal right or privilege of such person.

(13) Nothing contained in this section shall impair the authority of the Attorney General or state attorney to:

(a) Institute a civil proceeding under s. 542.22;

(b) Lay before a grand jury of this state evidence concerning a violation of this part ~~chapter~~;

(c) Invoke the power of a court to compel the production of evidence before a grand jury; or

(d) File a civil complaint or criminal indictment alleging a violation of this part ~~chapter~~.

Section 15. Section 542.29, Florida Statutes, is amended to read:

542.29 Duty of public officers.—In any investigation and in any criminal or civil action commenced pursuant to this part ~~chapter~~, it shall be the duty of all public officers and their deputies, assistants, clerks, subordinates, or employees to render and furnish to the Attorney General or a state attorney, when so requested, assistance and all information available in their official capacity.

Section 16. Section 542.30, Florida Statutes, is amended to read:

542.30 Jurisdiction and venue.—Without regard to the amount in controversy, a suit or proceeding brought under this part ~~chapter~~ shall be brought in the circuit court in and for any county in which the cause of action arose; in which any defendant resides, is found, or has an agent; or in which any act in furtherance of the conduct prohibited by this part

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~~chapter~~ occurred.

Section 17. Section 542.31, Florida Statutes, is amended to read:

542.31 Action not barred as affecting or involving interstate or foreign commerce.—No action under this part ~~chapter~~ shall be barred on the grounds that the activity or conduct complained of in any way affects or involves interstate or foreign commerce. It is the intent of the Legislature to exercise its powers to the fullest extent consistent with the Constitutions of this state and the United States.

Section 18. Section 542.32, Florida Statutes, is amended to read:

542.32 Rule of construction and coverage.—It is the intent of the Legislature that, in construing this part ~~chapter~~, due consideration and great weight be given to the interpretations of the federal courts relating to comparable federal antitrust statutes. In particular, the failure to include in this part ~~chapter~~ the substantive provisions of s. 3 of the Clayton Act, 15 U.S.C. s. 14, shall not be deemed in any way to limit the scope of s. 542.18 or s. 542.19.

Section 19. Subsection (1) of section 542.33, Florida Statutes, is amended to read:

542.33 Contracts in restraint of trade valid.—

(1) Notwithstanding other provisions of this part ~~chapter~~ to the contrary, each contract by which any person is restrained from exercising a lawful profession, trade, or business of any kind, as provided by subsections (2) and (3) hereof, is to that extent valid, and all other contracts in restraint of trade are void.

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Section 20. Section 542.35, Florida Statutes, is amended to read:

542.35 Remedies cumulative.—The remedies provided by this part ~~act~~ are cumulative of each other and of existing powers and remedies inherent in the courts.

Section 21. Section 542.36, Florida Statutes, is amended to read:

542.36 Continuing violations.—Violations commenced prior to October 1, 1980, ~~the effective date of this act~~ and continuing after the effective date shall be actionable as provided in this part ~~chapter~~. The fact that any conduct occurred prior to October 1, 1980, ~~the effective date of this act~~ shall not affect its relevance in proving that a violation of this part ~~chapter~~ has occurred or is occurring.

Section 22. This act shall take effect July 1, 2025.

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

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled

An act relating to employment agreements; creating part I of ch. 542, F.S., entitled the "Florida Antitrust Act of 1980"; creating part II of ch. 542, F.S., entitled the "Florida Contracts Honoring Opportunity, Investment, Confidentiality, and Economic Growth (CHOICE) Act"; creating s. 542.41, F.S.; providing a short title; creating s. 542.42, F.S.; providing legislative findings; creating s. 542.43,

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F.S.; defining terms; creating s. 542.44, F.S.; providing applicability; providing that certain covered garden leave agreements are not a restraint of trade or an attempt to monopolize trade or commerce; providing notice requirements for covered garden leave agreements; providing that a covered employer may waive any portion of such notice requirements by providing a specified amount of advance written notice to the covered employee; providing that covered garden leave agreements do not affect other agreements; requiring a court to enter a preliminary injunction to stop covered employees, businesses, entities, or individuals if a breach of a covered garden leave agreement is alleged; authorizing the court to modify such an injunction if a covered employee, business, entity, or individual establishes certain information by clear and convincing evidence; requiring that certain information be provided to the court under seal; requiring the court to make presumptions of certain fact; providing that a prevailing covered employer is entitled to recover all available monetary damages for all available claims; providing that a prevailing party is entitled to reasonable attorney fees and costs; authorizing a covered employer to reduce the salary or benefits of a covered employee if he or she engages in gross misconduct; providing that such a reduction is not a breach of the covered garden leave agreement; creating s. 542.45, F.S.; providing applicability; providing that certain covered

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noncompete agreements are not a restraint of trade or an attempt to monopolize trade or commerce; providing notice requirements for covered noncompete agreements; providing that covered noncompete agreements do not affect other agreements; requiring a court to enter a preliminary injunction to stop covered employees, businesses, entities, or individuals if a breach of a covered noncompete agreement is alleged; authorizing the court to modify such an injunction if a covered employee, business, entity, or individual establishes certain information by clear and convincing evidence based on public or other nonconfidential information; requiring that certain information be provided to the court under seal; requiring the court to make presumptions of certain facts; providing that a prevailing covered employer is entitled to recover all available monetary damages for all available claims; providing that a prevailing party is entitled to reasonable attorney fees and costs; authorizing a covered employer to reduce the salary or benefits of a covered employee if he or she engages in gross misconduct; providing that such a reduction is not a breach of the covered noncompete agreement; providing construction regarding a restrictive covenant that does not meet the definition of a covered garden leave agreement or a covered noncompete agreement; amending ss. 542.15, 542.16, 542.17, 542.20, 542.22, 542.23, 542.235, 542.24, 542.25, 542.26, 542.27, 542.28, 542.29, 542.30, 542.31, 542.32, 542.33, 542.35, and

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542.36, F.S.; conforming provisions to changes made by the act; providing an effective date.

By the Committees on Judiciary; and Commerce and Tourism; and Senator Leek

590-03190-25 2025922c2

A bill to be entitled

An act relating to employment agreements; creating part I of ch. 542, F.S., entitled the "Florida Antitrust Act of 1980"; creating part II of ch. 542, F.S., entitled the "Florida Contracts Honoring Opportunity, Investment, Confidentiality, and Economic Growth (CHOICE) Act"; creating s. 542.41, F.S.; providing a short title; creating s. 542.42, F.S.; providing legislative findings; creating s. 542.43, F.S.; defining terms; creating s. 542.44, F.S.; providing applicability; providing that certain covered garden leave agreements are not a restraint of trade or an attempt to monopolize trade or commerce; providing notice requirements for covered garden leave agreements; providing that a covered employer may waive any portion of such notice requirements by providing a specified amount of advance written notice to the covered employee; providing that covered garden leave agreements do not affect other agreements; requiring a court to enter a preliminary injunction to stop covered employees, businesses, entities, or individuals if a breach of a covered garden leave agreement is alleged; authorizing the court to modify such an injunction if a covered employee, business, entity, or individual establishes certain information by clear and convincing evidence; requiring that certain information be provided to the court under seal; requiring the court to make presumptions of certain fact; providing that a prevailing covered

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

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employer is entitled to recover all available monetary damages for all available claims; providing that a prevailing party is entitled to reasonable attorney fees and costs; authorizing a covered employer to reduce the salary or benefits of a covered employee if he or she engages in gross misconduct; providing that such a reduction is not a breach of the covered garden leave agreement; creating s. 542.45, F.S.; providing applicability; providing that certain covered noncompete agreements are not a restraint of trade or an attempt to monopolize trade or commerce; providing notice requirements for covered noncompete agreements; providing that covered noncompete agreements do not affect other agreements; requiring a court to enter a preliminary injunction to stop covered employees, businesses, entities, or individuals if a breach of a covered noncompete agreement is alleged; authorizing the court to modify such an injunction if a covered employee, business, entity, or individual establishes certain information by clear and convincing evidence; requiring that certain information be provided to the court under seal; requiring the court to make presumptions of certain facts; providing that a prevailing covered employer is entitled to recover all available monetary damages for all available claims; providing that a prevailing party is entitled to reasonable attorney fees and costs; authorizing a covered employer to reduce the salary or benefits of a covered employee if he or she engages in gross

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

misconduct; providing that such a reduction is not a breach of the covered noncompete agreement; providing construction regarding a restrictive covenant that does not meet the definition of a covered garden leave agreement or a covered noncompete agreement; amending ss. 542.15, 542.16, 542.17, 542.20, 542.22, 542.23, 542.235, 542.24, 542.25, 542.26, 542.27, 542.28, 542.29, 542.30, 542.31, 542.32, 542.33, 542.35, and 542.36, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Part I of chapter 542, Florida Statutes, consisting of ss. 542.15-542.36, Florida Statutes, is created and entitled the "Florida Antitrust Act of 1980."

Section 2. Part II of chapter 542, Florida Statutes, consisting of ss. 542.41-542.45, Florida Statutes, is created and entitled the "Florida Contracts Honoring Opportunity, Investment, Confidentiality, and Economic Growth (CHOICE) Act."

542.41 Short title.—This part may be cited as the "Florida Contracts Honoring Opportunity, Investment, Confidentiality, and Economic Growth (CHOICE) Act."

542.42 Legislative findings.—The Legislature finds that a proper and legitimate state interest is served by enforcing strong legal protections in contracts between employers and contracted personnel which encourage optimal levels of information sharing and training and development. The Legislature further finds that alternative means of protecting

confidential information and client relationships, such as nondisclosure agreements, fixed-duration term contracts, and nonsolicitation clauses in employment contracts, are inadequate to protect against the significant global risks faced by companies in this state. The Legislature further finds that predictability in the enforcement of contracts described in this part encourages investment in this state. Therefore, the Legislature determines and declares that this part fulfills an important state interest.

542.43 Definitions.—For the purposes of this part, the term:

(1) "Annual mean wage of employees in Florida" or "annual mean wage" means the most recent annual mean wage as calculated by the United States Department of Labor Bureau of Labor Statistics, or its successor calculation, for all occupations in this state.

(2) "Benefit" means access to health insurance, life insurance, or disability insurance that is the same as or similar to the insurance that a covered employee had access to and at the same cost to that employee during the month before the commencement of his or her notice period.

(3) "Covered employee" means an employee or an individual contractor who earns or is reasonably expected to earn a salary greater than twice the annual mean wage, or who has access to his or her employer's or client's confidential information or customer relationships. The term does not include a person classified as a medical professional as defined in s. 1006.0626(1).

(4) "Covered employer" means an entity or individual who

employs or engages a covered employee.

(5) "Covered garden leave agreement" means a written agreement, or part of a written agreement, between a covered employee and covered employer in which:

(a) The covered employee and covered employer agree to up to, but no more than, 4 years of advance, express notice before terminating the employment or contractor relationship;

(b) The covered employee agrees not to resign before the end of such notice period; and

(c) The covered employer agrees to retain the covered employee for the duration of such notice period and to continue paying the covered employee the same salary and providing the same benefits that the covered employee received from the covered employer in the last month before the commencement of the notice period. The covered employer is not obligated to provide discretionary incentive compensation or benefits or have the covered employee continue performing any work during the notice period.

(6) "Covered noncompete agreement" means a written agreement, or a portion of a written agreement, between a covered employee and a covered employer in which, for a period not to exceed 4 years and within the geographic area defined in the agreement, the covered employee agrees not to assume a role with or for another business, entity, or individual:

(a) In which the covered employee would provide services similar to the services provided to the covered employer during the 3 years preceding the noncompete period; or

(b) In which it is reasonably likely the covered employee would use the confidential information or customer relationships

of the covered employer.

(7) "Noncompete period" means the time from the covered employee's termination of employment through the end of the agreed-upon postemployment period of noncompetition as set forth in the covered noncompete agreement.

(8) "Notice period" means the date from the covered employee's or covered employer's written notice of intent to terminate the covered employee's employment through the date of termination as set forth in a covered garden leave agreement.

(9) "Primary place of work" means the location where the covered employee spends more work time than any other single workplace.

(10) "Salary" means the base compensation, calculated on an annualized basis, which a covered employer pays a covered employee, including a base wage, a salary, a professional fee, or other compensation for personal services, and the fair market value of any benefit other than cash. Salary does not include health care benefits, severance pay, retirement benefits, expense reimbursement, distribution of earnings and profits not included as compensation for personal services, discretionary incentives or awards, or anticipated but indeterminable compensation, including tips, bonuses, or commissions.

542.44 Covered garden leave agreement.—

(1) APPLICABILITY.—This section applies to:

(a) A covered garden leave agreement with a covered employee who maintains a primary place of work in this state, regardless of any applicable choice of law provisions; or

(b) A covered garden leave agreement with a covered employer whose principal place of business is in this state and

is expressly governed by the laws of this state.

If any provision of this section is in conflict with any other law, the provisions of this section shall govern.

(2) RESTRAINT OF TRADE.—A covered garden leave agreement does not violate public policy as a restraint of trade, as described in s. 542.18, or an attempt to monopolize trade or commerce in this state, as described in s. 542.19, and is fully enforceable according to its terms, provided that:

(a) A covered employee was advised, in writing, of the right to seek counsel prior to execution of the covered garden leave agreement and was provided notice as described in subsection (3);

(b) A covered employee acknowledges, in writing, receipt of confidential information or customer relationships; and

(c) The covered garden leave agreement provides that:

1. After the first 90 days of the notice period, the covered employee does not have to provide services to the covered employer;

2. The covered employee may engage in nonwork activities at any time, including during normal business hours, during the remainder of the notice period;

3. The covered employee may, with the permission of the covered employer, work for another employer while still employed by the covered employer during the remainder of the notice period; and

4. The garden leave agreement notice period may be reduced during the notice period if the covered employer provides at least 30 days' advance notice in writing to the covered

employee.

(3) NOTICE.—

(a) A covered employer must provide a proposed covered garden leave agreement to:

1. A prospective covered employee at least 7 days before an offer of employment expires; or

2. A current covered employee at least 7 days before the date that an offer to enter into a covered garden leave agreement expires.

(b) A covered employer may, as provided for in the covered garden leave agreement, shorten the term of the notice period at any time during the notice period by providing at least 30 days' advance notice in writing to the covered employee.

(4) OTHER AGREEMENTS.—This section does not affect or limit the enforceability of any other employment agreement or any other agreement.

(5) BREACH OF A COVERED GARDEN LEAVE AGREEMENT; REMEDIES.—

(a) Upon application by a covered employer seeking enforcement of a covered garden leave agreement, a court must preliminarily enjoin a covered employee from providing services to any business, entity, or individual other than the covered employer during the notice period. The court may modify or dissolve the injunction only if the covered employee establishes by clear and convincing evidence that:

1. The covered employee will not perform, during the notice period, any work similar to the services provided to the covered employer during the 3-year period preceding the commencement of the notice period, or use confidential information or customer relationships of the covered employer; or

2. The covered employer has failed to pay or provide the salary and benefits provided for in the covered garden leave agreement during the notice period and has had a reasonable opportunity to cure the failure.

(b) Upon application by a covered employer seeking enforcement of a covered garden leave agreement, a court must preliminarily enjoin any business, entity, or individual from engaging a covered employee during the covered employee's notice period. The court may modify or dissolve the injunction only if the business, entity, or individual establishes by clear and convincing evidence, based on public or other nonconfidential information, that:

1. The covered employee will not provide any services similar to the services provided to the covered employer during the 3-year period preceding the commencement of the notice period, or use confidential information or customer relationships of the covered employer; or

2. The business or individual seeking to employ or engage the covered employee is not engaged in, and is not planning or preparing to engage in, any business activity similar to that engaged in by the covered employer during the notice period.

Any information filed with the court which the covered employer deems to be confidential must be filed under seal to protect confidentiality or avoid substantial injury. A court must presume that an employee or an individual contractor has access to confidential information or customer relationships if the employee or individual contractor acknowledges the access or receipt of such access in writing.

(c) The injunctive relief provided under this section is not an exclusive remedy, and a prevailing covered employer is entitled to recover all available monetary damages for all available claims.

(d) In any action to enforce this section, the prevailing party is entitled to reasonable attorney fees and costs.

(e) If the covered employee engages in gross misconduct against the covered employer, the covered employer may reduce the salary or benefits of the covered employee or take other appropriate action during the notice period, which reduction or other action may not be considered a breach of the covered garden leave agreement.

542.45 Covered noncompete agreements.—

(1) APPLICABILITY.—This section applies to:

(a) A covered noncompete agreement with a covered employee who maintains a primary place of work in this state, regardless of any applicable choice of law provisions; or

(b) A covered noncompete agreement with a covered employer whose principal place of business is in this state and is expressly governed by the laws of this state.

In either case, if any provision of this section is in conflict with any other law, the provisions of this section govern.

(2) RESTRAINT OF TRADE.—A covered noncompete agreement does not violate public policy as a restraint of trade, as described in s. 542.18, or an attempt to monopolize trade or commerce in this state, as described in s. 542.19, and is fully enforceable according to its terms, provided that:

(a) A covered employee was advised, in writing, of the

right to seek counsel prior to execution of the covered noncompete agreement and was provided notice as described in subsection (3);

(b) A covered employee acknowledges, in writing, receipt of confidential information or customer relationships; and

(c) A covered noncompete agreement provides that the noncompete period is reduced day-for-day by any nonworking portion of the notice period, pursuant to a covered garden leave agreement between the covered employee and the covered employer, if applicable.

(3) NOTICE.—A covered employer must provide a proposed covered noncompete agreement to:

(a) A prospective covered employee at least 7 days before an offer of employment expires; or

(b) A current covered employee at least 7 days before the date that an offer to enter into a covered noncompete agreement expires.

(4) OTHER AGREEMENTS.—This section does not affect or limit the enforceability of any other employment agreement or any other agreement.

(5) BREACH OF COVERED NONCOMPETE AGREEMENT; REMEDIES.—

(a) Upon application by a covered employer seeking enforcement of a covered noncompete agreement, a court must preliminarily enjoin a covered employee from providing services to any business, entity, or individual other than the covered employer during the noncompete period. The court may modify or dissolve the injunction only if the covered employee establishes by clear and convincing evidence that:

1. The covered employee will not perform, during the

noncompete period, any work similar to the services provided to the covered employer during the 3-year period preceding the commencement of the noncompete period, or use confidential information or customer relationships of the covered employer; or

2. The covered employer has failed to pay or provide the consideration provided for in the covered noncompete agreement and has had a reasonable opportunity to cure the failure.

(b) Upon application by a covered employer seeking enforcement of a covered noncompete agreement, a court must preliminarily enjoin any business, entity, or individual from engaging a covered employee during the covered employee's noncompete period. The court may modify or dissolve the injunction only if the business, entity, or individual establishes by clear and convincing evidence, based on public or other nonconfidential information, that:

1. The covered employee will not provide any services similar to the services provided to the covered employer during the 3-year period preceding the commencement of the noncompete period, or use confidential information or customer relationships of the covered employer; or

2. The business or individual seeking to employ or engage the covered employee is not engaged in, and is not planning or preparing to engage in, any business activity in the geographic area specified in the noncompete agreement during the noncompete period if such business activity is similar to that engaged in by the covered employer.

Any information filed with the court which the covered employer

deems to be confidential must be filed under seal to protect confidentiality or avoid substantial injury. A court must presume that an employee or an individual contractor has access to confidential information or customer relationships if the employee or individual contractor acknowledges the access or receipt of such access in writing.

(c) The injunctive relief provided in this section is not an exclusive remedy, and a prevailing covered employer is entitled to recover all available monetary damages for all available claims.

(d) In any action to enforce this section, the prevailing party is entitled to reasonable attorney fees and costs.

(e) If the covered employee engages in gross misconduct against the covered employer, the covered employer may reduce the salary or benefits of the covered employee or take other appropriate action during the noncompete period, which reduction or other action may not be considered a breach of the covered noncompete agreement.

Any action regarding a restrictive covenant that does not meet the definition of a covered garden leave agreement or a covered noncompete agreement as provided in this part is governed by s. 542.335.

Section 3. Section 542.15, Florida Statutes, is amended to read:

542.15 Short title.—This part ~~act~~ shall be known and may be cited as the "Florida Antitrust Act of 1980."

Section 4. Section 542.16, Florida Statutes, is amended to read:

542.16 Purpose.—The Legislature declares it to be the purpose of this part ~~act~~ to complement the body of federal law prohibiting restraints of trade or commerce in order to foster effective competition. It is the intent of the Legislature that this part ~~act~~ be liberally construed to accomplish its beneficial purpose.

Section 5. Section 542.17, Florida Statutes, is reordered and amended to read:

542.17 Definitions.—Unless a different meaning is clearly indicated by the context, for the purposes of this part ~~chapter~~, the terms defined in this section have the following meanings ascribed to them:

(2) ~~(1)~~ "Commodity" means any goods, merchandise, wares, produce, chose in action, land, article of commerce, or other tangible or intangible property, real, personal, or mixed, for use, consumption, production, enjoyment, or resale.

(6) ~~(2)~~ "Service" means any kind of activity performed in whole or in part for economic benefit.

(5) ~~(3)~~ "Person" means any individual, corporation, firm, partnership, limited partnership, incorporated or unincorporated association, professional association, or other legal, commercial, or governmental entity, including the State of Florida, its departments, agencies, political subdivisions, and units of government.

(8) ~~(4)~~ "Trade or commerce" means any economic activity of any type whatsoever involving any commodity or service whatsoever.

(3) ~~(5)~~ "Document" means any stored or retained data or information in whatever form.

(1)~~(6)~~ "Attorney General" includes not only the Attorney General of Florida but also any designee of the Attorney General or any assistant attorney general or special assistant attorney general.

(7) "State attorney" includes not only the state attorneys of Florida but also any designee of a state attorney or any assistant state attorney or special assistant state attorney.

(4)~~(8)~~ "Local government" means a municipality, county, school district, or any other general-function or special-function governmental unit established by the laws of the state.

Section 6. Section 542.20, Florida Statutes, is amended to read:

542.20 Exemptions.—Any activity or conduct exempt under Florida statutory or common law or exempt from the provisions of the antitrust laws of the United States is exempt from the provisions of this part ~~chapter~~.

Section 7. Subsection (1) of section 542.22, Florida Statutes, is amended to read:

542.22 Suits for damages.—

(1) Any person who shall be injured in her or his business or property by reason of any violation of s. 542.18 or s. 542.19 may sue therefor in the circuit courts of this state and shall recover threefold the damages by her or him sustained, and the cost of suit, including a reasonable attorney ~~attorney's~~ fee. The court shall award a reasonable attorney ~~attorney's~~ fee to a defendant prevailing in any action under this part ~~chapter~~ for damages or equitable relief in which the court finds there was a complete absence of a justiciable issue of either law or fact raised by the plaintiff.

Section 8. Section 542.23, Florida Statutes, is amended to read:

542.23 Equitable remedies.—In addition to other remedies provided by this part ~~chapter~~, any person shall be entitled to sue for and have injunctive or other equitable relief in the circuit courts of this state against threatened loss or damage by a violation of this part ~~chapter~~. In any action under this section in which the plaintiff substantially prevails, the court shall award the cost of suit, including a reasonable attorney ~~attorney's~~ fee, to the plaintiff.

Section 9. Subsection (4) of section 542.235, Florida Statutes, is amended to read:

542.235 Limitations of actions and penalties against local governments and their officials and employees.—

(4) No criminal action shall be maintained pursuant to s. 542.21(2), and no civil penalties, damages, interest on damages, costs, or attorney ~~attorneys'~~ fees shall be recovered pursuant to s. 542.21(1) or s. 542.22, against any local government official or employee for official conduct within the scope of her or his lawful authority, unless the official or employee has violated the provisions of this part ~~chapter~~ for the purpose of deriving personal financial or professional gain or for the professional or financial gain of her or his immediate family or of any principal by whom the official is retained.

Section 10. Section 542.24, Florida Statutes, is amended to read:

542.24 Consent decrees and settlement agreements.—In a civil action maintained under this part ~~chapter~~ by the Attorney General or a state attorney, any party to such action may

petition the court for entry of a consent decree or for approval of a settlement agreement. The proposed decree or agreement shall set out the alleged violations, the future obligations of the parties, the damages or other relief agreed upon, and the reasons for entering into the consent decree or settlement agreement.

Section 11. Section 542.25, Florida Statutes, is amended to read:

542.25 Judgment in favor of state as prima facie evidence.—A final judgment or decree entered in any civil or criminal proceeding brought by the Attorney General or a state attorney under s. 542.21 or s. 542.23 to the effect that a defendant has violated s. 542.18 or s. 542.19, or entered in any civil or criminal proceeding brought by the United States Department of Justice under comparable federal laws, shall be prima facie evidence against such defendant in any civil action or proceeding under this part ~~chapter~~ brought by any other person against such defendant as to all matters with respect to which such judgment or decree would be an estoppel as between the parties thereto; however, this section does not apply to a consent judgment or decree entered before any testimony has been taken. Nothing contained in this section shall be construed to impose any limitation on the application of collateral estoppel.

Section 12. Subsection (2) of section 542.26, Florida Statutes, is amended to read:

542.26 Limitation of actions.—

(2) Whenever any civil or criminal proceeding is instituted by the Attorney General or a state attorney to prevent, restrain, or punish any violation of this part ~~chapter~~, the

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

running of the statute of limitations, with respect to every private right of action arising under this part ~~chapter~~ and based in whole or in part on any matter complained of in said proceeding, shall be suspended during the pendency thereof and for 1 year thereafter. Whenever the running of the statute of limitations in respect of a cause of action arising under s. 542.22(1) is suspended hereunder, any action to enforce such cause of action shall be forever barred unless commenced either within the period of suspension or within the period of limitation.

Section 13. Section 542.27, Florida Statutes, is amended to read:

542.27 Enforcement authority.—

(1) The Attorney General, or a state attorney with written permission from the Attorney General, acting jointly or independently, may commence and try all criminal prosecutions under this part ~~chapter~~. Criminal prosecutions under this part ~~chapter~~ shall be commenced by indictment. With respect to commencement and trial of such prosecutions, the Attorney General or a state attorney shall have all the powers and duties vested by law with respect to criminal prosecutions generally. Incident to any investigation commenced under this part ~~chapter~~, the Attorney General may participate in and appear before a grand jury in assistance of any state attorney, irrespective of the provisions of chapter 905.

(2) The Attorney General is authorized to institute or intervene in civil proceedings seeking the full range of relief afforded by this part ~~chapter~~ or by federal laws pertaining to antitrust or restraints of trade on behalf of the state, its

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

departments, agencies, and units of government. In addition, the Attorney General, as chief state legal officer, may institute any action authorized under this part ~~chapter~~, federal laws pertaining to antitrust or restraints of trade, or similar laws of other states on behalf of natural persons in the state.

(3) Whenever the Attorney General, by her or his own inquiry or as a result of a complaint, suspects that a violation of this part ~~chapter~~ or federal laws pertaining to restraints of trade is imminent, occurring, or has occurred, the Attorney General may investigate such suspected violation.

Section 14. Paragraph (b) of subsection (2), paragraph (b) of subsection (3), and subsections (5) and (13) of section 542.28, Florida Statutes, are amended to read:

542.28 Civil investigative demand.—

(2) The demand shall:

(b) State the nature of the conduct which constitutes the violation of this part ~~chapter~~ or of the federal antitrust laws and which is alleged to have occurred or to be imminent.

(3) No such demand shall require the production of any documentary material, the submission of any answers to written interrogatories, or the giving of any oral testimony if such material, answers, or testimony would be protected from disclosure under:

(b) The standards applicable to a discovery request under the Florida Rules of Civil Procedure, to the extent that the application of such standards to any such demand is appropriate and consistent with the provisions and purposes of this part ~~chapter~~.

(5) Within 30 days after the service of an investigative

demand upon any person or at any time before the return date specified therein, whichever period is longer, the person served may file in the circuit court in and for the county in which the person resides or transacts business, and serve upon the Attorney General or state attorney, a petition for an order of the court modifying or setting aside the demand. The time allowed for compliance in whole or in part with the demand as deemed proper and ordered by the court shall not run while the petition is pending before the court. The petition shall specify each ground upon which the petitioner relies in seeking relief and may be based upon the failure of the demand to comply with the provisions of this part ~~chapter~~ or upon any constitutional or other legal right or privilege of such person.

(13) Nothing contained in this section shall impair the authority of the Attorney General or state attorney to:

(a) Institute a civil proceeding under s. 542.22;

(b) Lay before a grand jury of this state evidence concerning a violation of this part ~~chapter~~;

(c) Invoke the power of a court to compel the production of evidence before a grand jury; or

(d) File a civil complaint or criminal indictment alleging a violation of this part ~~chapter~~.

Section 15. Section 542.29, Florida Statutes, is amended to read:

542.29 Duty of public officers.—In any investigation and in any criminal or civil action commenced pursuant to this part ~~chapter~~, it shall be the duty of all public officers and their deputies, assistants, clerks, subordinates, or employees to render and furnish to the Attorney General or a state attorney,

when so requested, assistance and all information available in their official capacity.

Section 16. Section 542.30, Florida Statutes, is amended to read:

542.30 Jurisdiction and venue.—Without regard to the amount in controversy, a suit or proceeding brought under this part ~~chapter~~ shall be brought in the circuit court in and for any county in which the cause of action arose; in which any defendant resides, is found, or has an agent; or in which any act in furtherance of the conduct prohibited by this part ~~chapter~~ occurred.

Section 17. Section 542.31, Florida Statutes, is amended to read:

542.31 Action not barred as affecting or involving interstate or foreign commerce.—No action under this part ~~chapter~~ shall be barred on the grounds that the activity or conduct complained of in any way affects or involves interstate or foreign commerce. It is the intent of the Legislature to exercise its powers to the fullest extent consistent with the Constitutions of this state and the United States.

Section 18. Section 542.32, Florida Statutes, is amended to read:

542.32 Rule of construction and coverage.—It is the intent of the Legislature that, in construing this part ~~chapter~~, due consideration and great weight be given to the interpretations of the federal courts relating to comparable federal antitrust statutes. In particular, the failure to include in this part ~~chapter~~ the substantive provisions of s. 3 of the Clayton Act, 15 U.S.C. s. 14, shall not be deemed in any way to limit the

scope of s. 542.18 or s. 542.19.

Section 19. Subsection (1) of section 542.33, Florida Statutes, is amended to read:

542.33 Contracts in restraint of trade valid.—

(1) Notwithstanding other provisions of this part ~~chapter~~ to the contrary, each contract by which any person is restrained from exercising a lawful profession, trade, or business of any kind, as provided by subsections (2) and (3) hereof, is to that extent valid, and all other contracts in restraint of trade are void.

Section 20. Section 542.35, Florida Statutes, is amended to read:

542.35 Remedies cumulative.—The remedies provided by this part ~~act~~ are cumulative of each other and of existing powers and remedies inherent in the courts.

Section 21. Section 542.36, Florida Statutes, is amended to read:

542.36 Continuing violations.—Violations commenced prior to October 1, 1980, ~~the effective date of this act~~ and continuing after the effective date shall be actionable as provided in this part ~~chapter~~. The fact that any conduct occurred prior to October 1, 1980, ~~the effective date of this act~~ shall not affect its relevance in proving that a violation of this part ~~chapter~~ has occurred or is occurring.

Section 22. This act shall take effect July 1, 2025.

The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: April 2, 2025

I respectfully request that **Senate Bill #922**, relating to Employment Agreements, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Sincerely,

Sen. Tom Leek
Florida Senator, District 7

File signed original with committee office

S-020 (03/2004)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

4/16/25
Meeting Date

Rules
Committee

922
Bill Number or Topic

Amendment Barcode (if applicable)

Name Tanner Warwick

Phone (850) 728-8419

Address 516 N Adams St
Street

Tallahassee FL 32301
City State Zip

Email TWarwick@aif.com

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☑ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
Associated Industries of Florida

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL:	CS/SB 998
INTRODUCER:	Health Policy Committee and Senator Calatayud
SUBJECT:	Physician Assistant and Advanced Practice Registered Nurse Services
DATE:	April 15, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Smith	Brown	HP	**Fav/CS**
2.	Smith	Yeatman	RC	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 998 authorizes an advanced practice registered nurse (APRNs) providing hospice care pursuant to a written protocol with a licensed physician to file a certificate of death or fetal death, to certify the cause of death, and to correct information on a permanent certificate of death or fetal death.

The bill provides an effective date of July 1, 2025.

II. Present Situation:

Vital Statistics and Death Certificates

Florida law requires the registration of all deaths and fetal deaths with the Department of Health (DOH) through the Office of Vital Statistics. Section 382.008, F.S., governs the filing of death and fetal death certificates. The funeral director who first assumes custody of the body is responsible for electronically filing the certificate.[1] In the absence of a funeral director, current law permits a physician, physician assistant, advanced practice registered nurse registered for autonomous practice (A-APRN), or the district medical examiner to file the certificate.[2]

The "medical certification of cause of death" must be completed by the decedent's primary or attending practitioner or the district medical examiner within 72 hours of receipt of the death

[1] Section 382.008(2)(a), F.S.
[2] *Id.*

certificate.[3] Under current law, a "primary or attending practitioner" is defined as a physician, PA, or an A-APRN who treated the decedent during the 12 months preceding death.[4] These practitioners are also authorized to note corrections on permanent death or fetal death certificates.[5]

Hospice Care Teams and Plans of Care

Part IV, of chapter 400, F.S., establishes requirements for hospice programs. A hospice is a centrally coordinated program offering a continuum of palliative and supportive care for terminally ill patients and their families.[6] Admission to hospice care requires a diagnosis of terminal illness by a physician licensed under ch. 458 or ch. 459, F.S., and the patient's informed consent.[7] For purposes of hospice programs, a "terminal illness" is defined as a condition with a life expectancy of 12 months or less if the illness runs its normal course.[8]

Hospice programs are required to employ multidisciplinary hospice care teams responsible for establishing and reviewing patients' plans of care and supervising the delivery of hospice services. A hospice care team may also withhold or withdraw cardiopulmonary resuscitation (CPR) if presented with a do-not-resuscitate (DNR) order executed under s. 401.45, F.S.[9] Pursuant to s. 400.6105, F.S., each "hospice care team"[10] must include, at a minimum:

- A physician licensed under ch. 458 or ch. 459, F.S.;
- A nurse licensed under part I, of ch. 464, F.S.;
- A social worker; and
- A pastoral or other counselor.

APRNs, A-APRNs, and PAs[11]

Advanced practice registered nurses (APRNs) are regulated under part I, of ch. 464, F.S., the Nurse Practice Act. The Florida Board of Nursing establishes eligibility criteria for APRN licensure and regulatory standards for APRN practice. APRNs may only perform medical acts that are directly related to the performance of authorized nursing or medical acts performed pursuant to a physician's protocol. The scope of practice includes administering medications and treatments as prescribed or authorized by a licensed practitioner, starting and managing IVs, and monitoring and responding to patient reactions, provided these actions occur within a protocol agreement with a supervising physician or dentist licensed under chs. 458, 459, or 466, F.S.

Section 464.0123, F.S., establishes minimum qualifications for an APRN to register for autonomous practice. An autonomous APRN (A-APRN) is not subject to supervision by a physician or required to work under a protocol. These practitioners may only provide care in

[3] Section 382.008(3), F.S.
[4] *Id.*
[5] Section 382.008(5), F.S.
[6] Section 400.601, F.S.
[7] Section 400.6095(2), F.S.
[8] Section 400.601(10), F.S.,
[9] Section 400.6095(8), F.S.
[10] *See also* s. 400.601(4), F.S.
[11] Department of Health, Senate Bill 998 Legislative Analysis (Mar. 28, 2025) (on file with the Senate Committee on Health Policy).

primary care, which includes: physical and mental health promotion, assessment, evaluation, disease prevention, health maintenance, counseling, patient education, diagnosis and treatment of acute and chronic illnesses, inclusive of behavioral and mental health conditions, services such as physical and mental health promotion, disease prevention, patient education, and treatment of acute and chronic conditions, including behavioral and mental health conditions.[12]

Autonomous APRNs are also authorized to admit and discharge hospice patients and manage their care independently. As of February 2025, there are 64,953 licensed APRNs in Florida, including 13,470 with the autonomous designation.

A physician assistant (PA) is a health care practitioner who practices under the direct or indirect supervision of an allopathic or osteopathic physician. PAs are authorized to perform medical services such as conducting physical exams, diagnosing and treating illness, counseling on preventive care, assisting in surgery, and prescribing medication. Supervising physicians may only delegate tasks and procedures to a PA that are within the physician's own scope of practice, and the supervising physician must ensure that the PA is qualified to perform any delegated tasks. PAs must disclose to patients that they are not physicians and must inform patients of their right to consult the supervising physician before a prescription is issued or dispensed. PAs are authorized to sign certain medical documents, including death certificates, Baker Act commitments, and school physicals.

III. Effect of Proposed Changes:

Section 1 amends s. 382.008, F.S., to expand the list of individuals authorized to file a certificate of death or fetal death and to note corrections on permanent certificates. Under current law, in the absence of a funeral director, a physician, physician assistant, A-APRN, or the district medical examiner may file the certificate. The bill expands this authority to include APRNs providing hospice care pursuant to a written protocol with a licensed physician. These practitioners are responsible for completing the medical certification of cause of death within 72 hours of receipt of the death or fetal death certificate and signing it to the best of their knowledge and belief.

Similarly, under the bill, APRNs providing hospice care under a written protocol with a licensed physician may correct information on a permanent certificate of death or fetal death, alongside funeral directors, physicians, PAs, A-APRNs, and medical examiners.

Section 2 provides an effective date of July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

[12] Rule 64B9-4.001(12), F.A.C

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 382.008 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Health Policy on April 1, 2025:
The CS removes provisions from the underlying bill that would have authorized both autonomous APRNs providing hospice care pursuant to a written protocol with a physician, and PAs, to develop and review a hospice plan of care as a "primary or attending practitioner." The CS also removes provisions that would have authorized an autonomous APRN providing hospice care pursuant to a written protocol with a physician to sign a DNR order.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By the Committee on Health Policy; and Senator Calatayud

588-03142-25 2025998c1

A bill to be entitled

An act relating to physician assistant and advanced practice registered nurse services; amending s. 382.008, F.S.; revising who may file a certificate of death or fetal death; revising who may note corrected information on a permanent certificate of death or fetal death; providing an effective date.

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

Section 1. Paragraph (a) of subsection (2) and subsections (3) and (5) of section 382.008, Florida Statutes, are amended to read:

382.008 Death, fetal death, and nonviable birth registration.—

(2)(a) The funeral director who first assumes custody of a dead body or fetus shall electronically file the certificate of death or fetal death. In the absence of the funeral director, the physician, physician assistant, advanced practice registered nurse registered under s. 464.0123, advanced practice registered nurse providing hospice care pursuant to a written protocol with a licensed physician, or other person in attendance at or after the death or the district medical examiner of the county in which the death occurred or the body was found shall electronically file the certificate of death or fetal death. The person who files the certificate shall obtain personal data from a legally authorized person as described in s. 497.005 or the best qualified person or source available. The medical certification of cause of death must be furnished to the funeral

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588-03142-25 2025998c1

director, either in person or via certified mail or electronic transfer, by the physician, physician assistant, advanced practice registered nurse registered under s. 464.0123, advanced practice registered nurse providing hospice care pursuant to a written protocol with a licensed physician, or medical examiner responsible for furnishing such information. For fetal deaths, the physician, physician assistant, advanced practice registered nurse registered under s. 464.0123, advanced practice registered nurse providing hospice care pursuant to a written protocol with a licensed physician, midwife, or hospital administrator shall provide any medical or health information to the funeral director within 72 hours after expulsion or extraction.

(3) Within 72 hours after receipt of a death or fetal death certificate from the funeral director, the medical certification of cause of death shall be completed and made available to the funeral director by the decedent's primary or attending practitioner or, if s. 382.011 applies, the district medical examiner of the county in which the death occurred or the body was found. The primary or attending practitioner or the medical examiner shall certify over his or her signature the cause of death to the best of his or her knowledge and belief. As used in this section, the term "primary or attending practitioner" means a physician, a physician assistant, an ~~or~~ advanced practice registered nurse registered under s. 464.0123, or an advanced practice registered nurse providing hospice care pursuant to a written protocol with a licensed physician, who treated the decedent through examination, medical advice, or medication during the 12 months preceding the date of death.

(a) The department may grant the funeral director an

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extension of time upon a good and sufficient showing of any of the following conditions:

1. An autopsy is pending.

2. Toxicology, laboratory, or other diagnostic reports have not been completed.

3. The identity of the decedent is unknown and further investigation or identification is required.

(b) If the decedent's primary or attending practitioner or the district medical examiner of the county in which the death occurred or the body was found indicates that he or she will sign and complete the medical certification of cause of death but will not be available until after the 5-day registration deadline, the local registrar may grant an extension of 5 days. If a further extension is required, the funeral director must provide written justification to the registrar.

(5) A permanent certificate of death or fetal death, containing the cause of death and any other information that was previously unavailable, shall be registered as a replacement for the temporary certificate. The permanent certificate may also include corrected information if the items being corrected are noted on the back of the certificate and dated and signed by the funeral director, physician, physician assistant, advanced practice registered nurse registered under s. 464.0123, advanced practice registered nurse providing hospice care pursuant to a written protocol with a licensed physician, or district medical examiner of the county in which the death occurred or the body was found, as appropriate.

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

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The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: April 1st, 2025

I respectfully request that **SB 998: Physician Assistant and Advanced Practice Registered Nurse Services**, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Alexis Calatayud

Senator Alexis Calatayud
Florida Senate, District 38

File signed original with committee office

S-020 (03/2004)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

4-16-25
Meeting Date

Rules
Committee

CS/SB 998
Bill Number or Topic

Amendment Barcode (if applicable)

Name Paul Ledford

Phone 850-878-2632

Address 817 N. Gadsden St
Street

Email Paul@floridahospices.org

Tallahassee FL 32303
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☑ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing: FL. Hospice & Palliative Care Assoc.

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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4-16-25
Meeting Date

Rules
Committee

998
Bill Number or Topic

Amendment Barcode (if applicable)

Name Daniel Martinez

Phone 305-240-2917

Address 107 E College Ave
Street

Email DMartinez@AFPHQ.org

TLH FC 32301
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☑ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
Americans for Prosperity

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL:	CS/CS/SB 1076
INTRODUCER:	Rules Committee; Regulated Industries Committee and Senator McClain
SUBJECT:	Roof Contracting
DATE:	April 16, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Baird	Imhof	RI	**Fav/CS**
2.	Baird	Yeatman	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1076 expands the scope of work for licensed roofing contractors to include evaluation and enhancement of roof-to-wall connections for structures with wood roof decking provided that any enhancement was properly installed and inspected in accordance with certain requirements.

The bill provides that a resident may cancel a roofing contract without penalty within 180 days of an event causing a state of emergency. The option to cancel a roofing contract entered into because of a state of emergency only applies to owners whose property is in the geographic area covered by the state of emergency.

The bill takes effect upon becoming law.

II. Present Situation:

Roofing Contractors

Chapter 489, F.S., regulates the profession of contracting in the state. Generally speaking, a licensed contractor is the person who, for compensation, undertakes to, submits a bid to, or does himself or herself or by others construct, repair, alter, remodel, add to, demolish, subtract from, or improve any building or structure, and whose job scope is substantially similar to the job scopes described in s. 489.105, F.S.[1]

[1] Section 489.105(3), F.S.

A roofing contractor means a contractor whose services are unlimited in the roofing trade and who has the experience, knowledge, and skill to install, maintain, repair, alter, extend, or design, and use materials and items used in the installation, maintenance, extension, and alteration of all kinds of roofing, waterproofing, and coating, except when coating is not represented to protect, repair, waterproof, stop leaks, or extend the life of the roof.[2]

A roofing contractor's scope of work also includes skylights, required roof-deck attachments, repair or replacement of wood roof sheathing or fascia as needed during roof repair or replacement, and any related work.[3]

A roofing contractor's scope of work does not include evaluating or enhancing roof-to-wall connections.

Florida Building Code

The Florida Building Codes Act ("Building Code"), provides a mechanism for the uniform adoption, updating, interpretation, and enforcement of a single state building code that must be applied, administered, and enforced uniformly and consistently across the state. The Building Code is adopted by the Building Commission and enforced by local governments.[4]

The Building Code sets minimum standards for the design, construction, erection, alteration, modification, repair, and demolition of structures in the state. Section 706 of the Building Code (Existing Building) provides methods for recovering or replacing an existing roof covering.[5]

A *roof covering* is the most visual part of the roofing system and makes up the majority of waterproofing and protection. The most popular roof covering is shingles; however, there are other types including, but not limited to, metal roofing and wood shakes.[6]

Roof decking or "sheathing" is the layer of material that sits underneath the shingles and serves as the foundation of the roof. Roof decking can be made of different types of materials such as wood or metal.[7]

Uniform Mitigation Verification Inspection Form

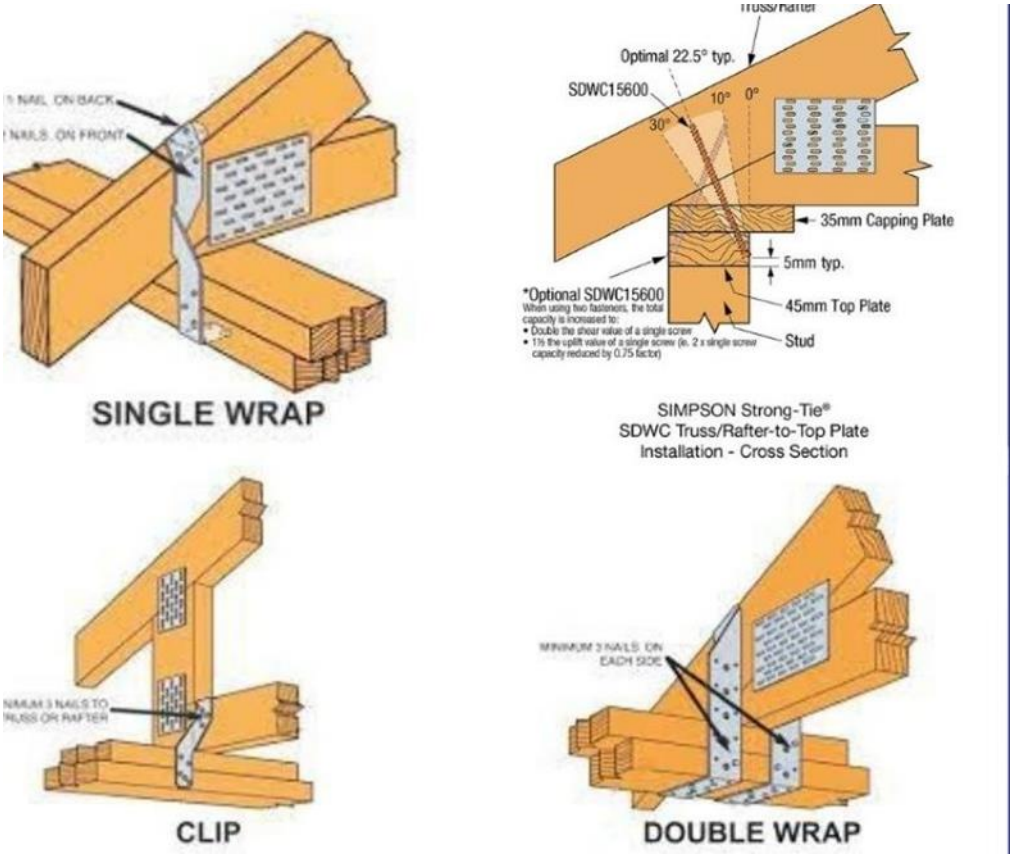
Often referred to as an "1802," a uniform mitigation form is a form developed by the Office of Insurance Regulation (OIR) that insurers provide to residential property insurance policyholders that notifies them of any discounts, credits, or deductibles that are available for certain fixtures or construction techniques that reduce the amount of loss in a windstorm.[8] The uniform mitigation

[2] Section 489.105(3)(e), F.S.
[3] *Id*.
[4] Sections 125.56, 553.72, 553.73, and 553.74, F.S.
[5] Section 553.72, F.S.; Section 706 of the Florida Building Code (Existing Building).
[6] RoofCorp of Metro Denver, Inc., *What is Roof Covering*, https://roofingexperts.com/roof-covering/ (last visited April 3, 2025).
[7] Hook Agency, *Roof Decking (When It Should Be Replaced, Types & More)*, Indy Roof & Restoration https://indyroofandrestoration.com/roof-decking/ (last visited April 3, 2025).
[8] Section 627.711, F.S.

form plays a significant role in the My Safe Florida Home program, showing homeowners potential improvements that can make their homes more resilient against storms.[9]

Roof-to-wall Connections

The roof-to-wall connection is the structural linkage between a building's roof and its walls. They are a critical aspect of wind mitigation and sometimes referred to as "hurricane straps."[10] Below are examples of different types of hurricane straps.[11]



[9] My Safe Florida Home, *Homeowner's Guide*, available at https://mysafeflhome.com/wp-content/uploads/2023/06/6-27-23-MSFH-Homeowners-Guide.pdf (last visited April 3, 2025).

[10] Megan Hall, Roof-to-wall Connectors: What are they and how they affect your Wind Mitigation Verification Form, True Home Inspections, April 11, 2023 https://www.truehomeinspects.com/blog/2023/3/15/kmwu3p5vzbf1eym9ezrd42farrb7r8#:~:text=They%20are%20designed%20to%20transfer%20the%20uplift%20forces,roof%20pitch%20and%20the%20spacing%20of%20the%20trusses. (last visited April 3, 2025); Howard Meeks, Types of Roof Wall connections, Ocoee Home Inspections, https://ocoeehomeinspections.com/types-of-roof-to-wall-connections/ (last visited April 3, 2024).

[11] *Id.*

Canceling Roofing Contracts

Current law allows a residential property owner to cancel a contract to replace or repair a roof without penalty or obligation within 10 days after the execution of the contract or by the official start date, whichever comes first, as long as the contract was entered into because of events that caused a declaration of a state of emergency by the Governor.[12]

A contractor that enters into a contract to replace or repair the roof of a residential property during a declared state of emergency must include specific language in the contract that notifies the residential property owner that they may cancel the contract without penalty or obligation.[13] The language must be in bold type of not less than 18 points.[14]

III. Effect of Proposed Changes:

Section 1 of the bill expands the scope of work for licensed roofing contractors to include evaluation and enhancement of roof-to-wall connections for structures with wood roof decking as described in section 706 of the Building Code, Existing Building. Any enhancement must be:

- Done in conjunction with a roof covering replacement or repair; and
- Installed and inspected in accordance with the:
  - OIR uniform mitigation verification inspection form;
  - Building Code; or
  - Project specific engineering that exceeds the requirements of the Building Code or OIR inspection form.

Section 2 of the bill requires roofing contractors, who intend to retrofit roof-to-wall connections, to complete 2 hours of continuing education hours, specific to roof-to-wall connections. The roofing contractor is required to present the certificate of completion to the appropriate local government official at the time a building permit application is submitted.

Section 3 of the bill provides that a resident may cancel a roofing contract without penalty within 180 days of an event causing a state of emergency. The option to cancel a roofing contract entered into because of a state of emergency only applies to owners whose property is in the geographic area covered by the state of emergency.

Sections 4 – 10 of the bill are reenacted for the purpose of incorporating the amendments being made by the bill.

Section 11 provides that the bill shall take effect upon becoming law.

[12] Section 489.147(6), F.S. The "official start date" is the date on which work that includes the installation of materials that will be included in the final work on the roof commences, a final permit has been issued, or a temporary repair to the roof covering or roof has been made in compliance with the Florida Building Code.
[13] *Id.*
[14] *Id.*

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 489.105 and 489.147 of the Florida Statutes.

The bill reenacts for the purpose of incorporating the amendments being made by the bill the following sections of the Florida Statutes: 489.107, 489.113, 489.117, 489.118, 489.126, 489.131, and 877.02.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS by Rules on April 16, 2025:
The committee substitute:
Requires roofing contractors who intend to retrofit the roof-to-wall connections to complete 2 hours of continuing education hours, specific to roof-to-wall connections. The roofing contractor is required to present the certificate of completion to the appropriate local government official at the time a building permit application is submitted.

CS by Regulated Industries on April 1, 2025:
The committee substitute:

- Clarifies that "wood decking as described in section 706 of the Florida Building Code" is referring to section 706 of the Existing Building provision of the Building Code.
- Extends the period that a resident may cancel a roofing contract without penalty to within 180 days of an event causing a state of emergency instead of 30 days.
- Clarifies that the option to cancel a roofing contract entered into because of a state of emergency only applies to owners whose property is in the geographic area covered by the state of emergency.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/16/2025	.	
	.	
	.	
	.	

The Committee on Rules (McClain) recommended the following:

Senate Amendment (with title amendment)

Between lines 69 and 70

insert:

Section 2. Paragraph (b) of subsection (4) of section 489.115, Florida Statutes, is amended to read:

489.115 Certification and registration; endorsement; reciprocity; renewals; continuing education.—

(4)

(b)1. Each certificateholder or registrant must ~~shall~~ provide proof, in a form established by rule of the board, that

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the certificateholder or registrant has completed at least 14 classroom hours of at least 50 minutes each of continuing education courses during each biennium since the issuance or renewal of the certificate or registration. The board shall establish by rule that a portion of the required 14 hours must deal with the subject of workers' compensation, business practices, workplace safety, and, for applicable licensure categories, wind mitigation methodologies, and 1 hour of which must deal with laws and rules. The board shall by rule establish criteria for the approval of continuing education courses and providers, including requirements relating to the content of courses and standards for approval of providers, and may by rule establish criteria for accepting alternative nonclassroom continuing education on an hour-for-hour basis. The board shall prescribe by rule the continuing education, if any, which is required during the first biennium of initial licensure. A person ~~who has been~~ licensed for less than an entire biennium must not be required to complete the full 14 hours of continuing education.

2. In addition, the board may approve specialized continuing education courses on compliance with the wind resistance provisions for one and two family dwellings contained in the Florida Building Code and any alternate methodologies for providing such wind resistance which have been approved for use by the Florida Building Commission. Division I certificateholders or registrants who demonstrate proficiency upon completion of such specialized courses may certify plans and specifications for one and two family dwellings to be in compliance with the code or alternate methodologies, as

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appropriate, except for dwellings located in floodways or coastal hazard areas as defined in ss. 60.3D and E of the National Flood Insurance Program.

3. The board shall require, by rule adopted pursuant to ss. 120.536(1) and 120.54, a specified number of hours in specialized or advanced module courses, approved by the Florida Building Commission, on any portion of the Florida Building Code, adopted pursuant to part IV of chapter 553, relating to the contractor's respective discipline.

4. A roofing contractor who intends to retrofit the roof-to-wall connections on structures with wood roof decks must complete at least 2 hours of general continuing education specific to retrofitting roof-to-wall connections, including the relation of such discipline to property insurance wind mitigation credits and required documentation. Such roofing contractor must present the certificate of completion of the continuing education course to the appropriate local government official at the time a building permit application is submitted in order to demonstrate that such roofing contractor completed the training on retrofit methodology and proper installation or enhancement of the connections.

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

And the title is amended as follows:

Delete line 4

and insert:

"roofing contractor"; amending s. 489.115, F.S.; requiring certain roofing contractors to complete certain continuing education courses; requiring such

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roofing contractor to present the certificate of completion of such continuing education courses to certain local government officials at the time the building application is submitted; amending s. 489.147, F.S.;

By the Committee on Regulated Industries; and Senator McClain

580-03184-25 20251076c1

A bill to be entitled

An act relating to roof contracting; amending s. 489.105, F.S.; revising the definition of the term "roofing contractor"; amending s. 489.147, F.S.; revising the circumstances under which residential property owners are authorized to cancel a roof repair or replacement contract without penalty or obligation following a declared state of emergency; revising the notice that contractors must provide to residential property owners when executing such a contract; requiring a contractor executing certain contracts to include in or attach to the contract a certain notice to the contract; reenacting ss. 489.107(4)(b), 489.113(2), 489.117(1)(a), (2)(a) and (b), and (4)(a), 489.118(1), 489.126(1), 489.131(10) and (11), and 877.02(2), F.S., relating to the Construction Industry Licensing Board, qualifications for practice and restrictions, registration and specialty contractors, certification of registered contractors and grandfathering provisions, moneys received by contractors, applicability, and solicitation of legal services or retainers therefor and penalty, respectively, to incorporate the amendment made to s. 489.105, F.S., in references thereto; providing an effective date.

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

Section 1. Paragraph (e) of subsection (3) of section

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

580-03184-25 20251076c1

489.105, Florida Statutes, is amended to read:

489.105 Definitions.—As used in this part:

(3) "Contractor" means the person who is qualified for, and is only responsible for, the project contracted for and means, except as exempted in this part, the person who, for compensation, undertakes to, submits a bid to, or does himself or herself or by others construct, repair, alter, remodel, add to, demolish, subtract from, or improve any building or structure, including related improvements to real estate, for others or for resale to others; and whose job scope is substantially similar to the job scope described in one of the paragraphs of this subsection. For the purposes of regulation under this part, the term "demolish" applies only to demolition of steel tanks more than 50 feet in height; towers more than 50 feet in height; other structures more than 50 feet in height; and all buildings or residences. Contractors are subdivided into two divisions, Division I, consisting of those contractors defined in paragraphs (a)-(c), and Division II, consisting of those contractors defined in paragraphs (d)-(q):

(e) "Roofing contractor" means a contractor whose services are unlimited in the roofing trade and who has the experience, knowledge, and skill to install, maintain, repair, alter, extend, or design, if not prohibited by law, and use materials and items used in the installation, maintenance, extension, and alteration of all kinds of roofing, waterproofing, and coating, except when coating is not represented to protect, repair, waterproof, stop leaks, or extend the life of the roof. The scope of work of a roofing contractor also includes all of the following and any related work: skylights; ~~and any related work,~~

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

required roof-deck attachments;~~, and~~ any repair or replacement of wood roof sheathing or fascia as needed during roof repair or replacement; and the evaluation and enhancement of roof-to-wall connections for structures with wood roof decking as described in section 706 of the Florida Building Code, Existing Building, provided that any enhancement that was properly installed and inspected in accordance with the Office of Insurance Regulation uniform mitigation verification inspection form, the Florida Building Code, or project-specific engineering exceeding these requirements is done in conjunction with a roof covering replacement or repair ~~and any related work~~.

Section 2. Subsection (6) of section 489.147, Florida Statutes, is amended, and subsection (7) is added to that section, to read:

489.147 Prohibited property insurance practices; contract requirements.—

(6)(a) A residential property owner may cancel a contract to replace or repair a roof without penalty or obligation within 10 days after the execution of the contract or by the official start date, whichever comes first, if the contract was entered into within 180 days after ~~based on~~ events that are subject of a declaration of a state of emergency by the Governor and the residential property is located within the geographic area for which the declaration of the state of emergency applies. For the purposes of this subsection, the official start date is the date on which work that includes the installation of materials that will be included in the final work on the roof commences, a final permit has been issued, or a temporary repair to the roof covering or roof has been made in compliance with the Florida

Building Code.

(b) A contractor executing a contract during a declaration of a state of emergency to replace or repair a roof of a residential property must include or add as an attachment to the contract the following language, in bold type of not less than 14 ~~18~~ points, immediately before the space reserved for the signature of the residential property owner:

"You, the residential property owner, may cancel this contract without penalty or obligation within 10 days after the execution of the contract or by the official start date, whichever comes first, because this contract was entered into within 180 days after events resulting in the declaration of ~~during~~ a state of emergency by the Governor. The official start date is the date on which work that includes the installation of materials that will be included in the final work on the roof commences, a ~~final~~ permit has been issued, or a temporary repair to the roof covering or roof system has been made in compliance with the Florida Building Code."

(c) The residential property owner must send the notice of cancellation by certified mail, return receipt requested, or other form of mailing that provides proof thereof, at the address specified in the contract.

(7) A contractor executing a contract to replace or repair a roof of a residential property must include or add as an attachment to the contract the following language, in bold type

of not less than 14 points, on the page reserved for the signature of the residential property owner:

"If the proposed work is related to an insurance claim, you, the residential property owner, should contact your insurance company to verify coverage for the proposed roofing work, including any claims, deductibles, and policy terms before signing this contract. By signing this contract, you acknowledge that you have been advised to contact your insurance provider regarding coverage and reimbursement of the proposed work."

Section 3. For the purpose of incorporating the amendment made by this act to section 489.105, Florida Statutes, in a reference thereto, paragraph (b) of subsection (4) of section 489.107, Florida Statutes, is reenacted to read:

489.107 Construction Industry Licensing Board.—

(4) The board shall be divided into two divisions, Division I and Division II.

(b) Division II is comprised of the roofing contractor, sheet metal contractor, air-conditioning contractor, mechanical contractor, pool contractor, plumbing contractor, and underground utility and excavation contractor members of the board; one of the members appointed pursuant to paragraph (2)(j); and one of the members appointed pursuant to paragraph (2)(k). Division II has jurisdiction over the regulation of contractors defined in s. 489.105(3)(d)-(p).

Section 4. For the purpose of incorporating the amendment made by this act to section 489.105, Florida Statutes, in a

reference thereto, subsection (2) of section 489.113, Florida Statutes, is reenacted to read:

489.113 Qualifications for practice; restrictions.—

(2) A person must be certified or registered in order to engage in the business of contracting in this state. However, for purposes of complying with the provisions of this chapter, a subcontractor who is not certified or registered may perform construction work under the supervision of a person who is certified or registered, provided that the work is within the scope of the supervising contractor's license, the supervising contractor is responsible for the work, and the subcontractor being supervised is not engaged in construction work that would require a license as a contractor under any of the categories listed in s. 489.105(3)(d)-(o). This subsection does not affect the application of any local construction licensing ordinances. To enforce this subsection:

(a) The department shall issue a cease and desist order to prohibit any person from engaging in the business of contracting who does not hold the required certification or registration for the work being performed under this part. For the purpose of enforcing a cease and desist order, the department may file a proceeding in the name of the state seeking issuance of an injunction or a writ of mandamus against any person who violates any provision of such order.

(b) A county, municipality, or local licensing board created by special act may issue a cease and desist order to prohibit any person from engaging in the business of contracting who does not hold the required certification or registration for the work being performed under this part.

Section 5. For the purpose of incorporating the amendment made by this act to section 489.105, Florida Statutes, in references thereto, paragraph (a) of subsection (1), paragraphs (a) and (b) of subsection (2), and paragraph (a) of subsection (4) of section 489.117, Florida Statutes, are reenacted to read:

489.117 Registration; specialty contractors.—

(1)(a) A person engaged in the business of a contractor as defined in s. 489.105(3)(a)-(o) must be registered before engaging in business as a contractor in this state, unless he or she is certified. Except as provided in paragraph (2)(b), to be initially registered, the applicant must submit the required fee and file evidence of successful compliance with the local examination and licensing requirements, if any, in the area for which registration is desired. An examination is not required for registration.

(2)(a) Except as provided in paragraph (b), the board may not issue a new registration after July 1, 1993, based on any certificate of competency or license for a category of contractor defined in s. 489.105(3)(a)-(o) which is issued by a municipal or county government that does not exercise disciplinary control and oversight over such locally licensed contractors, including forwarding a recommended order in each action to the board as provided in s. 489.131(7). For purposes of this subsection and s. 489.131(10), the board shall determine the adequacy of such disciplinary control by reviewing the local government's ability to process and investigate complaints and to take disciplinary action against locally licensed contractors.

(b) The board shall issue a registration to an eligible

applicant to engage in the business of a contractor in a specified local jurisdiction, provided each of the following conditions are satisfied:

1. The applicant held, in any local jurisdiction in this state during 2021, 2022, or 2023, a certificate of registration issued by the state or a local license issued by a local jurisdiction to perform work in a category of contractor defined in s. 489.105(3)(a)-(o).

2. The applicant submits all of the following to the board:

a. Evidence of the certificate of registration or local license held by the applicant as required by subparagraph 1.

b. Evidence that the specified local jurisdiction does not have a license type available for the category of work for which the applicant was issued a certificate of registration or local license during 2021, 2022, or 2023, such as a notification on the website of the local jurisdiction or an e-mail or letter from the office of the local building official or local building department stating that such license type is not available in that local jurisdiction.

c. Evidence that the applicant has submitted the required fee.

d. Evidence of compliance with the insurance and financial responsibility requirements of s. 489.115(5).

An examination is not required for an applicant seeking a registration under this paragraph.

(4)(a)1. A person whose job scope does not substantially correspond to either the job scope of one of the contractor categories defined in s. 489.105(3)(a)-(o), or the job scope of

one of the certified specialty contractor categories established by board rule, is not required to register with the board. A local government, as defined in s. 163.211, may not require a person to obtain a license, issued by the local government or the state, for a job scope which does not substantially correspond to the job scope of one of the contractor categories defined in s. 489.105(3)(a)-(o) and (q) or authorized in s. 489.1455(1), or the job scope of one of the certified specialty contractor categories established pursuant to s. 489.113(6). A local government may not require a state or local license to obtain a permit for such job scopes. For purposes of this section, job scopes for which a local government may not require a license include, but are not limited to, painting; flooring; cabinetry; interior remodeling when the scope of the project does not include a task for which a state license is required; driveway or tennis court installation; handyman services; decorative stone, tile, marble, granite, or terrazzo installation; plastering; pressure washing; stuccoing; caulking; and canvas awning and ornamental iron installation.

2. A county that includes an area designated as an area of critical state concern under s. 380.05 may offer a license for any job scope which requires a contractor license under this part if the county imposed such a licensing requirement before January 1, 2021.

3. A local government may continue to offer a license for veneer, including aluminum or vinyl gutters, siding, soffit, or fascia; rooftop painting, coating, and cleaning above three stories in height; or fence installation and erection if the local government imposed such a licensing requirement before

January 1, 2021.

4. A local government may not require a license as a prerequisite to submit a bid for public works projects if the work to be performed does not require a license under general law.

Section 6. For the purpose of incorporating the amendment made by this act to section 489.105, Florida Statutes, in a reference thereto, subsection (1) of section 489.118, Florida Statutes, is reenacted to read:

489.118 Certification of registered contractors; grandfathering provisions.—The board shall, upon receipt of a completed application and appropriate fee, issue a certificate in the appropriate category to any contractor registered under this part who makes application to the board and can show that he or she meets each of the following requirements:

(1) Currently holds a valid registered local license in one of the contractor categories defined in s. 489.105(3)(a)-(p).

Section 7. For the purpose of incorporating the amendment made by this act to section 489.105, Florida Statutes, in a reference thereto, subsection (1) of section 489.126, Florida Statutes, is reenacted to read:

489.126 Moneys received by contractors.—

(1) For purposes of this section, the term “contractor” includes all definitions as set forth in s. 489.105(3), and any person performing or contracting or promising to perform work described therein, without regard to the licensure of the person.

Section 8. For the purpose of incorporating the amendment made by this act to section 489.105, Florida Statutes, in

references thereto, subsections (10) and (11) of section 489.131, Florida Statutes, are reenacted to read:

489.131 Applicability.—

(10) No municipal or county government may issue any certificate of competency or license for any contractor defined in s. 489.105(3)(a)-(o) after July 1, 1993, unless such local government exercises disciplinary control and oversight over such locally licensed contractors, including forwarding a recommended order in each action to the board as provided in subsection (7). Each local board that licenses and disciplines contractors must have at least two consumer representatives on that board. If the board has seven or more members, at least three of those members must be consumer representatives. The consumer representative may be any resident of the local jurisdiction who is not, and has never been, a member or practitioner of a profession regulated by the board or a member of any closely related profession.

(11) Any municipal or county government which enters or has in place a reciprocal agreement which accepts a certificate of competency or license issued by another municipal or county government in lieu of its own certificate of competency or license allowing contractors defined in s. 489.105(3)(a)-(o), shall file a certified copy of such agreement with the board not later than 60 days after July 1, 1993, or 30 days after the effective date of such agreement.

Section 9. For the purpose of incorporating the amendment made by this act to section 489.105, Florida Statutes, in a reference thereto, subsection (2) of section 877.02, Florida Statutes, is reenacted to read:

877.02 Solicitation of legal services or retainers therefor; penalty.—

(2) It shall be unlawful for any person in the employ of or in any capacity attached to any hospital, sanitarium, police department, wrecker service or garage, prison or court, for a person authorized to furnish bail bonds, investigators, photographers, insurance or public adjusters, or for a general or other contractor as defined in s. 489.105 or other business providing sinkhole remediation services, to communicate directly or indirectly with any attorney or person acting on said attorney's behalf for the purpose of aiding, assisting, or abetting such attorney in the solicitation of legal business or the procurement through solicitation of a retainer, written or oral, or any agreement authorizing the attorney to perform or render legal services.

Section 10. This act shall take effect upon becoming a law.

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

04/16/25
Meeting Date

Rules
Committee

CS/SB 1076
Bill Number or Topic

Amendment Barcode (if applicable)

Name Jennifer Ashton

Phone

Address
Street

Email

City *State* *Zip*

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☑ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing: International Association of Certified Home Inspectors - InterNACHI

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

4/16/25
Meeting Date

Rules
Committee

1076
Bill Number or Topic

Amendment Barcode (if applicable)

Name Chris Dawson

Phone 4078438880

Address 301 E. Pine Street, Suite 1400
Street

Email

Orlando FL 32801
City *State* *Zip*

waives

Speaking: ☒ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:
FL Roofing & Sheet Metal Contractors Association

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

04/16/25
Meeting Date

Rules
Committee

CS/SB 1076
Bill Number or Topic

Amendment Barcode (if applicable)

Name Jennifer Ashton

Phone

Address
Street

Email

City *State* *Zip*

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☑ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing: International Association of Certified Home Inspectors - InterNACHI

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

4/16/2025
Meeting Date

Rules
Committee

~~SB~~ 1076
Bill Number or Topic

Amendment Barcode (if applicable)

Name Carol Bowen

Phone (954) 465-6811

Address PO Box 880448
Street

Email cbowen@abcflorida.org

Boca Raton FL 33488
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Assoc. Builders and Contractors of Florida

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL:	CS/CS/CS/SB 1078
INTRODUCER:	Rules Committee; Community Affairs Committee; Banking and Insurance Committee and Senator McClain
SUBJECT:	Fire Prevention
DATE:	April 17, 2025 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Moody	Knudson	BI	**Fav/CS**
2.	Hackett	Fleming	CA	**Fav/CS**
3.	Moody	Yeatman	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/CS/SB 1078 clarifies the simplified permitting process for certain fire alarm and fire sprinkler system projects and enhances several key provisions relating to fire system and fire alarm permitting, inspection processes, and enforcement of local ordinances.

Simplified Permitting Process for Certain Fire Alarm and Sprinkler System Projects

- Requires local governments to establish a simplified permitting process that complies with the minimum requirements of the Florida Building Code's (Building Code) simplified permitting process for fire alarm or sprinkler system projects of 20 or fewer alarm devices or sprinklers.
- Specifies deadlines for permit issuances and inspections and removes the requirement for a local enforcement agency to perform at least one inspection.
- Allows a contractor to commence work that is authorized by the permit immediately after submission of a completed application.
- Clarifies that a contractor's requirement to make fire alarm project plans and specifications available to the inspector at each inspection must be made available for an onsite plans review of them.
- Requires a contractor to provide copies of any documentation requested from the local enforcement agency for recording purposes within a specified time and prohibits such agency from requiring documentation for areas or devices outside the scope of permitted work.

- Requires a local government who fails to comply with certain deadlines to refund a specified amount of the permit fee unless an exception applies.
- Amends the definition subsection which clarifies the scope of when the simplified permitting process applies.

Ordinance Compliance

- Provides that certain jurisdictions may enforce only an ordinance that has been sent to the Florida Building Commission and the State Fire Marshal as of the date that the permit was submitted.

Inspection Report Improvements

- Amends the information required to be included in a uniform summary inspection report for fire protection system and hydrant inspections to require the total quantity of deficiencies separated into critical and noncritical categories and a brief descriptions of each impairment deficiency.
- Requires a contractor's detailed inspection report to be submitted with the uniform summary inspection report.

The bill provides an effective date of July 1, 2025.

II. Present Situation:

Florida Division of the State Fire Marshal

State law on fire prevention and control is provided in Chapter 633, F.S. Section 633.104, F.S., designates the Chief Financial Officer as the State Fire Marshal, operating through the Division of the State Fire Marshal (Division).[1] Pursuant to this authority, the State Fire Marshal regulates, trains, and certifies fire service personnel; conducts firesafety inspections of state property; develops firesafety standards; provides facilities for the analysis of fire debris; and operates the Florida State Fire College.[2]

The Division consists of two bureaus: Bureau of Fire Prevention and Bureau of Fire Standards and Training.[3] The Inspections Section, under the Bureau of Fire Prevention, annually inspects more than 14,000 state-owned buildings and facilities. The State Fire Marshal adopts by rule the Florida Code, which contains or references all firesafety laws and rules regarding public and private buildings. The Inspections Section is responsible for enforcing the Fire Prevention Code which contains more than 200 fire safety standards.[4]

[1] The head of the Department of Financial Services (DFS) is the Chief Financial Officer. Section 633.102(5), F.S., provides the Division of State Fire Marshal is located within the DFS.
[2] Division of State Fire Marshal, *State Fire Marshal*, available at Florida's State Fire Marshal (last visited Mar. 24, 2025).
[3] *Id.*
[4] Division of State Fire Marshal, *Inspections*, available at Inspections | Bureau of Fire Prevention | Florida's State Fire Marshal (last visited Mar. 24, 2025).

Fire Alarm and Fire Sprinkler System Projects

In 2022, the Legislature enacted s. 553.7932, F.S., to create a simplified permitting process for fire alarm system projects[5] altering 20 or fewer initiating and notification devices, streamlining processing time by eliminating any requirement for a local enforcement agency to review plans prior to a contractor[6] starting work.[7] In 2023, the section was amended to apply the simplified permitting process to fire sprinkler system projects[8] that alter 20 or fewer sprinklers. The law prohibits a local enforcement agency from requiring a contractor to submit plans or specifications in order to obtain a permit for certain fire alarm or fire sprinkler system projects but preserves the agency's authority to require a permit application and permit fee.[9]

A local enforcement agency must:

- Issue a permit for a fire alarm or fire sprinkler system project in person or electronically.[10] Current law does not prescribe a deadline for which the local enforcement agency must issue the permit.
- Require at least one inspection to ensure the work complies with the applicable codes and standards, and if a fire alarm or fire sprinkler system project fails an inspection, the contractor must take corrective action to pass inspection.[11]

The contractor must keep a copy of the plans and specifications at the fire alarm or fire sprinkler system project worksite and make them available to the inspector at each inspection.[12] Current law does not specify that the purpose of making them available is for an onsite plan review.

Fire Prevention and Control

State law requires all municipalities, counties, and special districts with fire safety responsibilities to enforce the Fire Prevention Code as the minimum fire prevention code to operate uniformly among local governments and in conjunction with the Building Code. Each county, municipality, and special district with fire safety enforcement responsibilities must

[5] Section 553.7932(1)(c), F.S., defines a "fire alarm system project" as a fire alarm system alteration of a total of 20 or fewer initiating devices and notification devices, or the installation or replacement of a fire communicator connected to an existing fire alarm control panel in an existing commercial, residential, apartment, cooperative, or condominium building. A "fire alarm control unit" or fire alarm panel, serves as the brain of the fire alarm system. It is a component of a fire alarm system that receives signals from initiating devices or other fire alarm control units, and processes these signals to determine part or all of the required fire alarm system output. National Fire Protection Association, *A Guide to Fire Alarm Basics*, available at https://www.nfpa.org/News-and-Research/Publications-and-media/Blogs-Landing-Page/NFPA-Today/Blog-Posts/2021/03/03/A-Guide-to-Fire-Alarm-Basics (last visited Mar.24, 2025).

[6] Section 553.7932(1)(b), F.S., defines "contractor" as a person who: 1. Is qualified to engage in the business of electrical or alarm system contracting pursuant to a certificate or registration issued by the department under part II of ch. 489, F.S.; or 2. Is qualified to engage in the business of fire protection system contracting pursuant to a license or certificate issued by the State Fire Marshal.

[7] Ch. 2022-124, Laws of Fla.

[8] Section 553.7932(1)(d), F.S., defines a "fire sprinkler system project" as a fire protection system alteration of a total of 20 or fewer fire sprinklers in which the sprinklers are of the same K-factor and located in spaces where there is no change of hazard classification or increased system coverage area, or the installation or replacement of an equivalent fire sprinkler system component in an existing commercial, residential, apartment, cooperative, or condominium building.

[9] Section 553.7932(2), F.S.

[10] Section 553.7932(3), F.S.

[11] Section 553.7932(4), F.S.

[12] Section 553.7932(5), F.S.

employ or contract with a fire safety inspector (certified by the State Fire Marshal) to conduct all fire safety inspections required by law.[13]

Fire Protection Systems

A "fire protection system" is a system individually designed to protect the interior or exterior of a specific building or buildings, structure, or other special hazard from fire. A fire protection system includes, but is not limited to:[14]

- Water sprinkler systems;
- Water spray systems;
- Foam-water sprinkler systems;
- Foam-water spray systems;
- Carbon dioxide systems;
- Foam extinguishing systems;
- Dry chemical systems; and
- Halon and other chemical systems used for fire protection.

Fire protection systems also include any tanks and pumps connected to fire sprinkler systems, overhead and underground fire mains, fire hydrants and hydrant mains, standpipes and hoses connected to sprinkler systems, sprinkler tank heaters, air lines, and thermal systems used in connection with fire sprinkler systems.[15]

Fire protection systems must be installed in accordance with the Fire Prevention Code and the Building Code. Current law requires local governments to enforce the Fire Prevention Code and the Building Code including the permitting, inspecting, and approving the installation of a fire protection system.[16] Owners of fire protection systems must contract with a certified fire protection system contractor to regularly inspect such systems.[17]

Fire Protection System Contractors

To engage in the business of laying out, fabricating, installing, inspecting, altering, repairing, or servicing a fire protection system in Florida, other than a pre-engineered system, a person must be certified as a fire protection system contractor.[18]

Fire protection system contractors are regulated by ch. 633, F.S., which outlines the law pertaining to fire protection system contractors in Florida. The State Fire Marshal is responsible for licensing and regulating fire system protection contractors in Florida.[19]

[13] Section 633.202, F.S.
[14] Section 633.102(11), F.S.
[15] *Id.*
[16] *See generally* chs. 553 and 633, F.S.; Florida Fire Prevention Code 8th Edition (NFPA Standard 1), available at florida-fire-prevention-code-8th-edition-nfpa-101-fl-sp.pdf (last visited Mar. 24, 2025).
[17] Section 633.312, F.S.
[18] Section 633.336(1), F.S.
[19] Sections 633.318 and 633.338, F.S.

There are five levels of certification for fire protection system contractors. A contractor's ability to practice is limited to the category or categories for which the contractor has obtained certification.[20]

Fire Prevention Code

The State Fire Marshal is required to adopt by rule the Fire Prevention Code and must adopt or incorporate by reference specified codes, such as the current edition of the National Fire Protection Association's Standard 1, Fire Protection Code.[21] Local governments are given an opportunity to submit local fire code amendments within a certain time which the State Fire Marshal is required to review to make specified determinations.[22] The State Fire Marshall must adopt a new code every three years, and any local amendments are only effective until the new adoption of the code occurs.[23] After the State Fire Marshal approves a local amendment and it is published on the State Fire Marshal's website, the local authority having jurisdiction to enforce the Fire Prevention Code may enforce the local amendment.[24] The State Fire Marshal may approve local amendments that address specified topics.[25] The local government must send within 30 days a copy of any local amendment it adopts to the Florida Building Commission and the State Fire Marshal.[26]

Penalties

Section 633.106, F.S., authorizes the State Fire Marshal to impose the following disciplinary actions against any individual who does not meet the qualifications established by, or who violates any provision of ch. 633, F.S., or any rule that it authorizes:

- Deny, suspend, or revoke the license, certificate, or permit.
- Except on a second offense or when the suspension, revocation, or refusal to issue is mandatory, and in lieu of such actions, impose one of the following:
  - An administrative fine not to exceed $1,000 for each violation up to $10,000.
  - Probation for a period not to exceed 2 years.

The State Fire Marshal has discretion on the number of days for payment, but such fees must be paid within a reasonable period not to exceed 30 days. Failure to pay the fine within the required period results in the license, permit or certificate being suspended until the payment of the administrative fine is made. The State Fire Marshal has discretion on his or her reasonable terms and conditions that may be imposed during the probation period.[27]

Uniform Summary Inspection Report

The bill requires that the State Fire Marshal adopt rules to implement a uniform submission procedure for the collection of inspection reports. The local authority having jurisdiction may accept the report by mail, hand delivery, electronically or through a vendor. The State Fire Marshal must adopt rules to establish submission procedures for each of these methods. These

[20] Section 633.102(3), F.S.
[21] Section 633.202(1) and (2), F.S.
[22] Section 633.202(3)(a), F.S.
[23] Section 633.202(3)(b), F.S.
[24] Section 633.202(5), F.S.
[25] *Id.*
[26] Section 633.202(8), F.S.
[27] Section 633.106, F.S.

rules must allow a contractor to attach additional documents, including their detailed inspection report, to the submission. The standardized procedures to be set by the State Fire Marshal must include a standardized reporting format for a uniform summary report. The uniform summary report must include:

- The address of the building or hydrant;
- The company and person conducting the inspection and their license number;
- The date of the inspection;
- The fire protection system or hydrant inspection status; and
- A brief summary of each deficiency, critical deficiency, noncritical deficiency or impairment found.

The contractor's inspection report is not required to follow a uniform format and contractors may not be required to enter details of the inspection report. The submission procedures created by the State Fire Marshal may not require a contractor to submit information contained within the detailed inspection report unless the information is required to be included in the uniform summary report.[28]

III. Effect of Proposed Changes:

CS/CS/CS/SB 1078 aims to strengthen fire safety standards statewide by:

- Streamlining permitting and inspection processes to be more efficient.
- Enhancing local government accountability and compliance with state regulations.
- Reducing administrative burdens and costs for contractors while maintaining safety standards.

Simplified Permitting Process for Certain Fire Alarm and Sprinkler System Projects

Section 1 of the bill requires local governments to establish by October 1, 2025, a simplified permitting process that complies with the minimum requirements of the Building Code's simplified permitting process for fire alarm or sprinkler system projects of 20 or fewer alarm devices or sprinklers.

The bill amends the simplified permitting process in the Building Code to specify that a local enforcement agency must issue a permit within two business days after submission of the completed application. The bill allows contractors to begin work authorized by the permit immediately after the submission of a completed application before the local enforcement agency issues the permit. The bill modifies the requirement for a local enforcement agency to perform at least one inspection of a fire alarm or fire sprinkler system project to ensure compliance with applicable codes and standards and provides that if a local enforcement agency requires an inspection, then it must be completed within 3 business days after such inspection is requested. These deadlines for issuing permits and conducting inspections are intended to ensure timely compliance and efficient project completion.

[28] Section 633.312(3)(b), F.S.

If a local government fails to comply with deadlines for issuing permits or completing inspections, then the local government must refund the permit fee by 10 percent for each business day of such failure unless:

- The local government and contractor agree in writing to a reasonable extension of time,
- The delay is caused by the applicant, or
- The delay is attributable to a force majeure or other extraordinary circumstances.

Each 10 percent reduction is based on the original amount of the permit fee.

The bill clarifies that the purpose of a contractor's requirement to make fire alarm project plans and specifications available to the inspector at each inspection is for an onsite plans review of them. The bill specifies the additional documents requested by the local enforcement agency as part of an inspection for a fire alarm or sprinkler system project must be for recording purposes, and requires a contractor to provide copies of any such documentation within four business days after the inspection or within four days after the documents are requested, whichever is later, and prohibits such agency from requiring documentation for areas or devices outside the scope of permitted work.

The bill defines "alteration" as "to add, install, relocate, replace, or remove" which clarifies the definitions of fire alarm system project and fire sprinkler system project and which, in turn, clarifies when the simplified permitting process applies to altering such systems. The bill also amends the definition to "fire alarm system project" to add an additional service to the definition of such project, specifically "…the replacement of an existing fire alarm panel using the same make and model as the existing panel."

Ordinance Compliance

Section 2 of the bill authorizes a county, municipality, or an authority having jurisdiction to enforce only an ordinance that has been sent to the Florida Building Commission and the State Fire Marshal as provided in the Fire Prevention Code as of the date that the permit was submitted.

Inspection Report Improvements

Section 3 of the bill modifies the information required to be included in a uniform summary inspection report for fire protection system and hydrant inspections to require the total quantity of deficiencies separated into critical and noncritical categories and a brief description of each impairment deficiency. The bill requires the contractor's detailed inspection report to be submitted with the uniform summary inspection report.

Section 4 of the bill provides an effective date of July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, section 18 (a) of the Florida Constitution provides in part that a county or municipality may not be bound by a general law requiring a county or municipality to

spend funds or take an action that requires the expenditure of funds unless certain specified exemptions or exceptions are met. Under the bill local governments are required to issue permits and complete inspections within a specified time which may require them to hire additional personnel to meet such deadlines. Further, local governments are required to reduce permit fees by 10 percent for each business day after such government fails to comply with such deadlines. If the bill does qualify as a mandate, in order to be binding upon cities and counties, the bill must contain a finding of important state interest and be approved by a two-thirds vote of the membership of each house.

However, the mandate requirements do not apply to laws having an insignificant fiscal impact, which for Fiscal Year 2025-2026 is forecast at approximately $2.4 million.[29,30,31]

If costs imposed by the bill exceed $2.4 million, the mandates provisions may apply. If the bill does qualify as a mandate, in order to be binding upon cities and counties, the bill must contain a finding of important state interest and be approved by a two-thirds vote of the membership of each house.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

This bill requires local governments to reduce permit fees by 10 percent for each business day after such government fails to comply with authorizing a permit or conducting an inspection of a fire alarm or sprinkler system within a specified time.

[29] FLA. CONST. art. VII, s. 18(d).
[30] An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year times $0.10. *See* Florida Senate Committee on Community Affairs, *Interim Report 2012-115: Insignificant Impact*, (Sept. 2011), *available at* http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf (last visited Mar. 24, 2025).
[31] Based on the Florida Demographic Estimating Conference's February 4, 2025 population forecast for 2025 of 23,332,606. The conference packet is *available at*: https://edr.state.fl.us/content/conferences/population/ConferenceResults_Tables.pdf (last visited Mar. 24, 2025).

B. Private Sector Impact:

The bill may reduce the cost of permit fees paid by the private sector to local governments if a local government fails to meet time requirements. On the other hand, the local jurisdictions may raise permit fees so that they can hire employees to meet the time requirements in the bill.

C. Government Sector Impact:

The DFS reports that CS/CS/CS/SB 1078 will have no fiscal impact on state government.[32] This bill may reduce the amount of permit fees that could be collected by local governments in certain circumstances. This bill may impact local governments because they may have to hire more employees to meet the prescribed timeframes. Additionally, local governments may need to expend funds to comply with the requirement to submit newly adopted local amendments to fire protection contractors, although the costs will likely be minimal.

VI. Technical Deficiencies:

The bill requires local governments to "submit" local amendments to the Fire Prevention Code to registered fire protection contractors. The bill does not specify the manner in which the information must be submitted, whether via physical mail or e-mail.

VII. Related Issues:

The DFS reports that Rule 69A-46, of the Florida Administrative Code, will need to be modified to conform to the changes made in SB 1078.[33]

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 553.7932, 633.202, and 633.312.

IX. Additional Information:

CS/CS/CS by Rules on April 16, 2025:

- Removes the provision that makes a local ordinance unenforceable if certain requirements are not met.
- Modifies the jurisdictions authorized to enforce an ordinance in certain circumstances and modifies the date for which such ordinance must be sent to specified government entities.
- Removes a local government's requirement to submit an adopted local amendment to the Fire Prevention Code to certain contractors within a specified time.

[32] The DFS, *Department of Financial Services 2025 Agency Legislative Bill Analysis SB 1078*, p. 2, Mar. 5, 2025 (on file with the Senate Committee on Banking and Insurance) (hereinafter cited as "2025 DFS Agency Analysis for SB 1078").
[33] *Id.*

- Modifies specified information required in a uniform summary inspection report and requires the contractor's detailed inspection report to be provided.

CS/CS by Community Affairs on March 25, 2025:

- Corrects certain references to counties and municipalities to refer more generally to local governments.
- Provides that amendments to the Fire Code adopted by local governments which do not comply with the Fire Prevention Code are "unenforceable," rather than "null and void."
- Requires local governments to submit adopted amendments to the Fire Prevention Code to registered fire protection contractors within 7 business days of adoption.
- Provides that the deficiencies noted in the inspection report should be separated into critical and noncritical categories, and include the total number of impairment deficiencies, with summaries for each.

CS by Banking and Insurance on March 10, 2025:

- Modifies the deadline for the local enforcement agency to complete an inspection to within 3 days, rather than 24 hours, after it is requested.
- Specifies the additional documents requested by the local enforcement agency as part of an inspection for a fire alarm or sprinkler system project must be for recording purposes and clarifies that the timeframe in which the contractor must provide such documents.
- Clarifies the applicability and amount of the reduced permit fees for failing to meet deadlines.
- Provides a local amendment will be null and void, rather than rescinded immediately, if a county or municipality fails to adhere to the requirements of s. 633.202, F.S., and moves the provision from subsection (10)(b) to subsection (9)(b).
- Removes the provision that a local fire marshal is subject to disciplinary action in s. 633.106, F.S., if the county or municipality continues to enforce an ordinance that has been rescinded.
- Provides a municipality may enforce only an ordinance that has been sent to the Florida Building Commission and the State Fire Marshal in accordance with current law as of the date that the bid for permit was submitted.

A. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

973042

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/16/2025	.	
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The Committee on Rules (McClain) recommended the following:

Senate Amendment (with title amendment)

Delete lines 121 - 151

and insert:

(b) A county, a municipality, or an authority having jurisdiction may only enforce an ordinance that has been sent to the Florida Building Commission and the State Fire Marshal pursuant to subsection (8) as of the date that the permit was submitted.

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

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

(3)

(b) The State Fire Marshal shall adopt rules to implement a uniform summary inspection report and submission procedures to be used by all third-party vendors and local authorities having jurisdiction. For purposes of this section, a uniform summary inspection report must record the address at which ~~where~~ the fire protection system or hydrant is located, the company and person conducting the inspection and their license number, the date of the inspection, and the fire protection system or hydrant inspection status, including the total number of deficiencies found, separated into critical and noncritical categories, and the brief description of impairment deficiencies ~~a brief summary of each deficiency, critical deficiency, noncritical deficiency, or impairment found~~. A contractor's detailed inspection report must also be provided, but is not required to follow the uniform summary

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

And the title is amended as follows:

Delete lines 29 - 38

and insert:

county, municipality, or authority having jurisdiction may only enforce an ordinance that has been sent to the Florida Building Commission and the State Fire Marshal as of a certain date; as of the date that the bid for a permit was submitted; requiring a local government to submit adopted local amendments to the

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Florida Fire Prevention Code to specified entities within a specified timeframe; amending s. 633.312, F.S.; requiring that a uniform summary inspection report include the total number of deficiencies, separated into certain categories, found during the inspection of a fire protection system or hydrant; requiring that the inspection report include a description of impairment deficiencies; requiring that a contractor’s detailed inspection report also be provided; deleting an exception from

By the Committees on Community Affairs; and Banking and Insurance; and Senator McClain

578-02825-25 20251078c2

A bill to be entitled

An act relating to fire prevention; amending s. 553.7932, F.S.; defining the term "alteration"; revising the definition of the term "fire alarm system project"; requiring a local enforcement agency to issue a permit for a fire alarm system project or fire sprinkler system project within a specified time period; authorizing work authorized by the permit to commence immediately after submission of a completed application; requiring the local enforcement agency to provide an inspection within a specified timeframe; requiring that certain plans and specifications be available for an onsite plans review during an inspection; requiring a contractor to provide additional documentation in paper or electronic form, if requested by an inspector, within a specified timeframe; prohibiting a local enforcement agency from requiring additional plans reviews or documentation outside the scope of the permitted work; requiring that a specified percentage of the permit fee be refunded if a local government fails to meet certain deadlines; providing exceptions; requiring that such refunds be based on the original amount of the permit fee; requiring local enforcement agencies to establish a simplified permitting process by a specified date; amending s. 633.202, F.S.; specifying a condition under which a local amendment to the Florida Fire Prevention Code is unenforceable; providing that a local government may only enforce an ordinance that

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

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has been sent to the Florida Building Commission and the State Fire Marshal as of the date that the bid for a permit was submitted; requiring a local government to submit adopted local amendments to the Florida Fire Prevention Code to specified entities within a specified timeframe; amending s. 633.312, F.S.; revising what must be included in a uniform inspection report; deleting the requirement for a brief summary of such deficiencies; deleting an exception from submitting certain information within a detailed inspection report; providing an effective date.

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

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

553.7932 Simplified permitting processes.—

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

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

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

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

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

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

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

(5)(a) For a fire alarm system project, a contractor must keep a copy of the plans and specifications at the fire alarm system project worksite and make such plans and specifications available to the inspector for an onsite plans review at each inspection. If the local enforcement agency determines that it needs documents for recording purposes, the contractor must provide such documentation in paper or electronic form to the local enforcement agency within 4 business days after the inspection or 4 days after the documentation is requested, whichever is later. The local enforcement agency may not require additional plans reviews or documentation of areas or devices

outside the scope of permitted work, as needed on permit applications.

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

(6) A local government that fails to meet a deadline under subsection (3) or subsection (4) must refund the permit fee by 10 percent for each business day after such failure, unless the local government and contractor agree in writing to a reasonable extension of time, the delay is caused by the applicant, or the delay is attributable to a force majeure or other extraordinary circumstances. Each 10 percent refund shall be based on the original amount of the permit fee.

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

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

633.202 Florida Fire Prevention Code.—

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

(b) If a local government fails to adhere to the requirements of this section when adopting an ordinance for a local amendment to the Florida Fire Prevention Code, the local amendment is unenforceable. A local government may only enforce an ordinance that has been sent to the Florida Building Commission and the State Fire Marshal pursuant to subsection (8) as of the date that the bid for a permit was submitted. A local government shall submit an adopted local amendment to the Florida Fire Prevention Code to all of the local government's registered fire protection contractors within 7 business days after the local government adopts the local amendment.

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

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

(3)

(b) The State Fire Marshal shall adopt rules to implement a uniform summary inspection report and submission procedures to be used by all third-party vendors and local authorities having jurisdiction. For purposes of this section, a uniform summary inspection report must record the address at which ~~where~~ the fire protection system or hydrant is located, the company and person conducting the inspection and their license number, the date of the inspection, and the fire protection system or hydrant inspection status, including the total number of

deficiencies found, separated into critical and noncritical categories, and the total number of impairment deficiencies, with a brief summary of each impairment deficiency ~~a brief summary of each deficiency, critical deficiency, noncritical deficiency, or impairment found~~. A contractor's detailed inspection report is not required to follow the uniform summary inspection report format. The State Fire Marshal shall establish by rule a submission procedure for each means provided under paragraph (a) by which a local authority having jurisdiction may accept uniform summary inspection reports. Each of the submission procedures must allow a contractor to attach additional documents with the submission of a uniform summary inspection report, including a physical copy of the contractor's detailed inspection report. A submission procedure may not require a contractor to submit information contained within the detailed inspection report ~~unless the information is required to be included in the uniform summary inspection report~~.

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

The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: April 3, 2025

I respectfully request that **Senate Bill #1078**, relating to Fire Prevention, be placed on the:

☒ committee agenda at your earliest possible convenience.

☐ next committee agenda.

Senator Stan McClain
Florida Senate, District 9

File signed original with committee office

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

4-16-25
Meeting Date

Rules
Committee

SB 1078 Amendment
Bill Number or Topic

973042
Amendment Barcode (if applicable)

Name Chief Jim Millican

Phone 727 526-5650

Address 4360-55 AV N
Street

Email jmillican@leelmanfir.com

St. Pete FL 33714
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Florida Fire Marshals Assc. & Florida Fire Chiefs Assc.

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

April 16, 2025
Meeting Date

SB 1078
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Shannon Few, Exec. Director

Phone 850-894-6601

Address P.O. Box 10448
Street

Email shannon.few@iaf-safe.org

Tallahassee FL 32302
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Integration Assoc. of Florida / Alarm Assoc. of Florida

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

4/16/25
Meeting Date

Rules
Committee

1078
Bill Number or Topic

Amendment Barcode (if applicable)

Name Ron Pierce

Phone 813.777.5578

Address 113 College Ave
Street

Email ron@teamrsa.com

TLH FL 32301
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:
American Fire Sprinkler Assc
AFSA

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

4/16/25
Meeting Date

RULES
Committee

1078
Bill Number or Topic

Amendment Barcode (if applicable)

Name LUCAS PARSONS Phone

Address 215 S MONROE ST Email lparsons@callintowills.com
Street

TLH FL 32301
City *State* *Zip*

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☑ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
FL. AUTOMATIC FIRE ALARM ASS'N

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

4/16/25
Meeting Date

Rules
Committee

1078
Bill Number or Topic

Amendment Barcode (if applicable)

Name Tim Mecnan

Phone 850 284 9240

Address PO Box 11247
Street

Email Tim@mecnanlawfirm.com

Tallahassee FL. 32302
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:
Florida Fire Sprinkler Association

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL:	CS/SB 1080
INTRODUCER:	Rules Committee and Senator McClain
SUBJECT:	Local Government Land Regulation
DATE:	April 18, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hackett	Fleming	CA	**Favorable**
2.	Collazo	Cibula	JU	**Favorable**
3.	Hackett	Yeatman	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1080 amends certain statutes regulating the review and approval of development permit and order applications by local governments.

Specifically, the bill requires local governments to:

- Specify the minimum information required for certain zoning applications.
- Process an application for a development permit or order within certain timeframes.
- Not limit the number of quasi-judicial hearings or public hearings held each month, if limiting their number will cause a delay in the consideration of an application for a development permit or order.
- Issue refunds to applicants if they fail to meet certain timeframes when processing an application.

The bill also provides that comprehensive plan amendments are not required to be approved at the second public hearing in the plan amendment adoption process to avoid being deemed withdrawn.

Additionally, the bill provides a substantially new mechanism for the administrative approval of development on agricultural enclaves, and provides limitations on extraordinary increases to impact fees.

The bill takes effect October 1, 2025.

II. Present Situation:

The Community Planning Act

Adopted in 1985, the Local Government Comprehensive Planning and Land Development Regulation Act,[1] also known as Florida's Growth Management Act, was significantly revised in 2011, becoming the Community Planning Act.[2] The Community Planning Act governs how local governments create and adopt their local comprehensive plans.

Local comprehensive plans must include principles, guidelines, standards, and strategies for the orderly and balanced future land development of the area and reflect community commitments to implement the plan. The Community Planning Act intends that local governments manage growth through comprehensive land use plans that facilitate adequate and efficient provision of transportation, water, sewage, schools, parks, recreational facilities, housing, and other requirements and services.[3] A housing element is required as part of every comprehensive plan in the state. Among other things, the housing element must address "the creation or preservation of affordable housing to minimize the need for additional local services and avoid the concentration of affordable housing units only in specific areas of the jurisdiction."[4]

Municipalities established after the effective date of the Community Planning Act must adopt a comprehensive plan within 3 years after the date of incorporation.[5] The county comprehensive plan controls until a municipal comprehensive plan is adopted.[6]

The comprehensive plan is implemented via land development regulations. Each county and municipality must adopt and enforce land development regulations, such as zoning or other housing-related ordinances, which are consistent with and implement their adopted comprehensive plan.[7]

Comprehensive Plan Amendments

If a proposed development does not conform to the comprehensive plan, the local government must first amend the comprehensive plan to facilitate the nonconforming development. State law requires a proposed comprehensive plan amendment to receive two public hearings, the first held by the local planning board, and subsequently by the governing board.[8]

Any affected person may challenge whether a plan or plan amendment complies with the Act by petitioning the Division of Administrative Hearings (DOAH) for a formal hearing.[9] An

[1] *See* ch. 85-55, s. 1, Laws of Fla. (codifying s. 163.3161(1), F.S. (1985), which provided the original short title).
[2] *See* ch. 2011-139, s. 4, Laws of Fla. (revising the short title in s. 163.3161(1), F.S., to "Community Planning Act").
[3] Section 163.3161(4), F.S.
[4] Section 163.3177(6)(f)1.g., F.S.
[5] Section 163.3167(3), F.S.
[6] *Id*.
[7] Section 163.3202, F.S.
[8] Sections 163.3174(4)(a) and 163.3184, F.S.
[9] Section 163.3184(5)(a), F.S.

administrative law judge must hold a hearing in the affected local jurisdiction on whether the plan or plan amendment is in compliance.[10] In challenges filed by an affected person, the comprehensive plan or plan amendment must be determined to be in compliance if the local government's determination of compliance is fairly debatable. If the administrative law judge recommends that the amendment be found in compliance, the judge must submit the recommended order to the state land planning agency for a final order in its favor.[11]

Agricultural Enclaves

An agricultural enclave is an unincorporated, undeveloped parcel that:

- Is owned by a single person or entity;
- Has been in continuous use for bona fide agricultural purposes for 5 years prior to the date of any comprehensive plan amendment application;
- Is surrounded on at least 75 percent of its perimeter by existing industrial, commercial, or residential development; or property designated in the local government's comprehensive plan and land development regulations for future industrial, commercial, or residential development, and 75 percent of which currently contains such development;
- Has public services, including water, wastewater, transportation, schools, and recreation facilities, available or such public services are scheduled in the capital improvement element to be provided by the local government or can be provided by an alternative provider of local government infrastructure; and
- Does not exceed 1,280 acres, or 4,480 acres if the property is surrounded by existing or authorized residential development with a density buildout of at least 1,000 residents per square mile.[12]

The owner of an agricultural enclave may apply for an amendment to the local government comprehensive plan. Such amendment is presumed not to be urban sprawl[13] if it includes land uses and intensities of use that are consistent with the uses and intensities of use of the industrial, commercial, or residential areas that surround the parcel. [14]

The local government and the owner of a parcel of land that is the subject of an application for an amendment shall have 180 days following the date that the local government receives a complete application to negotiate in good faith to reach consensus on the land uses and intensities of use that are consistent with the uses and intensities of use of the industrial, commercial, or residential areas that surround the parcel. Within 30 days after the local government's receipt of such an application, the local government and owner must agree in writing to a schedule for information submittal, public hearings, negotiations, and final action on the amendment, which schedule may thereafter be altered only with the written consent of the local government and the owner. Regardless of whether the local government and owner reach consensus on the land uses and intensities of use that are consistent with the uses and intensities

[10] Section 163.3184(5)(c), F.S.
[11] Section 163.3184(5)(e), F.S.
[12] Section 163.3164(4), F.S.
[13] "Urban sprawl" means a development pattern characterized by low density, automobile-dependent development with either a single use or multiple uses that are not functionally related, requiring the extension of public facilities and services in an inefficient manner, and failing to provide a clear separation between urban and rural uses. S. 163.3164, F.S.
[14] Section 163.3162(5), F.S.

of use of the industrial, commercial, or residential areas that surround the parcel, the amendment must be transmitted to the state land planning agency for review.[15]

The agricultural enclave provisions do not preempt or replace any protection currently existing for property located within the boundaries of the Wekiva Study Area, as described in s. 369.316, F.S., or to the Everglades Protection Area, as defined in s. 373.4592.[16]

Local Government Impact Fees

In Florida, impact fees are imposed pursuant to local legislation and are generally charged as a condition for the issuance of a project's building permit. The principle behind the imposition of impact fees is to transfer to new users of a government-owned system a fair share of the costs the new use of the system involves.[17] Impact fees have become an accepted method of paying for public improvements that must be constructed to serve new growth.[18] In order for an impact fee to be a constitutional user fee and not an unconstitutional tax, the fee must meet a dual rational nexus test, in that the local government must demonstrate the impact fee is proportional and reasonably connected to, or has a rational nexus with:

- The need for additional capital facilities and the increased impact generated by the new residential or commercial construction; and
- The expenditure of the funds collected and the benefits accruing to the new residential or nonresidential construction.[19]

Impact fee calculations vary from jurisdiction to jurisdiction and from fee to fee. Impact fees also vary extensively depending on local costs, capacity needs, resources, and the local government's determination to charge the full cost or only part of the cost of the infrastructure improvement through utilization of the impact fee.

Impact Fee Increases

Section 163.31801(6), F.S., provides limitations on impact fee increases imposed by a local government, school district, or special district. An impact fee may increase only pursuant to a plan for the imposition, collection, and use of the increased impact fees as follows:

- An impact fee increase of not more than 25 percent of the current rate must be implemented in two equal annual increments beginning with the date on which the increased fee is adopted.
- If the increase in rate is between 25 and 50 percent of the current rate, the increase must be implemented in four equal annual installments.
- No impact fee increase may exceed 50 percent of the current impact fee rate.
- An impact fee may not be increased more than once every four years.
- An impact fee may not be increased retroactively for a previous or current fiscal or calendar year.

[15] *Id.*
[16] Section 163.3162(4)(d), F.S.
[17] *Contractors & Builders Ass'n of Pinellas County v. City of Dunedin*, 329 So. 2d 314, 317-318 (Fla. 1976).
[18] *St. Johns County v. Ne. Florida Builders Ass'n, Inc.*, 583 So. 2d 635, 638 (Fla. 1991); s. 163.31801(2), F.S.
[19] *See St. Johns County* at 637. Codified at s. 163.31801(3)(f) and (g), F.S.

A local government, school district, or special district may increase an impact fee rate beyond these phase-in limitations if a local government, school district, or special district:

- Completes, within the 12-month period before the adoption of the impact fee increase, a demonstrated-need study justifying the increase and expressly demonstrating the *extraordinary circumstances* necessitating the need to exceed the limitations;
- Holds at least two publicly noticed workshops dedicated to the extraordinary circumstances necessitating the need to exceed the limitations; and
- Approves the impact fee increase ordinance by at least a two-thirds vote of the governing body.

Issuing Development Orders and Permits

Under the Community Planning Act, a development permit is any official action of a local government that has the effect of permitting the development of land including, but not limited to, building permits, zoning permits, subdivision approval, rezoning, certifications, special exceptions, and variances.[20] A development order is issued by a local government and grants, denies, or grants with conditions an application for a development permit.[21]

Within 30 days after receiving an application for approval of a development permit or development order, a county or municipality must review the application for completeness and issue a letter indicating that all required information is submitted or specify any areas that are deficient. If the application is deficient, the applicant has 30 days to address the deficiencies by submitting the required additional information.[22]

Within 120 days after the county or municipality has deemed the application complete, or 180 days for applications that require final action through a quasi-judicial hearing or a public hearing, the county or municipality must approve, approve with conditions, or deny the application for a development permit or development order.[23] Both the applicant and the local government may agree to a reasonable request for an extension of time, particularly in the event of an extraordinary circumstance.[24] An approval, approval with conditions, or denial of the application for a development permit or development order must include written findings supporting the county's or the municipality's decision.[25] However, these timeframes do not apply in areas of critical state concern.[26]

When reviewing a certified application for a development permit or development order, not including building permit applications, a county or municipality may not request additional

[20] Section 163.3164(16), F.S.
[21] *See* s. 163.3164(15), F.S. (defining development order); *see also* s. 125.022 and 166.033, F.S. (regulating county and municipal development permits and orders, respectively).
[22] Sections 125.022(1) and 166.033(1), F.S.
[23] *Id.*
[24] *Id.*
[25] *Id.*
[26] *Id.*

information from the applicant more than 3 times, unless the applicant waives the limitation in writing.[27]

If a county or municipality makes a request for additional information from the applicant, and the applicant provides the information within 30 days after receiving the request, the county or the municipality must:

- Review the additional information and issue a letter to the applicant indicating that the application is complete, or specify the remaining deficiencies within 30 days after receiving the information, if the request is the county or municipality's first request.[28]
- Review the additional information and issue a letter to the applicant indicating that the application is complete, or specify the remaining deficiencies within 10 days after receiving the additional information, if the request is the county or municipality's second request.[29]
- Deem the application complete within 10 days after receiving the additional information, or proceed to process the application for approval or denial unless the applicant waived the county or municipality's time limitations in writing, if the request is the county or municipality's third request.[30]

Before a third request for information, the applicant must be offered a meeting to attempt to resolve outstanding issues.[31] If the applicant believes the request for additional information is not authorized by ordinance, rule, statute, or other legal authority, the applicant may require the county or municipality proceed to process the application for approval or denial.[32] If denied, the county or municipality is required to give written notice to the applicant and must provide reference to the applicable legal authority for the denial of the permit.[33]

Once an application is deemed complete, a county or municipality must approve, approve with conditions, or deny the application within 120 days after it is deemed complete, or 180 days after it is deemed complete for applications that require final action through a quasi-judicial hearing or a public hearing.[34]

III. Effect of Proposed Changes:

Agricultural Enclaves

Section 2 amends s. 163.3162, F.S., to provide a substantially new public hearing process for agricultural enclaves. Under the bill, the owner of an agricultural enclave may apply for certification of land as an agricultural enclave, subject to public hearing and approval. Upon certification, property owners may submit development plans for single-family residential housing consistent with land use requirements of adjacent parcels.

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[27] Sections 125.022(2) and 166.033(2), F.S.; *see also* s. 403.0877, F.S. (listing the professionals that may certify applications for development permits and development orders for the purpose of satisfying this requirement).
[28] Section 125.022(2)(b) and Section 166.033(2)(b), F.S.
[29] Section 125.022(2)(c) and Section 166.033(2)(c), F.S.
[30] Section 125.022(2)(d) and Section 166.033(2)(d), F.S.
[31] *Id.*
[32] Section 125.022(2)(e) and Section 166.033(2)(e), F.S.
[33] *Id.*
[34] Section 125.022(1) and Section 166.033(1), F.S.

Within 30 business days after the local government's receipt of such development plans, the local government and the owner of the parcel certified as an agricultural enclave must agree in writing to a process and schedule for information submittal, analysis, and final approval, which may be administrative in nature, of the development plans. The local government may not require the owner to agree to a process that is longer than 180 days in duration or that includes further review of the plans in a quasi-judicial process or public hearing.

A local government may not enact or enforce a law or regulation for an agricultural enclave which is more burdensome than for other types of applications for comparable uses or densities, and must treat an agricultural enclave that is adjacent to an urban service district as if it is within the urban service district.

Agricultural enclave development concepts do not replace or override protections related to military installations. The bill otherwise removes the existing process related to agricultural enclaves.

Section 3 amends s. 163.3164(4), F.S., the definition of "agricultural enclave." The bill expands the definition to include that an agricultural enclave may include multiple parcels. The bill also provides that, as an alternative to the requirement that an enclave be 75 percent surrounded by existing development or planned development, a parcel or set of parcels of less than 700 acres 50 percent surrounded by planned development and sharing 50 percent of its perimeter with an urban service district, area, or line; or a parcel or set of parcels located within the boundary of an established rural study area adopted in the local government's comprehensive plan which was intended to be developed with residential uses and is surrounded on at least 50 percent of its perimeter by a parcel or parcels that the local government has designated on the local government's future land use plan as land that can be developed for industrial, commercial, or residential purposes. satisfies the requirement to be considered an enclave.

Section 4 provides that the bill's provisions relating to agricultural enclaves shall expire January 1, 2027, and the text of those subsections shall revert to that in existence on September 30, 2025, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.

Impact Fees

Section 5 amends s. 163.3180, F.S., to provide that a school district may not collect, charge, or impose any alternative fee in lieu of an impact fee to mitigate the impact of development on educational facilities unless such fee meets the dual rational nexus test imposed on all impact fees. In any action challenging a fee for such a reason, the school district has the burden of proving by a preponderance of the evidence that the imposition and amount of the fee meet the requirements of state legal precedent.

Section 6 amends s. 163.31801, F.S., to provide that an impact fee increase beyond the statutory four-year glidepath under the auspices of "extraordinary circumstances" requires a unanimous, rather than two-thirds' vote, and must be implemented in at least two but not more than four equal annual increments. A local government may not increase impact fees using "extraordinary

circumstances" methodology if they have not increased the impact fee within the past 7 years, excluding years in which increases were prohibited due to hurricane disaster regulations.

Sections 1 and 8 amend ss. 125.022 and 166.033, F.S., to revise a variety of provisions related to county and municipality operations in connection with development permits and orders. The amendments are listed by specific subject below.

Minimum Information for Certain Zoning Applications

The bill requires local governments to specify in writing the minimum information that must be submitted in an application for a zoning approval, rezoning approval, subdivision approval, certification, special exception, or variance. Under the bill, the local government must:

- Make the minimum information available for inspection and copying at the location where the local government receives applications for development permits and orders;
- Provide the minimum information to the applicant at a preapplication meeting; or
- Post the minimum information on the local government's website.

Timeframes for Processing an Application

Within 5 business days after receiving an application for approval of a development permit or development order, local governments must confirm receipt of the application using the contact information provided by the applicant.

The bill clarifies that, within 30 days after receiving an application for approval of a development permit or order, a local government must review the application for completeness and either:

- Issue a written notification to the applicant indicating that all required information is submitted; or
- Specify, with particularity and in writing, any areas that are deficient.

For an application for a development permit or order that ***does not*** require final action through a quasi-judicial hearing or public hearing, the bill requires local governments to approve the application, approve the application with conditions, or deny the application within ***120 days*** after the local government has deemed the application complete.

For an application for a development permit or order that ***does*** require final action through a quasi-judicial hearing or public hearing, the bill requires local governments to approve the application, approve the application with conditions, or deny the application within ***180 days*** after the local government has deemed the application complete.

The bill prohibits local governments from limiting the number of quasi-judicial hearings or public hearings held each month if such limitation causes any delay in the consideration of an application for approval of a development permit or order.

Additionally, the bill clarifies that local governments and applicants may agree in writing to an extension of time for processing an application, particularly in the event of a force majeure or other extraordinary circumstance.

The bill provides that the foregoing timeframes restart if an applicant makes a substantive change to the application. The bill defines "substantive change" as an applicant-initiated change of 15 percent or more in the proposed density, intensity, or square footage of a parcel.

Requirement to Issue a Refund

The bill requires local governments to issue a refund to an applicant equal to:

- Ten percent of the application fee if the local government fails to issue written notification of completeness or written specification of areas of deficiency within 30 days after receiving the application.
- Ten percent of the application fee if the local government fails to issue a written notification of completeness or written specification of areas of deficiency within 30 days after receiving the additional information pursuant to an initial request by the local government to furnish such additional information.
- Twenty percent of the application fee if the local government fails to issue a written notification of completeness or written specification of areas of deficiency within 10 days after receiving the additional information pursuant to a second request by the local government to furnish such additional information.
- Fifty percent of the application fee if the local government fails to approve, approve with conditions, or deny the application within 30 days after conclusion of the 120-day or 180-day timeframe specified above.
- One hundred percent of the application fee if the local government fails to approve, approve with conditions, or deny an application 31 days or more after conclusion of the 120-day or 180-day timeframe specified above.

A local government is not required to issue a refund in any of the foregoing scenarios if:

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

Section 7 amends s. 163.3184, F.S., to provide that comprehensive plan amendments are not required to be approved at the second public hearing in the plan amendment adoption process to avoid being deemed withdrawn.

Section 9 provides that the bill takes effect October 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill may have an indeterminate positive fiscal impact to the extent applicants receive refunds from counties and municipalities that fail to meet statutory deadlines relating to development permits and orders.

C. Government Sector Impact:

The bill may have an indeterminate negative fiscal impact on local governments to the extent those governments must issue refunds for failing to meet statutory deadlines relating to development permits and orders.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 125.022, 163.3164, 163.3180, 163.3184, and 166.033.

The bill creates an undesignated section of Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Rules on April 16, 2025:
With respect to s. 163.3162(4), F.S., which regulates comprehensive plan amendments related to agricultural enclaves, the CS allows property owners to apply for recognition of land as an agricultural enclave. Upon recognition, property owners may submit development plans for single-family residential housing consistent with land use requirements of adjacent parcels. The CS also revises the definition of agricultural enclaves, prevents the section from replacing protections related to military installations, and provides for the amendments to expire in 2027.

The CS also provides that school district impact fees must meet the dual rational nexus test, and that the school district bears the burden of proving so in any action brought against the validity of such impact fees.

The CS also provides that impact fee increases beyond the 12.5% phase in due to extraordinary circumstances must be approved by unanimous vote, must be implemented in at least two annual increments, and may not be undertaken if the local government failed to increase impact fees within the previous 7 years.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/16/2025	.	
	.	
	.	
	.	

The Committee on Rules (McClain) recommended the following:

Senate Amendment (with title amendment)

Between lines 174 and 175
insert:

Section 2. Subsection (4) of section 163.3162, Florida Statutes, is amended to read:

163.3162 Agricultural lands and practices.—

(4) AGRICULTURAL ENCLAVES.—

(a) Notwithstanding any other law or local ordinance, resolution, or regulation, the owner of a parcel of land may apply to the governing body of the local government for

659760

certification of the parcel as an agricultural enclave as defined in s. 163.3164 if one or more adjacent parcels or an adjacent development permits the same density as, or higher density than, the proposed development.

(b) Within 30 days after the local government's receipt of such an application, the local government must provide to the applicant a written report detailing the application's compliance with the requirements of this subsection.

(c) Within 30 days after the local government provides the report required under paragraph (b), the local government must hold a public hearing to approve or deny certification of the parcel as an agricultural enclave. If the local government does not approve or deny certification of the parcel as an agricultural enclave within 90 days after receipt of the application, the parcel must be certified as an agricultural enclave.

(d) If the application is denied, the governing body of the local government must issue its decision in writing with detailed findings of fact and conclusions of law. The applicant may seek review of the denial by filing a petition for writ of certiorari in the circuit court within 30 days after the date the local government renders its decision.

(e) If the application is approved, the owner of the parcel certified as an agricultural enclave may submit development plans for single-family residential housing which are consistent with the land use requirements, or future land use designations, including uses, density, and intensity, of one or more adjacent parcels or an adjacent development. A development submitted under this paragraph must be treated as a conforming use,

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notwithstanding the local government's comprehensive plan, future land use designation, or zoning.

(f) A local government may not enact or enforce a law or regulation for an agricultural enclave which is more burdensome than for other types of applications for comparable uses or densities. A local government must treat an agricultural enclave that is adjacent to an urban service district as if it is within the urban service district.

(g) Within 30 business days after the local government's receipt of development plans under paragraph (e), the local government and the owner of the parcel certified as an agricultural enclave must agree in writing to a process and schedule for information submittal, analysis, and final approval, which may be administrative in nature, of the development plans. The local government may not require the owner to agree to a process that is longer than 180 days in duration or that includes further review of the plans in a quasi-judicial process or public hearing ~~AMENDMENT TO LOCAL GOVERNMENT COMPREHENSIVE PLAN.—The owner of a parcel of land defined as an agricultural enclave under s. 163.3164 may apply for an amendment to the local government comprehensive plan pursuant to s. 163.3184. Such amendment is presumed not to be urban sprawl as defined in s. 163.3164 if it includes land uses and intensities of use that are consistent with the uses and intensities of use of the industrial, commercial, or residential areas that surround the parcel. This presumption may be rebutted by clear and convincing evidence. Each application for a comprehensive plan amendment under this subsection for a parcel larger than 640 acres must include appropriate new urbanism~~



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~~concepts such as clustering, mixed-use development, the creation of rural village and city centers, and the transfer of development rights in order to discourage urban sprawl while protecting landowner rights~~.

~~(a) The local government and the owner of a parcel of land that is the subject of an application for an amendment shall have 180 days following the date that the local government receives a complete application to negotiate in good faith to reach consensus on the land uses and intensities of use that are consistent with the uses and intensities of use of the industrial, commercial, or residential areas that surround the parcel. Within 30 days after the local government's receipt of such an application, the local government and owner must agree in writing to a schedule for information submittal, public hearings, negotiations, and final action on the amendment, which schedule may thereafter be altered only with the written consent of the local government and the owner. Compliance with the schedule in the written agreement constitutes good faith negotiations for purposes of paragraph (c).~~

~~(b) Upon conclusion of good faith negotiations under paragraph (a), regardless of whether the local government and owner reach consensus on the land uses and intensities of use that are consistent with the uses and intensities of use of the industrial, commercial, or residential areas that surround the parcel, the amendment must be transmitted to the state land planning agency for review pursuant to s. 163.3184. If the local government fails to transmit the amendment within 180 days after receipt of a complete application, the amendment must be immediately transferred to the state land planning agency for~~

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~~such review. A plan amendment transmitted to the state land planning agency submitted under this subsection is presumed not to be urban sprawl as defined in s. 163.3164. This presumption may be rebutted by clear and convincing evidence.~~

~~(c) If the owner fails to negotiate in good faith, a plan amendment submitted under this subsection is not entitled to the rebuttable presumption under this subsection in the negotiation and amendment process.~~

(h) ~~(d)~~ Nothing within this subsection relating to agricultural enclaves shall preempt or replace any protection currently existing for any property located within the boundaries of any of the following areas:

1. The Wekiva Study Area, as described in s. 369.316.~~; or~~

2. The Everglades Protection Area, as defined in s. 373.4592(2).

3. A military installation or range identified in s. 163.3175(2).

Section 3. Subsection (4) of section 163.3164, Florida Statutes, is amended to read:

163.3164 Community Planning Act; definitions.—As used in this act:

(4) "Agricultural enclave" means an unincorporated, undeveloped parcel or parcels that as of January 1, 2025:

(a) Are ~~Is~~ owned or controlled by a single person or entity;

(b) Have ~~Has~~ been in continuous use for bona fide agricultural purposes, as defined by s. 193.461, for a period of 5 years before ~~prior to~~ the date of any comprehensive plan amendment or development application;


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(c)1. Are ~~Is~~ surrounded on at least 75 percent of their ~~its~~ perimeter by:

a.~~1.~~ A parcel or parcels ~~Property~~ that have ~~has~~ existing industrial, commercial, or residential development; or

b.~~2.~~ A parcel or parcels ~~Property~~ that the local government has designated, in the local government's ~~comprehensive plan,~~ zoning map~~,~~ and future land use map, as land that is to be developed for industrial, commercial, or residential purposes, and at least 75 percent of such parcel or parcels ~~property~~ is existing industrial, commercial, or residential development;

2. Do not exceed 700 acres and are surrounded on at least 50 percent of their perimeter by a parcel or parcels that the local government has designated on the local government's future land use map as land that is to be developed for industrial, commercial, or residential purposes; and the parcel or parcels are surrounded on at least 50 percent of their perimeter by a parcel or parcels within an urban service district, area, or line; or

3. Are located within the boundary of an established rural study area adopted in the local government's comprehensive plan which was intended to be developed with residential uses and is surrounded on at least 50 percent of its perimeter by a parcel or parcels that the local government has designated on the local government's future land use plan as land that can be developed for industrial, commercial, or residential purposes.

(d) Have ~~Has~~ public services, including water, wastewater, transportation, schools, and recreation facilities, available or such public services are scheduled in the capital improvement element to be provided by the local government or can be

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provided by an alternative provider of local government infrastructure in order to ensure consistency with applicable concurrency provisions of s. 163.3180, or the applicant offers to enter into a binding agreement to pay for, construct, or contribute land for its proportionate share of such improvements; ~~and~~

(e) Do ~~Does~~ not exceed 1,280 acres; however, if the parcel or parcels are ~~property is~~ surrounded by existing or authorized residential development that will result in a density at buildout of at least 1,000 residents per square mile, ~~then~~ the area must ~~shall~~ be determined to be urban and the parcel or parcels may not exceed 4,480 acres; and

(f) Are located within a county with a population of 1.75 million or less. For purposes of this subsection, population shall be determined in accordance with the most recent official estimate pursuant to s. 186.901.

Where a right-of-way, body of water, or canal exists along the perimeter of a parcel, the perimeter calculations of the agricultural enclave must be based on the adjacent parcel or parcels across the right-of-way, body of water, or canal.

Section 4. The amendments made by this act to ss. 163.3162(4) and 163.3164(4), Florida Statutes, shall expire January 1, 2027, and the text of those subsections shall revert to that in existence on September 30, 2025, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.

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Section 5. Present paragraph (j) of subsection (6) of section 163.3180, Florida Statutes, is redesignated as paragraph (k), and a new paragraph (j) is added to that subsection, to read:

163.3180 Concurrency.—

(6)

(j) A school district may not collect, charge, or impose any alternative fee in lieu of an impact fee to mitigate the impact of development on educational facilities unless such fee meets the requirements of s. 163.31801(4)(f) and (g). In any action challenging a fee under this paragraph, the school district has the burden of proving by a preponderance of the evidence that the imposition and amount of the fee meet the requirements of state legal precedent.

Section 6. Paragraphs (g) and (h) of subsection (6) of section 163.31801, Florida Statutes, are amended to read:

163.31801 Impact fees; short title; intent; minimum requirements; audits; challenges.—

(6) A local government, school district, or special district may increase an impact fee only as provided in this subsection.

(g)1. A local government, school district, or special district may increase an impact fee rate beyond the phase-in limitations established under paragraph (b), paragraph (c), paragraph (d), or paragraph (e) by establishing the need for such increase in full compliance with the requirements of subsection (4), provided the following criteria are met:

a.~~1.~~ A demonstrated-need study justifying any increase in excess of those authorized in paragraph (b), paragraph (c),


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paragraph (d), or paragraph (e) has been completed within the 12 months before the adoption of the impact fee increase and expressly demonstrates the extraordinary circumstances necessitating the need to exceed the phase-in limitations.

b.~~2.~~ The local government jurisdiction has held at least ~~not less than~~ two publicly noticed workshops dedicated to the extraordinary circumstances necessitating the need to exceed the phase-in limitations set forth in paragraph (b), paragraph (c), paragraph (d), or paragraph (e).

c.~~3.~~ The impact fee increase ordinance is approved by ~~at least~~ a unanimous ~~two-thirds~~ vote of the governing body.

2. An impact fee increase approved under this paragraph must be implemented in at least two but not more than four equal annual increments beginning with the date on which the impact fee increase ordinance is adopted.

3. A local government may not increase an impact fee rate beyond the phase-in limitations under this paragraph if the local government has not increased the impact fee within the past 7 years. Any year in which the local government is prohibited from increasing an impact fee because the jurisdiction is in a hurricane disaster area is not included in the 7-year period.

~~(h) This subsection operates retroactively to January 1, 2021.~~

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

And the title is amended as follows:

Delete line 13

and insert:

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providing exceptions; amending s. 163.3162, F.S.; authorizing owners of certain parcels to apply to the governing body of the local government for certification of such parcels as agricultural enclaves; requiring the local government to provide to the applicant a certain report within a specified timeframe; requiring the local government to hold a public hearing within a specified timeframe to approve or deny such certification; requiring the governing body to issue certain decisions in writing; authorizing an applicant to seek judicial review under certain circumstances; authorizing the owner of a parcel certified as an agricultural enclave to submit certain development plans; requiring that certain developments be treated as a conforming use; prohibiting a local government from enacting or enforcing certain laws or regulations; requiring a local government to treat certain agricultural enclaves as if they are within urban service districts; requiring the local government and the owner of a parcel certified as an agricultural enclave to enter a certain written agreement; deleting provisions relating to certain amendments to a local government's comprehensive plan; revising construction; amending s. 163.3164, F.S.; revising the definition of the term "agricultural enclave"; providing for the future expiration and reversion of specified provisions; amending s. 163.3180, F.S.; prohibiting a school district from collecting,

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charging, or imposing certain fees unless they meet certain requirements; providing a standard of review for actions challenging such fees; amending s. 163.31801, F.S.; revising the voting threshold required for approval of certain impact fee increase ordinances by local governments, school districts, and special districts; requiring that certain impact fee increases be implemented in specified increments; prohibiting a local government from increasing an impact fee rate beyond certain phase-in limitations under certain circumstances; deleting retroactive applicability; amending s. 163.3184, F.S.;

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/16/2025	.	
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	.	

The Committee on Rules (McClain) recommended the following:

Senate Amendment to Amendment (659760)

Delete line 8

and insert:

(4) PUBLIC HEARING PROCESS.—

By Senator McClain

9-00728B-25 20251080__

A bill to be entitled

An act relating to local government land regulation; amending s. 125.022, F.S.; requiring counties to meet specified requirements regarding the minimum information necessary for certain applications; revising timeframes for processing applications for approval of development permits or development orders; prohibiting counties from limiting the number of quasi-judicial or public hearings held each month in certain circumstances; defining the term "substantive change"; providing refund parameters in situations where the county fails to meet certain timeframes; providing exceptions; amending s. 163.3184, F.S.; revising the expedited state review process for adoption of comprehensive plan amendments; amending s. 166.033, F.S.; requiring municipalities to meet specified requirements regarding the minimum information necessary for certain applications; revising timeframes for processing applications for approval of development permits or development orders; prohibiting municipalities from limiting the number of quasi-judicial or public hearings held each month in certain circumstances; defining the term "substantive change"; providing refund parameters in situations where the municipality fails to meet certain timeframes; providing exceptions; providing an effective date.

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

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9-00728B-25 20251080__

Section 1. Section 125.022, Florida Statutes, is amended to read:

125.022 Development permits and orders.—

(1) A county shall specify in writing the minimum information that must be submitted in an application for a zoning approval, rezoning approval, subdivision approval, certification, special exception, or variance. A county shall make the minimum information available for inspection and copying at the location where the county receives applications for development permits and orders, provide the information to the applicant at a preapplication meeting, or post the information on the county's website.

(2) Within 5 business days after receiving an application for approval of a development permit or development order, a county shall confirm receipt of the application using contact information provided by the applicant. Within 30 days after receiving an application for approval of a development permit or development order, a county must review the application for completeness and issue a written notification to the applicant ~~letter~~ indicating that all required information is submitted or specify in writing ~~specifying~~ with particularity any areas that are deficient. If the application is deficient, the applicant has 30 days to address the deficiencies by submitting the required additional information. For applications that do not require final action through a quasi-judicial hearing or a public hearing, the county must approve, approve with conditions, or deny the application for a development permit or development order within 120 days after the county has deemed

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the application complete.~~, or 180 days~~ For applications that require final action through a quasi-judicial hearing or a public hearing, the county must approve, approve with conditions, or deny the application for a development permit or development order within 180 days after the county has deemed the application complete. A county may not limit the number of quasi-judicial hearings or public hearings held each month if such limitation causes any delay in the consideration of an application for approval of a development permit or development order. Both parties may agree in writing to ~~a reasonable request for~~ an extension of time, particularly in the event of a force majeure or other extraordinary circumstance. An approval, approval with conditions, or denial of the application for a development permit or development order must include written findings supporting the county's decision. The timeframes contained in this subsection do not apply in an area of critical state concern, as designated in s. 380.0552. The timeframes contained in this subsection restart if an applicant makes a substantive change to the application. As used in this subsection, the term "substantive change" means an applicant-initiated change of 15 percent or more in the proposed density, intensity, or square footage of a parcel.

(3)(a)~~(2)(a)~~ When reviewing an application for a development permit or development order that is certified by a professional listed in s. 403.0877, a county may not request additional information from the applicant more than three times, unless the applicant waives the limitation in writing.

(b) If a county makes a request for additional information and the applicant submits the required additional information

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within 30 days after receiving the request, the county must review the application for completeness and issue a letter indicating that all required information has been submitted or specify with particularity any areas that are deficient within 30 days after receiving the additional information.

(c) If a county makes a second request for additional information and the applicant submits the required additional information within 30 days after receiving the request, the county must review the application for completeness and issue a letter indicating that all required information has been submitted or specify with particularity any areas that are deficient within 10 days after receiving the additional information.

(d) Before a third request for additional information, the applicant must be offered a meeting to attempt to resolve outstanding issues. If a county makes a third request for additional information and the applicant submits the required additional information within 30 days after receiving the request, the county must deem the application complete within 10 days after receiving the additional information or proceed to process the application for approval or denial unless the applicant waived the county's limitation in writing as described in paragraph (a).

(e) Except as provided in subsection (7) ~~(5)~~, if the applicant believes the request for additional information is not authorized by ordinance, rule, statute, or other legal authority, the county, at the applicant's request, shall proceed to process the application for approval or denial.

(4) A county must issue a refund to an applicant equal to:

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

(a) Ten percent of the application fee if the county fails to issue written notification of completeness or written specification of areas of deficiency within 30 days after receiving the application.

(b) Ten percent of the application fee if the county fails to issue a written notification of completeness or written specification of areas of deficiency within 30 days after receiving the additional information pursuant to paragraph (3)(b).

(c) Twenty percent of the application fee if the county fails to issue a written notification of completeness or written specification of areas of deficiency within 10 days after receiving the additional information pursuant to paragraph (3)(c).

(d) Fifty percent of the application fee if the county fails to approve, approves with conditions, or denies the application within 30 days after conclusion of the 120-day or 180-day timeframe specified in subsection (2).

(e) One hundred percent of the application fee if the county fails to approve, approves with conditions, or denies an application 31 days or more after conclusion of the 120-day or 180-day timeframe specified in subsection (2).

A county is not required to issue a refund if the applicant and the county agree to an extension of time, the delay is caused by the applicant, or the delay is attributable to a force majeure or other extraordinary circumstance.

(5) ~~(3)~~ When a county denies an application for a development permit or development order, the county shall give

written notice to the applicant. The notice must include a citation to the applicable portions of an ordinance, rule, statute, or other legal authority for the denial of the permit or order.

(6) ~~(4)~~ As used in this section, the terms "development permit" and "development order" have the same meaning as in s. 163.3164, but do not include building permits.

(7) ~~(5)~~ For any development permit application filed with the county after July 1, 2012, a county may not require as a condition of processing or issuing a development permit or development order that an applicant obtain a permit or approval from any state or federal agency unless the agency has issued a final agency action that denies the federal or state permit before the county action on the local development permit.

(8) ~~(6)~~ Issuance of a development permit or development order by a county does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the county for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. A county shall attach such a disclaimer to the issuance of a development permit and shall include a permit condition that all other applicable state or federal permits be obtained before commencement of the development.

(9) ~~(7)~~ This section does not prohibit a county from providing information to an applicant regarding what other state or federal permits may apply.

Section 2. Paragraphs (b) and (c) of subsection (3) of section 163.3184, Florida Statutes, are amended to read:

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

(3) EXPEDITED STATE REVIEW PROCESS FOR ADOPTION OF COMPREHENSIVE PLAN AMENDMENTS.—

(b)1. If a plan amendment or amendments are adopted, the local government, after the initial public hearing held pursuant to subsection (11), shall transmit, within 10 working days after the date of adoption, the amendment or amendments and appropriate supporting data and analyses to the reviewing agencies. The local governing body shall also transmit a copy of the amendments and supporting data and analyses to any other local government or governmental agency that has filed a written request with the governing body.

2. The reviewing agencies and any other local government or governmental agency specified in subparagraph 1. may provide comments regarding the amendment or amendments to the local government. State agencies shall only comment on important state resources and facilities that will be adversely impacted by the amendment if adopted. Comments provided by state agencies shall state with specificity how the plan amendment will adversely impact an important state resource or facility and shall identify measures the local government may take to eliminate, reduce, or mitigate the adverse impacts. Such comments, if not resolved, may result in a challenge by the state land planning agency to the plan amendment. Agencies and local governments must transmit their comments to the affected local government such that they are received by the local government not later

than 30 days after the date on which the agency or government received the amendment or amendments. Reviewing agencies shall also send a copy of their comments to the state land planning agency.

3. Comments to the local government from a regional planning council, county, or municipality shall be limited as follows:

a. The regional planning council review and comments shall be limited to adverse effects on regional resources or facilities identified in the strategic regional policy plan and extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the region. A regional planning council may not review and comment on a proposed comprehensive plan amendment prepared by such council unless the plan amendment has been changed by the local government subsequent to the preparation of the plan amendment by the regional planning council.

b. County comments shall be in the context of the relationship and effect of the proposed plan amendments on the county plan.

c. Municipal comments shall be in the context of the relationship and effect of the proposed plan amendments on the municipal plan.

d. Military installation comments shall be provided in accordance with s. 163.3175.

4. Comments to the local government from state agencies shall be limited to the following subjects as they relate to important state resources and facilities that will be adversely impacted by the amendment if adopted:

a. The Department of Environmental Protection shall limit its comments to the subjects of air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, and conservation easements; solid waste; water and wastewater treatment; and the Everglades ecosystem restoration.

b. The Department of State shall limit its comments to the subjects of historic and archaeological resources.

c. The Department of Transportation shall limit its comments to issues within the agency's jurisdiction as it relates to transportation resources and facilities of state importance.

d. The Fish and Wildlife Conservation Commission shall limit its comments to subjects relating to fish and wildlife habitat and listed species and their habitat.

e. The Department of Agriculture and Consumer Services shall limit its comments to the subjects of agriculture, forestry, and aquaculture issues.

f. The Department of Education shall limit its comments to the subject of public school facilities.

g. The appropriate water management district shall limit its comments to flood protection and floodplain management, wetlands and other surface waters, and regional water supply.

h. The state land planning agency shall limit its comments to important state resources and facilities outside the jurisdiction of other commenting state agencies and may include comments on countervailing planning policies and objectives served by the plan amendment that should be balanced against

potential adverse impacts to important state resources and facilities.

(c)1. The local government shall hold a second public hearing, which shall be a hearing on whether to adopt one or more comprehensive plan amendments pursuant to subsection (11). If the local government fails, within 180 days after receipt of agency comments, to hold the second public hearing, ~~and to adopt the comprehensive plan amendments,~~ the amendments are deemed withdrawn unless extended by agreement with notice to the state land planning agency and any affected person that provided comments on the amendment. The local government is in compliance if the second public hearing is held within the 180-day period following receipt of agency comments, even if the amendments are approved at a subsequent hearing. The 180-day limitation does not apply to amendments processed pursuant to s. 380.06.

2. All comprehensive plan amendments adopted by the governing body, along with the supporting data and analysis, shall be transmitted within 10 working days after the final adoption hearing to the state land planning agency and any other agency or local government that provided timely comments under subparagraph (b)2. If the local government fails to transmit the comprehensive plan amendments within 10 working days after the final adoption hearing, the amendments are deemed withdrawn.

3. The state land planning agency shall notify the local government of any deficiencies within 5 working days after receipt of an amendment package. For purposes of completeness, an amendment shall be deemed complete if it contains a full, executed copy of:

a. The adoption ordinance or ordinances;

b. In the case of a text amendment, the amended language in legislative format with new words inserted in the text underlined, and words deleted stricken with hyphens;

c. In the case of a future land use map amendment, the future land use map clearly depicting the parcel, its existing future land use designation, and its adopted designation; and

d. Any data and analyses the local government deems appropriate.

4. An amendment adopted under this paragraph does not become effective until 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, an amendment does not become effective until the state land planning agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance.

Section 3. Section 166.033, Florida Statutes, is amended to read:

166.033 Development permits and orders.—

(1) A municipality shall specify in writing the minimum information that must be submitted for an application for a zoning approval, rezoning approval, subdivision approval, certification, special exception, or variance. A municipality shall make the minimum information available for inspection and copying at the location where the municipality receives applications for development permits and orders, provide the information to the applicant at a preapplication meeting, or post the information on the municipality's website.

(2) Within 5 business days after receiving an application for approval of a development permit or development order, a

municipality shall confirm receipt of the application using contact information provided by the applicant. Within 30 days after receiving an application for approval of a development permit or development order, a municipality must review the application for completeness and issue a written notification to the applicant ~~letter~~ indicating that all required information is submitted or specify in writing ~~specifying~~ with particularity any areas that are deficient. If the application is deficient, the applicant has 30 days to address the deficiencies by submitting the required additional information. For applications that do not require final action through a quasi-judicial hearing or a public hearing, the municipality must approve, approve with conditions, or deny the application for a development permit or development order within 120 days after the municipality has deemed the application complete.~~, or 180 days~~ For applications that require final action through a quasi-judicial hearing or a public hearing, the municipality must approve, approve with conditions, or deny the application for a development permit or development order within 180 days after the municipality has deemed the application complete. A municipality may not limit the number of quasi-judicial hearings or public hearings held each month if such limitation causes any delay in the consideration of an application for approval of a development permit or development order. Both parties may agree in writing to ~~a reasonable request for~~ an extension of time, particularly in the event of a force majeure or other extraordinary circumstance. An approval, approval with conditions, or denial of the application for a development permit or development order must include written findings

supporting the municipality's decision. The timeframes contained in this subsection do not apply in an area of critical state concern, as designated in s. 380.0552 or chapter 28-36, Florida Administrative Code. The timeframes contained in this subsection restart if an applicant makes a substantive change to the application. As used in this subsection, the term "substantive change" means an applicant-initiated change of 15 percent or more in the proposed density, intensity, or square footage of a parcel.

(3)(a) ~~(2)(a)~~ When reviewing an application for a development permit or development order that is certified by a professional listed in s. 403.0877, a municipality may not request additional information from the applicant more than three times, unless the applicant waives the limitation in writing.

(b) If a municipality makes a request for additional information and the applicant submits the required additional information within 30 days after receiving the request, the municipality must review the application for completeness and issue a letter indicating that all required information has been submitted or specify with particularity any areas that are deficient within 30 days after receiving the additional information.

(c) If a municipality makes a second request for additional information and the applicant submits the required additional information within 30 days after receiving the request, the municipality must review the application for completeness and issue a letter indicating that all required information has been submitted or specify with particularity any areas that are

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deficient within 10 days after receiving the additional information.

(d) Before a third request for additional information, the applicant must be offered a meeting to attempt to resolve outstanding issues. If a municipality makes a third request for additional information and the applicant submits the required additional information within 30 days after receiving the request, the municipality must deem the application complete within 10 days after receiving the additional information or proceed to process the application for approval or denial unless the applicant waived the municipality's limitation in writing as described in paragraph (a).

(e) Except as provided in subsection (7) ~~(5)~~, if the applicant believes the request for additional information is not authorized by ordinance, rule, statute, or other legal authority, the municipality, at the applicant's request, shall proceed to process the application for approval or denial.

(4) A municipality must issue a refund to an applicant equal to:

(a) Ten percent of the application fee if the municipality fails to issue written notification of completeness or written specification of areas of deficiency within 30 days after receiving the application.

(b) Ten percent of the application fee if the municipality fails to issue written notification of completeness or written specification of areas of deficiency within 30 days after receiving the additional information pursuant to paragraph (3)(b).

(c) Twenty percent of the application fee if the

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municipality fails to issue written notification of completeness or written specification of areas of deficiency within 10 days after receiving the additional information pursuant to paragraph (3)(c).

(d) Fifty percent of the application fee if the municipality fails to approve, approves with conditions, or denies the application within 30 days after conclusion of the 120-day or 180-day timeframe specified in subsection (2).

(e) One hundred percent of the application fee if the municipality fails to approve, approves with conditions, or denies an application 31 days or more after conclusion of the 120-day or 180-day timeframe specified in subsection (2).

A municipality is not required to issue a refund if the applicant and the municipality agree to an extension of time, the delay is caused by the applicant, or the delay is attributable to a force majeure or other extraordinary circumstance.

(5) ~~(3)~~ When a municipality denies an application for a development permit or development order, the municipality shall give written notice to the applicant. The notice must include a citation to the applicable portions of an ordinance, rule, statute, or other legal authority for the denial of the permit or order.

(6) ~~(4)~~ As used in this section, the terms "development permit" and "development order" have the same meaning as in s. 163.3164, but do not include building permits.

(7) ~~(5)~~ For any development permit application filed with the municipality after July 1, 2012, a municipality may not

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require as a condition of processing or issuing a development permit or development order that an applicant obtain a permit or approval from any state or federal agency unless the agency has issued a final agency action that denies the federal or state permit before the municipal action on the local development permit.

(8) ~~(6)~~ Issuance of a development permit or development order by a municipality does not create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the municipality for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. A municipality shall attach such a disclaimer to the issuance of development permits and shall include a permit condition that all other applicable state or federal permits be obtained before commencement of the development.

(9) ~~(7)~~ This section does not prohibit a municipality from providing information to an applicant regarding what other state or federal permits may apply.

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

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The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: April 2, 2025

I respectfully request that **Senate Bill #1080**, relating to Local Government Land Regulation, be placed on the:

☒ committee agenda at your earliest possible convenience.

☐ next committee agenda.

Senator Stan McClain
Florida Senate, District 9

File signed original with committee office

S-020 (03/2004)

The Florida Senate

APPEARANCE RECORD

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4/16/25
Meeting Date

Committee

SB1080
Bill Number or Topic

659760
Amendment Barcode (if applicable)

Name Kim Dinkins

Phone 352-895-8693

Address 803 N Monroe
Street

Email kdinkins@1000fof.org

Tallahassee FL 32314
City *State* *Zip*

Speaking: ☐ For ☑ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
1000 Friends

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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4/16/25
Meeting Date

Rules
Committee

1080
Bill Number or Topic

659760
Amendment Barcode (if applicable)

Name Rusty Payton

Phone 850-567-1013

Address 1319 Thomaswood Drive
Street

Email rpayton@fhba.com

Tallahassee FL 32308
City State Zip

Speaking: [x] For [ ] Against [ ] Information **OR** Waive Speaking: [ ] In Support [ ] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[ ] I am appearing without compensation or sponsorship.

[x] I am a registered lobbyist, representing: Florida Home Builders Association

[ ] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

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S-001 (08/10/2021)

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4/16/25
Meeting Date

Rules
Committee

1080
Bill Number or Topic

659760
Amendment Barcode (if applicable)

Name Charles Dudley

Phone 850 681 0024

Address 108 S. Monroe St.
Street

Email CDudley@FlaPartners.com

Tall. FL 32301
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☑ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
City of Oakland Park

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

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4/16/25
Meeting Date

Rules
Committee

1080
Bill Number or Topic

659760
Amendment Barcode (if applicable)

Name Candice Ericks

Phone 954-648-1204

Address 205 S. Adams St
Street
Tallahassee FL 32301
City State Zip

Email Candice@ericksconsultants.com

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:
City of Plantation

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

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4/16/2025
Meeting Date

Rules
Committee

SB 1080
Bill Number or Topic

659760
Amendment Barcode (if applicable)

Name Elizabeth Alvi (Audubon)

Phone 850-999-1028

Address 1002 Thomasville Road
Street

Email Beth.Alvi@audubon.org

Tallahassee FI 32312
City *State* *Zip*

Reset Form

Speaking: ☐ For ☑ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☑ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
Audubon Florida

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

The Florida Senate

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4/16
Meeting Date

Rules
Committee

Amendment 1080
Bill Number or Topic

659760
Amendment Barcode (if applicable)

Name DAVIN Suggs - FAC

Phone 850.320.2635

Address 100 South Monroe Street
Street

Tallahassee FL 32311
City *State* *Zip*

Email

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing: Florida Association of Counties

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

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4-16-25
Meeting Date

RULES
Committee

1080
Bill Number or Topic

659760
Amendment Barcode (if applicable)

Name Leslie Reed

Phone (757) 870 4604

Address 204 S MONROE ST
Street

Email Leslie@Brightwaterstrategies.com

TLH FL 32301
City *State* *Zip*

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☑ Against amendment

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing: Conservation Florida

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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16 April 2025
Meeting Date

Rules Committee
Committee

1080
Bill Number or Topic

659760
Amendment Barcode (if applicable)

Name Kahreem Golden

Phone 850-345-7108

Address 1035 S. Semoran Blvd, Suite 2-1021B
Street

Winter Park FL 32792
City *State* *Zip*

Email kahreem.golden@tnc.org

wld oppose than

Speaking: ☐ For ☐ Against ☐ Information **OR** **Waive Speaking:** ☐ In Support ☑ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
The Nature Conservancy

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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April 16, 2025
Meeting Date

Rules
Committee

SB 1080
Bill Number or Topic

659760
Amendment Barcode (if applicable)

Name Neil Fleckenstein

Phone 850-728-6235

Address 13093 Henry Beadel Drive
Street

Email neil@talltimbers.org

Tallahassee FL 32312
City *State* *Zip*

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☑ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
Tall Timbers Research Station & Land Conservancy

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

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4-16-25
Meeting Date

Rules
Committee

1080
Bill Number or Topic

Amendment Barcode (if applicable)

Name Daniel Martinez

Phone 305-240-2917

Address 107 E College Ave
Street

Email DMartinez@AFPHQ.org

TLH FL 32301
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☑ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing: Americans for Prosperity

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

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4/16/2025
Meeting Date

Rules
Committee

1080
Bill Number or Topic

Amendment Barcode (if applicable)

Name Colton Madill

Phone 850 766 7983

Address 136 S. Bronough St
Street

Tallahassee FL 32301
City State Zip

Email cmadill@flchamber.com

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☑ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing: Florida Chamber of Commerce

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL:	CS/CS/SB 1174
INTRODUCER:	Appropriations Committee on Health and Human Services; Children, Families, and Elder Affairs Committee; Senator Jones and others
SUBJECT:	Licensure of Family Foster Homes
DATE:	April 15, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Kennedy	Tuszynski	CF	**Fav/CS**
2.	Sneed	McKnight	AHS	**Fav/CS**
3.	Kennedy	Yeatman	RC	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1174 amends the licensure requirements for family foster homes, residential child-caring agencies, and child-placing agencies allowing a foster parent to amend their current license when they relocate without the need to submit a new application.

The bill requires the Department of Children and Families (DCF) to adopt rules to streamline the licensure application process for family foster parents who are in good standing and relocate within the state, including prioritizing the review of their application, expediting home study and background checks, and recognizing prior foster parent training coursework.

The bill has no fiscal impact on state expenditures and revenues. **See Section V., Fiscal Impact Statement.**

The bill takes effect October 1, 2025.

II. Present Situation:

Florida's Child Welfare System – Generally

Chapter 39, F.S., creates Florida's dependency system charged with protecting children who have been abused, abandoned, or neglected. Florida's child welfare system identifies children

and families in need of services through reports to the central abuse hotline and child protective investigations. The Department of Children and Families (DCF) and community-based care (CBC) lead agencies work with those families to address the problems endangering children, if possible.[1] If the problems cannot be addressed, the child welfare system finds safe out-of-home placements for these children.[2]

Child Protective Investigations

The DCF is required to operate and maintain a central abuse hotline (hotline)[3] to receive reports of known or suspected instances of child abuse[4], abandonment[5], or neglect[6], or instances when a child does not have a parent, legal custodian, or adult relative available to provide supervision and care.[7] The hotline must operate 24 hours a day, 7 days a week, and accept reports through a single statewide toll-free telephone number or through electronic reporting.[8]

If the hotline determines a report meets the statutory criteria for child abuse, abandonment, or neglect, a DCF child protective investigator (CPI) must complete a child protective investigation.[9] Through face-to-face interviews with the child and family members, and assessments of the immediate safety of the children in the home, the CPI determines further actions.

When a CPI determines that in-home services are not enough to ensure a child's safety, the CPI must remove the child from the home and place him or her in a safe and appropriate temporary out-of-home placement.[10] These placements are aimed to be the least restrictive, most family-like

[1] *See* Chapter 39, F.S.
[2] *Id.*
[3] Hereinafter cited as "hotline." The "Florida Abuse Hotline" is the DCF's central abuse reporting intake assessment center, which receives, and processes reports of known or suspected child abuse, neglect or abandonment 24 hours a day, seven days a week. Chapter 65C-30.001, F.A.C. and Section 39.101, F.S.
[4] Section 39.01(2), F.S. defines "abuse" as any willful act or threatened act that results in any physical, mental, or sexual abuse, injury, or harm that causes or is likely to cause the child's physical, mental, or emotional health to be significantly impaired.
[5] Section 39.01(1), F.S. defines "abandoned" or "abandonment" as a situation in which the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the caregiver, while being able, has made no significant contribution to the child's care and maintenance or has made no significant contribution to the child's care and maintenance or has failed to establish or maintain a substantial and positive relationship with the child, or both. "Establish or maintain a substantial and positive relationship" means, in part, frequent and regular contact with the child, and the exercise of parental rights and responsibilities.
[6] Section 39.01(53), F.S. states "neglect" occurs when a child is deprived of, or is allowed to be deprived of, necessary food, clothing, shelter, or medical treatment or a child is permitted to live in an environment when such deprivation or environment causes the child's physical, mental, or emotional health to be significantly impaired or to be in danger of being significantly impaired, except when such circumstances are caused primarily by financial inability unless services have been offered and rejected by such person.
[7] Section 39.201(1), F.S.
[8] Section 39.101(1), F.S.
[9] Prior to July 1, 2023, seven counties allowed the local sheriff's office to perform child protective investigations. The 2023 legislative session transitioned this responsibility fully back to the Department after changes in Florida's child welfare system aimed to integrate child protective investigations within existing crisis-oriented systems the DCF maintains. *See generally:* Laws of Fla. 2023-77.
[10] Section 39.4021, F.S.

placements available.[11] The DCF is required to consider a child's placement in the following priority order:[12]

- Nonoffending parent.
- Relative caregiver.
- Adoptive parent of the child's sibling, when the DCF or CBC lead agency is aware of such sibling.
- Fictive kin with a close existing relationship to the child.
- Nonrelative caregiver that does not have an existing relationship with the child.
- *Licensed foster care.*
- *Group or congregate care.*

If a child is removed from his or her home and placed in a family foster home, those foster parents become a critical place in a child's support network, ensuring their needs are met while in out-of-home placement and contributing to the potential reunification of the child with his or her biological family or some other permanency arrangement that is in the best interests of that child.[13]

Licensure of Family Foster Homes

Section 409.175, F.S. establishes the licensing requirements for family foster homes,[14] residential child-caring agencies,[15] and child-placing agencies,[16] with the purpose of protecting the health, safety, and well-being of children in such care.[17] Under existing law, family foster home licenses are issued for a specific person or agency at a specific location.[18]

Once issued, a family foster home license is non-transferable.[19]

[11] Section 39.4021, F.S.
[12] *Id.*
[13] *See* the Department of Children and Families, *Foster Care Overview*, available at: https://www.myflfamilies.com/services/child-family-services/foster-care/overview (last visited Mar. 6, 2025)
[14] Section 409.175(2)(e), F.S.; defined as a residence licensed by the department in which children who are unattended by a parent or legal guardian are provided 24-hour care. The term does not include an adoptive home that has been approved by the department or approved by a licensed child-placing agency for children placed for adoption.
[15] Section 409.175(2)(l), F.S.; defined as any person, corporation, or agency, public or private, other than the child's parent or legal guardian, that provides staffed 24-hour care for children in facilities maintained for that purpose, regardless of whether operated for profit or whether a fee is charged. Such residential child-caring agencies include, but are not limited to, maternity homes, runaway shelters, group homes that are administered by an agency, emergency shelters that are not in private residences, and wilderness camps. Residential child-caring agencies do not include hospitals, boarding schools, summer or recreation camps, nursing homes, or facilities operated by a governmental agency for the training, treatment, or secure care of delinquent youth, or facilities licensed under s. 393.067 or s. 394.875 or chapter 397.
[16] Section 409.175(2)(d), F.S.; defined as any person, corporation, or agency, public or private, other than the parent or legal guardian of the child or an intermediary acting pursuant to chapter 63, that receives a child for placement and places or arranges for the placement of a child in a family foster home, residential child-caring agency, or adoptive home.
[17] Section 409.175(1)(a), F.S.
[18] *See generally*, s. 409.175, F.S.
[19] Section 409.175(6)(i), F.S.

If a foster parent relocates, they are required to contact the DCF and their supervising agency in writing no less than 30 calendar days prior to the expected date of relocation.[20] Upon relocation, if relocating within the same region, the following is required of the foster parent:[21]

- New "Application for License to Provide Out-of-Home Care for Dependent Children;"
- New unified home study for the new location;
- Satisfactory environmental health inspection of the new residence;
- Disaster plan; and
- Home emergency evacuation plan.

If the foster parent is relocating between DCF regions, they must notify their supervising agency at least 30 days prior to the move. The coordination and responsibility for ensuring the transition of the license between regions is:[22]

- The supervising agency must assist the foster parent in finding a supervising agency in the new region.
- The CBC lead agency and supervising agency must work in partnership to secure a commitment from the new supervising agency to complete the requirements for licensing the new home.
- The new supervising agency must contact the foster parent within five business days of notification of the relocation to begin the licensing process.
- The DCF regional licensing office in the new region must request any additional documentation required to ensure that all minimum standards are met within 10 business days of receipt of the application file, and if no additional information is required, the new license shall be issued within 10 business days.

Federal Law

Title IV-E of the Social Security Act[23] mandates that all children in foster care are placed in safe and appropriate environments and that the child's health and safety shall be the paramount concern.[24] Furthermore, federal law mandates that the state is responsible for establishing and maintaining standards for foster family homes, including standards related to safety and sanitation.[25] State Title IV-E child welfare agencies ensure safe and appropriate environments by performing home studies to check the criminal backgrounds of the people and physical environments of the homes in which they place children.[26] Florida's approved federal Title IV-E state plan details how Florida meets the health and safety requirements of federal law, and this includes a unified home study of both foster and potential adoptive homes.[27]

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[20] Rule 65C-45.009(7), F.A.C.
[21] *Id.*
[22] Rule 65C-45.009(7), F.A.C.
[23] Title IV-E of the Social Security Act authorizes the federal-state Foster Care, Prevention, and Permanency program. Under this program states are entitled to federal reimbursement for a part of the cost of providing foster care to children who, typically, due to abuse or neglect in their own homes, are removed from that home and placed in foster care.
[24] 42 U.S. Code § 671; 45 CFR 1356.21(b)
[25] 42 U.S.C. 671(a)(10); 42 U.S. Code § 672
[26] *See generally*, Children's Bureau, *Home Study Requirements for Prospective Foster Parents*, available at https://www.childwelfare.gov/resources/home-study-requirements-prospective-foster-parents/ (last visited Mar. 8, 2025).
[27] *See Generally*, Agency Plan for Title IV-E of the Social Security Act, Foster Care and Adoption Assistance, State of Florida, available at https://www.myflfamilies.com/sites/default/files/2023-05/TitleIVEStatePlan-Approved01032020.pdf (last visited on Mar. 8, 2025); Child and Family Services Plan, 2025-2029, Department of Children and Families, available at

The DCF reports that without this home study of the physical location, the state could lose federal Title IV-E funding for foster care.[28]

III. Effect of Proposed Changes:

The bill amends s. 409.175, F.S., to require the Department of Children and Families to adopt rules to streamline the licensure application process for a family foster parent who is in good standing and relocates within Florida. At a minimum, these rules must include the priority review of foster care applications, expedited home studies and background checks, and recognition of prior foster parent training coursework.

The bill takes effect October 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

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https://www.myflfamilies.com/sites/default/files/2025-01/Child%20and%20Family%20Services%20Plan%202025-2029.pdf (last visited Mar. 9, 2025).

[28] Department of Children and Families, *2025 Agency Analysis*, pg.2 (on file with the Children, Families, and Elder Affairs Committee).

[28] *Id.*

C. Government Sector Impact:

The bill has no fiscal impact on state expenditures or revenues.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends s. 409.175 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS by Appropriations Committee on Health and Human Services on April 10, 2025:
The committee substitute:

- Clarifies that the Department of Children and Families (DCF) must adopt rules to streamline and prioritize the licensure application process for licensed foster parents who relocate within the state, including the priority review of foster care applications, expedited home studies and background checks, and recognition of prior foster parent training coursework.

CS by Children, Families, and Elder Affairs on March 12, 2025:
The CS makes the following changes:

- Reinserts language into statute keeping licenses nontransferable.
- Requires the DCF to adopt rules to ensure that a licensee that relocates can amend his or her current license without submitting a new application and that the licensure amendment process receives priority.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By the Appropriations Committee on Health and Human Services; the Committee on Children, Families, and Elder Affairs; and Senators Jones and Rouson

603-03447-25 20251174c2

A bill to be entitled

An act relating to licensure of family foster homes; amending s. 409.175, F.S.; requiring the Department of Children and Families to adopt rules to streamline the licensure application process for licensed foster parents who relocate within this state; requiring that such rules include priority review of applications, expedited home studies and background checks, and recognition of prior foster parent training coursework; providing an effective date.

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

Section 1. Paragraph (i) of subsection (6) of section 409.175, Florida Statutes, is amended to read:

409.175 Licensure of family foster homes, residential child-caring agencies, and child-placing agencies; public records exemption.—

(6)

(i)1. Upon determination that the applicant meets the state minimum licensing requirements and has obtained a letter from a community-based care lead agency which indicates that the family foster home meets the criteria established by the lead agency, the department shall issue a license without charge to a specific person or agency at a specific location. A license may be issued if all the screening materials have been timely submitted; however, a license may not be issued or renewed if any person at the home or agency has failed the required screening. The license is nontransferable. A copy of the license

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

603-03447-25 20251174c2

shall be displayed in a conspicuous place. Except as provided in paragraph (k), the license is valid for 1 year from the date of issuance, unless the license is suspended or revoked by the department or is voluntarily surrendered by the licensee. The license is the property of the department.

2. The department shall adopt rules to streamline the licensure application process for a licensed foster parent who is in good standing and relocates within this state. These rules must include, but are not limited to, rules concerning priority review of applications, expedited home studies and background checks, and recognition of prior foster parent training coursework.

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

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

The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: April 10, 2025

I respectfully request that **Senate Bill #1174**, relating to Licensure of Family Foster Homes, be placed on the:

☒ committee agenda at your earliest possible convenience.

☐ next committee agenda.

Senator Shevrin D. "Shev" Jones
Florida Senate, District 34

File signed original with committee office

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL:	CS/CS/SB 1266
INTRODUCER:	Rules Committee; Criminal Justice Committee and Senator Gruters
SUBJECT:	Public Records/Victim of a Crime/Officers Involved in Use of Force Incidents
DATE:	April 17, 2025 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wyant	Stokes	CJ	**Fav/CS**
2.	Wyant	Yeatman	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1266 amends s. 119.071, F.S., to revise the public records exemption for documents that identify a person as a victim of a crime. The bill specifies any *public record* that reveals the identity, *name, personal identification number,* home or employment address, or personal assets of the victim, *or any other personal identifying or location information that could be used to locate, intimidate, harass, or abuse the victim or the victim's family,* which *public record is generated* or received by any agency that regularly *generates or* receives information from or concerning the victims of crime, is exempt.

The bill provides definitions for "employing agency head," "officer," "use of force incidents," and "victim."

The bill requires any public record that contains specified information or any information that could be used to locate, intimidate, harass, or abuse any officer who is involved in a use of force incident to be held confidential and exempt for a period of 72 hours immediately following such incident. Additionally, the exemption or confidentiality may be extended until the employing agency head determines there is no further necessity, and upon such, must notify the officer five days before the release of any public record that identifies the officer. The bill requires an employing agency head to make written findings for keeping an officer's information confidential beyond the 72 hour period to disseminate to the public explaining the necessity of the extension.

This exemption applies to information held by an agency before, on, or after July 1, 2025, and is repealed on October 2, 2030, unless reenacted by the Legislature.

The bill provides a statement of public necessity as required by the State Constitution, and because it expands the public records exemption it requires a two-thirds vote of the members present and voting in each house of the Legislature for final passage.

The bill takes effect July 1, 2025.

II. Present Situation:

Access to Public Records - Generally

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.[1] The right to inspect or copy applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.[2]

Additional requirements and exemptions related to public records are found in various statutes and rules, depending on the branch of government involved. For instance, s. 11.0431, F.S., provides public access requirements for legislative records. Relevant exemptions are codified in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the legislature.[3] Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.[4] Lastly, ch. 119, F.S., known as the Public Records Act, provides requirements for public records held by executive branch and local government agencies.

Violation of Public Record Law

Any person who willfully and knowingly violates any public record law commits a first degree misdemeanor.[5,6]

Pursuant to s. 119.105, F.S., any person who comes into possession of exempt or confidential information contained in police reports is prohibited from using that information for any commercial solicitation of the victims or the relatives of the victims of the reported crimes or accidents, and is further prohibited from knowingly disclosing such information to any third party for the purpose of such solicitation during the period of time that the information remains

[1] FLA. CONST. art. I, s. 24(a).
[2] *Id*.
[3] *See* Rule 1.48, *Rules and Manual of the Florida Senate*, (2024-2026) and Rule 14.1, *Rules of the Florida House of Representatives*, Edition 1, (2024-2026).
[4] *State v. Wooten*, 260 So. 3d 1060 (Fla. 4th DCA 2018).
[5] Section 119.10(2)(a), F.S.
[6] A first degree misdemeanor is punishable by a term of imprisonment not exceeding 1 year and a fine of up to $1,000. Sections 775.082 and 775.083, F.S.

exempt or confidential. Any person who violates such prohibitions commits a third degree felony.[7,8]

Open Government Sunset Review Act

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act[9] (the Act), prescribe a legislative review process for newly created or substantially amended[10] public records or open meetings exemptions, with specified exceptions.[11] The act requires the repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment; in order to save an exemption from repeal, the Legislature must reenact the exemption or repeal the sunset date.[12] In practice, many exemptions are continued by repealing the sunset date, rather than reenacting the exemption.

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.[13] An exemption serves an identifiable purpose if the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption and it meets one of the following purposes:

- It allows the state or its political subdivisions to effectively and efficiently administer a program, and administration would be significantly impaired without the exemption;[14]
- It protects sensitive, personal information, the release of which would be defamatory, cause unwarranted damage to the good name or reputation of the individual, or would jeopardize the individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;[15] or
- It protects information of a confidential nature concerning entities, such as trade or business secrets.[16]

The Act also requires specified questions to be considered during the review process.[17] In examining an exemption, the Act directs the Legislature to question the purpose and necessity of reenacting the exemption.

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[7] Section 119.10(2)(b), F.S.
[8] A third degree felony is generally punishable by not more than 5 years in state prison and a fine not exceeding $5,000. Sections 775.082 and 775.083, F.S.
[9] Section 119.15, F.S.
[10] An exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings as well as records. Section 119.15(4)(b), F.S.
[11] Section 119.15(2)(a) and (b), F.S., provides that exemptions required by federal law or applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.
[12] Section 119.15(3), F.S.
[13] Section 119.15(6)(b), F.S.
[14] Section 119.15(6)(b)1., F.S.
[15] Section 119.15(6)(b)2., F.S.
[16] Section 119.15(6)(b)3., F.S.
[17] Section 119.15(6)(a), F.S. The specified questions are:
- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?

If the exemption is continued and expanded, then a public necessity statement and a two-thirds vote for passage are again required.[18] If the exemption is continued without substantive changes or if the exemption is continued and narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to expire, the previously exempt records will remain exempt unless otherwise provided by law.[19]

Marsy's Law

On November 6, 2018, a constitutional revision to Art. I of the State Constitution was approved by voters; such revision is colloquially known as "Marsy's Law."[20] Marsy's Law provides crime victims specific rights, including the right:

- To be free from intimidation, harassment, and abuse.
- Within the judicial process, to be reasonably protected from the accused and any person acting on behalf of the accused.
- To prevent the disclosure of information or records that could be used to locate or harass the victim or the victim's family, or which could disclose confidential or privileged information of the victim.[21]

Under Marsy's Law, a "victim" means a person who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of a crime or delinquent act or against whom the crime or delinquent act is committed. The term includes the victim's lawful representative, the parent or guardian of a minor, or the next of kin of a homicide victim, except upon a showing that the interest of such individual would be in actual or potential conflict with the interests of the victim. The term does not include the accused.[22]

Pursuant to Art. I, s. 16(c) of the Florida Constitution, the victim can assert and seek enforcement of such rights in any trial or appellate court, or before any other authority with jurisdiction over the case, as a matter of right. The court or other authority must act promptly on such a request, affording a remedy by due course of law for the violation of any right.[23]

In 2023, the Florida Supreme Court held that Marsy's Law "does not guarantee to a victim the categorical right to withhold his or her name from disclosure."[24] The Court held that "Marsy's Law speaks only to the right of victims to 'prevent the disclosure of information or records that could be used to locate or harass' them or their families" and that "one's name, standing alone, is not that kind of information or record; it communicates nothing about where the individual can be found and bothered."[25] The Court noted that by reading Marsy's Law to only shield

- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

[18] *See generally* s. 119.15, F.S.
[19] Section 119.15(7), F.S.
[20] Art. I, s. 16(b)-(e), Fla. Const.
[21] Art. I, s. 16(b), Fla. Const.
[22] Art. I, s. 16(e), Fla. Const.
[23] Art. I, s. 16(c), Fla. Const.
[24] *City of Tallahassee v. Fla. Police Benv. Assn., Inc.*, 375 So. 3d 178, 183 (2023).
[25] *Id*. at 184 (internal citations omitted).

information that can be used to locate or harass, rather than identify, it can give effect to Marsy's Law while also protecting a defendant's right to confront adverse witnesses at trial.

Additionally, the question of whether police officers acting in an official capacity can be Marsy's Law "victims" was presented to the Court. However, the Court decided to answer the question of anonymity stating, "we decide only what Marsy's Law says and does not say; we do not pass upon the validity of any statutory right of certain persons, in certain situations, to withhold their identities from disclosure."[26]

Public Record Exemption for the Victim of a Crime

Section 119.071(2)(j), F.S., provides a public record exemption for any document that reveals the identity, home or employment telephone number, home or employment address, or personal assets of the victim of a crime and also identifies that person as the victim of a crime, which document is received by any agency that regularly receives information from or concerning the victims of crime.[27]

Additionally, any information not otherwise held confidential or exempt from public record requirements which reveals the home or employment telephone number, home or employment address, or personal assets of a person who has been the victim of sexual battery, aggravated child abuse, aggravated stalking, harassment, aggravated battery, or domestic violence is exempt from public record requirements upon written request by the victim, which request must include official verification that an applicable crime has occurred. Such an exemption will cease five years after the receipt of the written request.[28]

III. Effect of Proposed Changes:

The bill amends s. 119.071, F.S., to revise a public records exemption for documents that identify a person as a victim of a crime. The bill specifies any *public record* that reveals the identity, *name, personal identification number*, home or employment address, or personal assets of the victim, *or any other personal identifying or location information that could be used to locate, intimidate, harass, or abuse the victim or the victim's family*, which *public record is generated* or received by any agency that regularly *generates or* receives information from or concerning the victims of crime, is exempt.

The bill provides the following definitions:

- "Employing agency head" means an elected or appointed head official of an employing agency as defined in s. 943.10(4), F.S., and who is certified under s. 943.13, F.S.
- "Officer" means any full-time, part-time, or auxiliary law enforcement officer, correctional officer, or correctional probation officer certified under s. 943.13, F.S.
- "Use of force incidents" means any incident that occurs within the scope of an officer's employment or official duties an involves the officer's use of deadly force as defined in s. 776.06, F.S., or any other use of force that results in great bodily harm.

[26] *Id*. at 188.
[27] Section 119.071(2)(j)1., F.S.
[28] *Id*. Notwithstanding this exemption, any state or federal agency that is authorized to have access to such documents by any provision of law must be granted access in the furtherance of such agency's statutory duties.

- "Victim" means a person who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of a crime or delinquent act or against whom the crime or delinquent act is committed. The term includes the victim's lawful representative, the parent or guardian of a minor, or the next of kin of a homicide victim, except upon a showing that the interest of such person would be in actual or potential conflict with the interests of the victim. The term does not include the accused.

The bill requires any public record that reveals the identity, including name or personal identification number, home or cellular telephone number, home address, personal assets, or any information that could be used to locate, intimidate, harass, or abuse any officer who is involved in a use of force incident to be held confidential and exempt for a period of 72 hours immediately following such incident. Additionally, the exemption or confidentiality may be extended until the employing agency head determines there is no further necessity, and upon such, must notify the officer five days before the release of any public record that identifies the officer. The bill requires an employing agency head to make written findings for keeping an officer's information confidential beyond the 72 hour period to disseminate to the public explaining the necessity of the extension.

This exemption applies to information held by an agency before, on, or after July 1, 2025, and is repealed on October 2, 2030, unless reenacted by the Legislature.

The bill provides a statement of public necessity as required by the State Constitution. The public necessity statement provides that the release of certain personal identifying and location information would constitute an unwarranted risk and may jeopardize the safety of victims and their family members. Additionally, the statement of public necessity provides that the immediate release of identifying and location information for an officer involved in a use of force incident may place officers at risk.

The bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require the cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.

B. Public Records/Open Meetings Issues:

Vote Requirement

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records requirements. This bill expands an exemption for records pertaining to victims of crimes and officers involved in a use of force incident; therefore, the bill requires a two-thirds vote of each chamber for enactment.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records requirements to state with specificity the public necessity justifying the exemption. Section 2 of the bill contains a statement of public necessity for the exemption.

Breadth of Exemption

Article I, s. 24(c) of the State Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. The purpose of the law is to protect victims of crime and such victim's family members, and the bill exempts only records pertaining to those persons from the public records requirements.

The bill requires any public record that reveals the identity or location information for law enforcement officers involved in use of force incidents to be held confidential and exempt for 72 hours or until deemed no longer necessary. By potentially holding an officer's information in any public record containing certain information, in perpetuity, the exemption may be broader than necessary to accomplish the purpose of the law.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

Section 119.071(2)(j)1.e., F.S., as created by the bill, is subject to the requirements of Article III, Section 6 of the Florida Constitution, the single subject rule. The Florida Supreme Court has held that the single subject clause contains three requirements: first, each law must embrace only one subject; second, the law may include any matter that properly connected with the subject; and third, the subject must be briefly expressed in the title. [29] The subject matter to consider when determining whether a bill embraces a single subject is the bill's title's subject, and the test is whether the bill is designed to accomplish separate objectives with no natural or logical connection to each other.[30]

The bill as amended includes officers, whereas the bill originally filed only included victims. This may subject the law to constitutional challenges.

[29] *Franklin v. State*, 887 So. 1063, 1072 (Fla. 2004).
[30] *See Ex parte Knight*, 41 So. 786, 788 (Fla. 1906); *Bd. of Pub. Instruction v. Doran*, 224 So. 2d 693, 699 (Fla. 1969).

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill creates a new public records exemption for an officer involved in a use of force incident, and in doing so, requires any public record that reveals the identity or any other information that could be used to locate, intimidate, harass, or abuse such officer to be held confidential and exempt for a period of 72 hours immediately following the incident.

The language concerning any public record that identifies an officer may create an issue with outside agencies that maintain public records, but that have no notice that such record should be confidential and exempt. Some agencies may not be aware that a law enforcement officer was involved in a use of force incident but may have custody of records that contain information of such an officer, such as an agency in custody of property appraiser documents. Without any requirement for an officer or an agency head to request this information be confidential and exempt, such agency would not be aware of the exemption.
Additionally, the new public records exemption creates an issue with the potential for a law enforcement officer's information to be held confidential and exempt in perpetuity. This language may be broader than necessary, *see* Breadth of Exemption.

VIII. Statutes Affected:

This bill substantially amends section 119.071 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS by Rules on April 15, 2025:
This committee substitute:

- Provides that public records of victims are kept exempt, rather than confidential and exempt.

- Requires an employing agency head to make written findings for keeping an officer's information confidential beyond the 72 hour period to disseminate to the public explaining the necessity of the extension.
- Removes language allowing a victim or an officer involved in a use of force incident to waive the exemption or confidentiality at any time.
- Removes language relating to the release of information in furtherance of any judicial proceedings, as afforded by the State Constitution.

CS by Criminal Justice on April 1, 2025:
This committee substitute:

- Provides a definition for "employing agency head," "officer," "use of force incident," and "victim."
- Requires any public record that contains specified information or information that could be used to locate, intimidate, harass, or abuse any officer who is involved in a use of force incident to be held confidential and exempt for a period of 72 hours immediately following such incident.
- Allows for the exemption or confidentiality concerning such officers to be extended until the employing agency head determines there is no further necessity and provides a requirement for notice to the officer five days before the release of any such record.
- Allows a victim or an officer involved in a use of force incident to waive the exemption or confidentiality at any time.
- Provides a public necessity statement for officers involved in a use of force incident.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/16/2025	.	
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The Committee on Rules (Gruters) recommended the following:

Senate Amendment (with title amendment)

Delete lines 50 - 176

and insert:

b.(I) Any public record ~~document~~ that reveals the identity, including the name or personal identification number, home or employment telephone number, home or employment address, or personal assets of the victim, or any other information or records that could be used to locate, intimidate, harass, or abuse the victim or the victim's family ~~of a crime and identifies that person as the victim of a crime~~, which public

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record is generated or ~~document is~~ received by any agency that regularly generates or receives information from or concerning the victims of crime, is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(II) This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2030, unless reviewed and saved from repeal through reenactment by the Legislature. If, after review, this sub-subparagraph is not reenacted, the text of this sub-subparagraph shall revert to that in existence on June 30, 2025, except that any amendments to this sub-subparagraph enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the amendments to the sub-subparagraph made by this act.

c. Any information not otherwise held confidential or exempt from s. 119.07(1) which reveals the home or employment telephone number, home or employment address, or personal assets of a person who has been the victim of sexual battery, aggravated child abuse, aggravated stalking, harassment, aggravated battery, or domestic violence is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, upon written request by the victim, which must include official verification that an applicable crime has occurred. Such information shall cease to be exempt 5 years after the receipt of the written request.

d. Any state or federal agency that is authorized to have access to such documents by any provision of law shall be granted such access in the furtherance of such agency's

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statutory duties, notwithstanding this section.

e.(I) Any public record that reveals the identity, including the name or personal identification number, home or cellular telephone number, home address, personal assets, or any other information that could be used to locate, intimidate, harass, or abuse any officer who is involved in a use of force incident is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for a period of 72 hours immediately following the use of force incident. Upon the expiration of the 72-hour period, the officer's identity shall be subject to s. 119.07(1) unless the employing agency head determines it is necessary to extend the confidentiality of any public record that reveals the officer's identity and identifying information.

(II) The employing agency head may extend the confidentiality of any public record that reveals the officer's identity beyond the 72-hour period if he or she determines it is necessary. An employing agency head must make written findings to disseminate to the public explaining the necessity of the extension.

(III) The exemption or confidentiality may be extended until the employing agency head determines that there is no further necessity for the confidentiality of any public record that reveals the officer's identity to remain. The employing agency head must consider the applicable officer's circumstances and, upon the officer's request, consult with the officer, to determine if an extension is necessary. If an extension was granted after the original 72-hour period, and the employing agency head subsequently determines that the officer is no

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longer entitled to the protection of his or her identity, the employing agency head must give notice to the officer 5 days before the release of any public record that reveals the officer's identity.

(IV) This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2030, unless reviewed and saved from repeal through reenactment by the Legislature.

2.a. Any information in a videotaped statement of a minor who is alleged to be or who is a victim of sexual battery, lewd acts, or other sexual misconduct proscribed in chapter 800 or in s. 794.011, s. 827.071, s. 847.012, s. 847.0125, s. 847.013, s. 847.0133, or s. 847.0145, which reveals that minor's identity, including, but not limited to, the minor's face; the minor's home, school, church, or employment telephone number; the minor's home, school, church, or employment address; the name of the minor's school, church, or place of employment; or the personal assets of the minor; and which identifies that minor as the victim of a crime described in this subparagraph, held by a law enforcement agency, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Any governmental agency that is authorized to have access to such statements by any provision of law shall be granted such access in the furtherance of the agency's statutory duties, notwithstanding the provisions of this section.

b. A public employee or officer who has access to a videotaped statement of a minor who is alleged to be or who is a victim of sexual battery, lewd acts, or other sexual misconduct proscribed in chapter 800 or in s. 794.011, s. 827.071, s.

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847.012, s. 847.0125, s. 847.013, s. 847.0133, or s. 847.0145 may not willfully and knowingly disclose videotaped information that reveals the minor's identity to a person who is not assisting in the investigation or prosecution of the alleged offense or to any person other than the defendant, the defendant's attorney, or a person specified in an order entered by the court having jurisdiction of the alleged offense. A person who violates this provision commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 2. The Legislature finds that s. 16(b), Article I of the State Constitution mandates that crime victims have a right to be free from intimidation, harassment, and abuse and that it is a public necessity that information or records that may be used to locate, intimidate, harass, or abuse crime victims be made exempt under s. 119.07(1),

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

And the title is amended as follows:

Delete lines 11 - 17

and insert:

concerning the victims of crime; providing that certain records identifying law enforcement officers who are involved in a use of force incident are confidential and exempt for a specified timeframe; providing requirements for extending such timeframe; providing for

By the Committee on Criminal Justice; and Senator Gruters

591-03132-25 20251266c1

A bill to be entitled

An act relating to public records; amending s. 119.071, F.S.; providing definitions; expanding a public records exemption for crime victims to include the name and personal identification number of the victim and any other information or records that could be used to locate, intimidate, harass, or abuse a victim or the victim's family; providing that such exemption includes records generated by any agency that regularly generates information from or concerning the victims of crime; providing an exception to the public records exemption; providing that certain records identifying law enforcement officers who are involved in a use of force incident are confidential and exempt for a specified timeframe; providing requirements for extending such timeframe; authorizing waivers of the exemptions; providing for future legislative review and repeal of the exemptions; providing a statement of public necessity; providing an effective date.

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

Section 1. Paragraph (j) of subsection (2) of section 119.071, Florida Statutes, is amended to read:

119.071 General exemptions from inspection or copying of public records.—

(2) AGENCY INVESTIGATIONS.—

(j)1.a. For purposes of this subparagraph, the term:

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

591-03132-25 20251266c1

(I) "Employing agency head" means an elected or appointed head official of an employing agency as defined in s. 943.10(4) who is certified under s. 943.13.

(II) "Officer" means any full-time, part-time, or auxiliary law enforcement officer, correctional officer, or correctional probation officer certified under s. 943.13.

(III) "Use of force incident" means any incident that occurs within the scope of an officer's employment or official duties and involves the officer's use of deadly force as defined in s. 776.06, or any other use of force that results in great bodily harm.

(IV) "Victim" means a person who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of a crime or delinquent act or against whom the crime or delinquent act is committed. The term includes the victim's lawful representative, the parent or guardian of a minor, or the next of kin of a homicide victim, except upon a showing that the interest of such person would be in actual or potential conflict with the interests of the victim. The term does not include the accused.

b. Any public record ~~document~~ that reveals the identity, including the name or personal identification number, home or employment telephone number, home or employment address, or personal assets of the victim, or any other information or records that could be used to locate, intimidate, harass, or abuse the victim or the victim's family, ~~of a crime and identifies that person as the victim of a crime,~~ which public record is generated or ~~document is~~ received by any agency that regularly generates or receives information from or concerning

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

the victims of crime, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(I) A victim may waive the exemption or confidentiality of this subparagraph at any time in writing.

(II) The confidential information shall be released as needed in furtherance of any judicial proceeding at a court's discretion. The court may not deny a criminal defendant access to the information if the denial would interfere with the defendant's constitutional rights. Those who are entitled to access confidential information as part of any judicial proceeding may not reveal to any outside party any confidential information obtained under this subparagraph except as is reasonably necessary to prepare a defense and pursue legal remedies.

(III) This subparagraph does not restrict the contempt powers of any court or a court's inherent authority to regulate the conduct of the parties in any judicial proceeding.

(IV) This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2030, unless reviewed and saved from repeal through reenactment by the Legislature. If, after review, this sub-subparagraph is not reenacted, the text of this sub-subparagraph shall revert to that in existence on June 30, 2025, except that any amendments to this sub-subparagraph enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the amendments to the sub-subparagraph made by this act.

c. Any information not otherwise held confidential or

exempt from s. 119.07(1) which reveals the home or employment telephone number, home or employment address, or personal assets of a person who has been the victim of sexual battery, aggravated child abuse, aggravated stalking, harassment, aggravated battery, or domestic violence is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, upon written request by the victim, which must include official verification that an applicable crime has occurred. Such information shall cease to be exempt 5 years after the receipt of the written request.

d. Any state or federal agency that is authorized to have access to such documents by any provision of law shall be granted such access in the furtherance of such agency's statutory duties, notwithstanding this section.

e.(I) Any public record that reveals the identity, including the name or personal identification number, home or cellular telephone number, home address, personal assets, or any other information that could be used to locate, intimidate, harass, or abuse any officer who is involved in a use of force incident is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for a period of 72 hours immediately following the use of force incident. Upon the expiration of the 72-hour period, the officer's identity shall be subject to s. 119.07(1) unless the employing agency head determines it is necessary to extend the confidentiality of any public record that reveals the officer's identity and identifying information.

(II) The employing agency head may extend the confidentiality of any public record that reveals the officer's

identity beyond the 72-hour period if he or she determines it is necessary. An employing agency head may make written findings to disseminate to the public explaining the necessity of the extension.

(III) The exemption or confidentiality may be extended until the employing agency head determines that there is no further necessity for the confidentiality of any public record that reveals the officer's identity to remain. The employing agency head must consider the applicable officer's circumstances and, upon the officer's request, consult with the officer, to determine if an extension is necessary. If an extension was granted after the original 72-hour period, and the employing agency head subsequently determines that the officer is no longer entitled to the protection of his or her identity, the employing agency head must give notice to the officer 5 days before the release of any public record that reveals the officer's identity.

(IV) An officer may waive the exemption or confidentiality of this sub-subparagraph at any time in writing.

(V) This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2030, unless reviewed and saved from repeal through reenactment by the Legislature.

2.a. Any information in a videotaped statement of a minor who is alleged to be or who is a victim of sexual battery, lewd acts, or other sexual misconduct proscribed in chapter 800 or in s. 794.011, s. 827.071, s. 847.012, s. 847.0125, s. 847.013, s. 847.0133, or s. 847.0145, which reveals that minor's identity, including, but not limited to, the minor's face; the minor's

home, school, church, or employment telephone number; the minor's home, school, church, or employment address; the name of the minor's school, church, or place of employment; or the personal assets of the minor; and which identifies that minor as the victim of a crime described in this subparagraph, held by a law enforcement agency, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Any governmental agency that is authorized to have access to such statements by any provision of law shall be granted such access in the furtherance of the agency's statutory duties, notwithstanding the provisions of this section.

b. A public employee or officer who has access to a videotaped statement of a minor who is alleged to be or who is a victim of sexual battery, lewd acts, or other sexual misconduct proscribed in chapter 800 or in s. 794.011, s. 827.071, s. 847.012, s. 847.0125, s. 847.013, s. 847.0133, or s. 847.0145 may not willfully and knowingly disclose videotaped information that reveals the minor's identity to a person who is not assisting in the investigation or prosecution of the alleged offense or to any person other than the defendant, the defendant's attorney, or a person specified in an order entered by the court having jurisdiction of the alleged offense. A person who violates this provision commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 2. The Legislature finds that s. 16(b), Article I of the State Constitution mandates that crime victims have a right to be free from intimidation, harassment, and abuse and that it is a public necessity that information or records that

may be used to locate, intimidate, harass, or abuse crime victims be made confidential and exempt under s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. The Legislature finds that the release of such information or records may deter crime victims or the families of crime victims from cooperating with law enforcement and reporting criminal acts. Additionally, the Legislature finds it is a public necessity that information or records that may be used to locate, intimidate, harass, or abuse officers involved in use of force incidents be made confidential and exempt for up to 72 hours, unless an extension is found necessary, under s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. The Legislature finds that officers involved in use of force incidents may be victimized as a result of such incident, and that the immediate release of such information or records may place such officers at risk. The Legislature further finds that the harm that may result from the release of such information or records outweighs any public benefit that may be derived from the disclosure of the information.

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

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

The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: April 4, 2025

I respectfully request that **Senate Bill # 1266**, relating to Public Records/Crime Victims/Officers Involved in Use of Force Incidents, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Joe Gruters

Senator Joe Gruters
Florida Senate, District 22

File signed original with committee office

S-020 (03/2004)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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April 16 2025
Meeting Date

Rules
Committee

1266
Bill Number or Topic

557690
Amendment Barcode (if applicable)

Name Jennifer Cook Pritt

Phone 8502193631

Address 2636 Mitcham Drive
Street

Email jpritt@fpca.com

Tallahassee FL 32308
City *State* *Zip*

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☑ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
Florida Police Chiefs Association

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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4/16/2025
Meeting Date

Rules
Committee

SB 1266
Bill Number or Topic

Amendment Barcode (if applicable)

Name Victoria Rivera

Phone (305) 793 - 7447

Address 13264 SW 143 Terrace
Street

Email vrivera305@proton.me

Miami FL 33186
City *State* *Zip*

Speaking: ☐ For ☑ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

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S-001 (08/10/2021)

The Florida Senate

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4/16/25
Meeting Date

Rules
Committee

SB 1266
Bill Number or Topic

Amendment Barcode (if applicable)

Name Saphira Etienne

Phone 706-763-8338

Address 11300 NE 2nd Ave
Street

Email saphiraretienne@gmail.com

Miami Shores FL
City State Zip

Speaking: ☐ For ☑ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☑ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by: FLSP

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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04/16/2025
Meeting Date

Rules
Committee

SB 1266
Bill Number or Topic

Amendment Barcode (if applicable)

Name Isabela Ford

Phone 865-964-1524

Address 740 SW 109th Avenue Unit 631
Street

Email isabelaford@gmail.com

Miami FL 33174
City *State* *Zip*

Speaking: ☐ For ☑ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

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☐ I am a registered lobbyist, representing:

☑ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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4/16/25
Meeting Date

RULES
Committee

1266
Bill Number or Topic

Amendment Barcode (if applicable)

Name WILLIAM B. SMITH

Phone 305-383-4344

Address 300 E BREVARD ST.
Street

Email WSMITH@FLPBA.ORG

TALLAHASSEE FL 32301
City *State* *Zip*

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:
FL PBA

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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4/16/2025
Meeting Date

SB1266
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Barbara C. meulener

Phone (786) 329-8459

Address 1485 NE 121 St
Street

Email b_meulener08@yahoo.com

N. Miami FL 33161
City *State* *Zip*

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☑ Against

PLEASE CHECK ONE OF THE FOLLOWING:

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☐ I am a registered lobbyist, representing:

☑ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by: FLSP

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S-001 (08/10/2021)

The Florida Senate

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4/16/25
Meeting Date

SB 1760
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Emely Herrera

Phone 305-804-6632

Address 12780 SW 197th TER
Street
Miami FL 33177
City State Zip

Email emelyherrera33@gmail.com

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☑ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☑ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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4/16/2025
Meeting Date

Rules
Committee

SB 1266
Bill Number or Topic

Amendment Barcode (if applicable)

Name Amy Patricia Morales

Phone

Address

Email

Street

Miami FL 33130
City *State* *Zip*

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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April 16, 2025
Meeting Date

Committee

SB 1266
Bill Number or Topic

Amendment Barcode (if applicable)

Name Lin Yang

Phone

Address 12030 USF Beard Drive
Street

Email linyang1@usf.edu

Tampa FL 33620
City *State* *Zip*

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☑ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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4/16/2025
Meeting Date

SB 1266
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Latisha Jones

Phone 813-495-9765

Address 4055 Willow Dr.
Street

Email revtisha@yahoo.com

Mulberry, FL 33860
City *State* *Zip*

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL:	SB 1300
INTRODUCER:	Senators Simon and Brodeur
SUBJECT:	Permits for Drilling, Exploration, and Extraction of Oil and Gas Resources
DATE:	April 15, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Barriero	Rogers	EN	**Favorable**
2.	Reagan	Betta	AEG	**Favorable**
3.	Barriero	Yeatman	RC	**Favorable**

I. Summary:

SB 1300 requires the Department of Environmental Protection (DEP) to apply a balancing test when determining whether the natural resources of certain waterbodies and shore areas of the state will be adequately protected from potential harm caused by accidents or blowouts associated with oil, gas, or petroleum drilling. The balancing test should assess the potential impact of an accident or a blowout on such waterbodies and shore areas, including ecological functions and water quality impacts. In addition, the balancing test must consider the ecological community's current condition, hydrologic connection, uniqueness, location, fish and wildlife use, time lag, and the potential costs of restoration.

The bill has no impact on state revenue or expenditures. See Section V., Fiscal Impact Statement.

The bill has an effective date of July 1, 2025.

II. Present Situation:

Production of Oil and Gas Resources in Florida

Florida has minor crude oil reserves and accounts for less than 0.1 percent of the nation's crude oil production.[1] Onshore drilling for oil and natural gas in Florida began in 1901 and about 80 exploration wells were drilled in the state before oil was discovered in southwest Florida in 1943. Annual crude oil production in the state peaked at more than 47 million barrels in 1978 with the development of the Jay Field in northwestern Florida. Since 1978, statewide production has declined and has been less than 3 million barrels each year since 2004. In 2022, Florida crude oil production was about 1.2 million barrels. Geologists believe there may be substantial additional reserves in the Gulf of Mexico off Florida's western coast. However, since 1989, Florida has

[1] U.S. Energy Information Administration (EIA), *Profile Analysis*, https://www.eia.gov/state/analysis.php?sid=FL (last visited Mar. 17, 2025).

banned drilling in both Atlantic and Gulf of Mexico state waters.[2] In 2006, Congress banned oil and natural gas leasing in federal offshore areas in the central Gulf of Mexico planning area within 100 miles of Florida's coastline and in most of the eastern Gulf of Mexico planning area within 125 miles of Florida's coast. The ban on federal oil and natural gas leases off the state's Gulf coast was to expire in 2022, but a 2020 presidential memorandum extended the ban until 2032.[3] On January 6, 2025, a presidential memorandum was issued pursuant to the Outer Continental Shelf Lands Act that withdrew additional areas of the Gulf of Mexico from future oil or natural gas leasing for purposes of exploration, development, or production.[4] On January 20, 2025, executive action was taken to repeal the January 6 ban on oil drilling in certain offshore areas, including all of Florida's coastland.[5]

Florida does not have significant natural gas reserves.[6] Economically recoverable natural gas reserves may lie offshore in the eastern Gulf of Mexico, but, as with crude oil, exploratory drilling in state and federal waters in the eastern Gulf is prohibited. However, Florida does have a small amount of natural gas production, all from the same fields that produce crude oil. Almost all of that natural gas production is in the Jay Field in the Florida Panhandle, and most of that natural gas is reinjected into the oil zones to maintain reservoir pressures and improve oil production. As a result, only about five to fifteen percent of the state's natural gas gross withdrawals are marketed. Florida's annual natural gas production peaked at almost 52 billion cubic feet in 1978 (less than 0.3 percent of the U.S. total that year) but declined steadily in the next three decades. Production rose again in 2010, reaching more than one-third of the 1978 peak in 2012. It increased again, reaching almost one-third of the peak in 2018 before declining again. In 2022, Florida's total natural gas production was only about 8.4 billion cubic feet. Florida receives nearly all the natural gas it consumes from the Gulf Coast region via major interstate pipelines. Pipelines entering Florida bring natural gas into the state through Alabama and Georgia.[7]

Requirements for Drilling, Exploration, and Extraction of Oil and Gas Resources

In Florida, the DEP has regulatory authority over oil and gas resources.[8] The DEP's Division of Water Resource Management (Division) oversees the permitting process for drilling, production, and exploration.[9] Before issuing a permit, the Division must consider:

- The nature, character, and location of the lands involved;

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[2] FLA. CONST. art. II, s. 7(c); sections 377.24(9) and 377.242(1)(a)5., F.S.
[3] EIA, *Profile Analysis*, https://www.eia.gov/state/analysis.php?sid=FL.
[4] Office of the White House, *Memorandum on the Withdrawal of Certain Areas of the United States Outer Continental Shelf from Oil or Natural Gas Leasing*, https://perma.cc/6RD5-48QZ (last visited Mar. 20, 2025).
[5] EIA, *Profile Analysis*, https://www.eia.gov/state/analysis.php?sid=FL; Office of the White House, *Initial Recessions of Harmful Executive Orders and Actions*, https://www.whitehouse.gov/presidential-actions/2025/01/initial-rescissions-of-harmful-executive-orders-and-actions/ (last visited Mar. 20, 2025); Office of the White House, *Unleashing American Energy*, https://www.whitehouse.gov/presidential-actions/2025/01/unleashing-american-energy/ (last visited Mar. 21, 2025); U.S. Bureau of Ocean Energy Management, *Areas Under Restriction*, https://www.boem.gov/oil-gas-energy/leasing/areas-under-restriction (last visited Mar. 21, 2025).
[6] EIA, *Profile Analysis*, https://www.eia.gov/state/analysis.php?sid=FL.
[7] *Id.*
[8] Section 377.242, F.S.; Fla. Admin. Code Chapters 62C-25 - 62C-30.
[9] DEP, *Oil and Gas Program*, https://floridadep.gov/water/oil-gas (last visited Mar. 18, 2025); section 377.07, F.S.

- The nature, type, and extent of ownership of the applicant, including the length of time the permit applicant has owned the rights claimed without having performed any of the exploratory operations so granted or authorized.
- The proven or indicated likelihood of the presence of oil, gas, or related minerals in such quantities as to warrant the exploration and extraction of such products on a commercially profitable basis.
- For activities and operations concerning a natural gas storage facility, the nature, structure, and proposed use of the natural gas storage reservoir is suitable for the storage and recovery of gas without adverse effect to public health or safety or the environment.[10]

A drilling permit is required and a preliminary site inspection must be conducted by the DEP before beginning any work other than environmental assessments or surveying at a proposed drilling site.[11] Regulations require the operator to case and cement wells in order to maintain well control and prevent degradation of natural resources, including water and petroleum.[12] Drilling permits are valid for one year from the date of approval.[13] Each permit must include an agreement stating that the permitholder will allow division personnel to inspect at any time.[14]

Before a permit is granted, the owner or operator is required to post a surety bond or other form of security for each well.[15] The amount of the bond, which is determined by the Division, must be sufficient to protect the owner of the surface rights of the land and ensure that the permittee will restore the land to its original condition and contour after operations are completed.[16]

In addition to a permit to drill, an operating permit is also required.[17] Operating permits are valid for the life of the well, although each operating well and permit must be recertified every five years.[18] Each application and subsequent recertification must include: the appropriate fee; bond or security coverage; a spill prevention and cleanup plan; flowline specifications and an installation plan; containment facility certification; and additional reporting and data submissions, such as driller's logs and monthly well reports.[19] A separate permit is not required for the performance of well stimulation techniques.[20]

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[10] Section 377.241, F.S.
[11] Fla. Admin. Code R. 62C-26.003.
[12] Fla. Admin. Code R. 62C-27.005. The regulations specify standards for casing depth and pressure testing.
[13] Fla. Admin. Code R. 62C-26.003.
[14] Section 377.242, F.S.
[15] Sections 377.244(1)(b), 377.2424(2), and 377.2425(1), F.S.; Fla. Admin. Code R. 62C-26.002.
[16] Section 377.244(1)(b), F.S. For geophysical operations, the restoration requirement is less stringent, only requiring the land to be returned to its general condition and contour similar to that in existence prior to such operations. Section 377.2424(2), F.S.
[17] Fla. Admin. Code R. 62C-26.008.
[18] *Id.*
[19] *Id.*
[20] *See* section 377.22(2)(o)(p), F.S. The Division is required to adopt rules to "regulate the 'shooting,' perforating and chemical treatment of wells," and to "regulate secondary recovery methods, including the introduction of gas, air, water, or other substance into producing formations"; s*ee* section 377.26, F.S. In regulating the vertical orientation of the well, the division is required to "take into account technological advances in drilling and production technology, including, but not limited to, horizontal well completions in the producing formation using directional drilling methods."

Oil or gas producers must submit a monthly production report for each well to the Division and the Department of Financial Services.[21] Abandoned wells and dry holes must be plugged promptly in accordance with DEP regulations, and no well may be abandoned without prior approval from the Division.[22]

State Prohibitions on Drilling in Certain Areas

State law prohibits the permitting and construction of drilling and exploratory structures in certain areas. For example, the construction or permitting of structures intended for the drilling for, or production of, oil, gas, or other petroleum products is prohibited in the following areas:

- On submerged lands within bays or estuaries;
- Within one mile seaward of the state's coastline;
- Within one mile of the seaward boundary of any park or aquatic or wildlife preserve, or on the surface of a freshwater lake, river, or stream;
- Within one mile inland from the shoreline of the Gulf of Mexico, the Atlantic Ocean, or any bay or estuary, or within one mile of any freshwater lake, river, or stream unless the DEP is satisfied that the natural resources of such bodies of water and shore areas will be adequately protected in the event of accident or blowout.[23]

In addition, no drilling permits may be granted for the construction of structures intended for the drilling for or production of oil, gas, or other petroleum products within Florida's territorial seas, or beneath state waters in the Atlantic and Gulf of America, as prohibited by both state law and the Florida Constitution.[24]

Local Government Regulation

While cities and counties do not operate oil and gas permitting programs, some, through their land use regulations or zoning ordinances, require special exceptions for oil and gas activities or limit such activities to certain zoning classifications.[25] Drilling permits within a municipality require prior approval from the municipal governing authority, and permits for drilling in tidal waters adjacent to municipalities or within three miles of municipal limits must also be approved by the municipality.[26] Similarly, drilling on or near improved beaches[27] requires county commissioner approval.[28] When authorizing oil and gas activities, local governments consider factors such as consistency with their comprehensive plan, injuries to communities or the public welfare, and compliance with zoning ordinances.[29]

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[21] Section 377.23, F.S.
[22] Sections 377.24(3) and 377.2426, F.S.
[23] Section 377.242(1)(a)1.-4., F.S.
[24] FLA. CONST. art. II, s. 7(c); sections 377.24(9) and 377.242(1)(a)5., F.S.
[25] *See, e.g.*, Lee County, Fla., Land Development Code §§ 34-1651 and 34-145.
[26] Section 377.24(5) and (6), F.S.
[27] An improved beach, situated outside of the corporate limits of any municipality or town, is defined as any beach adjacent to or abutting upon the tidal waters of the state and having not less than 10 hotels, apartment buildings, residences or other structures, used for residential purposes, on or to any given mile of such beach. Section 377.24(8), F.S.
[28] Section 377.24(7), F.S.
[29] *See, e.g.*, Lee County, Fla., Land Development Code §§ 34-1651 and 34-145.

Violations and Penalties

A person that violates any statute, rule, regulation, order, or permit relating to the regulation of oil or gas resources, or who refuses inspection by the Division, is liable for damages caused to the air, waters, or property of the state for the reasonable costs of tracing the source of the discharge and for controlling and abating the source and the pollutants, and restoring the air, waters, and property.[30] Such persons are also subject to judicial imposition of a civil penalty of up to $10,000 for each offense.[31] Each day during any portion of which a violation occurs constitutes a separate offense.[32]

III. Effect of Proposed Changes:

Section 1 amends s. 377.242, F.S., which regulates permits for drilling or exploring and extracting through well holes or by other means. Under current law, no structure intended for the drilling for, or production of, oil, gas, or other petroleum products may be permitted or constructed within one mile inland from the shoreline of the Gulf of Mexico, the Atlantic Ocean, or any bay or estuary or within one mile of any freshwater lake, river, or stream unless the DEP is satisfied that the natural resources of such bodies of water and shore areas of the state will be adequately protected in the event of accident or blowout.

The bill provides that the DEP's determination of whether a resource is adequately protected must balance the measures in place to protect the natural resources with the potential harm to the natural resources. This balancing test should assess the potential impact of an accident or a blowout on the natural resources of such bodies of water and shore areas, including ecological functions and any water quality impacts. The balancing test must consider the ecological community's current condition, hydrologic connection, uniqueness, location, fish and wildlife use, time lag, and the potential costs of restoration.

Section 2 reenacts s. 377.243(1), F.S., for purposes of incorporating the amendments made by this bill to s. 377.242, F.S.

Section 3 reenacts s. 377.37(1)(a), F.S., for purposes of incorporating the amendments made by this bill to s. 377.242, F.S.

Section 4 provides an effective date of July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

[30] Section 377.37(1)(a), F.S.
[31] *Id.*
[32] *Id.*

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 377.242, 377.243, and 377.37.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Simon

3-01749-25 20251300__

A bill to be entitled

An act relating to permits for drilling, exploration, and extraction of oil and gas resources; amending s. 377.242, F.S.; requiring the Department of Environmental Protection to consider certain factors when determining whether the natural resources of certain bodies of water and shore areas are adequately protected from a potential accident or blowout; providing requirements for a balancing test to make such a determination; making technical changes; reenacting ss. 377.243 and 377.37, F.S., relating to conditions for granting permits for extraction through well holes, and penalties, respectively, to incorporate changes made by the act; providing an effective date.

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

Section 1. Section 377.242, Florida Statutes, is amended to read:

377.242 Permits for drilling or exploring and extracting through well holes or by other means.—

(1) The department is vested with the power and authority:

~~(1)~~(a) To issue permits for the drilling for, exploring for, or production of oil, gas, or other petroleum products which are to be extracted from below the surface of the land, including submerged land, only through the well hole drilled for oil, gas, and other petroleum products.

1. A ~~No~~ structure intended for the drilling for, or

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

3-01749-25 20251300__

production of, oil, gas, or other petroleum products may not be permitted or constructed:

a. On any submerged land within any bay or estuary.

b.~~2.~~ ~~No structure intended for the drilling for, or production of, oil, gas, or other petroleum products may be permitted or constructed~~ Within 1 mile seaward of the coastline of the state.

c.~~3.~~ ~~No structure intended for the drilling for, or production of, oil, gas, or other petroleum products may be permitted or constructed~~ Within 1 mile of the seaward boundary of any state, local, or federal park or aquatic or wildlife preserve or on the surface of a freshwater lake, river, or stream.

d.~~4.~~ ~~No structure intended for the drilling for, or production of, oil, gas, or other petroleum products may be permitted or constructed~~ Within 1 mile inland from the shoreline of the Gulf of Mexico, the Atlantic Ocean, or any bay or estuary or within 1 mile of any freshwater lake, river, or stream unless the department is satisfied that the natural resources of such bodies of water and shore areas of the state will be adequately protected in the event of accident or blowout. For purposes of this sub-subparagraph, the department's determination of whether a resource is adequately protected must balance the measures in place to protect the natural resources with the potential harm to the natural resources. This balancing test should assess the potential impact of an accident or a blowout on the natural resources of such bodies of water and shore areas, including ecological functions and any water quality impacts. The balancing test must consider the ecological community's current

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

condition, hydrologic connection, uniqueness, location, fish and wildlife use, time lag, and the potential costs of restoration.

2.~~5.~~ Without exception, after July 1, 1989, a ~~no~~ structure intended for the drilling for, or production of, oil, gas, or other petroleum products may not be permitted or constructed south of 26°00′00″ north latitude off Florida's west coast and south of 27°00′00″ north latitude off Florida's east coast, within the boundaries of Florida's territorial seas as defined in 43 U.S.C. s. 1301. After July 31, 1990, no structure intended for the drilling for, or production of, oil, gas, or other petroleum products may be permitted or constructed north of 26°00′00″ north latitude off Florida's west coast to the western boundary of the state bordering Alabama as set forth in s. 1, Art. II of the State Constitution, or located north of 27°00′00″ north latitude off Florida's east coast to the northern boundary of the state bordering Georgia as set forth in s. 1, Art. II of the State Constitution, within the boundaries of Florida's territorial seas as defined in 43 U.S.C. s. 1301.

3.~~(b)~~ Sub-subparagraphs 1.a. and d. ~~Subparagraphs (a)1. and 4.~~ do not apply to permitting or construction of structures intended for the drilling for, or production of, oil, gas, or other petroleum products pursuant to an oil, gas, or mineral lease of such lands by the state under which lease any valid drilling permits are in effect on the effective date of this act. In the event that such permits contain conditions or stipulations, such conditions and stipulations shall govern and supersede sub-subparagraphs 1.a. and d. ~~subparagraphs (a)1. and 4.~~

4.~~(c)~~ The prohibitions of subparagraph 1. ~~subparagraphs~~

~~(a)1.-4. in this subsection~~ do not include "infield gathering lines," provided no other placement is reasonably available and all other required permits have been obtained.

(b)~~(2)~~ To issue permits to explore for and extract minerals which are subject to extraction from the land by means other than through a well hole.

(c)~~(3)~~ To issue permits to establish natural gas storage facilities or construct wells for the injection and recovery of any natural gas for storage in natural gas storage reservoirs.

(2) Each permit shall contain an agreement by the permitholder that the permitholder will not prevent inspection by division personnel at any time. The provisions of this section prohibiting permits for drilling or exploring for oil in coastal waters do not apply to any leases entered into before June 7, 1991.

Section 2. For the purpose of incorporating the amendment made by this act to section 377.242, Florida Statutes, in a reference thereto, subsection (1) of section 377.243, Florida Statutes, is reenacted to read:

377.243 Conditions for granting permits for extraction through well holes.—

(1) Prior to the application to the Division of Resource Management for the permit to drill for oil, gas, and related products referred to in s. 377.242(1), the applicant must own a valid deed, or other muniment of title, or lease granting said applicant the privilege to explore for oil, gas, or related mineral products to be extracted only through the well hole on the land or lands included in the application. However, unallocated interests may be unitized according to s. 377.27.

Section 3. For the purpose of incorporating the amendment made by this act to section 377.242, Florida Statutes, in a reference thereto, paragraph (a) of subsection (1) of section 377.37, Florida Statutes, is reenacted to read:

377.37 Penalties.—

(1)(a) Any person who violates this law or any rule, regulation, or order of the division made under this chapter or who violates the terms of any permit to drill for or produce oil, gas, or other petroleum products referred to in s. 377.242(1) or to store gas in a natural gas storage facility, or any lessee, permitholder, or operator of equipment or facilities used in the exploration for, drilling for, or production of oil, gas, or other petroleum products, or storage of gas in a natural gas storage facility, who refuses inspection by the division as provided in this chapter, is liable to the state for any damage caused to the air, waters, or property, including animal, plant, or aquatic life, of the state and for reasonable costs and expenses of the state in tracing the source of the discharge, in controlling and abating the source and the pollutants, and in restoring the air, waters, and property, including animal, plant, and aquatic life, of the state. Furthermore, such person, lessee, permitholder, or operator is subject to the judicial imposition of a civil penalty in an amount of not more than $15,000 for each offense. However, the court may receive evidence in mitigation. Each day during any portion of which such violation occurs constitutes a separate offense. This section does not give the department the right to bring an action on behalf of any private person.

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

The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: April 10th, 2025

I respectfully request that **Senate Bill #1300**, relating to Permits for Drilling, Exploration, and Extraction of Oil and Gas Resources, be placed on the:

☐ Committee agenda at your earliest possible convenience.

☒ Next committee agenda.

Senator Corey Simon
Florida Senate, District 3

File signed original with committee office

S-020 (03/2004)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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16 Apr 2025
Meeting Date

Wks
Committee

SB 1300
Bill Number or Topic

Amendment Barcode (if applicable)

Name Capt. T.J. SAUNDERS

Phone 703 531 9946

Address 59 Ave G.
Street

Email Lucky Fly Charters@gmail.com

Apalachicola FL 32320
City State Zip

Speaking: ☑ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☑ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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4/16/25
Meeting Date

RUles
Committee

SB1300
Bill Number or Topic

Amendment Barcode (if applicable)

Name Adrianne Johnson

Phone 850 524 0916

Address 3495 Gardenview Way
Street

Email Adrianejtsaa@gmail.com

Tall FL 32309
City *State* *Zip*

Speaking: ☒ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☒ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:
FL Shellfish Aquaculture Assoc.

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

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4-16-25
Meeting Date

Rules
Committee

SB 1300
Bill Number or Topic

Amendment Barcode (if applicable)

Name Jeff Wren

Phone 850-545-6927

Address 722 Georgia Ave
Street

Email WRen690@gmail.com

Carrabelle FL 32322
City State Zip

Speaking: ☑ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☑ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

The Florida Senate

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4/16/2025
Meeting Date

RULES
Committee

SB 1300
Bill Number or Topic

Amendment Barcode (if applicable)

Name HUNTER LEVINE

Phone 850-443-0506

Address 79 SOUTHERN DR.
Street

Email

CRAWFORDVILLE, FL 32327
City State Zip

Speaking: ☒ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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4/16/25
Meeting Date

Rules
Committee

130
Bill Number or Topic

Amendment Barcode (if applicable)

Name Kim Dinkins 1000 Friends of FL Phone 352-895-8693

Address 806 N Monroe Email kdinkins@1000fof.org
Street

Tallahassee FL 32314
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☑ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing: 1000 Friends of FL

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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April 16, 2025
Meeting Date

SB 1300
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Lin Yang Phone

Address 12030 USF Beard Drive Email linyang1@usf.edu
Street

Tampa FL 33620
City *State* *Zip*

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☑ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☑ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by: Florida Student Power

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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16 April 2025
Meeting Date

Rules Committee
Committee

1300
Bill Number or Topic

Amendment Barcode (if applicable)

Name Kahreem Golden

Phone 850-345-7108

Address 1035 S. Semoran Blvd, Suite 2-1021B
Street

Email kahreem.golden@tnc.org

Winter Park | FL | 32792
City | *State* | *Zip*

Speaking: ☐ For ☐ Against ☐ Information **OR** **Waive Speaking:** ☑ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
The Nature Conservancy

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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4/16/25
Meeting Date

Rules
Committee

SB 1300
Bill Number or Topic

Amendment Barcode (if applicable)

Name Pepper Uchino

Phone (850) 727-9040

Address PO Box 13146
Street

Email pepper@fsbpa.com

Tallahassee FL 32312
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:
FL Shore & Beach Preservation Assoc.

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL:	SB 1412
INTRODUCER:	Senator Calatayud
SUBJECT:	Home Health Care Services
DATE:	April 15, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Looke	Brown	HP	**Favorable**
2.	Barr	McKnight	AHS	**Favorable**
3.	Looke	Yeatman	RC	**Favorable**

I. Summary:

SB 1412 amends laws related to home health agencies (HHA). Specifically, the bill:

- Allows one administrator to manage multiple HHAs with identical controlling interests, regardless of where they are located;
- Removes a requirement in current law that initial visits, service evaluation visits, and discharge visits must be conducted by a direct employee of the HHA; and
- Reworks the Excellence in Home Health Program to require the Agency for Health Care Administration to adopt standards that are adaptable to all types of HHAs, regardless of payor type, patient population, or service designations.

The bill has no fiscal impact on state expenditures or revenues. **See Section V., Fiscal Impact Statement.**

The bill takes effect July 1, 2025.

II. Present Situation:

Home Health Agencies

A home health agency (HAA) is an organization that provides medical services to an individual in the individual's home or place of residence.[1] Home health services include:

- Nursing care;
- Physical, occupational, respiratory, or speech therapy;
- Home health aide services;
- Homemaker and companion services;
- Dietetics and nutrition; and

[1] Section 400.462, F.S.

- Medical supplies.[2]

HHAs are licensed and regulated by the Agency for Health Care Administration. Currently, there are 2,646 licensed HHAs in Florida.[3]

Home Health Agency Personnel

HHAs provide skilled nursing services and unskilled home health aide services.

Skilled nursing services must be provided by a registered nurse, licensed practical nurse, speech-language pathologist or audiologist, or by an occupational therapist, respiratory therapist, or physical therapist.[4]

Unskilled services may be provided by home health aides and certified nursing assistants. These services, which must be delegated by and under the supervision of a registered nurse, include:
- Assisting the patient or client with personal hygiene, ambulation, eating, dressing, toileting, physical transfer, and other personal care activities; and
- Assisting the patient with self-administration of medication.[5]

Direct Employees and Contract Employees

HHA personnel can be either direct employees[6] or persons under contract with an HHA.[7] However, the initial admission visit, all service evaluation visits, and the discharge visit must be provided by a licensed registered nurse directly employed by the home health agency.[8] Services provided by individuals under contract with a home health agency must be monitored and managed by the admitted home health agency.[9]

Administrators

An HHA administrator must be a direct employee, who is a licensed physician, physician assistant, or registered nurse, or have at least one year of supervisory or administrative experience in home health care or in a hospital, nursing home, or an assisted living facility.[10]

Current law authorizes an administrator to manage more than one, and up to five, home health agencies, if all five home health agencies have identical controlling interests and are located within one agency geographic service area, or within an immediately contiguous county.[11]

---

[2] Section 400.462, F.S.
[3] Florida Health Finder, Facility/Provider, Search by Location, Home Health Agency, *available at* https://quality.healthfinder.fl.gov/Facility-Provider/HHA?&type=1 (last visited Mar. 28, 2025).
[4] *Supra* n. 2
[5] Rule 59A-8.002, F.A.C.
[6] Section 400.462(10), F.S. "Direct employee" means an employee for whom one of the following entities pays withholding taxes: a home health agency; a management company that has a contract to manage the home health agency on a day-to-day basis; or an employee leasing company that has a contract with the home health agency to handle the payroll and payroll taxes for the home health agency.
[7] *Supra* n. 2
[8] Section 400.487, F.S.
[9] *Id.*
[10] *Supra* n. 2
[11] Section 400.476, F.S.

The Excellence in Home Health Program

The Excellence in Home Health Program was created by the Legislature in 2020 to issue award designations to high-performing home health agencies. A home health agency that is awarded under the Program can use the designation in their advertising and marketing.

A home health agency must meet the certain criteria to be eligible to apply for the award designation. The home health agency must have been actively licensed and operating for at least 24 months and have had no licensure denials, revocations, or serious deficiencies during the preceding 24 months. To qualify for the award, an applicant must:

- Provide targeted in-service training for employees;
- Demonstrate evidence of employee satisfaction through information obtained directly from employees;
- Demonstrate evidence of a stable workforce by submitting evidence of an effective recruitment and retention program, keeping turnover rates below 50 percent or ensuring that at least 50 percent of staff members have been employed for a minimum of one year;
- Develop, implement, and maintain a continuous quality improvement (CQI) program consistent with national industry standards;
- Develop quantitative metric tools to capture and calculate data related to the CQI program's components, which must demonstrate that the applicant ranks at or above the 95th percentile statewide for:
  - Patient improvement in the activities of daily living;
  - Prevention of medication errors;
  - Patient or client willingness to recommend the home health agency to family and friends;
  - Patient or client satisfaction with the communication and interaction between the home health agency and the patient or client;
  - Prevention of unplanned patient or client emergency care for wound infections;
  - Prevention of unplanned patient or client admission or readmission to an acute care hospital.[12]

III. Effect of Proposed Changes:

Section 1 amends s. 400.476, F.S., to allow a home health agency (HHA) administrator to manage multiple HHAs regardless of their location as long as they have identical controlling interests.

Section 2 amends s. 400.487, F.S., to remove a requirement that, when nursing services are ordered, a direct employee of the HHA to which a patient has been admitted for care must provide the initial admission visit, all service evaluation visits, and the discharge visit. The bill requires nursing services provided by direct employees to a HHA be monitored and managed by the admitting HHA.

Section 3 amends s. 400.52, F.S., to rework the Excellence in Home Health Program to require that the Agency for Health Care Administration adopt standards that are adaptable to all types of HHAs, regardless of payor type, patient population, or service designation. The bill replaces

[12] Section 400.52, F.S.

current requirements for the program with new requirements specifying that such standards must include, at a minimum:

- Patient or client satisfaction, including communication and willingness to recommend the HHA.
- Service excellence, including:
  - For skilled providers – outcomes related to clinical improvements, such as reducing adverse events, unplanned emergency care, and hospitalizations.
  - For nonskilled providers – contributions to daily living support, personal care quality, and overall client well-being.
- Workforce stability and development, including employee satisfaction, retention rates, and training initiatives appropriate to the home health agency's services.
- Innovation in care delivery, such as implementing new technologies, caregiver education programs, or tailored approaches to meeting patient or client needs.

Section 4 provides that the bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill requires the Agency for Health Care Administration (AHCA) to rework the standards for the Excellence in Home Health Program and modify Rule 59A-8.0248, Excellence in Home Health. The AHCA can absorb the requirement within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 400.476, 400.487, and 400.52.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Calatayud

38-01268-25 20251412__

A bill to be entitled

An act relating to home health care services; amending s. 400.476, F.S.; deleting geographical limitations on the home health agencies that an administrator may manage at any given time; amending s. 400.487, F.S.; deleting a requirement that, under certain circumstances, a home health agency provide the initial admission visit, service evaluation visits, and the discharge visit to admitted patients by a direct employee; amending s. 400.52, F.S.; revising the eligibility criteria for awards under the Excellence in Home Health Program; providing an effective date.

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

Section 1. Paragraph (a) of subsection (1) of section 400.476, Florida Statutes, is amended to read:

400.476 Staffing requirements; notifications; limitations on staffing services.—

(1) ADMINISTRATOR.—

(a) An administrator may manage only one home health agency, except that an administrator may manage up to five home health agencies if all five home health agencies have identical controlling interests as defined in s. 408.803 ~~and are located within one agency geographic service area or within an immediately contiguous county~~. If the home health agency is licensed under this chapter and is part of a retirement community that provides multiple levels of care, an employee of

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

38-01268-25 20251412__

the retirement community may administer the home health agency and up to a maximum of four entities licensed under this chapter or chapter 429 which all have identical controlling interests as defined in s. 408.803. An administrator shall designate, in writing, for each licensed entity, a qualified alternate administrator to serve during the administrator's absence.

Section 2. Subsection (5) of section 400.487, Florida Statutes, is amended to read:

400.487 Home health service agreements; physician's, physician assistant's, and advanced practice registered nurse's treatment orders; patient assessment; establishment and review of plan of care; provision of services; orders not to resuscitate.—

(5) ~~When nursing services are ordered, the home health agency to which a patient has been admitted for care must provide the initial admission visit, all service evaluation visits, and the discharge visit by a direct employee.~~ Nursing services provided by direct employees of and individuals ~~others~~ under contractual arrangements to a home health agency must be monitored and managed by the admitting home health agency. The admitting home health agency is fully responsible for ensuring that all care provided through its employees or contract staff is delivered in accordance with this part and applicable rules.

Section 3. Paragraph (a) of subsection (2) of section 400.52, Florida Statutes, is amended to read:

400.52 Excellence in Home Health Program.—

(2)(a) The agency shall adopt rules establishing criteria for the program which must include, at a minimum, standards that are adaptable to all types of home health agencies, regardless

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

of the payor type, patient population, or service designation. The criteria must also include, at a minimum, ~~meeting~~ standards relating to:

1. Patient or client satisfaction, including communication and willingness to recommend the home health agency.

2. Service excellence.

a. For skilled providers, service excellence includes outcomes related to clinical improvements, such as reducing adverse events, unplanned emergency care, and hospitalizations.

b. For nonskilled providers, service excellence includes contributions to daily living support, personal care quality, and overall client well-being ~~Patients requiring emergency care for wound infections~~.

3. Workforce stability and development, including employee satisfaction, retention rates, and training initiatives appropriate to the home health agency's services ~~Patients admitted or readmitted to an acute care hospital~~.

4. Innovation in care delivery, such as implementing new technologies, caregiver education programs, or tailored approaches to meeting patient or client needs ~~Patient improvement in the activities of daily living~~.

~~5. Employee satisfaction.~~

~~6. Quality of employee training.~~

~~7. Employee retention rates.~~

~~8. High performance under federal Medicaid electronic visit verification requirements.~~

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

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

The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: April 10th, 2025

I respectfully request that **Senate Bill #1412**, relating to Home Health Care Services, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Alexis Calatayud

Senator Alexis Calatayud
Florida Senate, District 38

File signed original with committee office

S-020 (03/2004)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

April 16, 2025
Meeting Date

Rules
Committee

SB1412
Bill Number or Topic

Amendment Barcode (if applicable)

Name Denise Bellville

Phone 727-735-3971

Address 817 N Gadsden St
Street

Email dbellville@homecarefla.org

Tallahassee FL 32303
City *State* *Zip*

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing: Home Care Association of Florida

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL:	CS/CS/SB 1422
INTRODUCER:	Appropriations Committee on Criminal and Civil Justice; Criminal Justice Committee and Senator Truenow
SUBJECT:	Unmanned Aircraft or Unmanned Aircraft Systems
DATE:	April 15, 2025 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cellon	Stokes	CJ	**Fav/CS**
2.	Atchley	Harkness	ACJ	**Fav/CS**
3.	Cellon	Yeatman	RC	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1422 amends three sections of law relating to drones. The bill amends 330.41, F.S., to increase the criminal penalties from a second degree misdemeanor[1] to a third degree felony[2] if a person knowingly or willfully:

- Operates a drone over a critical infrastructure facility;
- Allows a drone to make contact with a critical infrastructure facility; or
- Allows a drone to come within a distance of a critical infrastructure facility that is close enough to interfere with the operations of or cause a disturbance to the facility.

The bill adds a component to the definition of the term "communications facility" in s. 330.41(2)(a)10., F.S. to include "wired" communication facilities. The bill also permits a person to operate a drone over a critical infrastructure facility for a commercial purpose if the flight is authorized as required.

The bill amends s. 330.411, F.S., to specify it is a third degree felony for a person to knowingly or willfully:

- Possess or operate a weaponized drone;

[1] A second degree misdemeanor is punishable by up to 60 days in the county jail and a $500 fine. ss. 775.02 and 775.083, F.S.

[2] A third degree felony is punishable by up to 5 year imprisonment and a $5,000 fine. ss. 775.02 and 775.083, F.S.

- Alter, manipulate, tamper with, or otherwise change an unmanned aircraft or unmanned aircraft system's hardware or software for certain purposes; or
- Possess or operate such an altered unmanned aircraft or unmanned aircraft system.

A person who possesses or operates a drone that carries a weapon of mass destruction, or a hoax weapon of mass destruction, commits a first degree felony.[3]

The bill creates a first degree misdemeanor if a person violates s. 934.50(3)(b), F.S., by using a drone equipped with an imaging device to record an image of the tenant of privately owned real property, with the intent to conduct surveillance of the individual or property in violation of such person's reasonable expectation of privacy. Additionally, the bill makes it a third degree felony if a person violates s. 934.50(3)(b), F.S., and intentionally distributes surveillance.

The bill amends s. 934.50(3), F.S., to provide that a person who has a reasonable expectation of privacy on his or her private property may use reasonable force to prohibit a drone from conducting surveillance, if the drone is operating under 500 ft. over the property.

Additionally, a law enforcement agency may use a drone to provide or maintain the public safety of a crowd of 50 people or more, and in furtherance of providing and maintaining the security of an elected official.

The bill may have a positive insignificant impact on state prison beds (an increase of 10 or fewer beds). See Section V., Fiscal Impact Statement.

The bill takes effect on October 1, 2025.

II. Present Situation:

A drone, also called Unmanned Aerial Vehicle (UAV) and Unmanned Aerial System (UAS), is defined in s. 934.50, F.S., as a powered, aerial vehicle that:

- Does not carry a human operator;
- Uses aerodynamic forces to provide vehicle lift;
- Can fly autonomously or be piloted remotely;
- Can be expendable or recoverable; and
- Can carry a lethal or nonlethal payload.[4]

Small drones are regulated by the Federal Aviation Authority (FAA) and federal regulations such as in 14 CFR 107.51(b)(2) which contain the following operating limitations for small drones:

- The minimum flight visibility, as observed from the location of the control station must be no less than 3 statute miles.
- The minimum distance of the small unmanned aircraft from clouds must be no less than 500 feet below the cloud and 2,000 feet horizontally from the cloud.
- The groundspeed of the small unmanned aircraft may not exceed 87 knots (100 miles per hour).

[3] A first degree felony is punishable by up to 30 years to life imprisonment and a $15,000 fine. ss. 775.02 and 775.083, F.S.
[4] Section 934.50(2), F.S.

- The altitude of the small unmanned aircraft cannot be higher than 400 feet above ground level, unless the small unmanned aircraft:
  - Is flown within a 400-foot radius of a structure; and
  - Does not fly higher than 400 feet above the structure's immediate uppermost limit.[5]

The FAA has recently adopted a rule for drone operators relating to remote identification which is the capability of an unmanned aircraft in flight to provide certain identification, location, and performance information that people on the ground and other airspace users can receive.[6]

The FAA expects this rule will result in several important benefits and enhancements to support safety and security in the airspace of the United States. Remote identification provides information that helps address existing challenges faced by the FAA, law enforcement entities, and national security agencies responsible for the safety and security of the airspace of the United States. As unmanned aircraft operations increase, so does the risk of unmanned aircraft being operated in close proximity to manned aircraft, or people and property on the ground, or in airspace unsuitable for these operations.

Remote identification provides a means to identify these aircraft and locate the person who controls them (e.g., operators, pilots in command). It allows the FAA, law enforcement, and national security agencies to distinguish compliant airspace users from those potentially posing a safety or security risk. It permits the FAA and law enforcement to conduct oversight of persons operating UAS and to determine whether compliance actions, enforcement, educational, training, or other types of actions are needed to mitigate safety or security risks and foster increased compliance with regulations. Remote identification data also informs the public and users of the airspace of the United States of the local operations that are being conducted at any given moment.[7]

Drones and Surveillance

The Freedom from Unwanted Surveillance Act is found in s. 934.50, F.S. The Act provides citizens' privacy from non-law enforcement and law enforcement drone information-seeking surveillance over private property.[8]

Section 934.50, F.S., prohibits a state agency, political subdivision,[9] or non-law enforcement person from using a drone equipped with an imaging device to record an image of the tenant of privately owned real property, with the intent to conduct surveillance of the individual or property in violation of such person's reasonable expectation of privacy without his or her written consent.[10] For purposes of this section, surveillance means:

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[5] 14 CFR Part 107, (last visited March 11, 2025).
[6] Federal Register, Department of Transportation, Vol. 86, No. 10 (January 15, 2021), Rules and Regulations 4405 14 CFR Parts 1, 11, 47, 48, 89, 91, and 107. (last visited March 18, 2025).
[7] *Id.*
[8] Section 934.50(3)(a), F.S.
[9] "Political subdivision" means a separate agency or unit of local government created or established by law and includes, but is not limited to, the following and the officers thereof: authority, board, branch, bureau, city, commission, consolidated government, county, department, district, institution, metropolitan government, municipality, office, officer, public corporation, town, or village. s.11.45, (1)(k) F.S.
[10] Section 934.50(3)(b), F.S.

- With respect to an owner, tenant, occupant, invitee, or licensee of privately owned real property, the observation of such persons with sufficient visual clarity to be able to obtain information about their identity, habits, conduct, movements, or whereabouts; or
- With respect to privately owned real property, the observation of such property's physical improvements with sufficient visual clarity to be able to determine unique identifying features or its occupancy by one or more persons.[11]

Section 934.50(4)(a)-(q), F.S., provides exceptions for law enforcement, government agency, and commercial uses for drones.[12] A few of these other authorized uses for drones in s. 934.50, F.S. include:

- To counter a high risk of a terrorist attack;[13]
- To provide a law enforcement agency with an aerial perspective of a crowd of 50 people or more under certain circumstances;[14]
- For the assessment of damage due to a flood, wildfire, or any other natural disaster that is the subject of a state of emergency declared by the state or by a political subdivision, before the expiration of the emergency declaration;[15]
- To capture images by or for an electric, water, or natural gas utility under certain circumstances;[16]and
- By an employee of the Fish and Wildlife Conservation Commission or of the Florida Forest Service for the purposes of managing and eradicating invasive exotic plants or animals on public lands and suppressing and mitigating wildfire threats.[17]

There are no criminal penalties associated with this section, however civil remedies are specifically provided in s. 934.50(5), F.S. Also, evidence obtained or collected in violation of this act is not admissible as evidence in a criminal prosecution in any court of law in this state.[18]

Protecting Critical Infrastructure and Schools from Unwelcome Drone Encroachment

The Unmanned Aircraft Systems Act defines an "unmanned aircraft system" as a drone and its associated elements, including communication links and the components used to control the drone which are required for the pilot in command to operate the drone safely and efficiently.[19] The focus of the act is the safety of critical infrastructure,[20] protection of schools,[21] drone delivery services,[22] and drone ports.[23]

"Critical infrastructure facility" is defined in s. 330.41(2)(a)1.-20, F.S., to include, in part:

[11] Section 934.50(2)(e), F.S.
[12] Section 934.50(4)(a), F.S.
[13] Section 934.50(4)(a), F.S.
[14] Section 934.50(4)(d), F.S.
[15] Section 934.50(4)(g)1., F.S.
[16] Section 934.50(4)(k), F.S.
[17] Section 934.50(4)(p), F.S.
[18] Section 934.50(6), F.S.
[19] Section 330.41(2)(e), F.S.
[20] Section 330.41(2)(a)1.-20., F.S.
[21] Section 330.41(5), F.S.
[22] Section 330.41(2)(c), F.S.
[23] Section 330.41(2)(d), F.S.

- A power generation or transmission facility, substation, switching station, or electrical control center;
- Any portion of an aboveground oil or gas pipeline;
- A state correctional institution as defined in s. 944.02, F.S., or a contractor-operated correctional facility authorized under ch. 957, F.S.; and
- A county detention facility as defined in s. 951.23, F.S.[24]

It is a second degree misdemeanor[25] for a first offense and a first degree misdemeanor[26] for a second offense if a person knowingly or willfully:

- Operates a drone over a critical infrastructure facility;
- Allows a drone to make contact with a critical infrastructure facility, including any person or object on the premises of or within the facility; or
- Allows a drone to come within a distance of a critical infrastructure facility that is close enough to interfere with the operations of or cause a disturbance to the facility.[27]

Additionally, a person may not knowingly or willfully:

- Operate a drone over a public or private school serving students in any grade from voluntary prekindergarten through grade 12; or
- Allow a drone to make contact with a school, including any person or object on the premises of or within the school facility.[28]

A person who commits either of the offenses listed above commits a misdemeanor of the second degree. A second or subsequent violation is a first degree misdemeanor offense. However, if a person commits either of the two offenses above and records video of the school, including any person or object on the premises of or within the school facility, it is a misdemeanor of the first degree, and a second or subsequent offense is a felony of the third degree.[29]

Armed Drones

Section 330.411, F.S. prohibits a person from possessing or operating an unmanned aircraft or unmanned aircraft system as defined in s. 330.41, F.S.,[30] with an attached weapon, firearm, explosive, destructive device, or ammunition as defined in s. 790.001, F.S. The terms mean:

- "Ammunition" means an object consisting of a fixed metallic or nonmetallic hull or casing containing a primer; one or more projectiles, one or more bullets, or shot; and gunpowder.[31]
- "Destructive device" means any bomb, grenade, mine, rocket, missile, pipebomb, or similar device containing an explosive, incendiary, or poison gas and includes any frangible container filled with an explosive, incendiary, explosive gas, or expanding gas, which is

[24] Section 330.41(4)(a), F.S.
[25] A second degree misdemeanor is punishable by up to 60 days in the county jail and $500 fine. ss. 775.082 and 775.083, F.S.
[26] A first degree misdemeanor is punishable by up to one year in the county jail and a $1,000 fine. ss. 775.082 and 775.083, F.S.
[27] Section 330.41(a), F.S.
[28] Section 330.41(5), F.S.
[29] A third degree felony is punishable by up to five years imprisonment and a $5,000 fine. ss. 775.082 and 775.083, F.S.
[30] Section 330.411, F.S.
[31] Sections 790.001 (1), (6), (8), (9), and (20), F.S.

designed or so constructed as to explode by such filler and is capable of causing bodily harm or property damage; any combination of parts either designed or intended for use in converting any device into a destructive device and from which a destructive device may be readily assembled; any device declared a destructive device by the Bureau of Alcohol, Tobacco, and Firearms; any type of weapon which will, is designed to, or may readily be converted to expel a projectile by the action of any explosive and which has a barrel with a bore of one-half inch or more in diameter; and ammunition for such destructive devices, but not including shotgun shells or any other ammunition designed for use in a firearm other than a destructive device. "Destructive device" does not include: a device which is not designed, redesigned, used, or intended for use as a weapon; any device, although originally designed as a weapon, which is redesigned so that it may be used solely as a signaling, line-throwing, safety, or similar device; any shotgun other than a short-barreled shotgun; or any nonautomatic rifle (other than a short-barreled rifle) generally recognized or particularly suitable for use for the hunting of big game.[32]

- "Explosive" means any chemical compound or mixture that has the property of yielding readily to combustion or oxidation upon application of heat, flame, or shock, including but not limited to dynamite, nitroglycerin, trinitrotoluene, or ammonium nitrate when combined with other ingredients to form an explosive mixture, blasting caps, and detonators; but not including: shotgun shells, cartridges, or ammunition for firearms; fireworks as defined in s. 791.01, F.S.; smokeless propellant powder or small arms ammunition primers, if possessed, purchased, sold, transported, or used in compliance with s. 552.241, F.S.; black powder in quantities not to exceed that authorized by ch. 552, F.S., or by any rules adopted by the Department of Financial Services, when used for, or intended to be used for, the manufacture of target and sporting ammunition or for use in muzzle-loading flint or percussion weapons.[33]
- "Firearm" means any weapon (including a starter gun) which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; any destructive device; or any machine gun. The term "firearm" does not include an antique firearm unless the antique firearm is used in the commission of a crime.[34]
- "Weapon" means any dirk, knife, metallic knuckles, slungshot, billie, tear gas gun, chemical weapon or device, or other deadly weapon except a firearm or a common pocketknife, plastic knife, or blunt-bladed table knife.[35]

Section 330.411, F.S., contains no criminal penalties attached to a person's prohibited possession of an armed drone.

III. Effect of Proposed Changes:

The bill amends the criminal penalties in s. 330.41(4), F.S., by increasing the second degree misdemeanor penalty to a third degree felony for a person to knowingly and willfully:

- Operate a drone over a critical infrastructure facility;
- Allow a drone to make contact with a critical infrastructure facility, including any person or object on the premises of or within the facility; or

[32] Section 790.001(6), F.S.
[33] Section 790.001(8), F.S.
[34] Section 790.001(9), F.S.
[35] Section 790.001(20), F.S.

- Allow a drone to come within a distance of a critical infrastructure facility that is close enough to interfere with the operations of or cause a disturbance to the facility.[36]

The bill adds a component to the definition of the term "communications facility" in s. 330.41(2)(a)10., F.S., to include "wired" communication facilities. The bill amends s. 330.41(4)(a)1., F.S., to provide that a person can operate a drone over a critical infrastructure facility if the operation is for a commercial purpose and is authorized by and in compliance with the FFA regulations.

The bill amends s. 330.411(1), F.S., to incorporate the definitions of the terms "unmanned aircraft"[37] and "unmanned aircraft system."[38]

The bill amends s. 330.411(2), F.S., to specify that it is a third degree felony when a person knowingly or willfully possesses or operates a drone with an attached firearm, explosive, destructive device, or ammunition as defined in s. 790.001, F.S.

The bill creates two new third degree felony offenses in s. 330.411(3) F.S., applicable to the protection of critical infrastructure.[39] The new felonies are related to the FFA remote identification requirements.

A person is prohibited from knowingly or willfully altering, manipulating, tampering with, or otherwise changing an unmanned aircraft or unmanned aircraft system's hardware or software to purposely frustrate any tool, system, or technology intended to satisfy the remote identification requirements established by the FAA, as they relate to any unmanned aircraft or unmanned aircraft system, in violation of s. 330.41(4)(a), F.S., unless authorized.[40]

A person is also prohibited from knowingly or willfully possessing or operating such an altered, manipulated, tampered with, or otherwise changed to purposely frustrate any tool, system, or technology intended to satisfy the remote identification requirements established by the FAA, as they relate to any unmanned aircraft or unmanned aircraft system, and violating s. 330.41(4)(a), F.S., unless authorized.[41]

Additionally, the bill provides that a person who, without lawful authority, possesses or operates an unmanned aircraft system carrying a weapon of mass destruction or a hoax weapon of mass destruction, as those terms are defined in s. 790.166(1), F.S., commits a first degree felony.

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[36] Section 330.41(4)(a)1.-3, F.S.
[37] "Unmanned aircraft" has the same meaning as the term "drone" in s. 934.50, F.S. "Drone" means a powered aerial vehicle that: does not carry a human operator; uses aerodynamic forces to provide vehicle lift; can fly autonomously or be piloted remotely; can be expendable or recoverable; and can carry a lethal or nonlethal payload. s. 934.50(2)(a), F.S.
[38] "Unmanned aircraft system" means a drone and its associated elements, including communication links and the components used to control the drone which are required for the pilot in command to operate the drone safely and efficiently. s. 330.41(2)(e), F.S.
[39] Section 330.41(4), F.S.
[40] The bill specifies that authority can come from the administrator of the FAA or the Secretary of Defense or their respective designees.
[41] *Id*.

The bill amends s. 934.50(4)(d), F.S., providing that law enforcement is not prohibited from using a drone to provide or maintain the public safety of a crowd of 50 people or more.

The bill also amends s. 934.50(4), F.S., to provide that a law enforcement agency may use a drone in furtherance of providing and maintaining the security of an elected official.[42]

The bill creates a first degree misdemeanor if a person violates s. 934.50(3)(b), F.S., by using a drone equipped with an imaging device to record an image of the tenant of privately owned real property, with the intent to conduct surveillance of the individual or property in violation of such person's reasonable expectation of privacy. The bill also creates a third degree felony if a person violates s. 934.50(3)(b), F.S., and intentionally distributes the surveillance.

Finally, the bill amends s. 934.50(3), F.S., to provide that a person who has a reasonable expectation of privacy on his or her private property may use reasonable force to prohibit a drone from conducting surveillance there, if the drone is operating under 500 ft. over the property.

The bill takes effect on October 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

[42] *See* Section 943.68, F.S., for a description of security or transportation provided by the Florida Department of Law Enforcement to the Governor and others.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Legislature's Office of Economic and Demographic Research (EDR) and the Criminal Justice Impact Conference, which provides the final, official estimate of the prison bed impact, if any, of legislation, has provided a preliminary estimate that the bill may have a positive insignificant prison bed impact (an increase of 10 or fewer beds) on the Department of Corrections (DOC). The EDR provides the following additional information regarding its estimate:

- Per the FDLE, there were no arrests, nor were there guilty/convicted charges or adjudication withheld charges under s. 330.41, F.S. or 330,411, F.S. Though it is not known what kind of offender pool exists under the other newly created felonies, the lack of misdemeanor offender data and the majority of the new felonies being Level 1, third degree felonies indicate an insignificant impact on prison beds.
- Per the DOC, in FY 23-24, the incarceration rate for a Level 1, third degree felony was 9.7 percent. The incarceration rate for a Level 7, 1st degree felony was 68.4 percent.[43]

VI. Technical Deficiencies:

The provision in s. 934.50, F.S., permitting a person who has a reasonable expectation of privacy on his or her private property to use reasonable force to prohibit a drone from conducting surveillance, if the drone is operating *under 500 ft. over the property*. This appears to conflict with a small drone's altitude limitations. The altitude of the small unmanned aircraft *cannot be higher than 400 feet above ground level*.[44]

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 330.41, 330.411 and 934.50.

[43] Office of Economic and Demographic Research, SB 1422 – Unmanned Aircraft and Unmanned Aircraft Systems, (on file with the Senate Appropriations Committee on Criminal and Civil Justice).
[44] 14 CFR Part 107, (last visited March 11, 2025).

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS by Appropriations Committee on Criminal and Civil Justice on April 9, 2025:
The CS:

- Incorporates the definitions of the terms "unmanned aircraft"[45] and "unmanned aircraft system" in s. 330.411(1), F.S.
- Reorganizes s. 330.411, F.S., without substantial changes.
- Clarifies that the new third degree felony offenses in s. 330.411(3) F.S., are applicable to the protection of critical infrastructure.

CS by Criminal Justice on March 18, 2025:
The CS:

- Adds a component to the definition of the term "communications facility" in s. 330.41(2)(a)10., F.S. to include "wired" communication facilities.
- Permits a person to operate a drone over a critical infrastructure facility for a commercial purpose if the flight is authorized as required.
- Specifies in s. 330.411, F.S., that it is a third degree felony for a person to knowingly or willfully possess or operate a weaponized drone.
- Creates a third degree felony in s. 330.411, F.S., if a person knowingly or willfully tampers with or alters a drone in violation of s. 330.41(4)(a), F.S., to purposefully frustrate technology intended to satisfy the Federal Aviation Administration remote identification system;
- Creates a third degree felony in s. 330.411, F.S., if a person possesses or operates such an altered unmanned aircraft or unmanned aircraft system in violation of s. 330.41(4)(a), F.S.
- Permits a person, in s. 934.50(3), who has a reasonable expectation of privacy on his or her private property may use reasonable force to prohibit a drone from conducting surveillance there, if the drone is operating under 500 ft. over the property.
- Creates a first degree misdemeanor if a person violates s. 934.50(3)(b), F.S., by using a drone equipped with an imaging device with the intent to conduct surveillance of the individual or property in violation of such person's reasonable expectation of privacy.
- Makes it a third degree felony if a person violates s. 934.50(3)(b), F.S., and intentionally distributes surveillance.

[45] "Unmanned aircraft" has the same meaning as the term "drone" in s. 934.50, F.S. "Drone", as defined in s. 934.50(2)(a), F.S., means a powered aerial vehicle that: does not carry a human operator; uses aerodynamic forces to provide vehicle lift; can fly autonomously or be piloted remotely; can be expendable or recoverable; and can carry a lethal or nonlethal payload.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

772934

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/16/2025	.	
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	.	

The Committee on Rules (Pizzo) recommended the following:

Senate Amendment (with directory and title amendments)

Delete lines 143 - 160.

====== D I R E C T O R Y C L A U S E A M E N D M E N T ======
And the directory clause is amended as follows:
Delete lines 137 - 140
and insert:
Section 3. Paragraph (d) of subsection (4) of section 934.50, Florida Statutes, is amended, paragraph (r) is added to subsection (4) of that section, and subsection (8) is added to

772934

that section, to read:

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

And the title is amended as follows:

Delete lines 14 - 16

and insert:

revising and providing

238888

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
04/16/2025	.	
	.	
	.	
	.	

The Committee on Rules (Pizzo) recommended the following:

Senate Amendment (with directory and title amendments)

Delete lines 142 - 160.

====== D I R E C T O R Y C L A U S E A M E N D M E N T ======
And the directory clause is amended as follows:
Delete lines 137 - 140
and insert:
Section 3. Paragraph (d) of subsection (4) of section 934.50, Florida Statutes, is amended, paragraph (r) is added to subsection (4) of that section, and subsection (8) is added to



238888

that section, to read:

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

And the title is amended as follows:

Delete lines 14 - 16

and insert:

revising and providing

By the Appropriations Committee on Criminal and Civil Justice; the Committee on Criminal Justice; and Senator Truenow

A bill to be entitled

An act relating to unmanned aircraft or unmanned aircraft systems; amending s. 330.41, F.S.; revising the definition of the term "critical infrastructure facility"; providing an exception to the prohibition on operating a drone over a critical infrastructure facility; increasing the criminal penalty for certain prohibited actions relating to drones; amending s. 330.411, F.S.; defining the terms "unmanned aircraft" and "unmanned aircraft system"; prohibiting certain actions relating to unmanned aircraft and unmanned aircraft systems; providing an exception; providing criminal penalties; amending s. 934.50, F.S.; authorizing certain persons to use reasonable force to prohibit a drone from conducting surveillance under certain circumstances; revising and providing exceptions to certain prohibited actions relating to drones; providing criminal penalties; providing applicability; providing an effective date.

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

Section 1. Paragraph (a) of subsection (2) and paragraphs (a) and (b) of subsection (4) of section 330.41, Florida Statutes, are amended to read:

330.41 Unmanned Aircraft Systems Act.—

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

(a) "Critical infrastructure facility" means any of the following, if completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders, or if clearly marked with a sign or signs which indicate that entry is forbidden and which are posted on the property in a manner reasonably likely to come to the attention of intruders:

1. A power generation or transmission facility, substation, switching station, or electrical control center.

2. A chemical or rubber manufacturing or storage facility.

3. A water intake structure, water treatment facility, wastewater treatment plant, or pump station.

4. A mining facility.

5. A natural gas or compressed gas compressor station, storage facility, or natural gas or compressed gas pipeline.

6. A liquid natural gas or propane gas terminal or storage facility.

7. Any portion of an aboveground oil or gas pipeline.

8. A refinery.

9. A gas processing plant, including a plant used in the processing, treatment, or fractionation of natural gas.

10. A wireless or wired communications facility, including the tower, antennas ~~antennae~~, support structures, and all associated ground-based equipment.

11. A seaport as listed in s. 311.09(1), which need not be completely enclosed by a fence or other physical barrier and need not be marked with a sign or signs indicating that entry is forbidden.

12. An inland port or other facility or group of facilities serving as a point of intermodal transfer of freight in a specific area physically separated from a seaport.

13. An airport as defined in s. 330.27.

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

14. A spaceport territory as defined in s. 331.303(19).

15. A military installation as defined in 10 U.S.C. s. 2801(c)(4) and an armory as defined in s. 250.01.

16. A dam as defined in s. 373.403(1) or other structures, such as locks, floodgates, or dikes, which are designed to maintain or control the level of navigable waterways.

17. A state correctional institution as defined in s. 944.02 or a contractor-operated correctional facility authorized under chapter 957.

18. A secure detention center or facility as defined in s. 985.03, or a moderate-risk residential facility, a high-risk residential facility, or a maximum-risk residential facility as those terms are described in s. 985.03(44).

19. A county detention facility as defined in s. 951.23.

20. A critical infrastructure facility as defined in s. 692.201.

(4) PROTECTION OF CRITICAL INFRASTRUCTURE FACILITIES.—

(a) A person may not knowingly or willfully:

1. Operate a drone over a critical infrastructure facility, unless the operation is for a commercial purpose and is authorized by and in compliance with the Federal Aviation Administration regulations;

2. Allow a drone to make contact with a critical infrastructure facility, including any person or object on the premises of or within the facility; or

3. Allow a drone to come within a distance of a critical infrastructure facility that is close enough to interfere with the operations of or cause a disturbance to the facility.

(b) A person who violates paragraph (a) commits a felony of

the third ~~misdemeanor of the second~~ degree, punishable as provided in s. 775.082 or s. 775.083. ~~A person who commits a second or subsequent violation commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.~~

Section 2. Section 330.411, Florida Statutes, is amended to read:

330.411 Prohibited possession, alteration, or operation of unmanned aircraft or unmanned aircraft system.—

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

(a) "Unmanned aircraft" has the same meaning as the term "drone" in s. 934.50(2).

(b) "Unmanned aircraft system" has the same meaning as in s. 330.41(2).

(2) A person may not knowingly or willfully possess or operate an unmanned aircraft or unmanned aircraft system ~~as defined in s. 330.41~~ with an attached weapon, firearm, explosive, destructive device, or ammunition as those terms are defined in s. 790.001.

(3)(a) For the purposes of s. 330.41(4)(a), a person may not knowingly or willfully:

1. Alter, manipulate, tamper with, or otherwise change an unmanned aircraft or unmanned aircraft system's hardware or software to purposefully frustrate any tool, system, or technology intended to satisfy the remote identification requirements established by the Federal Aviation Administration as they relate to an unmanned aircraft or unmanned aircraft system; or

2. Possess or operate an unmanned aircraft or unmanned

aircraft system that has been altered, manipulated, tampered with, or otherwise changed to purposefully frustrate any tool, system, or technology intended to satisfy the remote identification requirements established by the Federal Aviation Administration as they relate to any unmanned aircraft or unmanned aircraft system.

(b) This subsection does not apply if a person is authorized by the administrator of the Federal Aviation Administration or the Secretary of Defense, or their respective designees, to alter, possess, or operate such an altered unmanned aircraft or unmanned aircraft system.

(4) A person who violates subsection (2) or subsection (3) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) A person who, without lawful authority, possesses or operates an unmanned aircraft or unmanned aircraft system carrying a "weapon of mass destruction" or a "hoax weapon of mass destruction," as those terms are defined in s. 790.166(1), commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 3. Paragraph (b) of subsection (3) and paragraph (d) of subsection (4) of section 934.50, Florida Statutes, are amended, paragraph (r) is added to subsection (4) of that section, and subsection (8) is added to that section, to read:

934.50 Searches and seizure using a drone.—

(3) PROHIBITED USE OF DRONES.—

(b)1. A person, a state agency, or a political subdivision as defined in s. 11.45 may not use a drone equipped with an imaging device to record an image of privately owned real

property or of the owner, tenant, occupant, invitee, or licensee of such property with the intent to conduct surveillance on the individual or property captured in the image in violation of such person's reasonable expectation of privacy without his or her written consent. For purposes of this section, a person is presumed to have a reasonable expectation of privacy on his or her privately owned real property if he or she is not observable by persons located at ground level in a place where they have a legal right to be, regardless of whether he or she is observable from the air with the use of a drone.

2. A person who has a reasonable expectation of privacy on his or her privately owned real property may use reasonable force to prohibit a drone from conducting surveillance in violation of this paragraph, if such drone is operating under 500 feet over such property.

(4) EXCEPTIONS.—This section does not prohibit the use of a drone:

(d) To provide a law enforcement agency with an aerial perspective of a crowd of 50 people or more or to provide or maintain the public safety of such crowd, provided that:

1. The law enforcement agency that uses the drone to provide an aerial perspective of a crowd of 50 people or more must have policies and procedures that include guidelines:

a. For the agency's use of a drone.

b. For the proper storage, retention, and release of any images or video captured by the drone.

c. That address the personal safety and constitutional protections of the people being observed.

2. The head of the law enforcement agency using the drone

for this purpose must provide written authorization for such use and must maintain a copy on file at the agency.

(r) By a law enforcement agency in furtherance of providing and maintaining the security of an elected official pursuant to s. 943.68.

(8) CRIMINAL PENALTIES.—

(a) An individual who knowingly or willfully violates paragraph (3)(b) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) An individual who knowingly or willfully violates paragraph (3)(b) and intentionally distributes surveillance obtained in violation of that paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

This subsection does not apply to a state agency, a political subdivision, a law enforcement agency, or its officers, employees, or agents.

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

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

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Agriculture, *Chair*
Appropriations Committee on Agriculture, Environment, and General Government
Appropriations Committee on Transportation, Tourism, and Economic Development
Banking and Insurance
Fiscal Policy
Military and Veterans Affairs, Space, and Domestic Security
Transportation

SENATOR KEITH TRUENOW

13th District

April 10, 2025

The Honorable Senator Kathleen Passidomo
400 Senate Office Building
404 So Monroe Street
Tallahassee, FL 32399

Dear Chair Passidomo,

I would like to request CS/CS/SB 1422 Unmanned Aircraft or Unmanned Aircraft Systems be placed on the next available Rules Committee agenda.

This bill relates to unmanned aircraft or unmanned aircraft systems increasing the criminal penalty for certain prohibited actions relating to drones, prohibiting certain actions relating to unmanned aircraft or unmanned aircraft systems, providing criminal penalties, revising and providing exceptions to certain prohibited actions relating to drones.

I appreciate your favorable consideration.

Sincerely,



Senator Keith Truenow
Senate District 13

KT/dd

cc: Tom Yeatman, Staff Director
Cynthia Futch, Administrative Assistant

REPLY TO:
❒ Lake County Agricultural Center, 1951 Woodlea Road, Tavares, Florida 32778 (352) 750-3133
❒ 16207 State Road 50, Suite 401, Clermont, Florida 34711
❒ 304 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5013

Senate's Website: *www.flsenate.gov*

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL:	CS/SB 1644
INTRODUCER:	Transportation Committee and Senator Rodriguez
SUBJECT:	Emergency Services
DATE:	April 15, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Johnson	Vickers	TR	**Fav/CS**
2.	Wells	Nortelus	ATD	**Favorable**
3.	Johnson	Yeatman	RC	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1644 addresses various provisions related to emergency services. Specifically, the bill:

- Repeals the limit of two red or red and white warning signals on certain private vehicles responding to emergencies;
- Amends the eligibility requirements for an exemption from the certificate of public convenience and necessity requirement for the licensure of basic life support or advanced life support services;
- Requires an applicant for such an exemption to submit a sworn affidavit and providing criminal penalties for fraudulent affidavits;
- Authorizes entities with such an exemption to receive public funds and increases the number of counties in which this exemption may be granted; and
- Prohibits volunteer ambulance services from applying for, receiving funds under, or participating in any grant program designed exclusively for publicly operated fire departments or emergency medical services agencies.

The bill does not have a fiscal impact on state revenues or expenditures. **See Section V., Fiscal Impact Statement.**

This bill takes effect July 1, 2025.

II. Present Situation:

Display of Lights on Vehicles

Florida law prohibits a person from driving or moving any vehicle upon any highway with any lamp or device showing or displaying a red, red and white, or blue light visible from directly in front except for certain vehicles as provided in s. 316.2397, F.S.,[1] which authorizes certain lights on police vehicles, fire-vehicles, and other emergency-related vehicles.

Under this statute, vehicles of medical staff physicians or technicians of license medical facilities licensed by the state or of volunteer ambulance services[2], ambulances, buses, and taxicabs may show or display red lights.[3]

A privately owned vehicle belonging to a medical staff physician or technician of a licensed medical facility licensed by the state or of a volunteer ambulance service, while responding to an emergency in the line of duty, may display or use red warning signals. Warning signals must be visible from the front and from the rear of such vehicle, subject to certain restrictions and conditions including that no more than two red or red and white warning signals may be displayed.[4]

Licensure of Basic Life Support or Advanced Life Support Services

Section 401.25, F.S., requires the Department of Health to license entities providing basic life support or advanced life support services. Licensure requirements include the applicant obtaining a certificate of public convenience and necessity from each county in which the applicant will operate. An applicant that is an active first responder agency is exempt from the certificate of public convenience and necessity requirements if it:

- Is a faith-based, not-for-profit charitable corporation which has been responding to medical emergencies in this state for at least 10 consecutive years.
- Is not a parent, subsidiary, or affiliate of, or related to, any for-profit entity.
- Provides basic life support services or advanced life support services solely through at least 50 unpaid licensed emergency medical technicians or paramedic volunteers.
- Is not operating for pecuniary profit or financial gain.
- Does not distribute to or inure to the benefit of its directors, members, or officers any part of its assets or income.
- Does not receive any government funding. However, the volunteer ambulance service may receive funding from specialty license plate proceeds.
- Has never had a license denied, revoked, or suspended.
- Provides services free of charge.
- As part of its application for licensure, provides to the Department of Health a management plan with specified information and proof of adequate insurance coverage to meet state or county insurance requirements, whichever requirements are greater.

[1] Section 316.2397(1), F.S.
[2] This is authorized under s. 316.2398, F.S.
[3] Section 316.2397(3)(b), F.S.
[4] Section 316.2398(1)(a), F.S.

- Provides a disclaimer on all written materials that the volunteer ambulance service is not associated with the state's 911 system.

This exemption may be granted to operate in no more than four counties. However, an applicant is not exempted from and must comply with all other licensure requirements. An applicant must also take all reasonable efforts to enter into a memorandum of understanding with the emergency medical services licensee within whose jurisdiction the applicant will provide services in order to facilitate communications and coordinate emergency services for situations beyond the scope of the applicant's capacity and for situations of advanced life support that are deemed priority 1 or priority 2 emergencies.[5]

Volunteer Ambulance Services

Florida law defines the term "volunteer ambulance service" to mean a faith-based, not-for-profit charitable corporation:

- Registered as a not-for-profit corporation;[6]
- Licensed as a basic life support service or an advanced life support service;[7]
- Not a parent, subsidiary, or affiliate of, or related to, any for-profit entity;
- Uses only unpaid volunteers to provide basic life support services or advanced life support services free of charge;
- Is not operating for pecuniary profit or financial gain; and
- Does not distribute to or inure to the benefit of its directors, volunteers, members, or officers any part of its assets or income.[8]

Florida appears to have at least two volunteer ambulance services that currently meet this definition.[9]

III. Effect of Proposed Changes:

Section 1 amends s. 316.2398, F.S., to remove the limit of two red or red and white warning signals to be displayed on certain privately owned vehicles responding to emergencies.

Section 2 amends s. 401.25, F.S., relating to eligibility for the exemption from a certificate of public convenience and necessity requirements for providers of basic and advanced life support services, to change the number of years that the entity has been responding to medical emergencies from 10 consecutive years to 15 consecutive years. The bill increases the minimum number of unpaid licensed emergency medical technicians or paramedic volunteers from 50 to 150, with this minimum in at least three counties at the time of the application. The bill also prohibits the distribution of benefits to other related parties, and clarifies that services are provided at no cost to the patient.

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[5] Section 401.25(2)(d), F.S.
[6] Not-for-profit corporations are registered under ch. 617, F.S.
[7] Licensing for basic or advanced life support services in under ch. 401, F.S.
[8] Sections 316.003(111) and 401.23(23), F.S.
[9] *See* Hatzalah South Florida Emergency Medical Services, https://hsfems.org/ (last visited March 27, 2025), and Jewish Volunteer Ambulance Corps https://jvacusa.org/ (last visited March 27, 2025).

The bill repeals the provision that such entities do not receive any government funding, with an exception for a volunteer ambulance service receiving funding from the proceeds from the sale of specialty license plates.[10]

The bill provides that an applicant seeking an exemption from a certificate of public convenience and necessity requirements for providers must submit to the Department of Health a sworn affidavit attesting that the applicant meets all of the requirements of the exemption. A person who submits a fraudulent affidavit violates s. 837.012, F.S., relating to perjury when not in an official proceeding, and commits a misdemeanor in the first degree.[11]

The bill increases from four to 15, the number of counties for which the exemption for a certificate of public convenience and necessity applies.

The bill provides that a private ambulance service licensed under s. 401.25, F.S., may not apply for, receive funds under, or participate in any grant program designed exclusively for publicly operated fire departments or emergency medical services.

Section 3 amends s. 395.401, F.S., to conform a cross-reference.

Section 4 provides an effective date of July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

[10] Section 320.08058(106), F.S., creates the Florida Stands with Israel license plate with the proceeds distributed to Hatzalah of Miami-Dade, Inc., to assist in training and deploying first responders to expedite emergency response.
[11] The penalty for a misdemeanor in the first degree is a term of imprisonment not exceeding one year or a fine of up to $1,000. *See* ss. 775.082(4)(a) and 775.083(1)(d), F.S.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Sections 316.003(111) and 401.23(23), F.S. provide identical definitions for the term "volunteer ambulance service." These definitions are consistent with the existing statute providing an exemption from the certificate of public convenience and necessity requirement. However, the bill amends these requirements, and these definitions will no longer be consistent with this statute.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 316.2398, 395.401, and 401.25.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Transportation on April 1, 2025:

- Reverts to existing law the authorization for specified professions to display and use red lights on privately-owned vehicles when responding to emergencies.
- Revises the prohibition on receiving government funds for first-responder agencies exempt from the certificate of public convenience and necessary requirements for licensees as a basic life support or advanced life support service.
- Prohibits volunteer ambulance services from applying for, receiving funds under, or participating in any grant program designed exclusively for publicly operated fire departments or emergency medical service agencies.
- Conforms a cross-reference.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By the Committee on Transportation; and Senator Rodriguez

596-03162-25 20251644c1

A bill to be entitled

An act relating to emergency services; amending s. 316.2398, F.S.; deleting a limitation on the number of red or red and white warning signals that certain vehicles may display; amending s. 401.25, F.S.; revising the circumstances under which certain applicants for a specified license are exempt from a requirement to obtain certificates of public convenience and necessity; requiring an applicant seeking such exemption to submit a sworn affidavit to the department attesting to certain facts; providing criminal penalties for the submission of an affidavit that fraudulently attests to certain facts; revising a limitation on the number of counties that may be granted a certain exemption; prohibiting a licensed volunteer ambulance service from applying for, receiving funds under, or participating in certain grant programs; amending s. 395.401, F.S.; conforming a cross-reference; providing an effective date.

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

Section 1. Paragraph (a) of subsection (1) of section 316.2398, Florida Statutes, is amended to read:

316.2398 Display or use of red or red and white warning signals; motor vehicles of volunteer firefighters or medical staff.—

(1) A privately owned vehicle belonging to an active firefighter member of a regularly organized volunteer

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

596-03162-25 20251644c1

firefighting company or association, while en route to the fire station for the purpose of proceeding to the scene of a fire or other emergency or while en route to the scene of a fire or other emergency in the line of duty as an active firefighter member of a regularly organized firefighting company or association, may display or use red or red and white warning signals. A privately owned vehicle belonging to a medical staff physician or technician of a medical facility licensed by the state or of a volunteer ambulance service, while responding to an emergency in the line of duty, may display or use red warning signals. An organ transport vehicle, while transporting organs or surgical teams for organ donation or transplant while en route to a hospital, an airport, or other designated location, may display or use red warning signals. Warning signals must be visible from the front and from the rear of such vehicle, subject to the following restrictions and conditions:

~~(a) No more than two red or red and white warning signals may be displayed.~~

Section 2. Present subsections (6) and (7) of section 401.25, Florida Statutes, are redesignated as subsections (7) and (8), respectively, a new subsection (6) is added to that section, and paragraph (d) of subsection (2) of that section is amended, to read:

401.25 Licensure as a basic life support or an advanced life support service.—

(2) The department shall issue a license for operation to any applicant who complies with the following requirements:

(d) The applicant has obtained a certificate of public convenience and necessity from each county in which the

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

applicant will operate. In issuing the certificate of public convenience and necessity, the governing body of each county shall consider the recommendations of municipalities within its jurisdiction.

1. An applicant that is an active first responder agency is exempt from this requirement if it:

a.~~1.~~ Is a faith-based, not-for-profit charitable corporation registered under chapter 617 which has been responding to medical emergencies in this state for at least 15 ~~10~~ consecutive years.

b.~~2.~~ Is not a parent, subsidiary, or affiliate of, or related to, any for-profit entity.

c.~~3.~~ Provides basic life support services or advanced life support services solely through at least 150 ~~50~~ unpaid licensed emergency medical technician or paramedic volunteers in at least three counties at the time of application.

d.~~4.~~ Is not operating for pecuniary profit or financial gain.

e.~~5.~~ Does not distribute to or inure to the benefit of its directors, members, or officers or other related parties any part of its assets or income.

~~6. Does not receive any government funding. However, the volunteer ambulance service may receive funding from specialty license plate proceeds.~~

f.~~7.~~ Has never had a license denied, revoked, or suspended.

g.~~8.~~ Provides services at no cost to the patient ~~free of charge~~.

h.~~9.~~ As part of its application for licensure, provides to the department a management plan that includes a training

program, dispatch protocols, a complaint management system, an accident or injury handling system, a quality assurance program, and proof of adequate insurance coverage to meet state or county insurance requirements, whichever requirements are greater.

i.~~10.~~ Provides a disclaimer on all written materials that the volunteer ambulance service is not associated with the state's 911 system.

2. An applicant seeking an exemption from this requirement must submit to the department a sworn affidavit that complies with s. 92.50(1) attesting that the applicant meets the requirements for exemption provided in sub-subparagraphs 1.a.-i. A person who submits an affidavit fraudulently attesting to meeting such requirements violates s. 837.012 and commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

3. The exemption under subparagraph 1. ~~this paragraph~~ may be granted to no more than 15 ~~four~~ counties. This exemption notwithstanding, an applicant is not exempted from and must comply with all other requirements for licensure. An applicant must also take all reasonable efforts to enter into a memorandum of understanding with the emergency medical services licensee within whose jurisdiction the applicant will provide services in order to facilitate communications and coordinate emergency services for situations beyond the scope of the applicant's capacity and for situations of advanced life support that are deemed priority 1 or priority 2 emergencies.

(6) A volunteer ambulance service licensed under this section may not apply for, receive funds under, or participate in any grant program designed exclusively for publicly operated

fire departments or emergency medical service agencies.

Section 3. Paragraph (l) of subsection (1) of section 395.401, Florida Statutes, is amended to read:

395.401 Trauma services system plans; approval of trauma centers and pediatric trauma centers; procedures; renewal.—

(1)

(l) A county, upon the recommendations of the local or regional trauma agency, may adopt ordinances governing the transport of a patient who is receiving care in the field from prehospital emergency medical personnel when the patient meets specific criteria for trauma, burn, or pediatric centers adopted by the local or regional trauma agency. These ordinances must be consistent with s. 395.4045, ordinances adopted under s. 401.25(7) ~~s. 401.25(6)~~, and the local or regional trauma system plan and, to the furthest possible extent, must ensure that individual patients receive appropriate medical care while protecting the interests of the community at large by making maximum use of available emergency medical care resources.

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

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

The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: April 10, 2025

I respectfully request that **CS/SB 1644**, relating to Emergency Services, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

This bill addresses various provisions related to emergency services, specifically, volunteer ambulance services. For instance, the bill expands the allowed use of red or red and white warning signals on vehicles used by volunteer firefighters, medical staff, and organ transporters. This will enable them to navigate traffic more safely and efficiently. It also reduces the response time in critical situations where every second counts.

Senator Ana Maria Rodriguez
Florida Senate, District 40

File signed original with committee office

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL:	CS/CS/SB 1650
INTRODUCER:	Appropriations Committee on Criminal and Civil Justice; Judiciary Committee; Senators Grall and Yarborough
SUBJECT:	Vexatious Litigants
DATE:	April 15, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bond	Cibula	JU	**Fav/CS**
2.	Kolich	Harkness	ACJ	**Fav/CS**
3.	Bond	Yeatman	RC	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/CS/SB 1650 amends the Florida Vexatious Litigant Law, following suggestions from a workgroup appointed by the Supreme Court to examine the law. A vexatious litigant is one who files pro se meritless actions for the purpose of abusing or harassing the other party. Once found to be a vexatious litigant, a person is barred from filing pro se civil actions without court permission and the posting of security.

The bill expands the scope of the law to apply to small claim cases, counts other instances where a person was found to be a vexatious litigant in another state or in federal court, lowers the threshold of adverse rulings that qualify one as a vexatious litigant from five cases in the past 5 years to a threshold of five cases in the past 7 years, allows a court to find that an individual qualifies as a vexatious litigant based on behavior in a single case, and clarifies that an individual found to be a vexatious litigant is prohibited from pro se filing of a new civil case.. The bill also clarifies language and structure, including removing the terms "plaintiff" and "defendant" with more accurate references to "party."

The bill may have a negative impact on filing fee revenue due to a decrease in the number of case filings and may increase workload for the clerks of court. See Section V., Fiscal Impact Statement.

The bill is effective July 1, 2025.

II. Present Situation:

Background

The term "vexatious" generally means annoying, bothersome or irritating. In the legal context, a vexatious litigant is someone who files lawsuits or pleadings in legal actions which have little chance of succeeding but are intended to annoy someone or cause problems for them.[1] The problem with vexatious litigants is described as follows:

> Vexatious conduct by litigants impedes the court system's ability to timely and justly process cases. This conduct can take many forms. Common examples include: (1) filing multiple meritless lawsuits; (2) attempting to relitigate matters already decided by the court; and (3) submitting documents with harassing, scandalous, or sham material to the court.[2]

Current Law on Vexatious Litigants

A court has always had the inherent authority to sanction litigants and others appearing before the court for vexatious, bad faith, or oppressive conduct.[3] The 2000 Legislature enacted the first law to address the issue of vexatious litigants at s. 68.093, F.S. A vexatious litigant is defined as:

> A person . . . who, in the immediately preceding 5-year period, has commenced, prosecuted, or maintained, pro se, five or more civil actions in any court in this state, except an action governed by the Florida Small Claims Rules, which actions have been finally and adversely determined against such person or entity; or any person or entity previously found to be a vexatious litigant.[4]

If a person has been found to be a vexatious litigant, a defendant in any action involving the vexatious litigant may ask the court to order the vexatious litigant to post security before commencing.[5] If the court finds that person is a vexatious litigant and that the person is unlikely to prevail in the action, the court may order the vexatious litigant to post security before proceeding. The amount and form of security is not specified. The apparent purpose of security is to have a fund from which the defendant can collect attorney fees and costs should the defendant ultimately prevail in defeating the vexatious litigation or motion and the defendant then prevail on a motion for attorney fees and costs related to the litigation or motion.[6] If the security is not timely posted, the court must dismiss the action with prejudice.

The court may also enter an order prohibiting a vexatious litigant from commencing any new pro se action without permission. A vexatious litigant subject to this order must ask the

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[1] Cambridge English Dictionary, https://dictionary.cambridge.org/us/dictionary/english/vexatious.
[2] Workgroup on Vexatious Litigants, *Final Report and Recommendations*, September 6, 2024, at page 11.
[3] *Final Report*, at 13.
[4] Section 68.093(2)(d), F.S.
[5] Section 68.093(3), F.S.
[6] In some lawsuits a party may have statutory or contractual right to attorney fees. Attorney fees may also be awarded in civil actions for filing or prosecuting a claim that is without merit. Section 57.105, F.S.

administrative judge of that circuit for permission to file an action. The vexatious litigant must show that the proposed action is meritorious and is not being filed for the purpose of delay or harassment.[7] The court may require the posting of security. The clerk of the court must refuse to file a lawsuit from a vexatious litigant absent permission of the administrative judge.[8] The clerk of court must forward a copy of an order finding a person to be a vexatious litigant to the Supreme Court, where a statewide list of vexatious litigants is kept.[9] Currently, there are 233 entries on the list representing 116 individuals.[10] The Workgroup speculates that there are many more persons who qualify for and should be on the list.[11]

The Florida Vexatious Litigant Law has not been amended since passage in 2000.

Other statutes address vexatious behavior, notably s. 57.105, F.S., which authorizes a court to award attorney fees and costs to the prevailing party on certain unsupported claims or defenses. If the nonprevailing party was represented, the sanction generally must be paid in equal parts by the losing party and the losing party's attorney.

Perceived Concerns Regarding Current Law

In 2024, the Florida Supreme Court created the Workgroup on Vexatious Litigants. The charge was "to enhance the effectiveness of Florida's Vexatious Litigant Law and to address issues related to the public disclosure of harmful and defamatory content in noncriminal court filings."[12]

The Workgroup found that the current law does not adequately address the harm from vexatious litigation. This harm is not limited to the harm done to defendants who are dragged into the fray. In a recent survey, 18.2% of circuit court judges and 14% of county court judges estimated that dealing with improper litigation consumed more than 10% of their judicial workload.[13] Only 27% of trial court judges found the current Vexatious Litigant Law effective in addressing improper litigation.[14] The Workgroup suggests that the law "should be expanded to cover a wider range of improper conduct."[15]

The Workgroup also recommends that certain court pleadings of a vexatious nature be shielded from public inspection. The recommendation related to public records is reflected in a separate bill.

[7] Section 68.093(4), F.S.
[8] Section 68.093(5), F.S.
[9] Section 68.093(6), F.S.
[10] Vexatious Litigants list dated March 6, 2025. Link to list at: https://supremecourt.flcourts.gov/About-the-Court/Departments-of-the-Court/Clerk-s-Office. One individual has 11 findings that he is a vexatious litigant.
[11] *Final Report*, at 18.
[12] *Final Report* at 4.
[13] *Id*. at 11-12.
[14] *Id*. at 13.
[15] *Id*. at 23.

III. Effect of Proposed Changes:

The bill amends and expands the Florida Vexatious Litigant Law to reflect some of the suggestions of the Florida Supreme Court Workgroup.

The test for categorization of one as a vexatious litigant is a formula based on the number of previous adverse rulings of limited types over a limited period of time. The bill expands the definitions of "action" and "vexatious litigant" to:

- Expand the types of actions that apply to include small claims litigation.[16]
- Expand the court jurisdictions in which a case filing will apply the formula to include federal courts and courts of other states, where those courts have heard civil matters of a type that would qualify if filed in a Florida court.
-
- Expand the look-back period from 5 years to 7 years.
- Remove references to "plaintiff" and "defendant" to more accurately refer to "party."
- Provide that actions by a pro se party acting after withdrawal of his or her attorney are counted as if the case had initially been filed pro se.
- Provide that an adverse ruling where the person acted in good faith does not count against the person in calculating the number of adverse prior results.

The bill expands the definition of a vexatious litigant to include a person who, in any civil case:

- After an action has been finally and adversely determined against the person, repeatedly relitigates or attempts to relitigate either the validity of the determination against the same party in an action that was finally determined or the cause of action, claim, controversy, or any of the issues of fact or law determined by the final and adverse determination against the same party in an action that was finally determined;
- Repeatedly files pleadings, requests for relief, or other documents that have been the subject of previous rulings by the court in the same action;
- Repeatedly files unmeritorious pleadings, requests for relief, or other documents;
- Repeatedly conducts unnecessary discovery; or,
- Repeatedly engages in other tactics that are frivolous or solely intended to cause unnecessary delay in any action.

Current law also defines a vexatious litigant (in the case at issue) as any person who has previously been found to be a vexatious litigant pursuant to s. 68.093, F.S. The bill expands this to provide that anyone found to be a vexatious litigant in any other state or by any federal court is a vexatious litigant in Florida.

The bill clarifies that a vexatious litigant is barred from the pro se filing of any new civil action. The remedies provisions of the bill are amended to provide that a complaint by a vexatious litigant is subject to dismissal; whereas a motion or other pleading filed by a vexatious litigant is subject to being stricken or denied.

[16] The Small Claim Rules currently apply to a civil action for $8,000 or less. Fla.Sm.Cl.R. 7.010(b). At the time that this law was passed in 2000, they applied to a civil action for $2,500 or less.

Where the clerk mistakenly files a new action from a vexatious litigant, or where the court finds that a party qualifies as a vexatious litigant, the bill provides that the action is automatically stayed pending review by the court and possible order requiring the vexatious litigant to post security. The bill also specifies that the automatic stay is in effect until the court acts.

The bill is effective July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill may discourage the filing of frivolous lawsuits and allow the private sector to avoid costs for defending against these lawsuits.

C. Government Sector Impact:

The Office of the State Courts Administrator furnished the following information regarding potential workload and fiscal impacts of the bill before it was amended:

> If the proposed amendments are enacted, judicial workload to enforce the expanded Florida Vexatious Litigant Law may increase (e.g., conducting hearings and entering orders); however, any increase in judicial workload is expected to be offset by the

reduction in filings by vexatious litigants. The revenue impact of this legislation is indeterminate negative, due to the potential reduction of filing fee revenue associated with expanded applicability of the Florida Vexatious Litigant Law. The fiscal impact of this legislation cannot be accurately determined due to the unavailability of data needed to quantifiably establish the effects on judicial time and workload resulting from enforcement of the expanded Florida Vexatious Litigant Law and a potential reduction in filings.[17]

The Florida Court Clerks and Comptrollers provided a bill analysis on CS/SB 1650 and anticipated an increased workload due to the bill's expansion of a person who may deemed a vexatious litigant. The clerks review process for verifying that a person is not a vexatious litigant is not automated, so there will be a commensurate increase in staff workload for every newly deemed vexatious litigant.[18] This workload can be absorbed within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 68.093 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS by Appropriations Committee on Criminal and Civil Justice on April 11, 2025:
The amendment provided technical changes and:

- Changed the case threshold to qualify as a vexatious litigant from three cases in a specified timeframe to five cases in a specified timeframe.
- Provided that if a person is qualifying as a vexatious litigant due to conducting unnecessary discovery or engaging in other tactics that are frivolous or solely intended to cause unnecessary delay in any action, the conduct must have occurred repeatedly.

[17] Office of the State Courts Administrator, *2025 Judicial Impact Statement for SB 1650*, March 17, 2025, at 4.
[18] The Florida Clerk of Court and Comptrollers, *2025 Judicial Impact Statement for SB 1650*, March 28, 2025.

- Removed language relating to a court entering a prefiling order prohibiting a vexatious litigant from filing, pro se, any pleading, request for relief, or other document in an action in the courts.
- Removed language relating to a vexatious litigant filing any pleadings, request for relief, or other documents with the clerk of the court.

CS by Judiciary on March 19, 2025:
The committee substitute clarified language regarding the filing of a case and the filing of a pleading in a case.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By the Appropriations Committee on Criminal and Civil Justice; the Committee on Judiciary; and Senators Grall and Yarborough

A bill to be entitled

An act relating to vexatious litigants; amending s. 68.093, F.S.; revising definitions; expanding actions subject to the Florida Vexatious Litigant Law; revising eligibility for designation as a vexatious litigant; revising sanctions and remedies for vexatious litigation; prohibiting clerks of the court from accepting certain filings from a vexatious litigant; specifying the duration of an automatic stay imposed against vexatious litigation; providing an effective date.

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

Section 1. Present subsection (7) of section 68.093, Florida Statutes, is redesignated as subsection (8) and amended, a new subsection (7) is added to that section, and subsections (2) through (5) of that section are amended, to read:

68.093 Florida Vexatious Litigant Law.—

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

(a) "Action" means an ~~a civil~~ action:

1. Governed by the Florida Rules of Civil Procedure, rule 5.025 of ~~and proceedings governed by~~ the Florida Probate Rules, or the Florida Small Claims Rules, but does not include actions concerning family law matters governed by the Florida Family Law Rules of Procedure; or

2. In another state court or federal court governed by rules of procedure comparable to the rules of procedure specified in subparagraph 1. ~~or any action in which the Florida Small Claims Rules apply.~~

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

~~(b) "Defendant" means any person or entity, including a corporation, association, partnership, firm, or governmental entity, against whom an action is or was commenced or is sought to be commenced.~~

~~(c)~~ "Security" means an undertaking by a vexatious litigant to ensure payment to a party ~~defendant~~ in an amount reasonably sufficient to cover the party's ~~defendant's~~ anticipated, reasonable expenses of litigation, including attorney ~~attorney's~~ fees and taxable costs.

(c)~~(d)~~ "Vexatious litigant" means a person, as defined in s. 1.01(3), proceeding pro se, who:

1. ~~A person as defined in s. 1.01(3) who,~~ In the immediately preceding 7-year ~~5-year~~ period, has commenced, prosecuted, or maintained, pro se, five or more ~~civil~~ actions in any court which ~~in this state, except an action governed by the Florida Small Claims Rules, which actions~~ have been finally and adversely determined against such person, except an action may not be included for purposes of this subparagraph if the court finds that the action was commenced, prosecuted, or maintained in good faith ~~or entity~~; ~~or~~

2. After an action has been finally and adversely determined against the person, repeatedly relitigates or attempts to relitigate either:

a. The validity of the determination against the same party in an action that was finally determined; or

b. The cause of action, claim, controversy, or any of the issues of fact or law determined by the final and adverse determination against the same party in an action that was

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finally determined;

3. Repeatedly files pleadings, requests for relief, or other documents that have been the subject of previous rulings by the court in the same action;

4. Repeatedly files unmeritorious pleadings, requests for relief, or other documents;

5. Repeatedly conducts unnecessary discovery;

6. Repeatedly engages in other tactics that are frivolous or solely intended to cause unnecessary delay in any action; or

7.~~2.~~ Has been ~~Any person or entity~~ previously found to be a vexatious litigant pursuant to this section or by another state court or a federal court.

An action is not deemed to be "finally and adversely determined" if an appeal in that action is pending. ~~If an action has been commenced on behalf of a party by an attorney licensed to practice law in this state, that action is not deemed to be pro se even if the attorney later withdraws from the representation and the party does not retain new counsel.~~

(3)(a) In any action pending in any court of this state, ~~including actions governed by the Florida Small Claims Rules,~~ any party ~~defendant~~ may move the court, upon notice and hearing, for an order requiring an opposing party ~~the plaintiff~~ to furnish security. The motion must ~~shall~~ be based on the grounds, and supported by a showing, that the opposing party subject to the motion ~~plaintiff~~ is a vexatious litigant and is not reasonably likely to prevail on the merits of the action against the moving party ~~defendant~~.

(b) At the hearing ~~upon any defendant's motion~~ for an order

to post security, the court shall consider any evidence, written or oral, by witness or affidavit, which may be relevant to the consideration of the motion. A ~~No~~ determination made by the court in such a hearing is not ~~shall be~~ admissible on the merits of the action nor ~~or~~ deemed to be a determination of any issue in the action. If, after hearing the evidence, the court determines that the opposing party subject to the motion ~~plaintiff~~ is a vexatious litigant and is not reasonably likely to prevail on the merits of the action against the moving party ~~defendant~~, the court must ~~shall~~ order the vexatious litigant ~~plaintiff~~ to furnish security to the moving party ~~defendant~~ in an amount and within such time as the court deems appropriate.

(c) If the vexatious litigant ~~plaintiff~~ fails to post security required by an order of the court under this section and the vexatious litigant is:

1. A plaintiff or petitioner, the court must ~~shall~~ immediately issue an order dismissing the action with prejudice as to the moving party ~~defendant~~ for whose benefit the security was ordered; or

2. A defendant or respondent, the court may immediately issue an order imposing one or more of the following sanctions, as appropriate:

a. Denial of the vexatious litigant's request for relief;

b. Striking of the vexatious litigant's pleading or other document or part thereof; or

c. Rendition of a judgment by default against the vexatious litigant.

(d) If the ~~a~~ motion for an order to post security is filed before ~~prior to~~ the trial in an action, the action is ~~shall be~~

automatically stayed and the moving party ~~defendant~~ need not plead or otherwise respond to the vexatious litigant's complaint, pleading, request for relief, or other document until 10 days after the motion for an order to post security is denied. If the motion for an order to post security is granted, the moving party must ~~defendant shall~~ respond or plead no later than 10 days after the required security has been furnished.

(4) In addition to any other relief provided in this section, the court in any judicial circuit may, on its own motion or on the motion of any party, enter a prefiling order prohibiting a vexatious litigant from commencing, pro se, any new action in the courts of that circuit without first obtaining leave of the court ~~administrative judge of that circuit~~. Disobedience of such an order may be punished as contempt of court ~~by the administrative judge of that circuit~~. Leave of court shall be granted by the court ~~administrative judge~~ only upon a showing that the proposed action is meritorious and is not being filed for the purpose of delay or harassment. The court ~~administrative judge~~ may condition the filing of the proposed action upon the furnishing of security as provided in this section.

(5) The clerk of the court may ~~shall~~ not file any new action by a pro se vexatious litigant against whom a prefiling order has been entered ~~pro se~~ unless the vexatious litigant has obtained an order from the court allowing ~~administrative judge permitting~~ such filing. If the clerk of the court mistakenly allows a pro se ~~permits a~~ vexatious litigant to file any new ~~an~~ action ~~pro se~~ in contravention of a prefiling order, any party to that action may file with the clerk and serve on the

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vexatious litigant ~~plaintiff~~ and all other parties ~~defendants~~ a notice stating that the ~~plaintiff is a pro se~~ vexatious litigant is subject to a prefiling order. The filing of such a notice ~~shall~~ automatically stays ~~stay~~ the litigation against all parties ~~defendants~~ to the action. The court ~~administrative judge~~ shall automatically dismiss the action with prejudice within 10 days after the filing of such notice unless the vexatious litigant ~~plaintiff~~ files a motion for leave to file the new action. If the court ~~administrative judge~~ issues an order granting leave, the pleadings or other responses ~~permitting the action to be filed, the defendants need not plead or otherwise respond~~ to the complaint need not be filed until 10 days after the date of service by the vexatious litigant ~~plaintiff, by United States mail,~~ of a copy of the order granting leave ~~to file the action~~.

(7) An automatic stay imposed under this section remains in effect until the court:

(a) In its discretion, vacates the stay;

(b) Rules, as applicable, on the motion for an order to post security under paragraph (3)(d) or the motion for leave under subsection (5); or

(c) Dismisses the action under subsection (5).

(8)~~(7)~~ The relief provided under this section is ~~shall be~~ cumulative to any other relief or remedy available ~~to a defendant~~ under the laws of this state or the rules of court ~~and the Florida Rules of Civil Procedure~~, including, but not limited to, the relief provided under s. 57.105.

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

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The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: April 10, 2025

I respectfully request that **Senate Bill #1650**, relating to Vexatious Litigants, be placed on the:

☒ committee agenda at your earliest possible convenience.

☐ next committee agenda.

Erin K. Grall

Senator Erin Grall
Florida Senate, District 29

File signed original with committee office

S-020 (03/2004)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

4/16/25
Meeting Date

Rules Committee
Committee

SB 1650
Bill Number or Topic

Amendment Barcode (if applicable)

Name Ms. Tashiba L. Robinson

Phone 850-922-5692

Address OSCA, 500 S. Duval Street
Street

Email robinsont@flcourts.org

Tallahassee — *City*
FL — *State*
32399 — *Zip*

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☑ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
State Courts System

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL:	CS/CS/SB 1652
INTRODUCER:	Appropriations Committee on Criminal and Civil Justice; Judiciary Committee; Senators Grall and Yarborough
SUBJECT:	Public Records/Pleading, Request for Relief, or Other Document Stricken by a Court
DATE:	April 15, 2025 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Cibula	JU	**Fav/CS**
2.	Kolich	Harkness	ACJ	**Fav/CS**
3.	Davis	Yeatman	RC	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/CS/SB 1652 creates a public records exemption for certain information in a document stricken by a court in a noncriminal case. For the exemption to apply, the court must find that the matter is immaterial, impertinent, or sham and would defame or cause unwarranted damage to an individual's good name or reputation or jeopardize his or her safety. This kind of information often appears in court proceedings involving a "vexatious litigant." A vexatious litigant is a person who has filed multiple lawsuits that are meritless; however, these individuals are also known to submit documents that are considered scandalous or harassing.

The bill also contains a statement of public necessity as required by law. The statement recounts that it is a public necessity that an immaterial, impertinent, or sham matter that has been stricken by a court in a noncriminal case be made confidential and exempt from public records laws. This is necessary because the matter would cause unwarranted damage and ongoing harm to an individual and perhaps jeopardize the individual's safety. The potential harm that could result from the release of the stricken matter outweighs the public benefit that could be derived from the information if it were disclosed.

The bill is expected to have an insignificant workload impact on the state court system. See Section V., Fiscal Impact Statement.

The bill will take effect July 1, 2025.

II. Present Situation:

Vexatious Litigant

A "vexatious litigant" is defined in general terms to be a person or entity who, in the immediate past 5 years, has commenced, prosecuted, or maintained, pro se,[1] five or more civil actions in any court in the state except in small claims court, and all of the cases were decided adversely against the person or entity.[2]

In 2000, the Florida Vexatious Litigant Law was enacted to deter vexatious litigants from repeatedly filing lawsuits that were determined to be frivolous.[3] These filings consume a considerable amount of the court system's time as well as the time and financial resources of the person being taken to court. Although the law has been challenged in court as denying a person access to the court system as guaranteed in the State Constitution,[4] the law has been upheld on appeal as being constitutional.[5] Courts have noted that, while the State Constitution does provide a right of access to the courts, the right is not without limits and may be properly restricted when a litigant abuses the legal process with repeated and frivolous pleadings.[6]

In 2021, an initial "Workgroup on Sanctions for Vexatious and Sham Litigation" was established by the Chief Justice of the Florida Supreme Court to make recommendations on rule and statutory amendments that would effectively address vexatious or sham litigation in noncriminal cases.[7] Three years later, another workgroup was established. In 2024, the Chief Justice of the Florida Supreme Court established the "Workgroup on Vexatious Litigants."[8] The purpose of the workgroup was to recommend ways the law could be improved and address the public disclosure of "improper matters stricken from noncriminal court filings" that could defame individuals and harm their reputations. Among the recommendations made by the workgroup was the recommendation to create a public records exemption for the damaging material described above that could harm, defame or endanger a person in a noncriminal action filed by a vexatious litigant.[9]

Public Records Requirements

The State Constitution guarantees every person the right to inspect or copy any public record made or received in connection with the official business of the state, except for records

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[1] A pro se litigant is someone who represents himself or herself in a judicial proceeding without a lawyer. BLACK'S LAW DICTIONARY (12th ed. 2024).
[2] See s. 68.093, F.S. The law has not been amended since it was enacted 25 years ago.
[3] Ch. 2000-314, s. 1, Laws of Fla.
[4] FLA. CONST. art. I, s. 21.
[5] *Smith v. Fisher*, 965 So. 2d 205 (Fla. 4th DCA 2007) and *Brown v. Miami-Dade County*, 319 So. 3d 81 (Fla. 3rd DCA 2021).
[6] *Id.*
[7] *In re: Workgroup on Sanctions for Vexatious and Sham Litigation*, Fla. Admin Order No. AOSC21-62 (Dec. 9, 2021) (https://supremecourt.flcourts.gov/content/download/813326/file/AOSC21-62.pdf.
[8] *In re: Workgroup on Vexatious Litigants*, Fla. Admin. Order no. AOSC24-19 (April 26, 2024), (https://supremecourt.flcourts.gov/content/download/2424918/file/AOSC24-19.pdf.
[9] *Workgroup on Vexatious Litigants, Final Report and Recommendations,* The Florida Supreme Court, (Sept. 6, 2024) https://www.flcourts.gov/content/download/2446359/file/Workgroup%20on%20Vexatious%20Litigants%20Final%20Report%209-6-24.pdf.

exempted under the Constitution. This right of access to inspect or copy records encompasses records of the judicial branch.[10]

Separation of Powers and the Judicial Branch

However, under the doctrine of separation of powers found in Article II, section 3 of the State Constitution, the Florida Supreme Court has the authority to regulate the public's access to judicial records and bears the responsibility to protect records of the judicial branch.[11] To implement this "inherent authority," the Court adopted what is now referred to as Rule of General Practice and Judicial Administration 2.420.[12] The rule governs public access to judicial branch records and provides which records are exempt from the public.

In its report, the workgroup noted that under existing law, "even the most inflammatory and palpably false allegations struck by the court remain in the public record." The workgroup further noted that its authority to seal records has its limitations and concluded that the "only tool available to prevent the ongoing publication" of the defamatory remarks was a public records exemption.[13] Accordingly, the substance of that conclusion is contained in this bill.

Open Government Sunset Review Act – Exceptions for the Judicial Branch

The "Open Government Sunset Review Act" contained in s. 119.15, F.S., provides for the review and repeal or reenactment of an exemption in the 5th year after the enactment of a new exemption or substantial amendment of an existing exemption. However, these requirements do not apply to an exemption that is required by federal law or that applies solely to the Legislature *or the State Court System.* As such, public records exemptions enacted by the Legislature which apply solely to the State Court System are not subject to the 5 year review.

III. Effect of Proposed Changes:

The bill exempts from public disclosure any matter in a pleading, a request for relief, or other document that has been stricken by the court in a noncriminal case pursuant to the rules of court if the court finds the matter:

- Is immaterial, impertinent, or sham; *and*
- Would defame an individual or cause unwarranted damage to that person's good name or reputation or jeopardize his or her safety.

The bill contains a statement of public necessity that must accompany a public records exemption. The statement recounts that it is a public necessity that an immaterial, impertinent, or sham matter that would defame or cause unwarranted damage to the good name or reputation of

[10] FLA. CONST. art. I, s. 24.
[11] *See supra* note 9 which cites *Barron v. Florida Freedom Newspapers, Inc*., 531 So. 2d 113 (Fla. 1988) and *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995).
[12] *See supra* note 9. The rule is found here: https://www.flcourts.gov/content/download/219096/file/RULE-2-420-Jan2014.pdf.
[13] *Workgroup on Vexatious Litigants, Final Report and Recommendations,* The Florida Supreme Court, 42-43 (Sept. 6, 2024), https://www.flcourts.gov/content/download/2446359/file/Workgroup%20on%20Vexatious%20Litigants%20Final%20Report%209-6-24.pdf.

an individual or jeopardize his or her safety, and that has been stricken by a court in a noncriminal case be made confidential and exempt from public record provisions. This is necessary because the stricken matters would cause unwarranted and ongoing harm if they remain in the public record. These matters also serve no identifiable public purpose. The potential harm that could result from the release of the information outweighs the public benefit that could be derived from the information if it were disclosed.

The bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

Vote Requirement

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records requirements. This bill creates a new exemption, therefore, the bill requires a two-thirds vote of each chamber for enactment.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records requirements to state with specificity the public necessity justifying the exemption. Section 2 of the bill contains a statement of public necessity for the exemption.

Breadth of Exemption

Article I, s. 24(c), of the State Constitution requires that an exemption to the public records requirements be no broader than necessary to accomplish the stated purpose of the law. This bill exempts from the public records requirements only specific matters in noncriminal cases. The exemption does not appear to be broader than necessary to accomplish the purpose of the law.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill may reduce the financial harm to individuals which results from defamatory information in court files.

C. Government Sector Impact:

Judges and court clerks may have additional workload resulting from the need to redact information in filed documents. However, the workload can likely be absorbed within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 119.0714 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS by Appropriations Committee on Criminal and Civil Justice on April 11, 2025:
The amendment makes technical changes to the bill.

CS by Judiciary on March 19, 2025:
The committee substitute differs from the underlying bill by:

- Replacing the term "information in a document" with the expanded term "matter in a pleading, a request for relief, or other document … pursuant to the rules of court."
- Replaces the word "untrue" with the word "sham," which is a term of art having a specific meaning.
- Deletes the retroactive provision.

- Deletes the 5-year legislative review process under the Open Government Sunset Review.
- Changes the effective date to July 1, 2025, and removes the reference to the bill being tied to SB 1650.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By the Appropriations Committee on Criminal and Civil Justice; the Committee on Judiciary; and Senators Grall and Yarborough

604-03482-25 20251652c2

A bill to be entitled

An act relating to public records; amending s. 119.0714, F.S.; providing an exemption from public records requirements for a matter in a pleading, a request for relief, or other document which has been stricken by the court in a noncriminal case if the court makes specific findings; providing a statement of public necessity; providing an effective date.

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

Section 1. Paragraph (m) is added to subsection (1) of section 119.0714, Florida Statutes, to read:

119.0714 Court files; court records; official records.—

(1) COURT FILES.—Nothing in this chapter shall be construed to exempt from s. 119.07(1) a public record that was made a part of a court file and that is not specifically closed by order of court, except:

(m) Any matter in a pleading, in a request for relief, or in any other document which has been stricken by the court in a noncriminal case pursuant to the rules of court if the court finds that such matter:

1. Is immaterial, impertinent, or sham; and

2. Would defame or cause unwarranted damage to the good name or reputation of an individual or jeopardize the safety of an individual.

Section 2. The Legislature finds that it is a public necessity that an immaterial, impertinent, or sham matter that would defame or cause unwarranted damage to the good name or

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

604-03482-25 20251652c2

reputation of an individual or jeopardize the safety of an individual, and that has been stricken by a court in a noncriminal case, be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. The Legislature finds that such stricken matters, if they remain in the public record, cause unwarranted and ongoing harm to affected persons and serve no identifiable public purpose. The Legislature further finds that the harm that may result from the release of such stricken matters outweighs any public benefit that may be derived from the disclosure of the stricken matter.

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

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

The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: April 10, 2025

I respectfully request that **Senate Bill #1652**, relating to Public Records/Pleading, Request for Relief, or Other Document Stricken by a Court, be placed on the:

☒ committee agenda at your earliest possible convenience.

☐ next committee agenda.

Erin K. Grall

Senator Erin Grall
Florida Senate, District 29

File signed original with committee office

S-020 (03/2004)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

4/16/25
Meeting Date

Rules Committee
Committee

SB 1652
Bill Number or Topic

Amendment Barcode (if applicable)

Name Ms. Tashiba L. Robinson

Phone 850-922-5692

Address OSCA, 500 S. Duval Street
Street

Email robinsont@flcourts.org

Tallahassee — *City*
FL — *State*
32399 — *Zip*

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☑ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
State Courts System

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL:	CS/CS/CS/SB 1702
INTRODUCER:	Rules Committee; Appropriations Committee on Pre-K - 12 Education; Education Pre-K - 12 Committee and Senator Burgess
SUBJECT:	Education
DATE:	April 17, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sabitsch	Bouck	ED	**Fav/CS**
2.	Gray	Elwell	AED	**Fav/CS**
3.	Sabitsch	Yeatman	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/CS/SB 1702 modifies or adds provisions related to charter school monitoring, school transportation, the Redlands Christian Migrant Association, high school graduation requirements, school district liability insurance, participation in interscholastic athletics, development of mathematics competencies, charter school funding, and early learning reimbursement rates. Specifically, the bill:

- Modifies the requirements for monitoring of charters schools to require the sponsor to use the standard monitoring tool.
- Defines a sufficient warning against trespassing on a school bus, which authorizes arrest and prosecution for a trespasser on a school bus.
- Authorizes private schools in certain counties to construct new temporary or permanent facilities on land that was owned by a church, library, theater, or school, and retain that zoning and land use designation.
- Includes the Redlands Christian Migrant Association in a hold-harmless provision for school readiness program reimbursement rates.
- Modifies graduation requirements to allow two years of marching band to satisfy the high school graduation one-credit requirement in physical education or of the one-credit requirement in performing arts in order to receive a standard high school diploma.
- Includes liability insurance in the listed types of casualty insurance that a school district may use the revenue generated by their discretionary millage levy to pay for the cost of premiums.

- Requires the Commissioner of Education to coordinate with selected school districts during the 2025-2026 school year and report to the Legislature student outcomes and policy recommendations from prohibitions on the use of electronic devices in schools.
- Allows students enrolled in full-time virtual education programs to participate in interscholastic athletics at any public school in the district where the student resides or develop an agreement with a private school.
- Requires the Department of Education (DOE) to establish competencies for a mathematics endorsement.
- Requires school districts to provide information to charter schools and to the DOE regarding shared revenue from local taxes.
- Specifies that school readiness reimbursement rates from 2023-2024 are to be used in certain circumstances.

The bill does not have a fiscal impact on state revenues or expenditures. **See Section V., Fiscal Impact Statement.**

The bill takes effect on July 1, 2025.

II. Present Situation:

Trespassing on School Grounds

Florida law describes instances when a person who does not have legitimate business on a school campus or any additional authorization, license or invitation to enter or remain on school property or is a student who is currently suspended or expelled is guilty of a misdemeanor of the second degree when that person enters and remains on school property. Additionally, any person who enter or remains on school property after the principal or designee has directed the person to leave school property or to not enter school property is guilty of a misdemeanor of the first degree.[1]

Florida law provides instances when an officer may make a lawful arrest without a warrant. These instances generally cover circumstances where an officer reasonably believes the person committed the offense, the offense was committed in the presence of the officer, a warrant has been issued and is held by another peace officer, or there is probable cause in certain circumstances.[2]

Florida's Charter Schools

Charter schools are tuition-free public schools created through an agreement or "charter" that provides flexibility relative to regulations created for traditional public schools. During the 2022-2023 school year, 382,367 students were enrolled in 726 charter schools in 46 school districts.[3]

[1] Section 810.097, F.S.
[2] Section 901.15, F.S.
[3] Florida Department of Education, Office of Independent Education & Parental Choice, *Fact Sheet Florida's Charter Schools* (October 2023), *available at* https:https://www.fldoe.org/core/fileparse.php/7696/urlt/Charter-Sept-2022.pdf.

Charter schools are open to all students residing within the district; however, charter schools are allowed to target students within specific age groups or grade levels, students considered at-risk of dropping out or failing, students wishing to enroll in a charter school-in-the-workplace or charter school-in-a-municipality, students residing within a reasonable distance of the school, students who meet reasonable academic, artistic or other eligibility standards established by the charter school, or students articulating from one charter school to another.[4]

Charter schools are created when an individual, a group of parents or teachers, a business, a municipality, or a legal entity applies to the school district; the school district approves the application; the applicants form a governing board that negotiates a contract with the district school board; and the applicants and district school board agree upon a charter or contract. The district school board then becomes the sponsor of the charter school. The negotiated contract outlines the expectations of both parties regarding the school's academic and financial performance.[5]

A charter school must be organized as, or be operated by, a nonprofit organization. The charter school may serve at-risk students, or offer a specialized curriculum or core academic program, provide early intervention programs, or serve exceptional education students.

Charter schools are funded through the Florida Education Finance Program in the same way as all other public schools in the school district. The charter school receives operating funds from the Florida Education Finance Program (FEFP) based on the number of full-time (FTE) students enrolled.[6]

Charter school funding includes gross state and local funds, discretionary lottery funds, and funds from the school district's current operating discretionary millage levy; divided by the total funded weighted full-time equivalent (FTE) students in the school district; multiplied by the weighted FTE students in the charter school. Charter schools are entitled to their proportionate share of categorical program funds, for eligible students and programs. Charter schools may also access federal funds through a competitive grant process that awards funds to charter schools for planning and implementation grants and best practices dissemination grants.[7]

Charter schools receive capital outlay funds from a non-voted school district discretionary capital improvement levy.[8] Charter schools may also receive funds from a school capital outlay surtax based on their proportionate share of total school district capital outlay full-time equivalent enrollment.[9]

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[4] Florida Department of Education, *Frequently Asked Questions (Charter Schools)*, https://www.fldoe.org/schools/school-choice/charter-schools/charter-school-faqs.stml (last visited Apr. 3, 2025). *See also* s. 1002.33(10), F.S.
[5] Florida Department of Education, *Frequently Asked Questions (Charter Schools)*, https://www.fldoe.org/schools/school-choice/charter-schools/charter-school-faqs.stml (last visited Apr. 3, 2025). *See also* s. 1002.33(6), F.S.
[6] Florida Department of Education, *Frequently Asked Questions (Charter Schools)*, https://www.fldoe.org/schools/school-choice/charter-schools/charter-school-faqs.stml (last visited Apr. 16, 2025). *See also* s. 1002.33(17), F.S.
[7] *Id.*
[8] Section 1013.62, F.S.
[9] Section 212.055(6)(c), F.S.

All charter applicants must prepare and submit an application on a model application form prepared by the Department of Education (DOE), which:

- Demonstrates how the school will use the guiding principles.
- Provides a detailed curriculum.
- Contains goals and objectives for improving student learning.
- Describes the separate reading curricula and differentiated strategies.
- Contains an annual financial plan.

A school board is required to review all charter school applications and, within 90 days of receipt, approve or deny the application.

A charter school may be sponsored by any of the following:

- A district school board.
- A state university approved to sponsor certain lab schools.
- A state university approved by the DOE.
- A Florida College System institution approved by the DOE.[10]

Florida law outlines the duties of charter school sponsors. The sponsor is required to monitor and review the charter school to ensure progress toward the goals established in the charter and to monitor revenues and expenditures of the charter school. The sponsor is also required to ensure that the charter school participates in the state's educational accountability system but is prohibited from applying its policies to a charter school or imposing additional reporting requirements except when the charter school is experiencing a deteriorating financial condition or emergency. The sponsor is required to submit to the DOE via a web-based format an annual report that includes the following:

- The number of applications for charter school received annually.
- The applicant's contact information.
- The date each application was approved, denied or withdrawn.
- The date each final contract was executed.

The DOE is required to compile an annual report by sponsor each year and post the report on the DOE website by January 15 of each year.

Florida law also provides for accountability of charter school sponsors that requires the DOE to develop a sponsor evaluation framework. At a minimum the framework is required to address the following:

- The sponsor's vision toward charter school authorization and progress toward vision.
- The alignment of sponsor policies and practices for charter school authorization and best practices.
- The academic and financial performance of charter schools overseen by the sponsor.
- The status of charters school authorized by the sponsor.

[10] Florida Department of Education, *Frequently Asked Questions (Charter Schools)*, https://www.fldoe.org/schools/school-choice/charter-schools/charter-school-faqs.stml (last visited Apr. 3, 2025). *See also* s. 1002.33, F.S.

The DOE is required to compile the results of the evaluations and publish as part of the required reporting of monitoring of charter schools.[11]

Private School Facilities

A private school is defined in Florda law, as "an individual, association, copartnership, or corporation or department, division, or section of such organizations, that designates itself as an educational center that includes kindergarten or a higher grade" and is below the college level. Private elementary and secondary schools in Florida are not licensed, approved, accredited, or regulated by the Department of Education (DOE). Private schools are required to complete an online annual survey to provide information for inclusion in a statewide directory. A private school may be a parochial, religious, denominational, for-profit, or nonprofit school.[12]

While private schools operate outside of the public education system, there remain some requirements in Florida law that are imposed on private schools as well as areas of authorization. Those laws address the following areas:

- Participation in the annual private school survey.
- Background screening for each private school owner.
- Retention of student records.
- Maintenance of records of attendance and reports.
- Required school-entry health examinations.
- Student immunization and attendance records.
- Student participation in high school athletic programs at public schools.
- Educational and instructional materials.
- Services for exceptional student education services.
- Professional learning systems.
- Bus driver training purchase of school buses.
- Emergency procedures and medications.
- Facilities and safe school officers.[13]

Specifically related to facilities, private schools are permitted to use property owned or leased by a library, community service organization, museum, performing arts venue, theater, cinema, church facility, Florida College System institution or university or other similar public institutional facilities, or a facility recently used to house a school or childcare facility under the facilities preexisting zoning and land use designations. There are similar provisions regarding the purchase of the same types of facilities by private schools. The facilities used or purchased must meet state and local health, safety, and welfare laws, codes, and rules, including fire safety and building safety.[14]

[11] Section 1002.33(5), F.S.
[12] Section 1002.01(3), F.S.
[13] Section 1002.42, F.S.
[14] Section 1002.42(19), F.S.

School Readiness Program

Florida's School Readiness (SR) program offers low-income families financial assistance to facilitate access to high-quality childcare and early education for their children while parents work or participate in job training. The Division of Early Learning (DEL), under the Department of Education (DOE), administers the program at the state level while early learning coalitions (ELCs) administer the SR program at the county and regional levels. Funding comes from four sources including the Child Care and Development Block Grant, the Temporary Assistance for Needy Families Block Grant, the Social Services Block Grant, and the State of Florida.

The program's two main goals are to help families become financially self-sufficient and help each child from a qualifying family develop school readiness skills. The program gives children access to a quality early learning environment and supports parents with information about child development and family engagement. The quality environment of each SR provider is measured by the administration of a widely recognized tool that assesses the interactions between adults and children in the classroom.

In Fiscal Year 2022-23, there were 212,062 children participating in the SR program at 6,889 early learning providers. Total expenditures were $990 million, which included $36 million in administrative expenses, $59 million in non-direct services expenditures, and $80 million in quality expenditures. [15]

Florida's ELCs are provided with specific powers and duties under Florida law to administer and implement a local, comprehensive program of school readiness program services. Specific duties of the ELCs are to:

- Establish a uniform waiting list for SR enrollment.
- Establish a resource and referral network and region warm-line services.
- Establish age-appropriate screening for children and implement age-appropriate pre- and post-assessments.
- Utilized a coordinated professional learning system.
- Determine child eligibility.
- Implement a parent sliding fee scale.
- Establish proper maintenance of records of eligibility and enrollment for the SR program as well as sign-in sign-out records.
- Adhere to property requirements and comply with federal procurement requirements.
- Establish information technology controls.
- Develop written policies, procedures and standards for monitoring vendor contracts.
- Monitor SR program providers.
- Distribute SR funding and implement an antifraud plan.
- Annually report to the DOE.
- Maintain administrative staff at the minimum necessary to deliver the SR program.
- Adhere to limitations on contracting with specific persons or entities.[16]

[15] Florida Department of Education, *Division of Early Learning 2023-2024 Annual Report (2024), available at* https://www.fldoe.org/file/20628/2324-DEL-AnnualReport.pdf.
[16] Section 1002.84, F.S.

As part of the requirements related to the distribution of SR funding, each ELC with approved prior year provider reimbursement rates for the infant to age five care levels that are higher than the provider reimbursement rates established in statute are allowed continue to implement the higher approved reimbursement rates until the rates established in statute exceed those rates.

The Redlands Christian Migrant Association is a not-for-profit organization whose purpose is to administer childcare and early childhood education centers for the children of migrant and seasonal farm workers whose families' total income meets the eligibility criteria for the SR program. RCMA's service area spans 20 Florida counties concentrated in rural areas.[17]

High School Graduation Requirements

Nearly all states have established minimum credit and course requirements to earn a standard diploma, but graduation requirements may also serve to assess specific skills and content knowledge prioritized by the state, evaluate college and career readiness, or offer multiple pathways to a diploma. At least 34 states and the District of Columbia require students to complete specific assessments to meet a graduation requirement.[18]

To earn a standard high school diploma a student must complete 24 credits, an International Baccalaureate curriculum, or an Advanced International Certificate of Education curriculum.[19]

The 24-credit option for a standard diploma includes:
- Four credits in ELA I, II, III, and IV.
- Four credits in mathematics, including one in Algebra I and one in Geometry.
- Three credits in science, two of which must have a laboratory component and one of which must include Biology I.
- Three credits in social studies including one credit in United States History, one credit in World History, one-half credit in economics, and one-half credit in United States Government.
- One credit in fine or performing arts, speech and debate, or career and technical education.
- One credit in physical education which includes the integration of health.
- Seven and one-half credits in electives.
- One-half credit in personal financial literacy.

Florida allows completion of one semester with a grade of "C" or higher in a marching band class, in a physical activity class that requires participation in marching band activities as an extracurricular activity, or in a dance class to satisfy one-half credit in physical education or one-half credit in performing arts. Additionally, completion of two years in a Reserve Officer Training Corps (R.O.T.C.) class where a significant component of the class is drills, may be used to satisfy the one-credit requirement in physical education and the one-credit requirement in performing arts.[20]

[17] Florida Auditor General, *Redlands Christian Migrant Association, Inc. Financial Statements* (Mar. 2024), *available at* https://flauditor.gov/pages/nonprofit_forprofit%20rpts/2023%20redlands%20christian%20migrant%20association.pdf, at 10.
[18] Education Commission of the States, *50- State Comparison: High School Graduation Requirements,* *https://www.ecs.org/50-state-comparison-high-school-graduation-requirements-2023/* ,(last visited Apr. 3, 2025).
[19] Section 1003.4282, F.S.
[20] Section 1003.4282(3), F.S.

School Board Discretionary Millage Levy

Each district school board is authorized to levy 1.5 mills against the taxable value for public school purposes to fund specific needs as identified in law, including, for example:

- New construction, remodeling projects, sites and site improvement or expansion to new sites, existing sites, auxiliary facilities, athletic facilities, or ancillary facilities.
- Payments for educational facilities and sites due under a lease-purchase agreement.
- Payment of costs of leasing relocatable educational facilities, of renting or leasing educational facilities and sites, or of renting or leasing buildings or space within existing buildings.[21]

In addition, a district school board may expend up to $200 per unweighted FTE student from the revenue generated by the millage levy to fund expenses for:

- The purchase, lease-purchase, or lease of driver's education vehicles; motor vehicles used for the maintenance or operation of plants and equipment; security vehicles; or vehicles used in storing or distributing materials and equipment.
- Payment of the cost of premiums property and casualty insurance necessary to insure school district educational and ancillary plants.[22]

Wireless Communication Device Use in Florida Public Schools

In 2023,[23] the Legislature required each district school board to adopt rules prohibiting student use of wireless communications devices during instructional time. The prohibition does not apply when device use is expressly directed by a teacher solely for educational purposes. Additionally, the rules must prohibit student access to social media platforms through internet access provided by the school district, with exceptions for instructional use. These rules must be included in each district's code of student conduct and published on the district's website.[24]

District School Boards

District school boards are responsible for the general supervision and control of students enrolled in public schools.[25] Each board must adopt rules for the control, attendance, discipline, in-school suspension, suspension, and expulsion of students, as well as maintain a code of student conduct. Students may possess wireless communications devices while on school property or attending school functions. However, school boards have the authority to adopt rules governing the use of such devices through their codes of student conduct.[26]

The implementation of policies concerning wireless communications devices is left to the discretion of each district. As a result, local policies vary. Some districts prohibit student device use for the entire school day, while others allow limited use during non-instructional periods, such as lunch or between class periods.

[21] Section 1011.71(2), F.S.
[22] Section 1011.71(5), F.S.
[23] Ch. 2023-36, Laws of Fla.
[24] See ss. 1006.07(2) and 1003.02(1), F.S.
[25] Section 1003.02(1), F.S.
[26] Section 1006.07(2), F.S.

Principals and Teachers

School principals are responsible for enforcing the student code of conduct and maintaining school safety and discipline. Principals may take disciplinary action consistent with board policies, including those governing the inappropriate use of wireless communication devices.[27]

Teachers have the authority to manage student behavior and establish rules of conduct within their classrooms.[28] Within the framework of the district's code of conduct, teachers may designate specific locations or procedures for storing devices during instructional time to minimize distractions and maintain an orderly learning environment.[29]

The Florida High School Athletic Association (FHSAA)

The Florida High School Athletic Association (FHSAA) is designated as a governing nonprofit organization of athletics in Florida public schools. Any public or private high school or middle school in this state, including charter schools, virtual schools, and home education cooperatives, may become a member of the FHSAA and participate in the activities of the FHSAA; however, membership in the FHSAA is not mandatory for any school.[30] The FHSAA is required to adopt bylaws that:[31]

- Establish eligibility requirements.
- Prohibit recruiting.
- Require all students to pass a medical evaluation each year.
- Regulate people who conduct investigations on behalf of the FHSAA.
- Establish sanctions for coaches who have committed major violations of the FHSAA bylaws.
- Establish the process and standards by which FHSAA determines eligibility.
- Adopt guidelines to educate athletic coaches, officials, administrators, and student athletes and their parents of the risk of concussion and head injury.
- Adopt bylaws that require each student athlete who is suspected of sustaining a concussion or head injury in a practice or competition to be immediately removed from the activity.
- Adopt bylaws for the establishment and duties of a sports medicine advisory committee.

Each year, the FHSAA sponsors over 3,500 championship series games, through which 144 teams, and 294 individuals are crowned state champions in 32 sports. Over 800,000 students annually participate in these athletic programs.[32]

Florida law authorizes home education program students and students who attend a charter school or the Florida Virtual School to participate in interscholastic or intrascholastic activities at a public school or at a private school. Generally, the student is eligible to participate at his or her zoned school, or at the school the student could choose under controlled open enrollment. The student must meet requirements related to educational progress, must meet the same standards of

[27] Section 1006.09(1), F.S.
[28] Section 1003.32(1), F.S.
[29] Section 1006.07(2), F.S.
[30] Section 1006.20(1), F.S.
[31] Section 1006.20(2), F.S.
[32] Florida High School Athletic Association, *About FHSAA*, available at https://fhsaa.com/sports/2020/1/16/About.aspx, (last visited April 6, 2025).

acceptance, behavior, and performance that are required of other students in extracurricular activities, and must register with the school of his or her intent to participate.[33]

Educator Reading Endorsement

Educators who hold a currently valid Florida Temporary or Professional Certificate may be eligible to add another subject coverage or endorsement.[34] An endorsement is a rider on a Florida certificate with a full subject coverage and denotes a particular expertise in an instructional level or methodology. An endorsement cannot stand alone on a certificate. Academic endorsements are available in the following areas:[35]

- American Sign Language
- Athletic Coaching
- Autism Spectrum Disorders
- Driver Education
- English for Speakers of Other Languages (ESOL)
- Gifted
- Orientation and Mobility
- Prekindergarten Disabilities
- Reading
- Severe or Profound Disabilities

Florida law required the DOE to adopt one or more statewide, competency-based pathways by the beginning of the 2022-2023 school year for instructional personnel to earn a reading endorsement. As part of the development the DOE was required to review the competencies for alignment with the science of reading.[36]

III. Effect of Proposed Changes:

This bill amends s. 810.097, F.S., to the term "school bus" and provides that a clearly posted sign or a verbal warning by a school bus operator, a principal, a school district employee or law enforcement personnel regarding trespassing constitutes sufficient notice. This notice satisfies the prior warning requirement for immediate arrest and prosecution of a person who boards, enters, or remains on a school bus without authorization.

The bill amends s. 901.15, F.S. to include that trespassing on school grounds, facilities or school buses is probable cause for arrest without a warrant.

The bill amends s. 1002.42, F.S., to allow private schools in certain counties with four incorporated municipalities (which are Bradford, Clay, and Sarasota) to construct new temporary or permanent facilities on property that was owned by a church, library, theater, or school, that was actively used for the zoned purpose with five years of an executed agreement and retain that

[33] Section 1006.15(2)(c)-(e), F.S.
[34] Florida Department of Education, Educator Certification, *Certificate Additions*, https://www.fldoe.org/teaching/certification/additions/ (last visited April 16, 2025)
[35] Florida Department of Education, Educator Certification, *Certificate Subjects*, https://www.fldoe.org/teaching/certification/certificate-subjects/ (last visited April 16, 2025)
[36] Section 1012.586(2), F.S.

existing zoning and land use designations. Additionally, the same applies to land that was owned by a Florida college System institution or university or land that was recently used to house a school or childcare facility. The new facility constructed by the private school is required to meet all applicable state and local health, safety, and welfare laws, codes, and rules, including fire safety and building safety.

The bill amends s. 1002.33, F.S., to require that a sponsor of a charter school is required to use a standard monitoring tool when providing oversight of charter schools as required in s. 1002.33, F.S. The State Board of Education (SBE) is required to adopt in rule a standard monitoring tool for use by charter school sponsors, however that rule has yet to be developed.[37]

The bill amends s. 1002.84, F.S., to identify the Redlands Christian Migrant Association (RCMA) as an entity that is subject to the conditions in law regarding disbursement of School Readiness (SR) funds. The bill includes RCMA along with early learning coalitions in the provision that if the organization had approved 2023-2024 provider SR reimbursement rates for the infant to age five care levels that were higher than the provider SR reimbursement rates established by the state, the organizations would be allowed continue to implement the higher approved reimbursement rates until the rates established by the state exceed those rates.

The bill amends s. 1003.4282, F.S., to allow a student who has completed two years of marching band to satisfy the one-credit requirement in physical education or the one-credit requirement in performing arts to earn a standard high school diploma. The bill stipulates that the credit cannot be used to satisfy the personal fitness or adaptive physical education requirements under an individual education plan (IEP) or 504 plan.

The bill amends s. 1011.71, F.S., to add liability insurance in the listed types of casualty insurance that a school district may use the revenue generated by their discretionary millage levy to pay for the cost of premiums.

The bill requires the Commissioner of Education to coordinate with six selected school districts representing two small, two medium, and two large counties that currently implement a policy, or will implement a policy during the 2025-2026 school year that prohibits students from using cell phones and other personal electronic devices during the entire school day. This prohibition applies both on school grounds and while students are engaged in school-sponsored activities off campus during the school day.

The Department of Education (DOE) must submit a report to the President of the Senate and the Speaker of the House of Representatives by December 1, 2026. The report must:

- Summarize the effect of each district policy on student achievement and behavior.
- Include a model policy that school districts and charter schools may adopt.

The bill further requires that the report and model policy account for circumstances under which the use of cell phones or other electronic devices during the school day by students may be authorized, including:

[37] Section 1002.33(28), F.S.

- For students with disabilities or English Language Learners (ELLs) who rely on such devices to access curriculum or other required activities.
- For health-related reasons, emergency medical issues, or disaster situations.
- On school buses before or after school hours.
- During extracurricular activities occurring outside of the school day.

The bill requires the report to also include student code of conduct provisions for violations of the policy, including, but not limited to, the following:
- Illegal behaviors involving device use that may warrant law enforcement involvement.
- Use of devices to bully, harass, or threaten other students.
- Use of devices to cheat or violate school academic integrity policies.
- Use of devices to capture or display any picture or video of any student during medical issues or misconduct.

The bill modifies s. 1006.15, F.S., to specify that students enrolled in a full-time virtual instruction program are eligible to participate in an interscholastic athletic team at any public school in the district where the student resides, or develop an agreement with a private school. The bill provides requirements for participation related to:
- Grades, the academic performance contract, and student conduct.
- Requirements developed by the virtual school in which the student is enrolled.
- Residency requirements.
- Athletic team standards.
- Registration of student's intent to participate.

The bill requires by August 1, 2026, the DOE to establish competencies for a mathematics endorsement aligned with evidence-based mathematics instructional and intervention strategies that include:
- Numbers and operations.
- Fractions.
- Algebraic reasoning.
- Measurement.
- Geometric reasoning.
- Data analysis and probability.

The competencies must be at the elementary and secondary level and be approved by the SBE.

The bill modifies s. 1002.33, F.S., to require school districts, by July 1 of each year, to provide specific information related to shared revenues from a discretionary half-cent sales surtax, the voted district school operating millage and non-voted district school capital improvement millage to include the following:
- Estimated total tax revenue.
- Estimated per-student allocation to public charter schools for each tax and calculation methodology used.
- Estimated timeframe charter schools will receive funds from each tax.
- Explanation for revenue transmission when funds are transferred.

Each district is required to report to the DOE by March 31 of each year the total revenues distributed to charter schools from each tax source and publish the report on the school district's website.

The bill takes effect on July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill does not have a fiscal impact on state revenues or expenditures. Should the Department of Education incur a cost associated with development of a model policy relating to the use of cell phones or other electronic devices, it is expected that the department would be able to absorb within their existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 810.097, 901.15, 1002.33, 1002.42, 1002.84, 1003.4282, 1006.15, 1006.195, and 1011.71.

The bill creates two undesignated section of Florida Law.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS/CS by Rules on April 16, 2025:
The committee substitute:

- Allows full-time enrolled students in virtual school programs to participate in interscholastic athletics.
- Requires the Department of Education to establish competencies for a mathematics endorsement.
- Requires school districts to provide specific information by July 1 of each year to charter schools related to shared revenues from local taxes and to report to the DOE the total tax revenues shared with charter schools by March 31 of each year and provide the information on the district's website.
- Modifies School Readiness funding to authorize early learning coalitions and the Redlands Christian Migrant Association to use approved reimbursement rates from 2023-2024 in certain circumstances.

CS/CS by Appropriations Committee on Pre-K - 12 Education on April 10, 2025:
The committee substitute adds a requirement for the Commissioner of Education to coordinate with six school districts of various sizes that prohibit or will prohibit the use of cell phones and other personal electronic devices during the entire school day during the 2025-2026 school year, and provide a report to the Legislature by December 1, 2026, that:

- Documents the effects of the policy on student achievement and behavior;
- Includes a model policy that could be adopted in other districts and charter schools that includes authorized use of cell phones in certain circumstances; and
- Includes code of conduct provisions for violations of the policy, with specific circumstances.

CS by Education Pre-K - 12 on March 25, 2025:
The committee substitute retains provisions from the bill that require use of a standardized monitoring tool for charter schools and removes the provisions related to

additional sponsors of Schools of Hope. The committee substitute adds to the bill the following:

- An authorization for private schools in certain counties to construct new temporary or permanent facilities on land that was owned by a church, library, theater, or school, and retain that zoning and land use designation.
- Inclusion of the Redlands Christian Migrant Association in a hold-harmless provision for school readiness program reimbursement rates.
- Authorization for two years of marching band to satisfy the high school graduation one-credit requirement in physical education or of the one-credit requirement in performing arts.
- The inclusion of liability insurance in the listed types of casualty insurance that a school district may use the revenue generated by their discretionary millage levy to pay for the cost of premiums.
- Strengthening the enforcement of trespassing laws on school property to specify that a verbal warning or posted sign is sufficient notice for prosecution, and authorize warrantless arrest based on probable cause for school bus trespass. This allows a law enforcement officer to arrest based on probable cause—even if the person is no longer on the bus or the officer did not witness the trespass.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/16/2025	.	
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The Committee on Rules (Burgess) recommended the following:

Senate Amendment (with title amendment)

Between lines 270 and 271
insert:

Section 7. Present paragraphs (h) and (i) of subsection (3) of section 1006.15, Florida Statutes, are redesignated as paragraphs (i) and (j), respectively, and a new paragraph (h) is added to that subsection, to read:

1006.15 Student standards for participation in interscholastic and intrascholastic extracurricular student activities; regulation.—

374688

(3)

(h) A student in a full-time virtual instruction program under s. 1002.45, including the full-time Florida Virtual School program, a full-time school district virtual instruction program, or a full-time virtual charter school, is eligible to participate on an interscholastic athletic team at any public school in the school district in which the student resides, or may develop an agreement to participate at a private school, provided the student:

1. During the period of participation in the interscholastic extracurricular activity, meets the requirements in paragraph (a);

2. Meets any additional requirements as determined by the board of trustees of the Florida Virtual School, the district school board, or the governing board of the virtual charter school, as applicable;

3. Meets the same residency requirements as other students in the school at which he or she participates;

4. Meets the same standards of athletic team acceptance, behavior, and performance which are required of other students in extracurricular activities; and

5. Registers his or her intent to participate in interscholastic extracurricular activities with the school before participation.

Section 8. Paragraph (a) of subsection (1) of section 1006.195, Florida Statutes, is amended to read:

1006.195 District school board, charter school authority and responsibility to establish student eligibility regarding participation in interscholastic and intrascholastic

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extracurricular activities.—Notwithstanding any provision to the contrary in ss. 1006.15, 1006.18, and 1006.20, regarding student eligibility to participate in interscholastic and intrascholastic extracurricular activities:

(1)(a) A district school board must establish, through its code of student conduct, student eligibility standards and related student disciplinary actions regarding student participation in interscholastic and intrascholastic extracurricular activities. The code of student conduct must provide that:

1. A student not currently suspended from interscholastic or intrascholastic extracurricular activities, or suspended or expelled from school, pursuant to a district school board's suspension or expulsion powers provided in law, including ss. 1006.07, 1006.08, and 1006.09, is eligible to participate in interscholastic and intrascholastic extracurricular activities.

2. A student may not participate in a sport if the student participated in that same sport at another school during that school year, unless the student meets the criteria in s. 1006.15(3)(j) ~~s. 1006.15(3)(i)~~.

3. A student's eligibility to participate in any interscholastic or intrascholastic extracurricular activity may not be affected by any alleged recruiting violation until final disposition of the allegation pursuant to s. 1006.20(2)(b).

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

And the title is amended as follows:

Between lines 24 and 25

insert:



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amending s. 1006.15, F.S.; authorizing a student in a full-time virtual instruction program to participate on an interscholastic athletic team at a public school in the school district in which the student resides or to develop an agreement to participate at a private school; specifying requirements for such participation; amending s. 1006.195, F.S.; conforming a cross-reference;

635596

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
04/16/2025	.	
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The Committee on Rules (Burgess) recommended the following:

Senate Amendment (with title amendment)

Between lines 287 and 288
insert:

Section 8. Section 1012.586, Florida Statutes, is amended to read:

1012.586 Additions or changes to certificates; duplicate certificates; reading and mathematics endorsement pathways.—

(1) A school district may process via a Department of Education website certificates for the following applications of public school employees:

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(a) Addition of a subject coverage or endorsement to a valid Florida certificate on the basis of the completion of the appropriate subject area testing requirements of s. 1012.56(5)(a) or the completion of the requirements of an approved school district program or the inservice components for an endorsement.

1. To reduce duplication, the department may recommend the consolidation of endorsement areas and requirements to the State Board of Education.

2. At least once every 5 years, the department shall conduct a review of existing subject coverage or endorsement requirements in the elementary, reading, and exceptional student educational areas. The review must include reciprocity requirements for out-of-state certificates and requirements for demonstrating competency in the reading instruction professional learning topics listed in s. 1012.98(5)(b)11. The review must also consider the award of an endorsement to an individual who holds a certificate issued by an internationally recognized organization that establishes standards for providing evidence-based interventions to struggling readers or who completes a postsecondary program that is accredited by such organization. Any such certificate or program must require an individual who completes the certificate or program to demonstrate competence in reading intervention strategies through clinical experience. At the conclusion of each review, the department shall recommend to the state board changes to the subject coverage or endorsement requirements based upon any identified instruction or intervention strategies proven to improve student reading performance. This subparagraph does not authorize the state


635596

board to establish any new certification subject coverage.

(b) A reissued certificate to reflect a name change.

(c) A duplicate certificate to replace a lost or damaged certificate.

The employing school district shall charge the employee a fee not to exceed the amount charged by the Department of Education for such services. Each district school board shall retain a portion of the fee as defined in the rules of the State Board of Education. The portion sent to the department shall be used for maintenance of the technology system, the web application, and posting and mailing of the certificate.

(2)(a) By the beginning of the 2022-2023 school year, the department shall adopt one or more statewide, competency-based pathways by which instructional personnel may earn a reading endorsement. A pathway adopted by the department must allow a candidate to complete coursework online and demonstrate mastery of each endorsement competency either in person or remotely.

(b) As part of adopting a pathway pursuant to paragraph (a), the department shall review the competencies for the reading endorsement and subject area examinations for educator certificates identified pursuant to s. 1012.585(3)(f) for alignment with evidence-based instructional and intervention strategies rooted in the science of reading and identified pursuant to s. 1001.215(7) and recommend changes to the State Board of Education. Recommended changes must address identification of the characteristics of conditions such as dyslexia, implementation of evidence-based classroom instruction and interventions, including evidence-based reading instruction

635596

and interventions specifically for students with characteristics of dyslexia, and effective progress monitoring. By July 1, 2023, each school district reading endorsement add-on program must be resubmitted for approval by the department consistent with this paragraph.

(c) Beginning July 1, 2024, instructional personnel may not earn a reading endorsement solely by achieving a passing score on the K-12 reading certification subject area assessment.

(3)(a) By the beginning of the 2027-2028 school year, the department shall adopt one or more statewide, competency-based pathways by which instructional personnel may earn a mathematics endorsement. A pathway adopted by the department must allow a candidate to complete coursework online and demonstrate mastery of each endorsement competency either in person or remotely.

(b) As part of adopting a pathway pursuant to paragraph (a), the department shall establish the competencies for the mathematics endorsement and subject area examinations for educator certificates identified pursuant to s. 1012.585(3)(f) for alignment with evidence-based instructional and intervention strategies and recommend changes to the State Board of Education. Established competencies for the mathematics endorsement must include competency to teach numbers and operations, fractions, algebraic reasoning, measurement, geometric reasoning, and data analysis and probability at the elementary or secondary level.

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

And the title is amended as follows:

Delete line 27

635596

and insert:

insurance; amending s. 1012.586, F.S.; requiring the Department of Education to adopt pathways within a specified timeframe for instructional personnel to earn a mathematics endorsement; requiring the department to establish competencies for the mathematics endorsement and for educator certificates; specifying requirements for the mathematics endorsement; requiring the Commissioner of Education to

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/16/2025	.	
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The Committee on Rules (Burgess) recommended the following:

Senate Substitute for Amendment (635596) (with title amendment)

Between lines 324 and 325

insert:

Section 9. By August 1, 2026, the Department of Education shall establish competencies for a mathematics endorsement aligned with evidence-based mathematics instructional and intervention strategies. The competencies must include numbers and operations, fractions, algebraic reasoning, measurement, geometric reasoning, and data analysis and probabilities at the

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elementary and secondary level. The competencies must be approved by the State Board of Education.

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

And the title is amended as follows:

Delete line 41

and insert:

student code of conduct provisions; requiring the department, by a specified date, to establish competencies for a mathematics endorsement aligned with certain strategies; providing requirements for the competencies; providing an

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/16/2025	.	
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The Committee on Rules (Burgess) recommended the following:

Senate Amendment (with directory and title amendments)

Delete lines 219 - 234

and insert:

(17) FUNDING.—Students enrolled in a charter school, regardless of the sponsorship, shall be funded based upon the applicable program pursuant to s. 1011.62(1)(c), the same as students enrolled in other public schools in a school district. Funding for a charter lab school shall be as provided in s. 1002.32.

(i) By July 1 of each year, school districts shall provide

377612

public charter schools the following information pertaining to shared revenues generated by a discretionary half-cent sales surtax, voted district school operating millage, and non-voted district school capital improvement millage:

1. The estimated total revenue to be received from each tax.

2. The estimated per-student allocation to public charter schools for each tax and the methodology used to determine the estimate.

3. The estimated timeframe within which the public charter school will receive funds from each tax.

4. A detailed explanation for each revenue transmission at the time funds are transferred.

5. By March 31 of each year, the total revenues distributed for each revenue source. Each school district shall provide a report detailing distributed revenues to the department and publish the report on the school district website.

Section 5. Subsection (17) of section 1002.84, Florida Statutes, is amended to read:

1002.84 Early learning coalitions; school readiness powers and duties.—Each early learning coalition shall:

(17)(a) Distribute the school readiness program funds as allocated in the General Appropriations Act to each eligible provider based upon the reimbursement rate by county, by provider type, and by care level. All instructions to early learning coalitions for distributing the school readiness program funds to eligible providers shall emanate from the department in accordance with the policies of the Legislature.

(b) All provider reimbursement rates shall be charged as

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direct services pursuant to s. 1002.89.

Each early learning coalition and the Redlands Christian Migrant Association with approved 2023-2024 ~~prior year~~ provider reimbursement

====== D I R E C T O R Y C L A U S E A M E N D M E N T ======
And the directory clause is amended as follows:

Delete line 99

and insert:

1002.33, Florida Statutes, is amended, and paragraph (i) is added to subsection (17) of that section, to read:

================ T I T L E A M E N D M E N T ================
And the title is amended as follows:

Delete line 21

and insert:

reimbursement rates; requiring school districts to provide public charter schools with specified information relating to public school funding by specified dates; requiring school districts to provide a report of shared revenues to the Department of Education; requiring that such report be published on a school district's website; amending s. 1003.4282, F.S.;

By the Appropriations Committee on Pre-K - 12 Education; the Committee on Education Pre-K - 12; and Senator Burgess

602-03441-25 20251702c2

A bill to be entitled

An act relating to education; amending s. 810.097, F.S.; defining the term "school bus"; specifying sufficient notice and prior warning for immediate arrest and prosecution for school bus trespassing; amending s. 901.15, F.S.; providing that a law enforcement officer may arrest a person without a warrant when there is probable cause to believe that the person has trespassed upon school grounds or facilities; amending s. 1002.42, F.S.; authorizing a private school in a county that meets certain criteria to construct new facilities on certain property; specifying that such construction is not subject to certain zoning or land use conditions; requiring such construction to meet certain health and safety requirements; amending s. 1002.33, F.S.; requiring a charter school sponsor to use a standard monitoring tool to monitor and review a charter school; amending s. 1002.84, F.S.; authorizing the Redlands Christian Migrant Association to use certain school readiness reimbursement rates; amending s. 1003.4282, F.S.; specifying that certain participation in marching band satisfies the physical education or performing arts credit requirement for a standard high school diploma; amending s. 1011.71, F.S.; authorizing the use of certain school district tax revenue for liability insurance; requiring the Commissioner of Education to coordinate with school districts selected by the Department of Education to implement a policy for a

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

602-03441-25 20251702c2

specified school year prohibiting the use of cell phones while on school grounds or engaged in certain activities off school grounds; requiring the department to provide a report to the Legislature before a specified date; providing requirements for the report; requiring that the report include a model policy that school districts and charter schools may adopt; requiring that the report and model policy address the authorized use of cell phones and electronic devices during the school day by certain students; requiring that the report include specified student code of conduct provisions; providing an effective date.

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

Section 1. Subsection (5) of section 810.097, Florida Statutes, is amended, and subsection (6) is added to that section, to read:

810.097 Trespass upon grounds or facilities of a school; penalties; arrest.—

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

(a) "School" means the grounds or any facility, including school buses, of any kindergarten, elementary school, middle school, junior high school, or secondary school, whether public or nonpublic.

(b) "School bus" means any vehicle operated, owned, or contracted by a school district for student transportation.

(6) For purposes of this section, a clearly posted sign or

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

a verbal warning provided by the school bus operator, the principal, a school district employee, or law enforcement personnel, indicating that unauthorized boarding or remaining on a school bus is prohibited and violators will be prosecuted, constitutes sufficient notice and satisfies the prior warning requirement necessary for immediate arrest and prosecution of any person who boards, enters, or remains upon a school bus without authorization.

Section 2. Paragraph (g) is added to subsection (9) of section 901.15, Florida Statutes, to read:

901.15 When arrest by officer without warrant is lawful.—A law enforcement officer may arrest a person without a warrant when:

(9) There is probable cause to believe that the person has committed:

(g) Trespass upon school grounds or facilities, including school buses as defined in s. 810.097(5)(b), in violation of that section.

Section 3. Paragraph (c) is added to subsection (19) of section 1002.42, Florida Statutes, to read:

1002.42 Private schools.—

(19) FACILITIES.—

(c) A private school located in a county with four incorporated municipalities may construct new facilities, which may be temporary or permanent, on property purchased from or owned or leased by a library, community service organization, museum, performing arts venue, theater, cinema, or church under s. 170.201, which is or was actively used as such within 5 years of any executed agreement with a private school; any land owned

by a Florida College System institution or university; and any land recently used to house a school or child care facility licensed under s. 402.305, under its preexisting zoning and land use designations without rezoning or obtaining a special exception or a land use change, and without complying with any mitigation requirements or conditions. Any new facility must be located on property used solely for purposes described in this paragraph, and must meet applicable state and local health, safety, and welfare laws, codes, and rules, including firesafety and building safety.

Section 4. Paragraph (b) of subsection (5) of section 1002.33, Florida Statutes, is amended to read:

1002.33 Charter schools.—

(5) SPONSOR; DUTIES.—

(b) *Sponsor duties.*—

1.a. The sponsor shall monitor and review the charter school, using the standard monitoring tool, in its progress toward the goals established in the charter.

b. The sponsor shall monitor the revenues and expenditures of the charter school and perform the duties provided in s. 1002.345.

c. The sponsor may approve a charter for a charter school before the applicant has identified space, equipment, or personnel, if the applicant indicates approval is necessary for it to raise working funds.

d. The sponsor may not apply its policies to a charter school unless mutually agreed to by both the sponsor and the charter school. If the sponsor subsequently amends any agreed-upon sponsor policy, the version of the policy in effect at the

time of the execution of the charter, or any subsequent modification thereof, shall remain in effect and the sponsor may not hold the charter school responsible for any provision of a newly revised policy until the revised policy is mutually agreed upon.

e. The sponsor shall ensure that the charter is innovative and consistent with the state education goals established by s. 1000.03(5).

f. The sponsor shall ensure that the charter school participates in the state's education accountability system. If a charter school falls short of performance measures included in the approved charter, the sponsor shall report such shortcomings to the Department of Education.

g. The sponsor is not liable for civil damages under state law for personal injury, property damage, or death resulting from an act or omission of an officer, employee, agent, or governing body of the charter school.

h. The sponsor is not liable for civil damages under state law for any employment actions taken by an officer, employee, agent, or governing body of the charter school.

i. The sponsor's duties to monitor the charter school do not constitute the basis for a private cause of action.

j. The sponsor may not impose additional reporting requirements on a charter school as long as the charter school has not been identified as having a deteriorating financial condition or financial emergency pursuant to s. 1002.345.

k. The sponsor shall submit an annual report to the Department of Education in a web-based format to be determined by the department.

(I) The report shall include the following information:

(A) The number of applications received during the school year and up to August 1 and each applicant's contact information.

(B) The date each application was approved, denied, or withdrawn.

(C) The date each final contract was executed.

(II) Annually, by November 1, the sponsor shall submit to the department the information for the applications submitted the previous year.

(III) The department shall compile an annual report, by sponsor, and post the report on its website by January 15 of each year.

2. Immunity for the sponsor of a charter school under subparagraph 1. applies only with respect to acts or omissions not under the sponsor's direct authority as described in this section.

3. This paragraph does not waive a sponsor's sovereign immunity.

4. A Florida College System institution may work with the school district or school districts in its designated service area to develop charter schools that offer secondary education. These charter schools must include an option for students to receive an associate degree upon high school graduation. If a Florida College System institution operates an approved teacher preparation program under s. 1004.04 or s. 1004.85, the institution may operate charter schools that serve students in kindergarten through grade 12 in any school district within the service area of the institution. District school boards shall

cooperate with and assist the Florida College System institution on the charter application. Florida College System institution applications for charter schools are not subject to the time deadlines outlined in subsection (6) and may be approved by the district school board at any time during the year. Florida College System institutions may not report FTE for any students participating under this subparagraph who receive FTE funding through the Florida Education Finance Program.

5. For purposes of assisting the development of a charter school, a school district may enter into nonexclusive interlocal agreements with federal and state agencies, counties, municipalities, and other governmental entities that operate within the geographical borders of the school district to act on behalf of such governmental entities in the inspection, issuance, and other necessary activities for all necessary permits, licenses, and other permissions that a charter school needs in order for development, construction, or operation. A charter school may use, but may not be required to use, a school district for these services. The interlocal agreement must include, but need not be limited to, the identification of fees that charter schools will be charged for such services. The fees must consist of the governmental entity's fees plus a fee for the school district to recover no more than actual costs for providing such services. These services and fees are not included within the services to be provided pursuant to subsection (20). Notwithstanding any other provision of law, an interlocal agreement or ordinance that imposes a greater regulatory burden on charter schools than school districts or that prohibits or limits the creation of a charter school is

void and unenforceable. An interlocal agreement entered into by a school district for the development of only its own schools, including provisions relating to the extension of infrastructure, may be used by charter schools.

6. The board of trustees of a sponsoring state university or Florida College System institution under paragraph (a) is the local educational agency for all charter schools it sponsors for purposes of receiving federal funds and accepts full responsibility for all local educational agency requirements and the schools for which it will perform local educational agency responsibilities. A student enrolled in a charter school that is sponsored by a state university or Florida College System institution may not be included in the calculation of the school district's grade under s. 1008.34(5) for the school district in which he or she resides.

Section 5. Subsection (17) of section 1002.84, Florida Statutes, is amended to read:

1002.84 Early learning coalitions; school readiness powers and duties.—Each early learning coalition shall:

(17)(a) Distribute the school readiness program funds as allocated in the General Appropriations Act to each eligible provider based upon the reimbursement rate by county, by provider type, and by care level. All instructions to early learning coalitions for distributing the school readiness program funds to eligible providers shall emanate from the department in accordance with the policies of the Legislature.

(b) All provider reimbursement rates shall be charged as direct services pursuant to s. 1002.89.

Each early learning coalition and the Redlands Christian Migrant Association with approved prior year provider reimbursement rates for the infant to age 5 care levels that are higher than the provider reimbursement rates established in this subsection may continue to implement their ~~its~~ approved prior year provider reimbursement rates until the rates established in this subsection exceed its prior year rates.

Section 6. Paragraph (f) of subsection (3) of section 1003.4282, Florida Statutes, is amended to read:

1003.4282 Requirements for a standard high school diploma.—

(3) STANDARD HIGH SCHOOL DIPLOMA; COURSE AND ASSESSMENT REQUIREMENTS.—

(f) *One credit in physical education.*—Physical education must include the integration of health. Participation in an interscholastic sport at the junior varsity or varsity level for two full seasons shall satisfy the one-credit requirement in physical education. A district school board may not require that the one credit in physical education be taken during the 9th grade year. Completion of 2 years of marching band shall satisfy the one-credit requirement in physical education or the one-credit requirement in performing arts. This credit may not be used to satisfy the personal fitness requirement or the requirement for adaptive physical education under an individual education plan (IEP) or 504 plan. Completion of one semester with a grade of "C" or better in a marching band class, in a physical activity class that requires participation in marching band activities as an extracurricular activity, or in a dance class shall satisfy one-half credit in physical education or one-half credit in performing arts. This credit may not be used

to satisfy the personal fitness requirement or the requirement for adaptive physical education under an IEP ~~individual education plan (IEP)~~ or 504 plan. Completion of 2 years in a Reserve Officer Training Corps (R.O.T.C.) class, a significant component of which is drills, shall satisfy the one-credit requirement in physical education and the one-credit requirement in performing arts. This credit may not be used to satisfy the personal fitness requirement or the requirement for adaptive physical education under an IEP or 504 plan.

Section 7. Paragraph (b) of subsection (5) of section 1011.71, Florida Statutes, is amended to read:

1011.71 District school tax.—

(5) A school district may expend, subject to s. 200.065, up to $200 per unweighted full-time equivalent student from the revenue generated by the millage levy authorized by subsection (2) to fund, in addition to expenditures authorized in paragraphs (2)(a)-(j), expenses for the following:

(b) Payment of the cost of premiums, as defined in s. 627.403, for property and casualty insurance necessary to insure school district educational and ancillary plants. As used in this paragraph, casualty insurance has the same meaning as in s. 624.605(1)(b), (d), (f), (g), (h), and (m). Operating revenues that are made available through the payment of property and casualty insurance premiums from revenues generated under this subsection may be expended only for nonrecurring operational expenditures of the school district.

Section 8. (1) The Commissioner of Education shall coordinate with six districts selected by the Department of Education which represent two small, two medium, and two large

counties that currently implement, or will implement in the 2025-2026 school year, a policy that prohibits the use of cell phones and other personal electronic devices by students during the entire school day, while on school grounds, or while engaged in school activities off school grounds during the school day. The department shall provide a report to the President of the Senate and the Speaker of the House of Representatives before December 1, 2026, summarizing the effect of each district policy on student achievement and behavior. The report must also include a model policy that school districts and charter schools may adopt.

(2) The report and model policy must address the authorized use of cell phones or other electronic devices during the school day by students:

(a) With disabilities or who are English Language Learners who may need such electronic devices to access curriculum or other required activities.

(b) When necessary for health reasons, for emergency medical issues, or for natural or manmade disasters.

(c) On school buses, before or after school hours.

(d) Engaged in extracurricular activities outside of the school day.

(3) The report must also include student code of conduct provisions for violations of the policy restricting the use of cell phones and other electronic devices, including, but not limited to, those violations that:

(a) Constitute illegal behavior and may result in a referral to law enforcement.

(b) Facilitate bullying, harassing, or threatening other

students.

(c) Facilitate cheating or otherwise violating a school's policy for academic integrity.

(d) Capture or display any picture or video of any student during a medical issue or engaged in misconduct.

Section 9. This act shall take effect July 1, 2025.

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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4.16.2025
Meeting Date

Rules
Committee

1702
Bill Number or Topic

374688
Amendment Barcode (if applicable)

Name Andreina Figueroa

Phone 786.586.7001

Address 8700 SW 150th Ter
Street

Email ADF@ADFconsulting.com

Palmetto Bay, FL 33176
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing: Academica

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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04/16/25
Meeting Date

RULES
Committee

1702
Bill Number or Topic

846588
Amendment Barcode (if applicable)

Name Alli Liby-Schoonover

Phone 850-205-9000

Address 119 S Monroe St. Suite 200
Street

Email ALS@mhdfirm.com

TLH FL 32301
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☑ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
UF's Lastinger Center for Learning

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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4/16/25
Meeting Date

Rules
Committee

1702
Bill Number or Topic

~~1355~~ 846588 (SA)
Amendment Barcode (if applicable)

Name Natalie Brown

Phone 850-450-7123

Address 113 E. College Ave
Street

Email NatalieB@teamrsa.com

Tallahassee FL 32301
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☑ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
Helios Education Foundation

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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4/16/25
Meeting Date

Rules
Committee

1702
Bill Number or Topic

377612
Amendment Barcode (if applicable)

Name Isabel Garcia

Phone 863-245-8358

Address 402 W Main St
Street

Email Isabel@rcma.org

Immokalee FC 34142
City *State* *Zip*

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☑ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☑ I am appearing without compensation or sponsorship.

RCMA

☐ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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4-16-25
Meeting Date

Rules
Committee

SB 1702
Bill Number or Topic

Amendment Barcode (if applicable)

Name Nathan Hoffman

Phone 217-503-7368

Address 215 South Monroe
Street

Email nathan@aflorida promise.org

Tallahassee FL 32301
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☑ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing: Foundation for Florida's Future

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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4-16-25
Meeting Date

Rules
Committee

1702
Bill Number or Topic

Amendment Barcode (if applicable)

Name Ken Kniepmann

Phone 850-345-7062

Address 2655 Bending Way
Street

Email ken@cardinalconsultingse.com

Tallahassee FL 32308
City *State* *Zip*

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Florida Charter School Alliance

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL:	CS/CS/SB 1736
INTRODUCER:	Appropriations Committee on Health and Human Services; Children, Families, and Elder Affairs Committee; Senator Grall and others
SUBJECT:	Insulin Administration by Direct-support Professionals and Relatives
DATE:	April 15, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rao	Tuszynski	CF	**Fav/CS**
2.	Howard	McKnight	AHS	**Fav/CS**
3.	Rao	Yeatman	RC	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1736 creates s. 393.504, F.S., to allow direct-support professionals or a client's relative to administer insulin in an Agency for Persons with Disabilities licensed group home facility to a client with a developmental disability.

The bill defines the term "direct-support professional" to refer to an individual paid to provide services directly to a client with developmental disabilities that receives home and community-based services.

The bill allows direct-support professionals or relatives to administer insulin in group home facilities if the group home facility provides training, and adopts policies and procedures governing the administration of insulin by direct-support professionals or relatives.

The bill provides immunity from civil liability to group home facilities that are compliant with the requirements for the administration of insulin. The bill also provides civil and criminal immunity to direct-support professionals or relatives arising out of the administration of insulin in group home facilities, so long as the direct-support professional or relative were compliant with the requirements of administration.

The bill provides that the administration of insulin by a direct-support professional or relative in a group home facility includes sliding scale insulin therapy.

The bill adds subcutaneous administration of insulin and epinephrine by self-administration devices to existing law that allows an unlicensed direct service provider to supervise the self-administration of medication.

The bill is expected to have an insignificant, negative fiscal impact on state expenditures. **See Section V., Fiscal Impact Statement.**

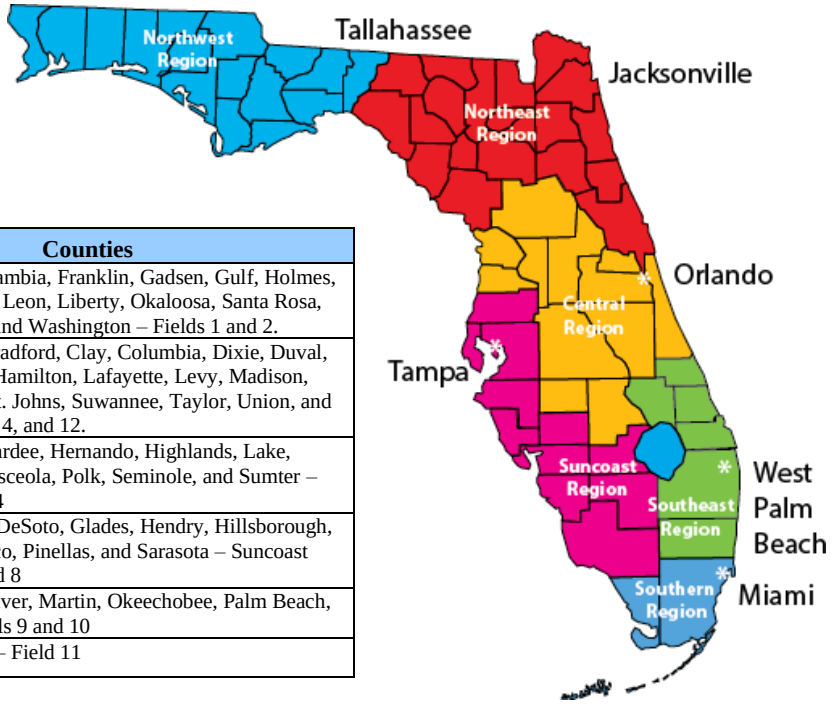
The bill takes effect July 1, 2025.

II. Present Situation:

Agency for Persons with Disabilities — Generally

Chapter 393, F.S., identifies the need to provide community-based services and programs for individuals with developmental disabilities that enable individuals to achieve their greatest potential for independent living while reducing the number of individuals in unnecessary institutional placements.[1]

The Agency for Persons with Disabilities (APD) provides services to individuals with developmental disabilities and manages Medicaid waivers that provide federally approved services for individuals with developmental disabilities.[2] In addition to central headquarters in Tallahassee, the APD operates a total of six regional offices and 14 field offices throughout the state, as detailed below:[3]



Regions	Counties
Northwest	Bay, Calhoun, Escambia, Franklin, Gadsen, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Okaloosa, Santa Rosa, Wakulla, Walton, and Washington – Fields 1 and 2.
Northeast	Alachua, Baker, Bradford, Clay, Columbia, Dixie, Duval, Flagler, Gilchrist, Hamilton, Lafayette, Levy, Madison, Nassau, Putnam, St. Johns, Suwannee, Taylor, Union, and Volusia – Fields 3, 4, and 12.
Central	Brevard, Citrus, Hardee, Hernando, Highlands, Lake, Marion, Orange, Osceola, Polk, Seminole, and Sumter – Fields 7, 13, and 14
Suncoast	Charlotte, Collier, DeSoto, Glades, Hendry, Hillsborough, Lee, Manatee, Pasco, Pinellas, and Sarasota – Suncoast Field (23) and Field 8
Southeast	Broward, Indian River, Martin, Okeechobee, Palm Beach, and St. Lucie – Fiels 9 and 10
Southern	Dade and Monroe – Field 11

[1] Section 393.062, F.S.
[2] Section 20.197, F.S.
[3] Agency for Persons with Disabilities, *Regional Offices*, available at: https://apd.myflorida.com/region/ (last visited March 11, 2025).

Agency for Persons with Disability - Licensed Placement Array

The APD is required to license facilities and adult day training programs for individuals with developmental disabilities.[4] The APD licenses the following facilities, which provide an array of services for individuals with developmental disabilities:[5]

Licensed Placements for Individuals with Developmental Disabilities	
Facility	**Description**
Foster Care Facility	A residential facility licensed under ch. 393, F.S. that provides a family living environment including supervision and care necessary to meet the physical, emotional, and social needs of its residents. The capacity of such a facility may not be more than three residents. [6]
Group Home Facility	A residential facility licensed under ch. 393, F.S. which provides a family living environment including supervision and care necessary to meet the physical, emotional, and social needs of its residents. The capacity of such a facility must be at least 4 but not more than 15 residents.[7]
Residential Habilitation Center	A community residential facility licensed under ch. 393, F.S. which provides habilitation services. The capacity of such a facility may not be fewer than nine residents. After October 1, 1989, new residential habilitation centers may not be licensed and the licensed capacity for any existing residential habilitation center may not be increased[8]
Adult Day Training Program	A program of services which takes place in a nonresidential setting, separate from the home or facility in which the client resides, and is intended to support the participation of clients in meaningful and valued routines of the community. These services include, but are not limited to, the acquisition, retention, or improvement of self-help, socialization, and adaptive skills.[9]

The APD is required to adopt license application procedures, provider qualifications, facility and client care standards, requirements for client records, requirements for staff qualifications and training, and requirements for monitoring the licensed placements.[10] The APD is required to adopt rules relating to the oversight and accountability of such placements.[11] If the licensee fails to comply with licensure or statutory requirements, Florida law authorizes the APD to take disciplinary action against the licensee, such as the revocation or suspension of a licensing, or the imposition of administrative fines.[12]

Administration of Medication in APD Licensed Facilities

Florida law allows an unlicensed direct service provider to supervise the self-administration of medication or to administer oral, transdermal, ophthalmic, otic, rectal, inhaled, enteral, or topical prescription medications to a client, provided the unlicensed direct service providers meets

[4] Section 393.067, F.S.
[5] *See generally* 65G-2, F.A.C.
[6] Section 393.063(17), F.S.
[7] Section 393.063(18), F.S.
[8] Section 393.063(34), F.S.
[9] Section 393.063(1), F.S.
[10] Section 393.067, F.S.
[11] Section 393.067, F.S.
[12] Section 393.0673, F.S.

statutory requirements.[13] Unlicensed direct service providers who have completed an APD-approved training course and have current validation to provide clients with medication administration or assist clients with self-administration of medication are referred to as Medication Assistance Providers under administrative rule.[14] Medical Case Managers[15] teach Basic Medication Administration Courses to unlicensed direct service providers.[16] Currently, administrative rule does not reference medication administration by non-paid family members.[17]

Medication Assistance Providers are not allowed to prepare syringes for a client's use during the self-administration of medication via a subcutaneous, intra-dermal, intra-muscular, or intravenous route.[18] Syringes, insulin pens, and insulin pumps administer insulin subcutaneously.[19] Currently, licensed nurses are the only individuals who are allowed to administer insulin in APD facilities.[20]

Upon a medication error, the Medical Assistance Provider or facility administrator is required to document the incident in a procedure identified in administrative rule.[21]

There is no reference to insulin administration in 65G-7, F.A.C., which establishes the requirements for Medication Administration in APD facilities.[22]

Diabetes

Diabetes occurs when an individual's blood glucose, or blood sugar, is too high.[23] High blood glucose may lead to negative effects on an individual's heart, nerve, eye, and kidney function.[24] An individual receives blood glucose through the food he or she eats, and the hormone insulin, produced by the pancreas, assists blood glucose absorption into the cells to produce energy. [25]

An individual with diabetes may have trouble producing the insulin necessary to help glucose absorption. The most common types of diabetes are type 1, type 2, and gestational diabetes,

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[13] Section 393.506, F.S.
[14] 65G-7.001, F.A.C.
[15] "Medical Case Managers" refer to a registered nurse or Advanced Practice Nurse Practitioner employed by the Agency to provide nursing consultation and technical assistance to an Area office regarding the medical care of Agency clients. *See* 65G-7.001, F.A.C.
[16] Florida Agency for Persons with Disabilities, *2025 Agency Analysis,* pg. 2, on file with the Senate Committee on Children, Families, and Elder Affairs.
[17] *Id.*
[18] 65G-7.005, F.A.C.
[19] Shah, Rima B. et al. "Insulin delivery methods: Past, Present, and Future." *International Journal of Pharmaceutical Investigation* vol. 6, 1 (2016): 1-9. doi: 10.4103/2230-973X.176456.
[20] *Supra,* Note 16.
[21] 65G-7.006, F.A.C.
[22] 65G-7.001, F.A.C.
[23] National Institute of Diabetes and Digestive and Kidney Diseases, *Diabetes Statistics*, available at: https://www.niddk.nih.gov/health-information/health-statistics/diabetes-statistics (last visited March 14, 2025).
[24] *Id.*
[25] National Institute of Diabetes and Digestive and Kidney Diseases, *Type 2 Diabetes*, available at: https://www.niddk.nih.gov/health-information/diabetes/overview/what-is-diabetes/type-2-diabetes (last visited March 14, 2025).

which affects individuals during pregnancy.[26]

Type 1 diabetes typically occurs when an individual's immune system attacks and destroys the cells in the pancreas responsible for producing insulin, causing the pancreas to cease insulin production.[27] This causes abnormal levels of blood glucose, as the glucose cannot absorb into the cells and remains in an individual's blood.[28] An individual with type 1 diabetes will take synthetic insulin every day to facilitate the absorption of blood glucose into an individual's cells.[29]

Type 2 diabetes occurs when an individual's pancreas does not produce enough insulin or does not utilize insulin well.[30]

Insulin Types and Administration

There are a variety of insulin types an individual may take to manage their diabetes.[31] The following chart shows different types of insulin[32]

Insulin Types				
Insulin Type	**Onset**	**Peak Time**	**Duration**	**Method**
Rapid acting	15 minutes	1 hour	2 to 4 hours	Usually taken right before a meal. Often used with longer-acting insulin.
Rapid-acting inhaled	10 to 15 minutes	30 minutes	3 hours	Usually taken right before a meal. Often used with injectable long-acting insulin.
Regular/short acting	30 minutes	2 to 3 hours	3 to 6 hours	Usually taken 30 to 60 minutes before a meal.
Intermediate acting	2 to 4 hours	4 to 12 hours	12 to 18 hours	Covers insulin needs for half a day or overnight. Often used with rapid- or short-acting insulin.
Long acting	2 hours	Does not peak	Up to 24 hours	Covers insulin needs for about a full day. Often used, when needed, with rapid- or short-acting insulin.
Ultra-long acting	6 hours	Does not peak	36 hours or longer	Provides steady insulin for long periods.
Premixed	5 to 60 minutes	Peaks vary	10 to 16 hours	Combines intermediate- and short-acting insulin. Usually taken 10 to 30 minutes before breakfast and dinner.

Source: Center for Disease Control

[26] National Institute of Diabetes and Digestive and Kidney Diseases, *Diabetes Statistics*, available at: https://www.niddk.nih.gov/health-information/health-statistics/diabetes-statistics (last visited March 14, 2025).
[27] National Institute of Diabetes and Digestive and Kidney Diseases, *Type 1 Diabetes*, available at: https://www.niddk.nih.gov/health-information/diabetes/overview/what-is-diabetes/type-1-diabetes (last visited March 14, 2025).
[28] *Id.*
[29] *Id.*
[30] National Institute of Diabetes and Digestive and Kidney Diseases, *Type 2 Diabetes*, available at: https://www.niddk.nih.gov/health-information/diabetes/overview/what-is-diabetes/type-2-diabetes (last visited March 14, 2025).
[31] Center for Disease Control Diabetes, *Types of Insulin*, available at: https://www.cdc.gov/diabetes/about/how-to-use-insulin.html (last visited March 14, 2025).
[32] Center for Disease Control Diabetes, *Types of Insulin*, available at: https://www.cdc.gov/diabetes/about/how-to-use-insulin.html (last visited March 14, 2025).

Individuals often take insulin differently depending on the type of insulin they use and what method they are most comfortable with when administering insulin. The following chart displays common methods for administering insulin:[33]

Insulin Administration Methods	
Method	**Description**
Syringe	This method delivers insulin through a needle. This is often referred to as "sliding-scale" administration as the amount needed (the bolus) is calculated based on the current blood glucose level and drawn from a container into a syringe and then administered subcutaneously.
Insulin Pen	Cartridges may be inserted into an insulin pen for insulin administration. Some insulin pens are pre-filled and single use. The insulin is injected through a needle.
Insulin Pump	Insulin pumps give an individual a dose of short- or rapid-acting insulin per hour. An individual calculates the insulin dosage, and the insulin in the pump delivers the bolus (short- or rapid-acting insulin take at or before mealtimes). The pump delivers insulin through a thin plastic tube placed in the fatty layer under an individual's skin.
Insulin Inhaler	An individual uses an oral inhaler to deliver ultra-rapid-acting insulin at the beginning of meals. Inhaled insulin is used with an injectable long-acting insulin.

Auto-Injectors for Medication Administration

In recent years, there has been an increased interest in auto injectors for the self-administration of medication in the medical community.[34] Generally, auto injectors are prefilled with an individual's required dosage of medication (such as insulin or epinephrine) and the individual presses a button or pushes against the injection site to deliver the dosage subcutaneously.[35] Auto injectors have been found to provide an individual more autonomy and flexibility when self-administering their medication.[36] Additionally, auto injectors have been associated with less painful medication administration.[37]

III. Effect of Proposed Changes:

Section 1 amends s. 393.063, F.S., to define the term "direct-support professional" to mean a person who is paid to provide services directly to a client with developmental disabilities that receives home and community-based services to address activities of daily living or instrumental activities of daily living, behavioral supports, employment supports, or other services to promote community integration of the client.

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[33] Center for Disease Control Diabetes, *4 Ways to Take Insulin*, available at: https://www.cdc.gov/diabetes/about/4-ways-to-take-insulin.html (last visited March 14, 2025).
[34] Schneider, et al. (2023). Autoinjectors for large-volume subcutaneous drug delivery: a review of current research and future directions. *Expert Opinion on Drug Delivery*, 20(6), 815-830. https://doi.org/10.1080/17425247.2023.2219891
[35] *Id.*
[36] Berteau, et al. (2010) Evaluation of performance, safety, subject acceptance, and compliance of a disposable autoinjector for subcutaneous injections in healthy volunteers, *Patient Preference and Adherence*, 4, 379-288, https://doi.org/10.2147/ppa.s13132.
[37] *Id.*

Section 2 creates s. 393.504, F.S., to allow a direct-support professional (DSP) or a client's relative to administer insulin to a client in a group home facility if the group home facility has established training procedures and has adopted policies and procedures governing the administration of insulin by DSP and relatives. The term "relative" is defined in s. 393.063(30), F.S., and refers to an individual who is connected by affinity or consanguinity to the client and who is 18 years of age or older.

If a group home facility wants to allow a DSP or relative to administer insulin, the bill requires the group home facility to have an established procedure to provide training to the DSP or relative in the administration of insulin. This training must be provided by:

- A registered nurse, a licensed practical nurse, or an advanced practice registered nurse licensed under ch. 464, F.S.;
- A physician licensed under ch. 458, F.S., or ch. 459, F.S.; or
- A physician assistant licensed under ch. 458, F.S., or ch. 459, F.S.

The bill requires the group home facility to adopt policies and procedures governing the administration of insulin by direct-support professionals and relatives, which must include, but need not be limited to, the following:

- Requirements to have the client's prescribed dosage of insulin required for the client and proof of the direct-support professional's or relative's training on file.
- Coordination procedures in place between the group home facility and direct-support professional or relative to avoid duplication in insulin administration.
- Established emergency procedures related to the administration of insulin to clients.
- Certifications for direct-support professionals or relatives to administer insulin if the individual is in compliance with requirements.
- Requirements for the group home facility to immediately notify a direct-support professional or relative if he or she is not in compliance with these requirements and immediately cease to allow them to administer insulin.

The bill provides compliant group home facilities with immunity from civil liability for damages arising out of the administration of insulin by a direct-support professional or a client's relative.

The bill provides compliant direct-support professionals or relatives with immunity from civil liability or criminal penalties arising out of the administration of insulin to the client.

The bill clarifies that DSPs and relatives may administer insulin including sliding scale insulin therapy, to include the calculation of an insulin dose based on current blood glucose for administration of the dose subcutaneously with an insulin pen or a syringe filled with the calculated dose drawn from a vial of insulin.

Section 3 amends s. 393.506, F.S., to include, but is not limited to, the subcutaneous administration of insulin and epinephrine through an insulin pen, epinephrine pen, or similar device designed for self-administration to the administration of medication allowed by unlicensed direct service providers.

Section 4 amends s. 1002.394, F.S., to make conforming cross-reference changes.

Section 5 provides an effective date of July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Agency for Persons with Disabilities (APD) reports the bill will require enhancements to the iConnect system, the APD's client data management and electronic visit verification system, and estimates a cost of $20,000 based on the number of hours it will take to make the necessary modifications to some of the impacted forms in the iConnect system. The APD can absorb these costs within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends the following sections of the Florida Statutes: 393.063, 393.506, and 1002.394.

This bill creates section 393.504 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS by Appropriations Committee on Health and Human Services on April 10, 2025:
The committee substitute specifies that the inclusion of the subcutaneous administration of insulin and epinephrine through an insulin pen, epinephrine pen, or similar device designed for self-administration to the administration of medication allowed by unlicensed direct service providers is not the only administration of medication method allowed under the law.

CS by Children, Families, and Elder Affairs on March 19, 2025:
- Clarifies that the administration of insulin in a group home facility by a direct-support professional or relative includes sliding scale insulin therapy.
- Includes the subcutaneous administration of insulin and epinephrine by a self-administration device in medications that may be self-administered.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By the Appropriations Committee on Health and Human Services; the Committee on Children, Families, and Elder Affairs; and Senators Grall, Sharief, and Bradley

603-03461-25 20251736c2

A bill to be entitled

An act relating to insulin administration by direct-support professionals and relatives; amending s. 393.063, F.S.; defining the term "direct-support professional"; creating s. 393.504, F.S.; authorizing direct-support professionals and relatives of clients in group home facilities for individuals with developmental disabilities to administer insulin as prescribed to the client if specified conditions are met; providing group home facilities, direct-support professionals, and relatives of clients with immunity from civil liability for damages and civil and criminal penalties under certain circumstances; providing that the administration of insulin includes sliding scale insulin therapy; amending s. 393.506, F.S.; authorizing unlicensed direct service providers who meet certain requirements to administer and supervise the self-administration of insulin and epinephrine by certain methods; amending s. 1002.394, F.S.; conforming a cross-reference; providing an effective date.

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

Section 1. Present subsections (13) through (46) of section 393.063, Florida Statutes, are redesignated as subsections (14) through (47), respectively, and a new subsection (13) is added to that section, to read:

393.063 Definitions.—For the purposes of this chapter, the

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

603-03461-25 20251736c2

term:

(13) "Direct-support professional" means a person paid to provide services directly to a client receiving home and community-based services to address activities of daily living or instrumental activities of daily living, behavioral supports, employment supports, or other services to promote community integration of the client.

Section 2. Section 393.504, Florida Statutes, is created to read:

393.504 Administration of insulin.—

(1) Notwithstanding any other law, a direct-support professional or a client's relative may administer insulin to a client residing in a group home facility if all of the following conditions have been met:

(a) The group home facility has an established procedure to provide training to the direct-support professional or relative in the administration of insulin. The training must be provided by a registered nurse, a licensed practical nurse, or an advanced practice registered nurse licensed under chapter 464; a physician licensed under chapter 458 or chapter 459; or a physician assistant licensed under chapter 458 or chapter 459.

(b) The group home facility has adopted policies and procedures governing the administration of insulin by direct-support professionals and relatives. The policies and procedures must include, but need not be limited to, the following provisions:

1. For clients requiring insulin, the group home facility shall have on file the prescribed dosage of insulin required for the client and proof of the direct-support professional's or

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

relative's training as required under paragraph (a).

2. The group home facility and the direct-support professional or relative shall coordinate in advance before insulin is administered to the client to avoid duplication in administration.

3. The group home facility shall establish emergency procedures related to the administration of insulin to clients.

4. The group home facility must certify any direct-support professional or relative to administer insulin under this section if he or she is in compliance with the requirements of this section.

5. The group home facility must immediately notify a direct-support professional or relative if he or she is not in compliance with this section and immediately cease to allow them to administer insulin.

(2) A group home facility that complies with this section and its established policies and procedures is immune from civil liability for damages arising out of the administration of insulin by a direct-support professional or a client's relative.

(3) A direct-support professional or relative administering insulin to a client residing in a group home facility in compliance with this section is immune from civil liability for damages or civil or criminal penalties arising out of the administration of insulin to the client.

(4) For the purposes of this section, the administration of insulin includes sliding scale insulin therapy, to include the calculation of an insulin dose based on current blood glucose and the administration of that calculated dose subcutaneously using an insulin pen containing premeasured doses or a syringe

filled with the calculated dose drawn from a vial of insulin.

Section 3. Subsection (1) of section 393.506, Florida Statutes, is amended to read:

393.506 Administration of medication.—

(1) An unlicensed direct service provider may supervise the self-administration of medication or may administer oral, transdermal, ophthalmic, otic, rectal, inhaled, enteral, or topical prescription medications to a client if the unlicensed direct service provider meets the requirements of this section. This includes, but is not limited to, the subcutaneous administration of insulin and epinephrine through an insulin pen, epinephrine pen, or similar device designed for self-administration.

Section 4. Paragraph (e) of subsection (2) of section 1002.394, Florida Statutes, is amended to read:

1002.394 The Family Empowerment Scholarship Program.—

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

(e) "Disability" means, for a 3- or 4-year-old child or for a student in kindergarten to grade 12, autism spectrum disorder, as defined in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association; cerebral palsy, as defined in s. 393.063; Down syndrome, as defined in s. 393.063; an intellectual disability, as defined in s. 393.063; a speech impairment; a language impairment; an orthopedic impairment; any other health impairment; an emotional or a behavioral disability; a specific learning disability, including, but not limited to, dyslexia, dyscalculia, or developmental aphasia; Phelan-McDermid syndrome, as defined in s. 393.063; Prader-Willi syndrome, as defined in

s. 393.063; spina bifida, as defined in s. 393.063; being a high-risk child, as defined in s. 393.063(23)(a) ~~s. 393.063(22)(a)~~; muscular dystrophy; Williams syndrome; rare diseases which affect patient populations of fewer than 200,000 individuals in the United States, as defined by the National Organization for Rare Disorders; anaphylaxis; a hearing impairment, including deafness; a visual impairment, including blindness; traumatic brain injury; hospital or homebound; or identification as dual sensory impaired, as defined by rules of the State Board of Education and evidenced by reports from local school districts. The term "hospital or homebound" includes a student who has a medically diagnosed physical or psychiatric condition or illness, as defined by the state board in rule, and who is confined to the home or hospital for more than 6 months.

Section 5. This act shall take effect July 1, 2025.

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

The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: April 10, 2025

I respectfully request that **Senate Bill #1736**, relating to Insulin Administration by Direct-support Professionals and Relatives, be placed on the:

☒ committee agenda at your earliest possible convenience.

☐ next committee agenda.

Erin K. Grall

Senator Erin Grall
Florida Senate, District 29

File signed original with committee office

S-020 (03/2004)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

4/15/2025
Meeting Date

Rules
Committee

SB 1736
Bill Number or Topic

Amendment Barcode (if applicable)

Name Dina Justice, The Arc of Florida

Phone 8504852155

Address 2898 Mahan Dr Ste 1
Street

Email dina@arcflorida.org

TLH 32308
City *State* *Zip*

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☑ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
The Arc of Florida

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL:	CS/CS/SB 1768
INTRODUCER:	Rules Committee; Health Policy Committee and Senator Trumbull
SUBJECT:	Stem Cell Therapy
DATE:	April 17, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Smith	Brown	HP	**Fav/CS**
2.	Gerbrandt	McKnight	AHS	**Favorable**
3.	Smith	Yeatman	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1768 authorizes physicians (medical doctors and doctors of osteopathic medicine) to perform stem cell therapies that have not been approved by the U.S. Food and Drug Administration when used for orthopedic conditions, wound care, or pain management. The bill establishes standards for the manufacturing and storage of stem cells and requires a physician to obtain a signed informed consent form from a patient before administering any such therapy.

The bill requires that written notice be provided to a patient prior to the performance of stem cell therapy, disclosing that the therapy is not approved by the FDA. This disclosure must also be included in any advertisement for the therapy. The bill directs the Board of Medicine and Board of Osteopathic Medicine to adopt rules to implement the bill.

The bill has an indeterminate, yet negative fiscal impact on state expenditures which likely can be absorbed within existing resources. **See Section V., Fiscal Impact Statement.**

The bill takes effect July 1, 2025.

II. Present Situation:

Overview of Stem Cells and Stem Cell Therapy

Stem cells are undifferentiated cells with the unique ability to develop into specialized cell types and to divide indefinitely under certain conditions.[1] They are broadly classified as either embryonic or adult (somatic) stem cells. Embryonic stem cells, derived from early-stage embryos, are pluripotent and capable of differentiating into nearly all cell types in the human body. Adult stem cells are more limited in scope and typically generate only cell types consistent with their tissue of origin.

In 2007, researchers developed induced pluripotent stem cells (iPSCs), a type of adult stem cell reprogrammed to exhibit pluripotency.[2] These iPSCs have opened new frontiers in regenerative medicine by offering a potential alternative to the use of embryonic stem cells.

Stem cell therapy involves administering stem cells or derivatives to repair, replace, or regenerate human tissues. While hematopoietic stem cell transplants for blood disorders are established treatments, many other stem cell therapies remain experimental and are not approved by the Food and Drug Administration (FDA) for routine clinical use.[3]

Federal Regulation of Human Cells, Tissues, and Cellular and Tissue-Based Products

The FDA regulates stem cell products that meet the definition of human cells, tissues, or cellular and tissue-based products (HCT/Ps) through its Center for Biologics Evaluation and Research (CBER).[4] CBER's authority derives from the Public Health Service Act (42 U.S.C. § 264) and the Federal Food, Drug, and Cosmetic Act (21 U.S.C. §§ 301 et seq.). Applicable federal regulations are found primarily in 21 C.F.R., part 1271.

Products that meet all of the criteria under 21 C.F.R. § 1271.10 – commonly referred to as "361 HCT/Ps" – are subject to less stringent oversight. To qualify, the product must be:

- Minimally manipulated;
- Intended solely for homologous use;
- Not combined with another article (except for certain preservatives or water); and
- Either non-systemic and not dependent on the metabolic activity of living cells for its primary function, or used autologously or in a first- or second-degree blood relative.

Products that do not meet these criteria are classified as "351 HCT/Ps" and are regulated as biological drugs. These products require premarket approval through the FDA's Investigational

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[1] Department of Health, Senate Bill 1617 *Legislative Analysis* (Mar. 19, 2025) (on file with the Senate Committee on Health Policy). Note that House Bill 1617 would be substantively identical to Senate Bill 1768 except for the House bill's exclusion of legislative intent and the inclusion of the use of afterbirth placental perinatal stem cells in the definition of "stem cell therapy."

[2] *Id.*

[3] Harvard Stem Cell Institute, *Frequently Asked Questions: Stem Cell Therapies*, *available at*: https://www.hsci.harvard.edu/faq/stem-cell-therapies (last visited Mar. 28, 2025).

[4] U.S. Food & Drug Administration, *Center for Biologics Evaluation and Research (CBER)*, *available at*: https://www.fda.gov/about-fda/fda-organization/center-biologics-evaluation-and-research-cber (last visited Mar. 28, 2025).

New Drug (IND) and Biologics License Application (BLA) pathways, under 21 C.F.R., parts 312 and 600–680.

Enforcement and Oversight by FDA

The FDA requires establishments that manufacture or manipulate HCT/Ps to register with CBER and to comply with current Good Tissue Practices (cGTPs) under 21 C.F.R. part 1271, subpart D.[5] These practices are designed to prevent the introduction or transmission of communicable diseases. The FDA conducts inspections, issues warning letters, and may pursue civil or criminal enforcement actions against facilities or providers offering unapproved or noncompliant stem cell therapies.

The FDA has issued warnings about the widespread marketing of unapproved regenerative medicine products, noting that approval is granted only after rigorous evaluation in clinical trials to ensure safety and efficacy.[6] The FDA has received reports of serious adverse events associated with unapproved regenerative medicine therapies, including blindness, tumor formation, and infections.[7] Consumers are advised to exercise caution and are encouraged to report any adverse effects or file complaints related to these products directly to the FDA.

Oversight by the Florida Boards of Medicine and Osteopathic Medicine[8]

The Florida Board of Medicine (BOM), under the Department of Health (DOH), is responsible for licensing, regulating, and disciplining medical doctors, a.k.a. allopathic physicians, pursuant to ch. 458, F.S. The Board of Osteopathic Medicine (BOOM), pursuant to ch. 459, F.S., exercises the same authority for osteopathic physicians. The BOM has the authority to impose disciplinary sanctions, including license suspension or revocation, for violations of the standard of care, deceptive advertising, or failure to obtain proper informed consent, under s. 456.072, F.S., and related provisions of the Medical Practice Act. The BOOM has the authority to impose similar disciplinary sanctions under s. 459.015, F.S., which governs grounds for disciplinary action against osteopathic physicians.

In recent years, the BOM has reviewed complaints against physicians advertising unproven stem cell treatments for conditions such as orthopedic pain and neurodegenerative disorders. Some of these physicians have been subject to formal investigations, fines, and, in certain cases, license restrictions or revocations. In 2013, the BOM revoked the licenses of two physicians in administrative cases involving stem cells for failing to meet the standard of care. In 2015, the BOM warned physicians and consumers that they should be aware of the risks involved accessing stem cell therapies and regenerative medicine that was not approved by the FDA. The

[5] *See also* U.S. Department of Health & Human Services, *Current Good Tissue Practice (CGTP) and Additional Requirements for Manufacturers of Human Cells, Tissues, and Cellular and Tissue-Based Products (HCT/Ps)*, *available a*t: https://www.hhs.gov/guidance/document/current-good-tissue-practice-cgtp-and-additional-requirements-manufacturers-human-cells (last visited Mar. 28, 2025).
[6] U.S. Food & Drug Administration, *Important Patient and Consumer Information About Regenerative Medicine Therapies*, *available at*: https://www.fda.gov/vaccines-blood-biologics/consumers-biologics/important-patient-and-consumer-information-about-regenerative-medicine-therapies (last visited Mar. 28, 2025).
[7] *Id.*
[8] Department of Health, Senate Bill 1617 *Legislative Analysis* (Mar. 19, 2025) (on file with the Senate Committee on Health Policy).

BOM further warned that a physician providing stem cell treatment should do so only with an investigational new drug application (IND) or a single patient IND for Compassionate or Emergency Use.

Ethical Considerations and Prohibited Stem Cell Sources

Federal law does not explicitly prohibit the use of fetal-derived stem cells obtained from elective abortions; however, such use is subject to ethical oversight, particularly in federally funded research. The National Institutes of Health requires review by an ethics advisory board for proposed research involving fetal tissue.[9]

III. Effect of Proposed Changes:

Sections 1 and 2 create ss. 458.3245 and 459.0127, F.S., to authorize allopathic and osteopathic physicians, respectively, to perform stem cell therapies that are not approved by the Food and Drug Administration (FDA) and to impose requirements relating to the manufacture, use, notice, consent, and oversight of such therapies.

Subsection (1) of each section provides legislative findings and intent, recognizing the potential of stem cell therapies to advance medical treatment and improve patient outcomes. This portion of the bill emphasizes the importance of using ethically sourced stem cells and expresses the intent to prohibit the use of stem cells derived from aborted fetuses. Instead, the bill encourages the use of adult stem cells, umbilical cord blood, and other ethically obtained human cells, tissues, or cellular or tissue-based products.

Subsection (2) of each section defines key terms used throughout the section:

- "Human cells, tissues, or cellular or tissue-based products" includes specified articles consisting of human cells or tissues collected from cord blood donors who are residents of the United States and intended for implantation, transplantation, infusion, or transfer into a human recipient. The subsection also lists exclusions from that definition, including vascularized human organs, whole blood and blood derivatives, secreted or extracted products (except semen, which is a human cell, tissue, or cellular-based tissue product under the bill), certain minimally manipulated bone marrow products, ancillary products used in manufacturing, non-human-derived tissues, in vitro diagnostic products, blood vessels recovered with organs for transplantation, fetal-derived stem cells, and adipose-derived mesenchymal stem cells for transplantation.
- "Minimally manipulated" is defined in two parts: for structural tissue, it means processing that does not alter the original relevant characteristics of the tissue relating to reconstruction, repair, or replacement; for cells or nonstructural tissues, it means processing that does not alter the relevant biological characteristics of the cells or tissues.
- "Physician" is defined as a physician licensed under ch. 458, F.S., or an osteopathic physician licensed under ch. 459, F.S., acting within the scope of his or her employment.
- "Stem cell therapy" is defined as a treatment involving human cells, tissues, or cellular or tissue-based products which complies with the regulatory and reporting requirements

[9] National Institutes of Health, *Policies and Procedures for the Use of Human Fetal Tissue (HFT) in Non-Transplantation Research, available at*: https://oir.nih.gov/sourcebook/ethical-conduct/special-research-considerations/policies-procedures-use-human-fetal-tissue-hft-non-transplantation-research (last visited Mar. 28, 2025).

provided in this section, and explicitly excludes any treatment or research using cells or tissues derived from a fetus or embryo following an abortion.

Subsection (3) of each section authorizes physicians to perform stem cell therapy not approved by the FDA, if the therapy is used for treatment or procedures within the scope of the physician's practice and is limited to the fields of orthopedics, wound care, or pain management.

Subsection (3) of each section also establishes requirements relating to the origin and preparation of the stem cells used. The stem cells must be manufactured in a clean room certified by the FDA for the use of high-efficiency particulate air (HEPA) filtration or ultra-low penetration air filtration to minimize contamination. The facility where the stem cells are retrieved, manufactured, and stored must be registered and regulated by the FDA and licensed or registered with one of four specified organizations: the National Marrow Donor Program, the World Marrow Donor Association, the Association for the Advancement of Blood and Biotherapies, or the American Association of Tissue Banks. Additionally, the stem cells used in therapy must be included in a post-thaw viability analysis report for the product lot. The viability analysis must be sent to the health care provider before use with the provider's patient. Stem cells used in therapy must contain viable or live cells pursuant to the analysis.

Subsection (4) of each section requires physicians to comply with applicable current good manufacturing practices for the collection, removal, processing, implantation, and transfer of stem cells or stem cell-containing products. These practices must be consistent with the requirements of the Federal Food, Drug, and Cosmetic Act and relevant regulations under 21 C.F.R., part 1271.

Subsection (5) of each section requires a physician to include a specific written notice in any form of advertisement. The notice must state that the physician performs one or more stem cell therapies that have not yet been approved by the FDA and encourages readers to consult with their primary care provider before undergoing any such therapy. The notice must be legible and in a type size no smaller than the largest type size used in the advertisement.

Subsection (6) of each section requires that physicians obtain a signed consent form from the patient or, if the patient is not legally competent, from the patient's representative, before performing the therapy. The form must include, in language understandable to the patient or representative, a description of the nature and character of the treatment, a statement about the treatment's FDA approval status, the anticipated results, the recognized serious possible risks, complications, and benefits of the proposed treatment and of any alternatives, including the possible consequences of not undergoing treatment, and a statement encouraging the patient to consult with his or her primary care provider before undergoing stem cell therapy.

Subsection (7) of each section identifies two categories of physicians to whom the requirements of the section do not apply. The first exemption applies to a physician who has obtained FDA approval for an investigational new drug or device for the use of human cells, tissues, or cellular or tissue-based products. The second exemption applies to a physician who performs stem cell therapy under an employment or other contract on behalf of an institution that is certified by one of the following organizations: the Foundation for the Accreditation of Cellular Therapy; the Blood and Marrow Transplant Clinical Trials Network; the Association for the Advancement of

Blood and Biotherapies; or another entity with expertise in stem cell therapy as determined by the Department of Health (DOH).

Subsection (8) of each section provides that a violation of any provision in the section may subject the physician to disciplinary action. The appropriate regulatory board or the DOH may enforce compliance and impose sanctions.

Subsection (9) of section 1 requires the Board of Medicine to adopt rules to implement the section in consultation with the Board of Osteopathic Medicine. Conversely, subsection (9) of section 2 requires the Board of Osteopathic Medicine to adopt rules to implement the section in consultation with the Board of Medicine.

The bill authorizes physicians to administer stem cell therapies that have not been approved by the FDA. This action may expose physicians to federal regulatory enforcement. If a physician or supplier administers or distributes stem cell products in violation of FDA requirements, the FDA may take a range of enforcement actions, including issuing warning letters, initiating civil or criminal proceedings in coordination with the U.S. Department of Justice, seeking injunctions to prevent continued noncompliance, and disqualifying parties from participating in clinical investigations. In addition, the FDA has authority to issue orders for the retention, recall, destruction, or cessation of manufacturing of human cells, tissues, or cellular- and tissue-based products (HCT/Ps) when it has reasonable grounds to believe the products were manufactured in violation of applicable regulations.

The bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill has an indeterminate yet negative fiscal impact on state expenditures. The Department of Health (DOH) will incur nonrecurring costs associated with rulemaking and updating systems, and these costs can be absorbed within existing resources.

According to the DOH, there may be an indeterminate fiscal impact on its Bureau of Enforcement to develop criteria for exemption determinations, monitoring compliance, and investigate violations. These costs can likely be absorbed within existing resources.[10]

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates the following sections of the Florida Statutes: 458.3245 and 459.0127.

[10] Department of Health, Senate Bill 1617 *Legislative Analysis* (Mar. 19, 2025) (on file with the Senate Committee on Health Policy).

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS by Rules on April 16, 2025:
The CS/CS requires that stem cells used in stem cell therapy be included in a post-thaw viability analysis report for the product lot. The viability analysis would be sent to the physician before use with the physician's patient. Stem cells used in therapy must contain viable or live cells, pursuant to the analysis.

The CS/CS revises the patient notice requirement, removing provisions regarding alternative treatments and adding a provision encouraging the patient to consult with his or her primary care provider before undergoing the therapy.

The CS/CS also adds to the definition of the term "stem cell therapy" to ensure that "stem cell therapy" complies with the section of law created by the bill.

CS by Health Policy on April 1, 2025:
The underlying bill defined "health care providers" as physicians licensed under chs. 458 and 459, F.S. The CS replaces the term "health care providers" with "physicians" and relocates the new section from ch. 456, F.S., which generally applies to all health care practitioners, to chs. 458 and 459, F.S., which apply specifically to allopathic and osteopathic physicians, respectively.

The CS establishes that the Board of Medicine and Board of Osteopathic Medicine must adopt rules to implement the new sections, rather than the Department of Health (DOH). The CS also clarifies that enforcement authority rests with the boards and the DOH, not the Agency for Health Care Administration.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

642556

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/17/2025	.	
	.	
	.	
	.	

The Committee on Rules (Trumbull) recommended the following:

Senate Amendment (with title amendment)

Delete lines 90 - 328

and insert:

of human cells, tissues, or cellular or tissue-based products which complies with the regulatory and reporting requirements provided in this section. The term does not include treatment or research using human cells or tissues that were derived from a fetus or an embryo after an abortion.

(3)(a) A physician may perform stem cell therapy that is not approved by the United States Food and Drug Administration

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if such therapy is used for treatment or procedures that are within the scope of practice for such physician and the therapies are related to orthopedics, wound care, or pain management.

(b) To ensure that the retrieval, manufacture, storage, and use of stem cells used for therapies conducted under this section meet the highest standards, any stem cells used by a physician for therapy provided under this section must:

1. Be manufactured in a clean room space that has been certified by the United States Food and Drug Administration for using high-efficiency particulate air filtration or ultra-low penetration air filtration to minimize nonviable and viable particulate contamination;

2. Be retrieved, manufactured, and stored in a facility that is registered and regulated by the United States Food and Drug Administration and licensed or registered with one of the following entities:

a. National Marrow Donor Program.

b. World Marrow Donor Association.

c. Association for the Advancement of Blood and Biotherapies.

d. American Association of Tissue Banks; and

3. Contain viable or live cells upon post-thaw analysis and be included in a post-thaw viability analysis report for the product lot which will be sent to the health care provider before use with the provider's patient.

(4) In the performance of any procedure using or purporting to use stem cells or products containing stem cells, the physician shall adhere to the applicable current good

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manufacturing practices for the collection, removal, processing, implantation, and transfer of stem cells, or products containing stem cells, pursuant to the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. ss. 301 et seq.; 52 Stat. 1040 et seq.; and 21 C.F.R. part 1271, Human Cells, Tissues, and Cellular and Tissue-Based Products.

(5)(a) A physician who conducts stem cell therapy pursuant to this section shall include the following notice in any form of advertisement:

THIS NOTICE MUST BE PROVIDED TO YOU UNDER FLORIDA LAW. This physician performs one or more stem cell therapies that have not yet been approved by the United States Food and Drug Administration. You are encouraged to consult with your primary care provider before undergoing any stem cell therapy.

(b) The notice required by paragraph (a) must be clearly legible and in a type size no smaller than the largest type size used in the advertisement.

(6)(a) A physician who conducts stem cell therapy pursuant to this section shall obtain a signed consent form from the patient before performing the stem cell therapy.

(b) The consent form must be signed by the patient or, if the patient is not legally competent, the patient's representative and must state all of the following in language the patient or his or her representative could reasonably be expected to understand:

1. The nature and character of the proposed treatment.

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2. That the proposed stem cell therapy has not yet been approved by the United States Food and Drug Administration.

3. The anticipated results of the proposed treatment.

4. The recognized serious possible risks, complications, and anticipated benefits involved in the treatment and in the recognized possible alternative forms of treatment, including nontreatment.

5. That the patient is encouraged to consult with his or her primary care provider before undergoing any stem cell therapy.

(7) This section does not apply to either of the following:

(a) A physician who has obtained approval for an investigational new drug or device from the United States Food and Drug Administration for the use of human cells, tissues, or cellular or tissue-based products.

(b) A physician who performs stem cell therapy under an employment or other contract on behalf of an institution certified by any of the following:

1. The Foundation for the Accreditation of Cellular Therapy.

2. The Blood and Marrow Transplant Clinical Trials Network.

3. The Association for the Advancement of Blood and Biotherapies.

4. An entity with expertise in stem cell therapy as determined by the department.

(8) A violation of this section may subject the physician to disciplinary action by the board or the department.

(9) The Board of Medicine shall adopt rules in consultation with the Board of Osteopathic Medicine to implement this

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section.

Section 2. Section 459.0127, Florida Statutes, is created to read:

459.0127 Stem cell therapy.—

(1) The Legislature recognizes the significant potential of stem cell therapies in advancing medical treatments and improving patient outcomes and further recognizes the need to ensure that such therapies are provided using stem cells obtained in an ethical manner that does not involve stem cells derived from aborted fetuses. It is the intent of the Legislature to foster medical innovation while upholding ethical standards that respect the sanctity of life. By encouraging the use of stem cell sources such as adult stem cells, umbilical cord blood, and other ethically obtained human cells, tissues, or cellular or tissue-based products, the state will advance regenerative medicine in a manner consistent with the values of this state.

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

(a) "Human cells, tissues, or cellular or tissue-based products" means articles containing or consisting of human cells or tissues collected from cord blood donors who are residents of the United States which are intended for implantation, transplantation, infusion, or transfer into a human recipient, including, but not limited to, bones, ligaments, skin, dura mater, heart valves, corneas, hematopoietic stem or progenitor cells derived from peripheral and cord blood, manipulated autologous chondrocytes, epithelial cells on a synthetic matrix, and semen or other reproductive tissue. The term does not include any of the following:

642556

1. Vascularized human organs for transplantation.

2. Whole blood or blood components or blood derivative products subject to regulation under part I of chapter 499.

3. Secreted or extracted human products, such as milk, collagen, and cell factors; except that semen is considered a human cell, tissue, or cellular or tissue-based product for purposes of this paragraph.

4. Minimally manipulated bone marrow for homologous use and not combined with another article, except for with water, crystalloids, or a sterilizing, preserving, or storage agent, if the addition of the agent does not raise new clinical safety concerns with respect to the bone marrow.

5. Ancillary products used in the manufacture of human cells, tissues, or cellular or tissue-based products.

6. Cells, tissues, and organs derived from animals other than humans.

7. In vitro diagnostic products.

8. Blood vessels recovered with an organ, as defined in 42 C.F.R. s. 121.2, which are intended for use in organ transplantation and labeled, "For use in organ transplantation only."

9. Fetal-derived stem cells.

10. Adipose-derived mesenchymal stem cells for transplantation.

(b) "Minimally manipulated" means:

1. For structural tissue, processing that does not alter the original relevant characteristics of the tissue relating to the tissue's utility for reconstruction, repair, or replacement.

2. For cells or nonstructural tissues, processing that does

642556

not alter the relevant biological characteristics of cells or tissues.

(c) "Physician" means a physician licensed under this chapter or under chapter 458 acting in the course and scope of his or her employment.

(d) "Stem cell therapy" means a treatment involving the use of human cells, tissues, or cellular or tissue-based products which complies with the regulatory and reporting requirements provided in this section. The term does not include treatment or research using human cells or tissues that were derived from a fetus or an embryo after an abortion.

(3)(a) A physician may perform stem cell therapy that is not approved by the United States Food and Drug Administration if such therapy is used for treatment or procedures that are within the scope of practice for such physician and the therapies are related to orthopedics, wound care, or pain management.

(b) To ensure that the retrieval, manufacture, storage, and use of stem cells used for therapies conducted under this section meet the highest standards, any stem cells used by a physician for therapy provided under this section must:

1. Be manufactured in a clean room space that has been certified by the United States Food and Drug Administration for using high-efficiency particulate air filtration or ultra-low penetration air filtration to minimize nonviable and viable particulate contamination;

2. Be retrieved, manufactured, and stored in a facility that is registered and regulated by the United States Food and Drug Administration and licensed or registered with one of the

642556

following entities:

a. National Marrow Donor Program.

b. World Marrow Donor Association.

c. Association for the Advancement of Blood and Biotherapies.

d. American Association of Tissue Banks; and

3. Contain viable or live cells upon post-thaw analysis and be included in a post-thaw viability analysis report for the product lot which will be sent to the health care provider before use with the provider's patient.

(4) In the performance of any procedure using or purporting to use stem cells or products containing stem cells, the physician shall adhere to the applicable current good manufacturing practices for the collection, removal, processing, implantation, and transfer of stem cells, or products containing stem cells, pursuant to the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. ss. 301 et seq.; 52 Stat. 1040 et seq.; and 21 C.F.R. part 1271, Human Cells, Tissues, and Cellular and Tissue-Based Products.

(5)(a) A physician who conducts stem cell therapy pursuant to this section shall include the following notice in any form of advertisement:

THIS NOTICE MUST BE PROVIDED TO YOU UNDER FLORIDA LAW. This physician performs one or more stem cell therapies that have not yet been approved by the United States Food and Drug Administration. You are encouraged to consult with your primary care provider before undergoing any stem cell therapy.

642556

(b) The notice required by paragraph (a) must be clearly legible and in a type size no smaller than the largest type size used in the advertisement.

(6)(a) A physician who conducts stem cell therapy pursuant to this section shall obtain a signed consent form from the patient before performing the stem cell therapy.

(b) The consent form must be signed by the patient or, if the patient is not legally competent, the patient's representative and must state all of the following in language the patient or his or her representative could reasonably be expected to understand:

1. The nature and character of the proposed treatment.

2. That the proposed stem cell therapy has not yet been approved by the United States Food and Drug Administration.

3. The anticipated results of the proposed treatment.

4. The recognized serious possible risks, complications, and anticipated benefits involved in the treatment and in the recognized possible alternative forms of treatment, including nontreatment.

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

And the title is amended as follows:

Delete lines 12 - 16

and insert:

include a specified notice in any form of advertisement; providing requirements for such notice; requiring physicians to obtain a signed consent form from the patient or his or her

678950

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/17/2025	.	
	.	
	.	
	.	

The Committee on Rules (Trumbull) recommended the following:

Senate Amendment to Amendment (642556)

Delete lines 36 - 37
and insert:
product lot which will be sent to the physician before use with the physician's patient.

Delete lines 194 - 195
and insert:
product lot which will be sent to the physician before use with the physician's patient.

By the Committee on Health Policy; and Senator Trumbull

588-03144-25 20251768c1

A bill to be entitled

An act relating to stem cell therapy; creating ss. 458.3245 and 459.0127, F.S.; providing legislative findings and intent; defining terms; authorizing physicians to perform stem cell therapy not approved by the United States Food and Drug Administration under certain circumstances; specifying requirements for the stem cells that may be used by such physicians; requiring such physicians to adhere to applicable current good manufacturing practices in the performance of such therapies; requiring physicians to provide a specified written notice to patients before performing any stem cell therapy; specifying requirements for the written notice; providing advertisement requirements; requiring physicians to obtain written consent from the patient or his or her representative before performing the therapy; specifying requirements for the consent form; providing applicability; providing for disciplinary action; requiring the Board of Medicine and the Board of Osteopathic Medicine, respectively, to adopt rules in consultation with one another; providing an effective date.

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

Section 1. Section 458.3245, Florida Statutes, is created to read:

458.3245 Stem cell therapy.—

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

588-03144-25 20251768c1

(1) The Legislature recognizes the significant potential of stem cell therapies in advancing medical treatments and improving patient outcomes and further recognizes the need to ensure that such therapies are provided using stem cells obtained in an ethical manner that does not involve stem cells derived from aborted fetuses. It is the intent of the Legislature to foster medical innovation while upholding ethical standards that respect the sanctity of life. By encouraging the use of stem cell sources such as adult stem cells, umbilical cord blood, and other ethically obtained human cells, tissues, or cellular or tissue-based products, the state will advance regenerative medicine in a manner consistent with the values of this state.

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

(a) "Human cells, tissues, or cellular or tissue-based products" means articles containing or consisting of human cells or tissues collected from cord blood donors who are residents of the United States which are intended for implantation, transplantation, infusion, or transfer into a human recipient, including, but not limited to, bones, ligaments, skin, dura mater, heart valves, corneas, hematopoietic stem or progenitor cells derived from peripheral and cord blood, manipulated autologous chondrocytes, epithelial cells on a synthetic matrix, and semen or other reproductive tissue. The term does not include any of the following:

1. Vascularized human organs for transplantation.

2. Whole blood or blood components or blood derivative products subject to regulation under part I of chapter 499.

3. Secreted or extracted human products, such as milk,

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

collagen, and cell factors; except that semen is considered a human cell, tissue, or cellular or tissue-based product for purposes of this paragraph.

4. Minimally manipulated bone marrow for homologous use and not combined with another article, except for with water, crystalloids, or a sterilizing, preserving, or storage agent, if the addition of the agent does not raise new clinical safety concerns with respect to the bone marrow.

5. Ancillary products used in the manufacture of human cells, tissues, or cellular or tissue-based products.

6. Cells, tissues, and organs derived from animals other than humans.

7. In vitro diagnostic products.

8. Blood vessels recovered with an organ, as defined in 42 C.F.R. s. 121.2, which are intended for use in organ transplantation and labeled, "For use in organ transplantation only."

9. Fetal-derived stem cells.

10. Adipose-derived mesenchymal stem cells for transplantation.

(b) "Minimally manipulated" means:

1. For structural tissue, processing that does not alter the original relevant characteristics of the tissue relating to the tissue's utility for reconstruction, repair, or replacement.

2. For cells or nonstructural tissues, processing that does not alter the relevant biological characteristics of cells or tissues.

(c) "Physician" means a physician licensed under this chapter or under chapter 459 acting in the course and scope of

his or her employment.

(d) "Stem cell therapy" means a treatment involving the use of human cells, tissues, or cellular or tissue-based products. The term does not include treatment or research using human cells or tissues that were derived from a fetus or an embryo after an abortion.

(3)(a) A physician may perform stem cell therapy that is not approved by the United States Food and Drug Administration if such therapy is used for treatment or procedures that are within the scope of practice for such physician and the therapies are related to orthopedics, wound care, or pain management.

(b) To ensure that the retrieval, manufacture, storage, and use of stem cells used for therapies conducted under this section meet the highest standards, any stem cells used by a physician for therapy provided under this section must be:

1. Manufactured in a clean room space that has been certified by the United States Food and Drug Administration for using high-efficiency particulate air filtration or ultra-low penetration air filtration to minimize nonviable and viable particulate contamination; and

2. Retrieved, manufactured, and stored in a facility that is registered and regulated by the United States Food and Drug Administration and licensed or registered with one of the following entities:

a. National Marrow Donor Program.

b. World Marrow Donor Association.

c. Association for the Advancement of Blood and Biotherapies.

d. American Association of Tissue Banks.

(4) In the performance of any procedure using or purporting to use stem cells or products containing stem cells, the physician shall adhere to the applicable current good manufacturing practices for the collection, removal, processing, implantation, and transfer of stem cells, or products containing stem cells, pursuant to the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. ss. 301 et seq.; 52 Stat. 1040 et seq.; and 21 C.F.R. part 1271, Human Cells, Tissues, and Cellular and Tissue-Based Products.

(5) A physician who conducts stem cell therapy pursuant to this section shall provide a patient who is being treated with stem cell therapy with the following written notice before performing the therapy:

THIS NOTICE MUST BE PROVIDED TO YOU UNDER FLORIDA LAW. This physician performs one or more stem cell therapies that have not yet been approved by the United States Food and Drug Administration. You are encouraged to consult with your primary care provider before undergoing any stem cell therapy.

(6) A physician who is required to provide the written notice under subsection (5) shall:

(a) Provide the written notice to a patient on paper that is at least 8.5 inches by 11 inches and printed in no less than 40-point type.

(b) Prominently display the written notice at the entrance to the physician's office and in an area visible to patients

inside such office.

(c) Include the notice in any advertisement for the stem cell therapy. In any form of advertisement, the notice must be clearly legible and in a font size no smaller than the largest font size used in the advertisement.

(7)(a) A physician required to provide the written notice under subsection (5) must obtain a signed consent form from the patient before performing the stem cell therapy.

(b) The consent form must be signed by the patient or, if the patient is legally not competent, the patient's representative and must state all of the following in language the patient or his or her representative could reasonably be expected to understand:

1. The nature and character of the proposed treatment, including the treatment's United States Food and Drug Administration approval status.

2. The anticipated results of the proposed treatment.

3. The recognized possible alternative forms of treatment.

4. The recognized serious possible risks, complications, and anticipated benefits involved in the treatment and in the recognized possible alternative forms of treatment, including nontreatment.

(8) This section does not apply to either of the following:

(a) A physician who has obtained approval for an investigational new drug or device from the United States Food and Drug Administration for the use of human cells, tissues, or cellular or tissue-based products.

(b) A physician who performs a stem cell therapy under an employment or other contract on behalf of an institution

certified by any of the following:

1. The Foundation for the Accreditation of Cellular Therapy.

2. The Blood and Marrow Transplant Clinical Trials Network.

3. The Association for the Advancement of Blood and Biotherapies.

4. An entity with expertise in stem cell therapy as determined by the department.

(9) A violation of this section may subject the physician to disciplinary action by the board or the department.

(10) The Board of Medicine shall adopt rules in consultation with the Board of Osteopathic Medicine to implement this section.

Section 2. Section 459.0127, Florida Statutes, is created to read:

459.0127 Stem cell therapy.—

(1) The Legislature recognizes the significant potential of stem cell therapies in advancing medical treatments and improving patient outcomes and further recognizes the need to ensure that such therapies are provided using stem cells obtained in an ethical manner that does not involve stem cells derived from aborted fetuses. It is the intent of the Legislature to foster medical innovation while upholding ethical standards that respect the sanctity of life. By encouraging the use of stem cell sources such as adult stem cells, umbilical cord blood, and other ethically obtained human cells, tissues, or cellular or tissue-based products, the state will advance regenerative medicine in a manner consistent with the values of this state.

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

(a) "Human cells, tissues, or cellular or tissue-based products" means articles containing or consisting of human cells or tissues collected from cord blood donors who are residents of the United States which are intended for implantation, transplantation, infusion, or transfer into a human recipient, including, but not limited to, bones, ligaments, skin, dura mater, heart valves, corneas, hematopoietic stem or progenitor cells derived from peripheral and cord blood, manipulated autologous chondrocytes, epithelial cells on a synthetic matrix, and semen or other reproductive tissue. The term does not include any of the following:

1. Vascularized human organs for transplantation.

2. Whole blood or blood components or blood derivative products subject to regulation under part I of chapter 499.

3. Secreted or extracted human products, such as milk, collagen, and cell factors; except that semen is considered a human cell, tissue, or cellular or tissue-based product for purposes of this paragraph.

4. Minimally manipulated bone marrow for homologous use and not combined with another article, except for with water, crystalloids, or a sterilizing, preserving, or storage agent, if the addition of the agent does not raise new clinical safety concerns with respect to the bone marrow.

5. Ancillary products used in the manufacture of human cells, tissues, or cellular or tissue-based products.

6. Cells, tissues, and organs derived from animals other than humans.

7. In vitro diagnostic products.

8. Blood vessels recovered with an organ, as defined in 42 C.F.R. s. 121.2, which are intended for use in organ transplantation and labeled, "For use in organ transplantation only."

9. Fetal-derived stem cells.

10. Adipose-derived mesenchymal stem cells for transplantation.

(b) "Minimally manipulated" means:

1. For structural tissue, processing that does not alter the original relevant characteristics of the tissue relating to the tissue's utility for reconstruction, repair, or replacement.

2. For cells or nonstructural tissues, processing that does not alter the relevant biological characteristics of cells or tissues.

(c) "Physician" means a physician licensed under this chapter or under chapter 458 acting in the course and scope of his or her employment.

(d) "Stem cell therapy" means a treatment involving the use of human cells, tissues, or cellular or tissue-based products. The term does not include treatment or research using human cells or tissues that were derived from a fetus or an embryo after an abortion.

(3)(a) A physician may perform stem cell therapy that is not approved by the United States Food and Drug Administration if such therapy is used for treatment or procedures that are within the scope of practice for such physician and the therapies are related to orthopedics, wound care, or pain management.

(b) To ensure that the retrieval, manufacture, storage, and

use of stem cells used for therapies conducted under this section meet the highest standards, any stem cells used by a physician for therapy provided under this section must be:

1. Manufactured in a clean room space that has been certified by the United States Food and Drug Administration for using high-efficiency particulate air filtration or ultra-low penetration air filtration to minimize nonviable and viable particulate contamination; and

2. Retrieved, manufactured, and stored in a facility that is registered and regulated by the United States Food and Drug Administration and licensed or registered with one of the following entities:

a. National Marrow Donor Program.

b. World Marrow Donor Association.

c. Association for the Advancement of Blood and Biotherapies.

d. American Association of Tissue Banks.

(4) In the performance of any procedure using or purporting to use stem cells or products containing stem cells, the physician shall adhere to the applicable current good manufacturing practices for the collection, removal, processing, implantation, and transfer of stem cells, or products containing stem cells, pursuant to the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. ss. 301 et seq.; 52 Stat. 1040 et seq.; and 21 C.F.R. part 1271, Human Cells, Tissues, and Cellular and Tissue-Based Products.

(5) A physician who conducts stem cell therapy pursuant to this section shall provide a patient who is being treated with stem cell therapy with the following written notice before

performing the therapy:

THIS NOTICE MUST BE PROVIDED TO YOU UNDER FLORIDA LAW. This physician performs one or more stem cell therapies that have not yet been approved by the United States Food and Drug Administration. You are encouraged to consult with your primary care provider before undergoing any stem cell therapy.

(6) A physician who is required to provide the written notice under subsection (5) shall:

(a) Provide the written notice to a patient on paper that is at least 8.5 inches by 11 inches and printed in no less than 40-point type.

(b) Prominently display the written notice at the entrance to the physician's office and in an area visible to patients inside such office.

(c) Include the notice in any advertisement for the stem cell therapy. In any form of advertisement, the notice must be clearly legible and in a font size no smaller than the largest font size used in the advertisement.

(7)(a) A physician required to provide the written notice under subsection (5) must obtain a signed consent form from the patient before performing the stem cell therapy.

(b) The consent form must be signed by the patient or, if the patient is legally not competent, the patient's representative and must state all of the following in language the patient or his or her representative could reasonably be expected to understand:

1. The nature and character of the proposed treatment, including the treatment's United States Food and Drug Administration approval status.

2. The anticipated results of the proposed treatment.

3. The recognized possible alternative forms of treatment.

4. The recognized serious possible risks, complications, and anticipated benefits involved in the treatment and in the recognized possible alternative forms of treatment, including nontreatment.

(8) This section does not apply to either of the following:

(a) A physician who has obtained approval for an investigational new drug or device from the United States Food and Drug Administration for the use of human cells, tissues, or cellular or tissue-based products.

(b) A physician who performs a stem cell therapy under an employment or other contract on behalf of an institution certified by any of the following:

1. The Foundation for the Accreditation of Cellular Therapy.

2. The Blood and Marrow Transplant Clinical Trials Network.

3. The Association for the Advancement of Blood and Biotherapies.

4. An entity with expertise in stem cell therapy as determined by the department.

(9) A violation of this section may subject the physician to disciplinary action under the rules that have been developed by the board or the department as applicable.

(10) The Board of Osteopathic Medicine shall adopt rules in consultation with the Board of Medicine to implement this

section.

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

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

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Appropriations Committee on Health and Human Services, *Chair*
Appropriations
Appropriations Committee on Higher Education
Community Affairs
Health Policy
Judiciary
Rules

SENATOR JAY TRUMBULL
2nd District

April 10, 2025

Re: SB 1768

Dear Chair Passidomo,

I respectfully request for Senate Bill 1768, relating to Stem Cell Therapy, be placed on the agenda for the next meeting of the Rules Committee.

The bill authorizes specified health care practitioners to perform stem cell therapies for certain medical issues, provided that the treatment is performed with stem cell product from specified sources and that specifically ***does not*** include any product from aborted fetuses. The bill also requires the health care providers to utilize stem cell products that adhere to applicable current good manufacturing practices in performance of such therapies. Additionally, the bill requires such health care providers to provide patients with an informed consent written notice prior to performing such treatments.

I appreciate your time and consideration of this request. If you have any questions or concerns, please do not hesitate to contact my office at (850) 487-5002.

Thank you,

Senator Jay Trumbull
District 2

REPLY TO:
❒ 840 West 11th Street, Panama City, Florida 32401 (850) 747-5454
❒ 415 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5002

Senate's Website: *www.flsenate.gov*

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

4/16/25
Meeting Date

Rules
Committee

SB 1768
Bill Number or Topic

Amendment Barcode (if applicable)

Name Donald Hudspeth

Phone 407-637-9187

Address

Email dhudspeth@cordforlife.com

Street

City *State* *Zip*

Speaking: ☑ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☑ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

4/16/25
Meeting Date

Rules
Committee

SB 1768
Bill Number or Topic

Amendment Barcode (if applicable)

Name Dr. Scott Faulkner

Phone 970-768-6454

Address
Street

Email sfaulkner809@gmail.com

City State Zip

Speaking: ☑ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☑ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

4/16/25
Meeting Date

Rules
Committee

SB 1768
Bill Number or Topic

Amendment Barcode (if applicable)

Name Aaron DiPietro

Phone 904-608-4471

Address P.O Box 530103
Street

Email aarond@flfamily.org

Orlando FL 32853
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☑ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
Florida Family Voic

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL:	CS/CS/SB 1808
INTRODUCER:	Rules Committee; Health Policy Committee and Senator Burton
SUBJECT:	Refund of Overpayments Made by Patients
DATE:	April 17, 2025 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Smith	Brown	HP	**Fav/CS**
2.	Gerbrandt	McKnight	AHS	**Favorable**
3.	Smith	Yeatman	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1808 requires health care practitioners, facilities, providers, and anyone who accepts payment from insurance for services rendered by health care practitioners, to refund any overpayment made by the patient no later than 30 days after determining that the patient made an overpayment.

Under the bill, if a health care practitioner fails to timely refund an overpayment after he or she determines that an overpayment was made, the failure constitutes grounds for disciplinary action by the applicable board, or the Department of Health if there is no board.

Under the bill, if a facility or provider licensed by the Agency for Health Care Administration fails to timely refund an overpayment, the agency may impose an administrative penalty of up to $500 on the licensee.

The bill's requirement to timely refund such an overpayment does not apply to overpayments made to providers by health insurers and health maintenance organizations, and the bill instead defers to existing law for such cases.

The bill has an indeterminate yet significant negative impact on state expenditures. **See Section V., Fiscal Impact Statement.**

The bill takes effect January 1, 2026.

II. Present Situation:

Overpayments in Health Care

Circumstances such as miscalculations, duplicate payments, insurance coverage adjustments, and coding errors can create occasional overpayments by patients to health care providers. When this occurs, it is legally required[1] for the provider to return any excess funds to the patient, although there is no statutory requirement that the overpayment be refunded by a certain date.

For example, the following situations could lead to a health care provider collecting an overpayment and subsequently refunding the overpayment to the patient:

Excess Patient Responsibility Collected

In some instances, a patient's insurance benefits or deductibles may be miscalculated by either the patient or the health care provider. For example, a clinic might initially collect a copayment or deductible based on an estimate of services rendered. When the insurance claim is later processed, the insurer might pay more than anticipated, resulting in an overpayment on the patient's account. In such cases, the provider is obligated to refund the excess amount to the patient.

Duplicate Payments

Occasionally, patients or their family members may inadvertently make multiple payments for the same service. This situation can occur when payment is mailed, then followed by an electronic payment or when two different individuals in a household pay the same bill. Once the provider's accounting or billing system detects that the patient's account has been paid more than once for the same service, they may issue a refund of the additional payment.

Insurance Reconciliation Adjustments

After claims are submitted to an insurance company, subsequent policy adjustments or retroactive changes to coverage may alter the final bill. For instance, if an insurance company conducts an internal audit and determines that a greater portion of the claim should have been covered, they might send an additional reimbursement to the provider. This supplemental payment can create a credit on the patient's account, thereby necessitating a refund of any previously collected balance from the patient.

Billing or Coding Errors

In rare circumstances, mistakes in billing codes or modifiers lead to inaccurate charges on a patient's account. Such coding discrepancies may not be apparent until the insurance company or the provider's billing department conducts a review. Upon identifying a coding error, such as a charge for a service that was not actually performed, the provider corrects the billing statement and may refund any overpayment to the patient.

[1] A court order would be required to mandate that a patient's overpayment be refunded to the patient. In common law, restitution for an overpayment aims to prevent unjust enrichment by restoring the claimant to their original position, requiring the recipient to return the benefit received, typically money, due to a mistake or other legal basis. *See also* the Florida Deceptive and Unfair Trade Practices Act in part II of ch. 501. F.S.

Coordination of Benefits Between Multiple Insurers

Patients sometimes have two or more sources of insurance coverage (e.g., primary and secondary insurance plans). If both insurers remit payment and inadvertently exceed the cost of the service, the health care provider may receive funds beyond what is contractually called for. Once this overage is discovered, the overpayment may be refunded directly to the patient or appropriately adjusted between the insurers.

State Regulation of Insurance

The Office of Insurance Regulation (OIR)[2] is responsible for all activities concerning health maintenance organizations (HMOs), health insurers, and other risk-bearing entities, including licensing, rates, policy forms, market conduct, claims, issuance of certificates of authority, solvency, viatical settlements, premium financing, and administrative supervision, as provided under the Florida Insurance Code.[3] To transact business in Florida, a health insurer or HMO must obtain a certificate of authority from the OIR.[4] The Agency for Health Administration (AHCA) regulates the quality of care provided by HMOs under part III of ch. 641, F.S. Prior to receiving a certificate of authority from the OIR, an HMO must receive a Health Care Provider Certificate from the AHCA.[5] As part of the certification process used by the AHCA, an HMO must provide information to demonstrate that the HMO has the ability to provide quality of care consistent with the prevailing standards of care.[6]

Payment of Health Insurer and HMO Claims

The Florida Insurance Code[7] prescribes the rights and responsibilities of health care providers, health insurers, and HMOs for the payment of claims. Florida's prompt payment laws govern payment of provider claims submitted to insurers and HMOs, including Medicaid managed care plans, in accordance with ss. 627.6131, 627.662, and 641.3155, F.S., respectively.[8] The law prescribes a protocol for specified providers to use for the submission of their claims to an insurer or HMO, as well as a statutory process for insurers or HMOs to use for the payment or denial of the claims.

Generally, if a health insurer or HMO determines it has made an overpayment to a provider, the insurer's or HMO's claim for the overpayment must be submitted to the provider within 30 months after the applicable payment by the insurer or HMO.[9] A provider must pay, deny, or contest the claim for overpayment of a health insurer or HMO within 40 days after receiving the claim.

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[2] The OIR is a unit under the Financial Services Commission, which is composed of the Governor, the Attorney General, the Chief Financial Officer, and the Commissioner of Agriculture. Commission members serve as the agency head for purposes of rulemaking under ch. 120, F.S. See s. 20.121(3), F.S.
[3] Section 20.121(3)(a), F.S.
[4] Sections 624.401 and 641.49, F.S.
[5] Section 641.495, F.S.
[6] *Id.*
[7] Pursuant to s. 624.01, F.S., chs. 624-632, 634, 635, 636, 641, 642, 648, and 651 constitute the "Florida Insurance Code."
[8] The prompt pay provisions apply to HMO contracts and major medical policies offered by individual and group insurers licensed under ch. 624, F.S.
[9] Section 627.6131(6), F.S., and s. 641.3155(5) F.S., for HMO provision.

All contested claims for overpayment must be paid or denied within 120 days after the provider's receipt of the claim.[10] Failure to pay or deny the claim of overpayment within 140 days after receipt creates an uncontestable obligation by the provider to pay the claim.[11] A claim for overpayment is not permitted beyond 30 months after the health insurer's or HMO's applicable payment to the provider, except that claims for overpayment may be sought beyond that time from providers convicted of fraud pursuant to s. 817.234, F.S.[12]

Section 627.6131(18), F.S., provides an exception to the period of 30 months for an insurer to submit a claim for overpayment to a provider. Section 641.3155(16), F.S., provides the same requirements for an HMO. All claims for overpayment submitted to a provider licensed under chs. 458 (medical practice), 459 (osteopathic medicine), 460 (chiropractic medicine), 461 (podiatric medicine), or 466 (dentistry), F.S., must be submitted to the provider within 12 months – not 30 months – after the health insurer's or HMO's applicable payment to the provider. A claim for overpayment may not be permitted after 12 months except that claims for overpayment may be sought beyond that time from providers convicted of fraud pursuant to s. 817.234, F.S.

Agency for Health Care Administration; Health Care Licensing Procedures Act

As of February 21, 2025, the Agency for Health Care Administration (AHCA) regulates 49,823 health care providers.[13] The Health Care Licensing Procedures Act[14] (Act) provides a streamlined and consistent set of basic licensing requirements for health care providers that are licensed, registered, or certified by the AHCA, including all of the following:[15]

- Laboratories authorized to perform testing under the Drug-Free Workplace Act, as provided under ss. 112.0455 and 440.102, F.S.
- Birth centers, as provided under ch. 383, F.S.
- Abortion clinics, as provided under ch. 390, F.S.
- Crisis stabilization units, as provided under parts I and IV of ch. 394, F.S.
- Short-term residential treatment facilities, as provided under parts I and IV of ch. 394, F.S.
- Residential treatment facilities, as provided under part IV of ch. 394, F.S.
- Residential treatment centers for children and adolescents, as provided under part IV of ch. 394, F.S.
- Hospitals, as provided under part I of ch. 395, F.S.
- Ambulatory surgical centers, as provided under part I of ch. 395, F.S.

[10] Section 627.6131(6), F.S., and s. 641.3155(5) F.S., for HMO provision.
[11] *Id.*
[12] *Id.*
[13] Agency for Health Care Administration, Senate Bill 786 Legislative Analysis (Feb. 19, 2025) (on file with the Senate Committee on Health Policy).
[14] Chapter 408, Part II, F.S. *See also* s. 408.801(1), F.S.
[15] Section 408.801(2), F.S. The act applies to following providers: laboratories authorized to perform testing under the Drug-Free Workplace Act, birth centers, abortion clinics, crisis stabilization units, short-term residential treatment facilities, residential treatment facilities, residential treatment centers for children and adolescents, hospitals, ambulatory surgical centers, nursing homes, assisted living facilities, home health agencies, nurse registries, companion services or homemaker services providers, adult day care centers, hospices, adult family-care homes, homes for special services, transitional living facilities, prescribed pediatric extended care centers, home medical equipment providers, intermediate care facilities for persons with developmental disabilities, health care services pools, health care clinics, organ tissue and eye procurement organizations.

- Nursing homes, as provided under part II of ch. 400, F.S.
- Assisted living facilities, as provided under part I of ch. 429, F.S.
- Home health agencies, as provided under part III of ch. 400, F.S.
- Nurse registries, as provided under part III of ch. 400, F.S.
- Companion services or homemaker services providers, as provided under part III of ch. 400, F.S.
- Adult day care centers, as provided under part III of ch. 429, F.S.
- Hospices, as provided under part IV of ch. 400, F.S.
- Adult family-care homes, as provided under part II of ch. 429, F.S.
- Homes for special services, as provided under part V of ch. 400, F.S.
- Transitional living facilities, as provided under part XI of ch. 400, F.S.
- Prescribed pediatric extended care centers, as provided under part VI of ch. 400, F.S.
- Home medical equipment providers, as provided under part VII of ch. 400, F.S.
- Intermediate care facilities for persons with developmental disabilities, as provided under part VIII of ch. 400, F.S.
- Health care services pools, as provided under part IX of ch. 400, F.S.
- Health care clinics, as provided under part X of ch. 400, F.S.
- Organ, tissue, and eye procurement organizations, as provided under part V of ch. 765, F.S.

The Act is intended to minimize confusion, standardize terminology, and include issues that are not otherwise addressed in state law pertaining to specific providers.[16] Among other things, it provides certain minimum licensure requirements with which applicants and licensees must comply in order to obtain and maintain a license.[17]

The Department of Health

The Legislature created the Department of Health (DOH) to protect and promote the health of all residents and visitors in the state.[18] The DOH is charged with the regulation of health practitioners for the preservation of the health, safety, and welfare of the public. The Division of Medical Quality Assurance (MQA) is responsible for the boards[19] and professions within the DOH.[20] The health care practitioners licensed by the DOH include the following:

- Acupuncturists;[21]
- Allopathic physicians, physician assistants, anesthesiologist assistants, and medical assistants;[22]
- Osteopathic physicians, physician assistants, and anesthesiologist assistants;[23]
- Chiropractic physicians and physician assistants;[24]

[16] Section 408.801(2), F.S.
[17] *See* generally s. 408.810, F.S.
[18] Section 20.43(1), F.S.
[19] Under s. 456.001(1), F.S., "board" is defined as any board, commission, or other statutorily created entity, to the extent such entity is authorized to exercise regulatory or rulemaking functions within the DOH or, in some cases, within the DOH MQA.
[20] Section 20.43(3)(g), F.S.
[21] Chapter 457, F.S.
[22] Chapter 458, F.S.
[23] Chapter 459, F.S.
[24] Chapter 460, F.S.

- Podiatric physicians;[25]
- Naturopathic physicians;[26]
- Optometrists;[27]
- Autonomous advanced practice registered nurses, advanced practice registered nurses, registered nurses, licensed practical nurses, and certified nursing assistants;[28]
- Pharmacists, pharmacy interns, and pharmacy technicians;[29]
- Dentists, dental hygienists, and dental laboratories;[30]
- Midwives;[31]
- Speech and language pathologists;[32]
- Audiologists;[33]
- Occupational therapists and occupational therapy assistants;[34]
- Respiratory therapists;[35]
- Dieticians and nutritionists;[36]
- Athletic trainers;[37]
- Orthotists, prosthetists, and pedorthists;[38]
- Electrologists;[39]
- Massage therapists;[40]
- Clinical laboratory personnel;[41]
- Medical physicists;[42]
- Genetic counselors;[43]
- Opticians;[44]
- Hearing aid specialists;[45]
- Physical therapists;[46]
- Psychologists and school psychologists;[47] and

[25] Chapter 461, F.S.
[26] Chapter 462, F.S.
[27] Chapter 463, F.S.
[28] Chapter 464, F.S.
[29] Chapter 465, F.S.
[30] Chapter 466, F.S.
[31] Chapter 467, F.S.
[32] Part I, ch. 468, F.S.
[33] *Id.*
[34] Part III, ch. 468, F.S.
[35] Part V, ch. 468, F.S.
[36] Part X, ch. 468, F.S.
[37] Part XIII, ch. 468, F.S.
[38] Part XIV, ch. 468, F.S.
[39] Chapter 478, F.S.
[40] Chapter 480, F.S.
[41] Part I, ch. 483, F.S.
[42] Part II, ch. 483, F.S.
[43] Part III, ch. 483, F.S.
[44] Part I, ch. 484, F.S.
[45] Part II, ch. 484, F.S.
[46] Chapter 486, F.S.
[47] Chapter 490, F.S.

- Clinical social workers, mental health counselors, and marriage and family therapists.[48]

Disciplinary Proceeding under Chapters 456 and 120, F.S.

Section 456.072, F.S., enumerates at least 45 specific acts that constitute grounds for disciplinary action against licensed health care practitioners in Florida. In addition, each health care practitioner's respective practice act contains specific statutory provisions on prohibited acts, disciplinary actions, grounds for discipline, and actions by the applicable board.

The DOH, on behalf of the boards, investigates any complaint that is filed against a health care practitioner if the complaint is:
- In writing;
- Signed by the complainant;[49] and
- Legally sufficient.[50]

A complaint is legally sufficient if it contains allegations of ultimate facts that, if true, show that a regulated practitioner has violated:
- Chapter 456, F.S.;
- His or her practice act; or
- A rule of his or her board or the DOH.[51]

The Consumer Services Unit, within the DOH, receives the complaints and refers them to the closest Investigative Services Unit (ISU) office. The ISU investigates complaints against health care practitioners.[52] Complaints that present an immediate threat to public safety are given priority; however, all complaints are investigated as timely as possible. When the complaint is assigned to an investigator, the complainant will be contacted and given the opportunity to provide additional information. A thorough investigation will be conducted. The steps taken in the investigation are determined by the specifics of the allegations, but generally include the following:
- Obtaining medical records, documents, and evidence;
- Locating and interviewing the complainant, the patient, the subject, and any witnesses; and
- Drafting and serving subpoenas for necessary information.[53]

[48] Chapter 491, F.S.
[49] Section 456.073(1), F.S. The DOH may also investigate an anonymous complaint, or that of a confidential informant, if the complaint is in writing and is legally sufficient, if the alleged violation of law or rules is substantial, and if the DOH has reason to believe, after preliminary inquiry, that the violations alleged in the complaint are true.
[50] *Id.*
[51] *Id.*
[52] Department of Health, Licensing and Regulation, Enforcement, Administrative Complaint Process, *Investigative Services*, *available at* http://www.floridahealth.gov/licensing-and-regulation/enforcement/admin-complaint-process/isu.html (last visited March 14, 2025).
[53] *Id.*

The ISU includes a staff of professional investigators and senior pharmacists who conduct interviews, collect documents and evidence, prepare investigative reports for the Prosecution Services Unit (PSU), and serve subpoenas and official orders for the DOH.[54]

The PSU is responsible for providing legal services to the DOH in the regulation of all health care boards and councils.[55] The PSU will review the investigative file and report from ISU and recommend a course of action to the State Surgeon General (when an immediate threat to the health, safety, and welfare of the people of Florida exists), the appropriate board's probable cause panel, or the DOH, if there is no board, which may include:

- Having the file reviewed by an expert;
- Issuing a closing order (CO);
- Filing an administrative complaint (AC); or
- Issuing an emergency order (ERO or ESO).[56]

If the ISU investigative file received by the PSU does not pose an immediate threat to the health, safety, and welfare of the people of Florida, then the PSU attorneys review the file and determine, first, whether expert witness review is required and, then, whether to recommend to the board's probable cause panel:

- A CO;
- An AC; or
- A Letter of Guidance (LOG).[57,58]

A CO is recommended if the investigation and/or the expert opinion does not support the allegation(s). The subject and the complainant are notified of the results. The complainant may appeal the decision within sixty (60) days of notification by providing additional information for consideration. Cases closed with no finding of probable cause are confidential and are not available through a public records request.[59]

An AC is recommended when the investigation and/or the expert opinion supports the allegation(s). The subject is entitled to a copy of the complete case file prior to the probable cause panel meeting. When an AC is filed with the agency clerk, at the DOH, the subject has the right to choose one of the following options:

- *An Administrative Hearing Involving Disputed Issues of Material Fact* – The subject disputes the facts in the AC and elects to have a hearing before the Division of Administrative Hearings (DOAH). If this occurs, all parties may be asked to testify and the administrative

[54] Department of Health, Licensing and Regulation, Enforcement, Administrative Complaint Process, *Investigative Services, available at* http://www.floridahealth.gov/licensing-and-regulation/enforcement/admin-complaint-process/isu.html (last visited March 14, 2025).
[55] Department of Health, Licensing and Regulation, Enforcement, Administrative Complaint Process, *Prosecution Services, available at* http://www.floridahealth.gov/licensing-and-regulation/enforcement/admin-complaint-process/psu.html (last visited March 14, 2025).
[56] *Id.*
[57] Section 456.073(2), F.S. The DOH may recommend a LOG in lieu of finding probable cause if the subject has not previously been issued a LOG for a related offense.
[58] *Id.*
[59] *Supra* note 57.

law judge will issue a recommended order that will then go to the board or the DOH for final agency action.

- *A Settlement/Stipulation/Consent Agreement* – The subject enters into an agreement to be presented before the board or the DOH. Terms of this agreement may impose penalties negotiated between the subject or the subject's attorney and the DOH's attorney.
- *A Hearing Not Involving Disputed Issues of Material Fact* – The subject of the AC does not dispute the facts. The subject elects to be heard before the board or the DOH. At that time, the subject will be permitted to give oral and/or written evidence in mitigation or in opposition to the recommended action by the DOH.
- *Voluntary Relinquishment of License* – The subject of the AC may elect to surrender his or her license and to cease practice.[60]

Final DOH action, including all of the above, as well as cases where the subject has failed to respond to an AC, are presented before the applicable board, or the DOH if there is no board. The subject may be required to appear. The complainant is notified of the date and location of the hearing and may attend. If the subject is entitled to, and does, appeal the final decision, PSU defends the final order before the appropriate appellate court.[61]

When the applicable board, or the DOH if there is no board, finds a person guilty, it may enter an order imposing a penalty listed in s. 456.072(2), F.S., which includes revocation, suspension, and restriction of license, administrative fines not to exceed $10,000 per offense, reprimand, probation, corrective action, and remedial education. It must also consider what sanctions are necessary to protect the public or compensate the patient.

III. Effect of Proposed Changes:

Section 1 creates s. 408.812, F.S., to require an Agency for Health Care Administration (AHCA) licensee[62] who tenders charges for reimbursement to refund to the patient the amount of any overpayment no later than 30 days after the date that the licensee determines that such overpayment was made. For purposes of this section of statute, the bill defines the term "tenders charges for reimbursement" to mean the licensee files a claim for reimbursement with any government-sponsored program (including Medicaid, Medicare, and Tricare) or private health insurer or health maintenance organization for services rendered to the patient.

The bill's requirement for timely refund of an overpayment would not apply to overpayments made to providers by commercial health insurers subject to s. 627.6131, F.S., or to health maintenance organizations subject to s. 641.3155, F.S.

A licensee's violation of this new section would be subject to an administrative fine under s. 408.813, as amended in section 2 of the bill.

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[60] Chapter 478, F.S.

[61] Department of Health, Licensing and Regulation, Enforcement, Administrative Complaint Process, *Investigative Services, available at* http://www.floridahealth.gov/licensing-and-regulation/enforcement/admin-complaint-process/isu.html (last visited March 14, 2025).

[62] *See* "Agency for Health Care Administration; Health Care Licensing Procedures Act" under "Present Situation" in this Bill Analysis for a list of practitioners who would be required to follow new s. 408.812, F.S.

Section 2 amends s. 408.813, F.S., to add a violation of s. 408.812, F.S., as created in section 1 of the bill, to a list of unclassified violations,[63] for which the AHCA could impose an administrative fine of up to $500.

Section 3 creates s. 456.0625, F.S., to require a health care practitioner[64] who tenders charges for reimbursement, or any billing department, management company, or group practice that accepts payment for services rendered by the health care practitioner, to refund the amount of any overpayment made by a patient no later than 30 days after the date that the health care practitioner determines that the overpayment was made. For purposes of this section of statute, the bill defines the term "tenders charges for reimbursement" to mean that the health care practitioner, department, company, or practice files a claim for reimbursement with any government-sponsored program (including Medicaid, Medicare, and Tricare) or private health insurer or health maintenance organization for services rendered to the patient.

The bill's requirement for timely refund of an overpayment would not apply to overpayments made to providers by commercial health insurers subject to s. 627.6131, F.S., or to health maintenance organizations subject to s. 641.3155, F.S.

A violation of s. 456.0625, F.S., would constitute grounds for disciplinary action under the practitioner's practice act and under s. 456.072, F.S., as amended in section 4 of the bill.

Section 4 amends s. 456.072(1), F.S., to add failure to comply with s. 456.0625, F.S., as created in section 3 of the bill, to the list of grounds for discipline. If the applicable board, or the Department of Health, when there is no board, finds any person guilty of this new ground for discipline, it may discipline the health care practitioner with disciplinary actions specified in s. 456.072(2), F.S.

The bill takes effect January 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

[63] An unclassified violation is a violation listed in s. 408.813, F.S., which is not designated as a class I, class II, class III, or class IV violation.

[64] *See* "The Department of Health" under "Present Situation" in this Bill Analysis for a list of practitioners who would be required to follow new s. 456.0625, F.S.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

This bill may result in a loss of improper revenue for providers who fail to check for or refund overpayments.

C. Government Sector Impact:

The Department of Health (DOH) reports that the bill may create a workload demand on the department requiring additional staff. Such demand would depend on the volume of complaints filed against health care practitioners under the bill's new requirements. Whether such volume materializes is indeterminant. The DOH estimates the need for two expert witnesses to calculate medical billing overpayments and to provide medical expertise at an annual cost of $83,530.[65]

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill creates the following sections of the Florida Statutes: 408.812 and 456.0625.

The bill substantially amends the following sections of the Florida Statutes: 408.13 and 456.072.

[65] Department of Health, Senate Bill 1808 Legislative Analysis (Mar. 14, 2025) (on file with the Senate Committee on Health Policy).

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS by Rules on April 15, 2025:
The bill requires a health care practitioner who tenders charges for reimbursement, or any billing department, management company, or group practice that accepts payment for services rendered by the health care practitioner, to refund the amount of any overpayment made by a patient no later than 30 days after the date that the health care practitioner determines that the overpayment was made. The CS/CS clarifies that the determination of whether an overpayment was made is to be made by the health care practitioner.

CS by Health Policy on March 18, 2025:
The CS expands the number of parties subject to the bill's 30-day requirement to include the Agency for Health Care Administration (AHCA) licensees, all health care practitioners regulated by the Department of Health (DOH), and anyone who accepts payment from insurance for services rendered by health care practitioners, including billing department, management companies, or group practices. Such parties must refund any overpayment made by the patient no later than 30 days after determining that the patient made an overpayment. The CS defines the term "tenders charges for reimbursement." The CS authorizes the AHCA to impose a fine of up to $500 on a licensee who violates the 30-day refund requirement. The CS also removes a provision in the underlying bill extending rulemaking authority to the DOH.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

532816

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/16/2025	.	
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The Committee on Rules (Burton) recommended the following:

Senate Amendment

Delete line 60
and insert:
after the date the health care practitioner determines that an overpayment was

By the Committee on Health Policy; and Senator Burton

588-02568-25 20251808c1

A bill to be entitled

An act relating to refund of overpayments made by patients; creating s. 408.12, F.S.; requiring health care facility licensees to refund to the patient any overpayment within a specified timeframe; defining the term "tenders charges for reimbursement"; providing applicability; specifying that health care facility licensees who violate certain provisions are subject to administrative fines; amending s. 408.813, F.S.; revising administrative fines for health care practitioners; amending s. 456.0625, F.S.; requiring health care practitioners to refund to the patient any overpayment within a specified timeframe; defining the term "tenders charges for reimbursement"; providing applicability; specifying that health care practitioners who violate certain provisions are subject to disciplinary actions; amending s. 456.072, F.S.; revising the acts that constitute grounds for disciplinary actions for health care practitioners; providing an effective date.

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

Section 1. Section 408.12, Florida Statutes, is created to read:

408.12 Patient overpayments; refunds.—

(1) A licensee who tenders charges for reimbursement shall refund to the patient the amount of any overpayment made by the patient to the licensee no later than 30 days after the date

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

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that the licensee determines that such overpayment was made. For purposes of this section, the term "tenders charges for reimbursement" means the licensee files a claim for reimbursement with any government-sponsored program or private health insurer or health maintenance organization for services rendered to the patient.

(2) This section does not apply to an overpayment subject to s. 627.6131 or s. 641.3155.

(3) A licensee who violates this section is subject to an administrative fine under s. 408.813.

Section 2. Paragraph (g) is added to subsection (3) of section 408.813, Florida Statutes, to read:

408.813 Administrative fines; violations.—As a penalty for any violation of this part, authorizing statutes, or applicable rules, the agency may impose an administrative fine.

(3) The agency may impose an administrative fine for a violation that is not designated as a class I, class II, class III, or class IV violation. Unless otherwise specified by law, the amount of the fine may not exceed $500 for each violation. Unclassified violations include:

(g) Failing to refund a patient overpayment pursuant to s. 408.12.

Section 3. Section 456.0625, Florida Statutes, is created to read:

456.0625 Patient overpayments; refunds.—

(1) A health care practitioner who tenders charges for reimbursement, or any billing department, management company, or group practice that accepts payment for services rendered by the health care practitioner, shall refund to the patient the amount

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

of any overpayment made by the patient no later than 30 days after the date that it was determined that an overpayment was made. For purposes of this section, the term "tenders charges for reimbursement" means that the health care practitioner, department, company, or practice files a claim for reimbursement with any government-sponsored program or private health insurer or health maintenance organization for services rendered by the health care practitioner to the patient.

(2) This section does not apply to an overpayment subject to s. 627.6131 or s. 641.3155.

(3) A health care practitioner's violation of this section constitutes grounds for disciplinary action under s. 456.072.

Section 4. Paragraph (tt) is added to subsection (1) of section 456.072, Florida Statutes, to read:

456.072 Grounds for discipline; penalties; enforcement.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(tt) Failure to comply with s. 456.0625, relating to refunding overpayments to patients.

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

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

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Health Policy, *Chair*
Judiciary, *Vice Chair*
Appropriations Committee on Health and Human Services
Banking and Insurance
Fiscal Policy
Rules

JOINT COMMITTEE:
Joint Administrative Procedures Committee

SENATOR COLLEEN BURTON
12th District

April 10, 2025

The Honorable Kathleen Passidomo
400 Senate Building
404 South Monroe Street
Tallahassee, FL 32399

Chair Passidomo,

I respectfully request CS/SB 1808 Refund of Overpayments Made by Patients be placed on the Rules agenda at your earliest convenience.

Thank you for your consideration.

Regards,

Colleen Burton
State Senator, District 12

CC: Tom Yeaton, Staff Director
Shasta W. Kruse, Deputy Staff Director
Cynthia Futch, Committee Administrative Assistant

REPLY TO:
❒ 100 South Kentucky Avenue, Suite 260, Lakeland, Florida 33801 (863) 413-1529
❒ 318 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5012

Senate's Website: *www.flsenate.gov*

KATHLEEN PASSIDOMO
President of the Senate

DENNIS BAXLEY
President Pro Tempore

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL:	CS/SB 1820
INTRODUCER:	Transportation Committee and Senator Leek
SUBJECT:	Motor Vehicle Manufacturers and Franchised Motor Vehicle Dealers
DATE:	April 15, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Shutes	Vickers	TR	**Fav/CS**
2.	McMillan	McKay	CM	**Favorable**
3.	Shutes	Yeatman	RC	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1820 amends provisions of the Florida Motor Vehicle Dealership Act (Act), which governs the licensure of and contractual relationship between motor vehicle dealers, manufacturers, distributors, and importers.

The bill prohibits an applicant or licensee (manufacturer, distributor, importer) or common entity from implementing or enforcing sales or service measuring criteria without first making available and readily accessible a written description to each franchised dealer which states how the performance measurement criteria was designed, calculated, established, and uniformly applied.

The bill prohibits manufacturers, distributors, importers, or a common entity from engaging in any action taken as retaliation against a motor vehicle dealer because the dealer invoked any statutory right created by the motor vehicle franchise law, asserted that the manufacturer, distributor, importer, or a common entity has acted in a manner that violates the motor vehicle franchise law, or participated in an investigation, proceeding, or hearing.

The bill revises provisions relating to the discontinuation, cancellation, nonrenewal, modification or replacement of a motor vehicle franchise agreement to provide that such action is considered unfair under certain conditions.

The bill may have an indeterminate positive fiscal impact on franchised motor vehicle dealers in the state.

The bill takes effect July 1, 2025.

II. Present Situation:

Florida Automobile Dealership Act

The Act,[1] governs the licensure of, and contractual relationship (franchise agreements[2]) between, motor vehicle manufacturers,[3] distributors,[4] and importers,[5] and provides substantial protections for motor vehicle dealers.[6] The Division of Motorist Services within the Department of Highway Safety and Motor Vehicles (DHSMV) administers and enforces the Act, which generally specifies:

- Motor vehicle manufacturers, distributors, and importers must be licensed under the Act to engage in business in Florida and the conditions and situations under which the DHSMV may deny, suspend, or revoke such licenses;
- The requirements for manufacturers, distributors, or importers wishing to discontinue, cancel, modify, or otherwise replace a franchise agreement with a dealer, and the conditions under which the DHSMV may deny such a request;
- The procedures manufacturers, distributors, or importers must follow to add a franchised dealership in an area already served by a franchised dealer, the protest process, and the DHSMV's role in such circumstances;

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

[2] "Franchise agreement" means a contract, franchise, new motor vehicle franchise, sales and service agreement, or dealer agreement or any other terminology used to describe the contractual relationship between a manufacturer, factory branch, distributor, or importer, and a motor vehicle dealer, pursuant to which the motor vehicle dealer is authorized to transact business pertaining to motor vehicles of a particular line-make. "Line-make vehicles," means motor vehicles which are offered for sale, lease, or distribution under a common name, trademark, service mark, or brand name of the manufacturer of same (such as Ford, General Motors, or Honda). However, motor vehicles sold or leased under multiple brand names or marks constitute a single line-make when they are included in a single franchise agreement, and every motor vehicle dealer in this state authorized to sell or lease any such vehicles has been offered the right to sell or lease all of the multiple brand names or marks covered by the single franchise agreement. *See* ss. 320.60(1), (10), and (14), F.S.

[3] Section 320.60(9), F.S. defines a "Motor vehicle manufacturer" to mean any person, whether a resident or non-resident of this state, who manufactures or assembles motor vehicles or who manufactures or installs on previously assembled truck chassis special bodies or equipment which, when installed, form an integral part of the motor vehicle and which constitute a major manufacturing alteration. This term includes a central or principal sales corporation or other entity through which, by contractual agreement or otherwise, it distributes its products.

[4] Section 320.60(9), F.S. defines a "Distributor" to mean a person, resident or nonresident, who, in whole or in part, sells or distributes motor vehicles to motor vehicle dealers or who maintains distributor representatives.

[5] Section 320.60(7), F.S. defines "Importer" to mean a person who imports vehicles from a foreign country into the United States or into this state for the purpose of sale or lease.

[6] "Motor vehicle dealer" means any person, firm, company, corporation, or entity who holds a license under s. 32.27, F.S., as a "franchised motor vehicle dealer" and, for commission, money, or other things of value, repairs or services motor vehicles pursuant to a franchise agreement; sells, exchanges, buys, leases or rents, or offers, or attempts to negotiate a sale or exchange of any interest in, motor vehicles,; or is engaged wholly or in party in the business of selling motor vehicles, whether or not such motor vehicles are owned by such person, firm, company, or corporation. Further, any person who repairs or services three or more motor vehicles; buys, sells, or deals in three or more motor vehicles in any 12-month period; or offers or displays for sale three or more motor vehicles is presumed to be a motor vehicle dealer, with exceptions. *See* s. 320.60(13), F.S.

- The damages assessable against a manufacturer, distributor, or importer who violates the Act; and
- The DHSMV's authority to adopt rules to implement these sections of law.[7]

Common Entity

When the Act refers to a "common entity" it is referring to a person or business that is directly or indirectly controlled by, or has more than 30 percent equity interest in, a manufacturer, importer, distributor, or licensee, or an affiliate thereof.[8]

Measuring Sales or Service Performance

The Act prohibits manufacturers, distributors, or importers measuring the sales or service performance of any of their franchised motor vehicle dealers in Florida which have a material or adverse effect on any motor vehicle dealer that are unfair, unreasonable, arbitrary, or inequitable, or do not include all relevant and material local and regional criteria, data, and facts.[9]

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

The Act authorizes motor vehicle dealers who receive a notice of intent to discontinue, cancel, not renew, modify, or replace a franchise agreement from a manufacturer to, within the 90-day notice period, file a petition or complaint for a determination of whether such action is unfair or prohibited. Such actions are considered unfair if they are not:[10]

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

The Act provides new motor vehicle dealers with at least 180 days to correct an alleged failure before a manufacturer is authorized to send the notice of discontinuation, cancellation, or nonrenewal.[11]

A modification or replacement is unfair if it is not:[12]

- Clearly permitted by the franchise agreement;
- Undertaken in good faith; or
- Undertaken for good cause.

The manufacturer, distributor, or importer has the burden of proof that such action is fair and not prohibited.[13]

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[7] Section 320.011, F.S. *See also* ss. 320.60-320.70, F.S.
[8] Section 320.60(2)(a), F.S.
[9] Section 320.64(42)(a), F.S.
[10] Section 320.641(3), F.S.
[11] *Id.*
[12] *Id.*
[13] *Id.*

Complaints and Conduct of Inquiry

The Act requires the DHSMV to conduct an inquiry of a manufacturer relating to any written complaint alleging a violation of any provision of ss. 320.61-320.70, of the Act, made by the following entities:[14]

- A motor vehicle dealer with a current franchise agreement with the manufacturer, or
- A motor vehicle dealer association with at least one member with a current franchise agreement issued by the manufacturer.

Motor Vehicle Dealer Association Standing

On May 3, 2022, the First District Court of Appeal affirmed a decision by the DHSMV that the Florida Automobile Dealers Association (FADA) lacked standing to challenge a manufacturer, distributor, or importer based alleged violation of the Act.[15] Specifically, the court held that, even though the FADA's members are motor vehicle dealers, the FADA lacked standing because:

- It is not itself a motor vehicle dealer or other statutorily-authorized person or entity that may bring such a challenge; and
- The FADA was not directly and negatively impacted by the manufacturers, distributors, or importers actions or conduct.[16]

III. Effect of Proposed Changes:

The bill amends s. 320.64, F.S., relating to the denial, suspension or revocation of a license issued to a motor vehicle manufacturer, distributor, or importer. Specifically, the bill adds "common entity" to the prohibition of a manufacturer, distributor, or importer from measuring the sales or service performance of their franchised motor vehicle dealers.

The bill prohibits a manufacturer, distributor, importer, or common entity from implementing or enforcing sales or service measuring criteria without first making it available and readily accessible, before implementation and enforcement, a written description to each franchised dealer in Florida which describes how the performance measurement criteria was designed, calculated, established, and uniformly applied.

The bill prohibits manufacturers, distributors, importers, or a common entity from engaging in any action, or implementing any policy, standard, rule, practice, or program, taken as retaliation against a motor vehicle dealer because the dealer invoked any statutory right created by the motor vehicle franchise law, asserted that the applicant, licensee or a common entity has acted in a manner that violates the motor vehicle franchise law, or testified, assisted, or participated in any manner in an investigation, proceeding, or hearing that may directly affect the manufacturer, distributor, importer, or common entity.

[14] Section 320.67, F.S.
[15] *Fla. Auto. Dealers Ass'n v. Hyundai Motor Am. Corp*., 337 So. 3d 893, 894 (Fla. 1st DCA 2022), *reh'g denied* (May 3, 2022).
[16] *Id.*

The bill amends s. 320.641, F.S., relating to the discontinuation, cancellation, or nonrenewal of a motor vehicle franchise agreement to clarify that such action is unfair if it is not based on a material and substantial breach of the franchise agreement by the motor vehicle dealer.

The bill also revises the burden of proof requirement to specify that the manufacturer, distributor, or importer has the burden of proof that the discontinuation, cancellation, nonrenewal, modification, or replacement is fair and not prohibited.

The bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None Identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill may have an indeterminate positive fiscal impact on franchised motor vehicle dealers in Florida.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 320.64 and 320.641 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Transportation March 25, 2025:
The committee substitute:

- Removes changes to certain definitions and their applicability.
- Revises the requirements governing when the discontinuation, cancellation, or a nonrenewal of a dealer franchise agreement is considered unfair.
- Restores the provision authorizing a motor vehicle dealer association to initiate a complaint against a manufacturer, distributor, or importer.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By the Committee on Transportation; and Senator Leek

596-02860-25 20251820c1

A bill to be entitled

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

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

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

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

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shall be liable for claims and remedies provided in ss. 320.695 and 320.697 for any violation of any of the following provisions. A licensee is prohibited from committing the following acts:

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

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

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

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

established, and uniformly applied.

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

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

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

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

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

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

determination of the issues raised in such petition or complaint by the motor vehicle dealer. A discontinuation, cancellation, or nonrenewal of a franchise agreement is unfair if it is not clearly permitted by the franchise agreement; is not undertaken in good faith; is not undertaken for good cause; or is not based on a material and substantial ~~an alleged~~ breach of the franchise agreement by the motor vehicle dealer ~~which is not in fact a material and substantial breach~~; or, if the grounds relied upon for termination, cancellation, or nonrenewal have not been applied in a uniform and consistent manner by the licensee. If the notice of discontinuation, cancellation, or nonrenewal relates to an alleged failure of the new motor vehicle dealer's sales or service performance obligations under the franchise agreement, the new motor vehicle dealer must first be provided with at least 180 days to correct the alleged failure before a licensee may send the notice of discontinuation, cancellation, or nonrenewal. A modification or replacement is unfair if it is not clearly permitted by the franchise agreement; is not undertaken in good faith; or is not undertaken for good cause. The applicant or licensee has ~~shall have~~ the burden of proof that such discontinuation, cancellation, nonrenewal, modification, or replacement ~~action~~ is fair and not prohibited.

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

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

The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: April 1, 2025

I respectfully request that **Senate Bill #1820**, relating to Motor Vehicle Manufacturers and Franchised Motor Vehicle Dealers, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Sincerely,

Sen. Tom Leek
Florida Senator, District 7

File signed original with committee office

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

4/16/25
Meeting Date

RULES
Committee

1820
Bill Number or Topic

Amendment Barcode (if applicable)

Name DAVID RAMBA

Phone 850 727 7087

Address 120 S. MONROE ST.
Street

Email david@rambalaw.com

TALLAHASSEE FL 32301
City *State* *Zip*

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☑ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
FLORIDA AUTOMOBILE DEALERS ASSOCIATION

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL:	CS/CS/SB 1822
INTRODUCER:	Rules Committee; Community Affairs Committee and Senator Martin
SUBJECT:	Waste Management
DATE:	April 16, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Barriero	Rogers	EN	**Favorable**
2.	Hackett	Fleming	CA	**Fav/CS**
3.	Barriero	Yeatman	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1822 provides that the regulation of auxiliary containers is expressly preempted to the state unless permitted by statute. The bill defines "auxiliary containers" as a reusable or single-use bag, cup, bottle, can, or other packaging that is:

- Made of cloth; paper; plastic, including, but not limited to, foamed plastic, expanded plastic, or polystyrene; cardboard; corrugated material; molded fiber; aluminum; glass; postconsumer recycled material; or similar material or substrates, including coated, laminated, or multilayer substrates; and
- Designed for transporting, consuming, or protecting merchandise, food, or beverages from or at a public food service establishment, a food establishment, or a retailer, as defined by Florida law.

The bill permits rules, regulations, and ordinances restricting the use of glass auxiliary containers on public beaches. The bill also authorizes the Division of Recreation and Parks of the Department of Environmental Protection (DEP) to regulate auxiliary containers in state parks.

The bill removes an obsolete provision requiring DEP to update its 2010 retail bags report that analyzed the need for new or different regulation of auxiliary containers, wrappings, or disposable bags. The bill also removes a provision prohibiting a local government, local governmental agency, or state government agency from regulating auxiliary containers until the Legislature adopts DEP's recommendations in its updated report.

The bill also prohibits DEP and local governments from issuing construction permits for a new solid waste disposal facility that uses an ash-producing incinerator or a waste-to-energy facility if the proposed location of such facility is sited within a one-half mile radius of any residential property, commercial property, or school.

The bill takes effect July 1, 2025.

II. Present Situation:

Auxiliary Containers

Plastics are found in a variety of nondurable products, such as disposable diapers, trash bags, cups, utensils, medical devices, and household items.[1] Plastic food service items are generally made of clear or foamed polystyrene, while trash bags are made of high-density polyethylene or low-density polyethylene.[2]

Plastics are a rapidly growing segment of municipal solid waste.[3] The United Nations has estimated that the world consumes between 1 trillion and 5 trillion plastic bags per year.[4] In the United States, fewer than 10 percent of plastic bags are recycled per year.[5] In Florida, about 5-6 million tons of collected municipal solid waste per year are single-use carryout packaging (SUCP).[6]

Improperly managed SUCP can end up in Florida's environment, littering roads, clogging stormwater systems, polluting freshwater sources, and harming the state's marine ecosystems.[7] One estimate places the amount of all plastics entering Florida's marine environment in 2020 at roughly 7,000 tons.[8] Based on citizen science data, the total number of large litter items collected in 2020 from Florida shorelines was 542,544 units (reported as 102 tons), of which SUCP comprised approximately 10 percent (on a unit basis).[9]

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[1] U.S. Environmental Protection Agency (EPA), *Plastics: Material-Specific Data*, https://www.epa.gov/facts-and-figures-about-materials-waste-and-recycling/plastics-material-specific-data (last visited Mar. 26, 2025).
[2] *Id.*
[3] *Id.*
[4] United Nations Environment Programme, *Single-Use Plastics: A Roadmap for Sustainability*, viii (2018), *available at* https://www.unep.org/resources/report/single-use-plastics-roadmap-sustainability (last visited Mar. 26, 2025)
[5] EPA, *Advancing Sustainable Materials Management: 2016 and 2017 Tables and Figures*, 40 (2019), *available at* https://www.epa.gov/sites/default/files/2019-11/documents/2016_and_2017_facts_and_figures_data_tables_0.pdf (last visited Mar. 26, 2025)
[6] Florida Dep't of Environmental Protection (DEP), *Update of the 2010 Retail Bags Report*, 3 (2021), *available at* https://floridadep.gov/sites/default/files/FDEP%20Plastic%20Bag%20Report%20Final%20v4.pdf. In its report, DEP defines SUCP as including (1) auxiliary containers (a secondary container into which a product is placed for transport by a consumer. It includes, but is not limited to, reusable bags, paper bags, gift bags, gift boxes, hat boxes, cloth bags, and food takeout boxes and clamshells. Disposable plastic bags have been intentionally excluded from this definition); (2) wrappings (plastic films that are used to protect and transport the items within them; including, but not limited to, dry-cleaning, meats, fruits, bulk products, sandwiches, and newspaper. The focus for wrappings is on the external wrappings and not materials such as bubble wrap and tissue paper); and (3) disposable plastic bags (disposable plastic film bags used by the consumer to carry products from restaurants and retail establishments in the sale of products and goods. These bags are not necessarily meant to be reused multiple times but may have beneficial secondary uses and may be recycled at certain retail establishments). *Id.* at 2.
[7] *Id.* at 4.
[8] *Id.* at 5.
[9] *Id.*

The environmental damage caused by auxiliary containers and single-use plastics has prompted a global effort to limit their use.[10]

State Regulation of Auxiliary Containers

In response to growing concerns regarding the impact of retail plastic bags on the environment, the Legislature enacted s. 403.7033, F.S., in 2008, which required DEP to analyze the need for new or different regulations on auxiliary containers, wrappings, or disposable plastic bags used by consumers to carry products from retail establishments.[11] DEP's initial report was submitted in 2010, and in 2021, the Legislature directed DEP to review and update its 2010 report by December 31, 2021.[12] DEP submitted the updated report with its conclusions and recommendations on December 27, 2021.[13]

Section 403.7033, F.S., also prohibits local governments, local governmental agencies, and state government agencies from enacting any rule, regulation, or ordinance regarding the use, disposition, sale, prohibition, restriction, or tax of auxiliary containers, wrappings, or disposable plastic bags until the Legislature adopts DEP's recommendations.[14] To date, the Legislature has not adopted any recommendations contained in the report and the prohibition remains in effect.[15]

Further, s. 500.90, F.S., provides that the regulation of the use or sale of polystyrene products by entities regulated under the Florida Food Safety Act (chapter 500, F.S.) is preempted to the Department of Agriculture and Consumer Services.[16] In addition, s. 403.708(9), F.S., provides that the packaging of products manufactured or sold in the state may not be controlled by governmental rule, regulation, or ordinance adopted after March 1, 1974, other than as expressly provided by law.

Some cities in Florida have passed ordinances that regulate single-use plastics or polystyrene on city property.[17] In 2016, the City of Coral Gables enacted an ordinance prohibiting food service

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[10] *See* United Nations Environment Programme, *Resolution adopted by the United Nations Assembly on 15 March 2019: Resolution 4/9: Addressing single-use products pollution*, 1-2 (2019), *available at* https://wedocs.unep.org/bitstream/handle/20.500.11822/28473/English.pdf?sequence=3&isAllowed=y (last visited Mar. 26, 2025)

[11] Ch. 2008-227, s. 96, Laws of Fla.; Section 403.7033, F.S.

[12] *See* ch. 2021-125, s. 1, Laws of Fla.

[13] DEP, *Update of the 2010 Retail Bags Report* (2021), *available at* *https://floridadep.gov/sites/default/files/FDEP%20Plastic%20Bag%20Report%20Final%20v4.pdf* (last visited Mar. 26, 2025)

[14] Section 403.7033, F.S.

[15] *Id.*

[16] This preemption does not apply to local ordinances enacted before January 1, 2016, and does not limit the authority of a local government to restrict the use of polystyrene by individuals on public property, temporary vendors on public property, or entities engaged in a contractual relationship with the local government for the provision of goods or services, unless such use is otherwise preempted by law. Section 500.90, F.S.

[17] *See, e.g.*, City of Atlantic Beach, Fla., Code of Ordinances, § 5-5 (prohibiting the use, sale, or distribution of polystyrene foam products on city properties and the beach); City of Boca Raton, Fla., Code of Ordinances, § 9-110 (prohibiting the sale or distribution of polystyrene foam products); City of Deerfield Beach, Fla., Code of Ordinances, § 34-170 (prohibiting the sale or use of Styrofoam/expanded polystyrene food service articles by city contractors and special event permittees); City of Fort Lauderdale, Fla., Code of Ordinances, §§ 16-153 and 16-154 (prohibiting the use of polystyrene products by individuals, temporary vendors, city contractors, and special event permittees while located or operating on city property or city

providers and stores from selling or using expanded polystyrene (i.e. Styrofoam) containers.[18] In 2019, the Third District Court of Appeal held that ss. 500.90, 403.7033, and 403.708(9), F.S., expressly preempted the city's ordinance regulating polystyrene.[19]

State Preemption

State law recognizes two types of state preemption: express and implied. Express preemption requires a specific legislative statement of intent to preempt a specific area of law.[20] In contrast, implied preemption exists if the legislative scheme is so pervasive as to evidence an intent to preempt the particular area, and where strong public policy reasons exist for finding such an area to be preempted by the Legislature.[21]

Home Rule Authority

The Florida Constitution grants local governments broad home rule authority. Specifically, non-charter county governments may exercise those powers of self-government that are provided by general or special law.[22] Counties operating under a county charter have all powers of self-government not inconsistent with general law or special law approved by vote of the electors.[23] Likewise, municipalities have governmental, corporate, and proprietary powers that enable them to conduct municipal government, perform municipal functions and provide services, and exercise any power for municipal purposes except as otherwise provided by law.[24]

County governments have authority to provide fire protection, ambulance services, parks and recreation, libraries, museums and other cultural facilities, waste and sewage collection and disposal, and water and alternative water supplies.[25] Municipalities are afforded broad home rule powers with the exception of annexation, merger, exercise of extraterritorial power, or subjects prohibited or preempted by the Federal or State Constitution, county charter, or statute.[26]

Incinerators and Waste-to-Energy Facilities

Energy recovery from waste is the conversion of non-recyclable waste materials into usable heat, electricity, or fuel through processes, including combustion, gasification, pyrolization, anaerobic digestion, and landfill gas recovery.[27] This process is often called waste-to-energy (WTE).[28]

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facilities); City of Gainesville, Fla., Code of Ordinances, §§ 27-90 and 27-92 (prohibiting the use of single-use plastic straws and the use of expanded polystyrene containers on city property).

[18] *Fla. Retail Federation v. City of Coral Gables*, 282 So. 3d 889, 891 (Fla. 3d DCA 2019).

[19] *Id.* at 896.

[20] *City of Hollywood v. Mulligan*, 934 So. 2d 1238, 1243 (Fla. 2006).

[21] *Sarasota Alliance for Fair Elections v. Browning*, 28 So. 3d 880, 886 (Fla. 2010) (quoting *Phantom of Clearwater v. Pinellas County*, 894 So. 2d 1011, 1019 (Fla. 2d DCA 2005)).

[22] FLA. CONST., art. VIII, s. 1.(f).

[23] FLA. CONST., art. VIII, s. 1.(g).

[24] FLA. CONST., art. VIII, s. 2.(b); *see also* s. 166.021(1), F.S.

[25] Sections 125.01(1)(d)(e)(f) and (k)1., F.S.

[26] Section 166.021(3), F.S.

[27] U.S. Environmental Protection Agency (EPA), *Energy Recovery from the Combustion of Municipal Solid Waste (MSW)*, https://www.epa.gov/smm/energy-recovery-combustion-municipal-solid-waste-msw (last visited Apr. 1, 2025).

[28] *Id.*

Municipal solid waste (MSW) can be used to produce energy at WTE plants and landfills.[29] MSW can contain:

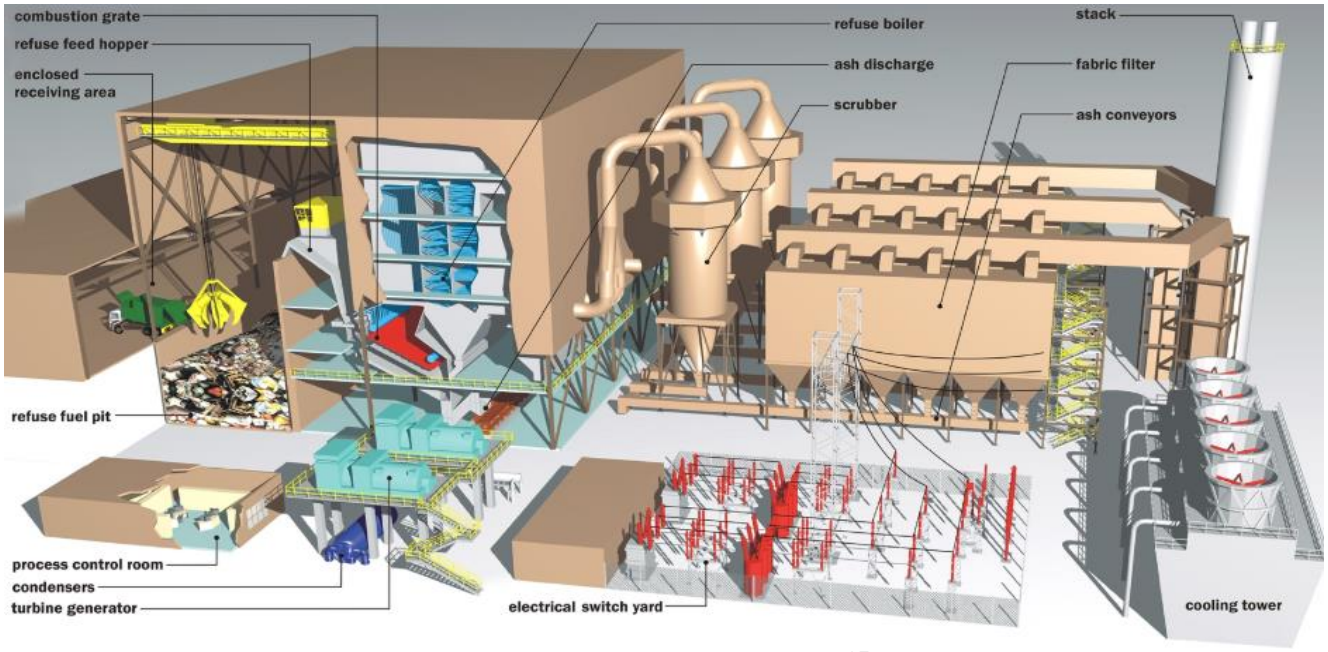
- Biomass, or biogenic (plant or animal products) materials such as paper, cardboard, food waste, grass clippings, leaves, wood, and leather products;
- Nonbiomass combustible materials such as plastics and other synthetic materials made from petroleum; and
- Noncombustible materials such as glass and metals.[30]

The process of MSW incineration is generally divided into three main parts: incineration, energy recovery, and air-pollution control.[31] Most modern incinerators are equipped with energy-recovery schemes, which produce WTE ash.[32] Three major classes of technologies are used to combust MSW: mass burn, refuse-derived fuel, and fluidized-bed combustion.[33] The most common WTE system in the U.S. is the mass-burn system.[34]

At an MSW combustion facility, MSW is unloaded from collection trucks and placed in a trash storage bunker.[35] An overhead crane sorts the waste and then lifts it into a combustion chamber to be burned. The heat released from burning converts water to steam, which is then sent to a turbine generator to produce electricity. The remaining ash is collected and taken to a landfill where a high-efficiency baghouse filtering system captures particulates. As the gas stream travels through these filters, more than 99 percent of particulate matter is removed. Captured fly ash particles fall into hoppers (funnel-shaped receptacles) and are transported by an enclosed conveyor system to the ash discharger. They are then wetted to prevent dust and mixed with the bottom ash from the grate. The facility transports the ash residue to an enclosed building where it is loaded into covered, leak-proof trucks and taken to a landfill designed to protect against groundwater contamination.[36]

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[29] U.S. Energy Information Administration (EIA), *Biomass explained, Waste-to-energy (Municipal Solid Waste), Basics*, https://www.eia.gov/energyexplained/biomass/waste-to-energy.php (last visited Apr. 1, 2025).
[30] *Id.*
[31] Byoung Cho et al., *Municipal Solid Waste Incineration Ashes as Construction Materials—A review*, Materials, vol. 13, 2 (2020), *available at* https://pmc.ncbi.nlm.nih.gov/articles/PMC7411600/ (last visited Apr. 1, 2025).
[32] *Id.*
[33] *Id.*
[34] EIA, *Biomass explained: Waste-to-energy (Municipal Solid Waste), In-depth*, https://www.eia.gov/energyexplained/biomass/waste-to-energy-in-depth.php (last visited Apr. 1, 2025).
[35] EPA, *Energy Recovery from the Combustion of Municipal Solid Waste (MSW)*, https://www.epa.gov/smm/energy-recovery-combustion-municipal-solid-waste-msw#Technology (last visited Apr. 1, 2025).
[36] *Id.*



Example of a WTE plant[37]

About 90 percent of the energy produced by WTE plants is delivered to the electric grid.[38] The remaining 10 percent consists of steam that some WTE facilities send to nearby industrial plants and institutions.[39]

Waste incineration first became popular in the U.S. in the first half of the 20th century as a way to manage waste but declined after the passage of the Clean Air Act in 1963 forced facilities to either adopt costly air pollution controls or shut down.[40] In the 1970s and 1980s, waste-to-energy facilities rose again in popularity as a way to produce a low-cost energy alternative to coal, which was considered by some at the time to be a renewable energy source. Now, the number of incinerators has again declined nationally due to public concern about their environmental and

[37] Pinellas County, *Waste-to-Energy Facility*, https://pinellas.gov/waste-to-energy-facility/ (last visited Apr. 1, 2025) (showing graphic of a mass-burn waste-to-energy plant).
[38] U.S. Energy Information Administration, *Waste-to-energy plants are a small but stable source of electricity in the United States*, https://www.eia.gov/todayinenergy/detail.php?id=55900 (last visited Apr. 1, 2025).
[39] *Id.*
[40] University of Florida, Thompson Earth Systems Institute, *Tell Me About: Waste Incineration in Florida* (2022), https://www.floridamuseum.ufl.edu/earth-systems/blog/tell-me-about-waste-incineration-in-florida/ (last visited Apr. 1, 2025).

health impacts, as well as a loss in profitability.[41] In Florida, there are currently 10 WTE facilities.[42] Florida has the largest capacity to burn MSW of any state in the country.[43]

Solid Waste Facility Permitting in Florida

In Florida, the governing body of a county has the responsibility to provide for the operation of solid waste disposal facilities to meet the needs of all incorporated and unincorporated areas of the county.[44] A county may enter into a written agreement with other parties to undertake some or all of its responsibilities.[45]

A solid waste management facility may not be operated, maintained, constructed, expanded, modified, or closed without a permit issued by the Department of Environmental Protection (DEP).[46] In addition to a solid waste management facility permit, WTE facilities may also require an air construction and operation permits.[47]

DEP may only issue a construction permit to a solid waste management facility that provides the conditions necessary to control the safe movement of wastes or waste constituents into surface or ground waters or the atmosphere and that will be operated, maintained, and closed by qualified and properly trained personnel.[48] Such facility must if necessary:

- Use natural or artificial barriers that can control lateral or vertical movement of wastes or waste constituents into surface or ground waters.
- Have a foundation or base that can provide support for structures and waste deposits and capable of preventing foundation or base failure due to settlement, compression, or uplift.
- Provide for the most economically feasible, cost-effective, and environmentally safe control of leachate, gas, stormwater, and disease vectors and prevent the endangerment of public health and the environment.[49]

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[41] *Id.* The major concern associated with MSW incineration is the air pollution caused by dioxin, furan, and heavy metals originating from MSW. Cho, *Municipal Solid Waste Incineration Ashes as Construction Materials—A review* at 2. *See also* C. Ferreira et al., *Heavy metals in MSW incineration fly ashes*, Journal de Physique IV, vol. 107 (2003), *available at* https://jp4.journaldephysique.org/articles/jp4/abs/2003/05/jp4pr5p463/jp4pr5p463.html; Junjie Zhang et al., *Degradation technologies and mechanisms of dioxins in municipal solid waste incineration fly ash: A review*, Journal of Cleaner Production, vol. 250 (2020), *available at* https://www.sciencedirect.com/science/article/abs/pii/S095965261934377X.

[42] DEP, *Waste-to-Energy*, https://floridadep.gov/waste/permitting-compliance-assistance/content/waste-energy (last visited Apr. 1, 2025). The state had 11 WTE facilities until 2023 when a fire destroyed one in Miami-Dade County. *See* Mayor Daniella Levine Cava, *Memorandum on Site Selection for a Sustainable Solid Waste Campus and Update on Miami-Dade County's Solid Waste Disposal Strategy*, 1 (2024), *available at* https://documents.miamidade.gov/mayor/memos/09.13.24-Site-Selection-for-a-Sustainable-Solid-Waste-Campus.pdf (last visited Apr. 1, 2025).

[43] DEP, *Waste-to-Energy*.

[44] Section 403.706(1), F.S.

[45] Section 403.706(8), F.S.

[46] *See* section 403.707(1), F.S.

[47] Sections 403.707(6) and 403.087(1), F.S.; Fla. Admin. Code R. 62-210.300. *See also* DEP, *Air Construction Permits*, https://floridadep.gov/sites/default/files/Air-Construction-Permits.pdf (last visited Apr. 1, 2025).

[48] Section 403.707(6), F.S.

[49] *Id.*

DEP can exempt certain types of facilities from permit requirements if it determines that construction or operation of the facility is not expected to create any significant threat to the environment or public health.[50]

DEP must allow WTE facilities to maximize acceptance and processing of nonhazardous solid and liquid waste.[51] Ash from WTE facilities must be disposed of in a lined MSW landfill or a lined ash monofill, since an U.S. Environmental Protection Agency (EPA) study showed that ash from WTE facilities should not be classified as hazardous waste.[52]

Federal Regulations on Waste Incineration

Pursuant to the Clean Air Act, EPA has developed regulations limiting emissions of nine air pollutants—particulate matter, carbon monoxide, dioxins/furans, sulfur dioxide, nitrogen oxides, hydrogen chloride, lead, mercury, and cadmium—from four categories of solid waste incineration units: (1) municipal solid waste; (2) hospital, medical and infectious solid waste; (3) commercial and industrial solid waste; and (4) other solid waste.[53]

Emission limits may vary depending on the size and type of the facility (e.g., large versus small municipal waste combustors) and whether the materials incinerated are hazardous.[54] In 2024, EPA proposed stricter standards for large municipal waste combustion units.[55] EPA is also considering requiring waste incinerators to report toxic releases to the toxic release inventory, which tracks the management of certain toxic chemicals.[56]

[50] Section 403.707(1), F.S.
[51] Section 403.707(1), F.S.
[52] DEP, *Waste-to-Energy*, https://floridadep.gov/waste/permitting-compliance-assistance/content/waste-energy (last visited Apr. 1, 2025).
[53] EPA, *Large Municipal Waste Combustors (LMWC): New Source Performance Standards (NSPS) and Emissions Guidelines*, https://www.epa.gov/stationary-sources-air-pollution/large-municipal-waste-combustors-lmwc-new-source-performance (last visited Apr. 1, 2025). *See* 71 Fed. Reg. 27325-26 (adopting final rule regarding standards of performance for new stationary sources and emission guidelines for existing sources: large municipal waste combustors); 40 CFR part 60.
[54] *See generally* EPA, *Clean Air Act Guidelines and Standards for Waste Management*, https://www.epa.gov/stationary-sources-air-pollution/clean-air-act-guidelines-and-standards-waste-management (last visited Apr. 1, 2025).
[55] 89 Fed. Reg. 4243, 4246 (Jan. 23, 2024) (proposing amendments to 40 CFR part 60). Large municipal waste combustors combust greater than 250 tons per day of municipal solid waste. 40 CFR 60.32b and 60.50b; EPA, *Large Municipal Waste Combustors (LMWC): New Source Performance Standards (NSPS) and Emissions Guidelines*, https://www.epa.gov/stationary-sources-air-pollution/large-municipal-waste-combustors-lmwc-new-source-performance (last visited Apr. 1, 2025).
[56] EPA, *Memorandum re: Petition for Rulemaking Pursuant to the Administrative Procedure Act and the Emergency Planning and Community Right-to-Know Act, Requiring that Waste Incinerators Report to the Toxics Release Inventory*, 1-2 (2024), *available at* https://peer.org/wp-content/uploads/2024/12/PET-001757_Incinerators_PetitionResponse_Ltr.pdf; EPA, *What is the Toxics Release Inventory?*, https://www.epa.gov/toxics-release-inventory-tri-program/what-toxics-release-inventory (last visited Apr. 1, 2025). U.S. facilities in different industry sectors must report annually how much of each chemical they release into the environment and/or managed through recycling, energy recovery and treatment, as well as any practices implemented to prevent or reduce the generation of chemical waste. *Id.*

III. Effect of Proposed Changes:

Section 1 amends s. 403.703, F.S., which provides definitions for part IV of ch. 403, F.S. The bill defines "auxiliary container" as a reusable or single-use bag, cup, bottle, can, or other packaging that is:

- Made of cloth; paper; plastic, including, but not limited to, foamed plastic, expanded plastic, or polystyrene; cardboard; corrugated material; molded fiber; aluminum; glass; postconsumer recycled material; or similar material or substrates, including coated, laminated, or multilayer substrates; and
- Designed for transporting, consuming, or protecting merchandise, food, or beverages from or at a public food service establishment,[57] a food establishment,[58] or a retailer.[59]

Section 2 amends s. 403.7033, F.S., regarding the analysis of certain recyclable materials by the Department of Environmental Protection (DEP). The bill provides that the regulation of auxiliary containers is expressly preempted to the state unless permitted by statute. The bill provides that rules, regulations, or ordinances restricting the use of glass auxiliary containers within the boundaries of any public beach are explicitly permitted. DEP's Division of Recreation and Parks may regulate auxiliary containers within state parks.

In addition, the bill removes obsolete language that:

- Emphasized legislative intent that prudent regulation of recyclable materials is crucial to the ongoing welfare of Florida's ecology and economy;
- Required DEP to review and update its 2010 report on retail bags that included input from stakeholders analyzing the need for new or different regulation of auxiliary containers;
- Prohibited local or state government agencies from enacting any rule, regulation, or ordinance, until the Legislature adopts DEP's recommendations.

Section 3 amends s. 403.706, F.S., which regulates local government solid waste responsibilities. The bill prohibits local governments from issuing a construction permit for a new solid waste disposal facility that uses an ash-producing incinerator or a waste-to-energy facility, if the proposed location of such facility is sited within a one-half mile radius of any residential property, commercial property, or school.

Section 4 amends s. 403.707, F.S., which regulates solid waste facility permits. The bill prohibits the Department of Environmental Protection from issuing a construction permit for a new solid waste disposal facility that uses an ash-producing incinerator or for a waste-to-energy facility, if

[57] "Public food service establishment" means any building, vehicle, place, or structure, or any room or division in a building, vehicle, place, or structure where food is prepared, served, or sold for immediate consumption on or in the vicinity of the premises; called for or taken out by customers; or prepared prior to being delivered to another location for consumption. Section 509.013(5)(a), F.S. The definition excludes several types of entities, such as places maintained and operated by churches and public or private schools, colleges, or universities, or any theater or place of business where the food available for consumption is limited to beverages, popcorn, or prepackaged items. Section 509.013(5)(b), F.S.

[58] "Food establishment" means a factory, food outlet, or other facility manufacturing, processing, packing, holding, storing, or preparing food or selling food at wholesale or retail. Certain exceptions apply. Section 500.03(1)(p), F.S.

[59] "Retailer" means and includes every person engaged in the business of making sales at retail or for distribution, or use, or consumption, or storage to be used or consumed in this state. Section 212.02(13), F.S.

the proposed location of such facility is sited within a one-half mile radius of any residential property, commercial property, or school.

Sections 5 and 6 make conforming changes.

Section 7 provides an effective date of July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill may increase costs associated with siting incinerators and waste-to-energy facilities or relying on other methods of waste management when incineration and waste-to-energy facilities are not feasible.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 403.703, 403.7033, 403.7049, 403.705, 403.706, and 403.707.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS by Rules on April 16, 2025:
The committee substitute authorizes regulations restricting glass auxiliary containers on public beaches and allows the Division of Recreation and Parks to regulate auxiliary containers in state parks.

CS by Community Affairs on March 31, 2025:
The committee substitute:

- Changes the bill's title to waste management.
- Prohibits the Department of Environmental Protection and local governments from issuing construction permits for new waste-to-energy facilities or solid waste disposal facilities that use an ash-producing incinerator if the proposed location is within certain counties and sited within one mile of any school or residential area with a density of at least one home per acre.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

853150

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/16/2025	.	
	.	
	.	
	.	

The Committee on Rules (Martin) recommended the following:

Senate Amendment (with title amendment)

Delete lines 113 - 117

and insert:

~~department,~~

(1) The regulation of auxiliary containers is expressly preempted to the state. A local government, local governmental ~~government~~ agency, or state governmental agency may not enact or enforce any rule, regulation, or ordinance regarding the use, disposition, sale, prohibition, restriction, or tax of such auxiliary containers unless explicitly permitted by statute.

853150

(2) Rules, regulations, or ordinances restricting the use of glass auxiliary containers within the boundaries of any public beach are explicitly permitted.

(3) The Division of Recreation and Parks of the Department of Environmental Protection may adopt rules regulating auxiliary containers within state parks consistent with its grant of authority in s. 258.004~~,~~

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

And the title is amended as follows:

Delete lines 8 - 10

and insert:

update a specified report; preempting the regulation of auxiliary containers to the state; permitting rules, regulations, or ordinances restricting the use of glass auxiliary containers within the boundaries of a public beach; requiring the Division of Recreation and Parks to adopt rules regulating auxiliary containers within state parks; amending ss. 403.706 and

777380

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/16/2025	.	
	.	
	.	
	.	

The Committee on Rules (Martin) recommended the following:

Senate Amendment to Amendment (853150) (with title amendment)

Delete line 16
and insert:
of Environmental Protection may regulate auxiliary

================ T I T L E A M E N D M E N T ================
And the title is amended as follows:
Delete lines 29 - 30
and insert:

777380

a public beach; authorizing the Division of Recreation and Parks to regulate auxiliary

By the Committee on Community Affairs; and Senator Martin

578-03105-25 20251822c1

A bill to be entitled

An act relating to waste management; amending s. 403.703, F.S.; defining the term "auxiliary container"; conforming cross-references; amending s. 403.7033, F.S.; deleting obsolete provisions that provide legislative findings and require the Department of Environmental Protection to review and update a specified report; prohibiting the local regulation of auxiliary containers; preempting such regulation to the state; amending ss. 403.706 and 403.707, F.S.; prohibiting a local government and the Department of Environmental Protection, respectively, from issuing a construction permit for certain solid waste disposal facilities in certain counties; providing applicability; conforming a provision to changes made by the act; conforming cross-references; amending ss. 403.7049 and 403.705, F.S.; conforming cross-references; providing an effective date.

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

Section 1. Present subsections (2) through (48) of section 403.703, Florida Statutes, are redesignated as sections (3) through (49), respectively, a new subsection (2) is added to that section, and present subsections (6), (7), (21), and (35) of that section are amended, to read:

403.703 Definitions.—As used in this part, the term:

(2) "Auxiliary container" means a reusable or single-use bag, cup, bottle, can, or other packaging that meets both of the

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

578-03105-25 20251822c1

following requirements:

(a) Is made of cloth; paper; plastic, including, but not limited to, foamed plastic, expanded plastic, or polystyrene; cardboard; corrugated material; molded fiber; aluminum; glass; postconsumer recycled material; or similar material or substrates, including coated, laminated, or multilayer substrates.

(b) Is designed for transporting, consuming, or protecting merchandise, food, or beverages from or at a public food service establishment as defined in s. 509.013(5), a food establishment as defined in s. 500.03(1), or a retailer as defined in s. 212.02(13).

(7) ~~(6)~~ "Construction and demolition debris" means discarded materials generally considered to be not water-soluble and nonhazardous in nature, including, but not limited to, steel, glass, brick, concrete, asphalt roofing material, pipe, gypsum wallboard, and lumber, from the construction or destruction of a structure as part of a construction or demolition project or from the renovation of a structure, and includes rocks, soils, tree remains, trees, and other vegetative matter that normally results from land clearing or land development operations for a construction project, including such debris from construction of structures at a site remote from the construction or demolition project site. Mixing of construction and demolition debris with other types of solid waste will cause the resulting mixture to be classified as other than construction and demolition debris. The term also includes:

(a) Clean cardboard, paper, plastic, wood, and metal scraps from a construction project;

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

(b) Except as provided in s. 403.707(10)(j) ~~s. 403.707(9)(j)~~, yard trash and unpainted, nontreated wood scraps and wood pallets from sources other than construction or demolition projects;

(c) Scrap from manufacturing facilities which is the type of material generally used in construction projects and which would meet the definition of construction and demolition debris if it were generated as part of a construction or demolition project. This includes debris from the construction of manufactured homes and scrap shingles, wallboard, siding concrete, and similar materials from industrial or commercial facilities; and

(d) De minimis amounts of other nonhazardous wastes that are generated at construction or destruction projects, provided such amounts are consistent with best management practices of the industry.

(8) ~~(7)~~ "County," or any like term, means a political subdivision of the state established pursuant to s. 1, Art. VIII of the State Constitution and, when s. 403.706(20) ~~s. 403.706(19)~~ applies, means a special district or other entity.

(22) ~~(21)~~ "Municipality," or any like term, means a municipality created pursuant to general or special law authorized or recognized pursuant to s. 2 or s. 6, Art. VIII of the State Constitution and, when s. 403.706(20) ~~s. 403.706(19)~~ applies, means a special district or other entity.

(36) ~~(35)~~ "Solid waste" means sludge unregulated under the federal Clean Water Act or Clean Air Act, sludge from a waste treatment works, water supply treatment plant, or air pollution control facility, or garbage, rubbish, refuse, special waste, or

other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations. Recovered materials as defined in subsection (29) ~~(28)~~ and post-use polymers as defined in subsection (25) ~~(24)~~ are not solid waste.

Section 2. Section 403.7033, Florida Statutes, is amended to read:

403.7033 Preemption of regulation for auxiliary containers ~~Departmental analysis of particular recyclable materials.~~ ~~The Legislature finds that prudent regulation of recyclable materials is crucial to the ongoing welfare of Florida's ecology and economy. As such, the Department of Environmental Protection shall review and update its 2010 report on retail bags analyzing the need for new or different regulation of auxiliary containers, wrappings, or disposable plastic bags used by consumers to carry products from retail establishments. The updated report must include input from state and local government agencies, stakeholders, private businesses, and citizens and must evaluate the efficacy and necessity of both statewide and local regulation of these materials. To ensure consistent and effective implementation, the department shall submit the updated report with conclusions and recommendations to the Legislature no later than December 31, 2021. Until such time that the Legislature adopts the recommendations of the department,~~ A local government, local governmental agency, or state governmental agency may not enact any rule, regulation, or ordinance regarding the use, disposition, sale, prohibition, restriction, or tax of ~~such~~ auxiliary containers. The regulation

of auxiliary containers is expressly preempted to the state~~,~~ ~~wrappings, or disposable plastic bags~~.

Section 3. Present subsections (2) through (23) of section 403.706, Florida Statutes, are redesignated as subsections (3) through (24), respectively, a new subsection (2) is added to that section, and present subsections (4), (6), (7), and (20) of that section are amended, to read:

403.706 Local government solid waste responsibilities.—

(2) A local government may not issue a construction permit pursuant to this section for a new solid waste disposal facility that uses an ash-producing incinerator or for a waste-to-energy facility, if the proposed location of such facility is sited within a one mile radius of any school or any property zoned for residential use which has a density of one or more dwelling units per acre. The one-mile radius must be measured from the stack of the facility. This subsection applies only to a county as defined in s. 125.011(1).

(5)(a) ~~(4)(a)~~ In order to promote the production of renewable energy from solid waste, each megawatt-hour produced by a renewable energy facility using solid waste as a fuel shall count as 1 ton of recycled material and shall be applied toward meeting the recycling goals set forth in this section. If a county creating renewable energy from solid waste implements and maintains a program to recycle at least 50 percent of municipal solid waste by a means other than creating renewable energy, that county shall count 1.25 tons of recycled material for each megawatt-hour produced. If waste originates from a county other than the county in which the renewable energy facility resides, the originating county shall receive such recycling credit. Any

byproduct resulting from the creation of renewable energy that is recycled shall count towards the county recycling goals in accordance with the methods and criteria developed pursuant to paragraph (3)(h) ~~(2)(h)~~.

(b) A county may receive credit for one-half of the recycling goal set forth in subsection (3) ~~(2)~~ from the use of yard trash, or other clean wood waste or paper waste, in innovative programs including, but not limited to, programs that produce alternative clean-burning fuels such as ethanol or that provide for the conversion of yard trash or other clean wood waste or paper waste to clean-burning fuel for the production of energy for use at facilities other than a waste-to-energy facility as defined in s. 403.7061. The provisions of this paragraph apply only if a county can demonstrate that:

1. The county has implemented a yard trash mulching or composting program, and

2. As part of the program, compost and mulch made from yard trash is available to the general public and in use at county-owned or maintained and municipally owned or maintained facilities in the county and state agencies operating in the county as required by this section.

(c) A county with a population of 100,000 or less may provide its residents with the opportunity to recycle in lieu of achieving the goal set forth in this section. For the purposes of this section, the "opportunity to recycle" means that the county:

1.a. Provides a system for separating and collecting recyclable materials prior to disposal that is located at a solid waste management facility or solid waste disposal area; or

b. Provides a system of places within the county for collection of source-separated recyclable materials.

2. Provides a public education and promotion program that is conducted to inform its residents of the opportunity to recycle, encourages source separation of recyclable materials, and promotes the benefits of reducing, reusing, recycling, and composting materials.

(7)~~(6)~~ The department may reduce or modify the municipal solid waste recycling goal that a county is required to achieve pursuant to subsection (3) ~~(2)~~ if the county demonstrates to the department that:

(a) The achievement of the goal set forth in subsection (3) ~~(2)~~ would have an adverse effect on the financial obligations of a county that are directly related to a waste-to-energy facility owned or operated by or on behalf of the county; and

(b) The county cannot remove normally combustible materials from solid waste that is to be processed at a waste-to-energy facility because of the need to maintain a sufficient amount of solid waste to ensure the financial viability of the facility.

The goal shall not be waived entirely and may only be reduced or modified to the extent necessary to alleviate the adverse effects of achieving the goal on the financial viability of a county's waste-to-energy facility. Nothing in this subsection shall exempt a county from developing and implementing a recycling program pursuant to this act.

(8)~~(7)~~ In order to assess the progress in meeting the goal set forth in subsection (3) ~~(2)~~, each county shall, by April 1 each year, provide information to the department regarding its

annual solid waste management program and recycling activities.

(a) The information submitted to the department by the county must, at a minimum, include:

1. The amount of municipal solid waste disposed of at solid waste disposal facilities, by type of waste such as yard trash, white goods, clean debris, tires, and unseparated solid waste;

2. The amount and type of materials from the municipal solid waste stream that were recycled; and

3. The percentage of the population participating in various types of recycling activities instituted.

(b) Beginning with the data for the 2012 calendar year, the department shall by July 1 each year post on its website the recycling rates of each county for the prior calendar year.

(21)~~(20)~~ In addition to any other penalties provided by law, a local government that does not comply with the requirements of subsections (3) and (5) is ~~(2) and (4) shall~~ not ~~be~~ eligible for grants from the Solid Waste Management Trust Fund, and the department may notify the Chief Financial Officer to withhold payment of all or a portion of funds payable to the local government by the department from the General Revenue Fund or by the department from any other state fund, to the extent not pledged to retire bonded indebtedness, unless the local government demonstrates that good faith efforts to meet the requirements of subsections (3) and (5) ~~(2) and (4)~~ have been made or that the funds are being or will be used to finance the correction of a pollution control problem that spans jurisdictional boundaries.

Section 4. Present subsections (6) through (14) of section 403.707, Florida Statutes, are redesignated as subsections (7)

through (15), respectively, a new subsection (6) is added to that section, and paragraph (j) of present subsection (9) of that section is amended, to read:

403.707 Permits.—

(6) The department may not issue a construction permit pursuant to this section for a new solid waste disposal facility that uses an ash-producing incinerator or for a waste-to-energy facility, if the proposed location of such facility is sited within a one mile radius of any school or any property zoned for residential use which has a density of one or more dwelling units per acre. The one-mile radius must be measured from the stack of the facility. This subsection applies only to a county as defined in s. 125.011(1).

(10)~~(9)~~ The department shall establish a separate category for solid waste management facilities that accept only construction and demolition debris for disposal or recycling. The department shall establish a reasonable schedule for existing facilities to comply with this section to avoid undue hardship to such facilities. However, a permitted solid waste disposal unit that receives a significant amount of waste prior to the compliance deadline established in this schedule shall not be required to be retrofitted with liners or leachate control systems.

(j) The Legislature recognizes that recycling, waste reduction, and resource recovery are important aspects of an integrated solid waste management program and as such are necessary to protect the public health and the environment. If necessary to promote such an integrated program, the county may determine, after providing notice and an opportunity for a

hearing prior to April 30, 2008, that some or all of the material described in s. 403.703(7)(b) ~~s. 403.703(6)(b)~~ shall be excluded from the definition of "construction and demolition debris" in s. 403.703(7) ~~s. 403.703(6)~~ within the jurisdiction of such county. The county may make such a determination only if it finds that, prior to June 1, 2007, the county has established an adequate method for the use or recycling of such wood material at an existing or proposed solid waste management facility that is permitted or authorized by the department on June 1, 2007. The county is not required to hold a hearing if the county represents that it previously has held a hearing for such purpose, or if the county represents that it previously has held a public meeting or hearing that authorized such method for the use or recycling of trash or other nonputrescible waste materials and that such materials include those materials described in s. 403.703(7)(b) ~~s. 403.703(6)(b)~~. The county shall provide written notice of its determination to the department by no later than April 30, 2008; thereafter, the materials described in s. 403.703(7) ~~s. 403.703(6)~~ shall be excluded from the definition of "construction and demolition debris" in s. 403.703(7) ~~s. 403.703(6)~~ within the jurisdiction of such county. The county may withdraw or revoke its determination at any time by providing written notice to the department.

Section 5. Subsection (5) of section 403.7049, Florida Statutes, is amended to read:

403.7049 Determination of full cost for solid waste management; local solid waste management fees.—

(5) In order to assist in achieving the municipal solid waste reduction goal and the recycling provisions of s.

403.706(3) ~~s. 403.706(2)~~, a county or a municipality which owns or operates a solid waste management facility is hereby authorized to charge solid waste disposal fees which may vary based on a number of factors, including, but not limited to, the amount, characteristics, and form of recyclable materials present in the solid waste that is brought to the county's or the municipality's facility for processing or disposal.

Section 6. Paragraph (c) of subsection (2) and subsection (3) of section 403.705, Florida Statutes, are amended to read:

403.705 State solid waste management program.—

(2) The state solid waste management program shall include, at a minimum:

(c) Planning guidelines and technical assistance to counties and municipalities to aid in meeting the municipal solid waste recycling goals established in s. 403.706(3) ~~s. 403.706(2)~~.

(3) The department shall evaluate and report biennially to the President of the Senate and the Speaker of the House of Representatives on the state's success in meeting the solid waste recycling goal as described in s. 403.706(3) ~~s. 403.706(2)~~.

Section 7. This act shall take effect July 1, 2025.

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Criminal Justice, *Chair*
Appropriations Committee on Criminal and Civil Justice, *Chair*
Appropriations
Appropriations Committee on Transportation, Tourism, and Economic Development
Banking and Insurance
Rules
Transportation

SENATOR JONATHAN MARTIN
33rd District

April 9, 2025

Chair Kathleen Passidomo
Committee on Rules
402 Senate Building
404 South Monroe Street
Tallahassee, FL 32399

RE: SB 1822 Waste Management

Dear Chair Passidomo,

Please allow this letter to serve as my respectful request to place SB 1822 Waste Management on the next committee agenda.

SB 1822 removes obsolete provisions requiring the Department of Environmental Protection to review and update a specified report. It also prohibits local regulation of auxiliary containers; preempting such regulation to the state.

Your kind consideration of this request is greatly appreciated. Please feel free to contact my office for any additional information.

Sincerely,

Jonathan Martin
Senate District 33

REPLY TO:
❒ 2000 Main Street, Suite 401, Fort Myers, Florida 33901 (239) 338-2570
❒ 311 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5033

Senate's Website: *www.flsenate.gov*

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

The Florida Senate

APPEARANCE RECORD

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4/16/25
Meeting Date

Rules
Committee

1822
Bill Number or Topic

853150
Amendment Barcode (if applicable)

Name Ryan Smart

Phone 561-358-7191

Address 209 Tallwood Rd
Street

Email smart@floridaspringscouncil.org

Jacksonville Beach FL 32250
City State Zip

WD

Speaking: ☐ For ☑ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing: Florida Springs Council

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

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4/16/25
Meeting Date

Rules
Committee

1822
Bill Number or Topic

SS3150
Amendment Barcode (if applicable)

Name Cameron Fink

Phone 850-933-4665

Address 516 N Adams St
Street

Email cfink@aif.com

Tallahassee FL 32301
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☑ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing: Associated Industries of Florida

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

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4/16/25
Meeting Date

AEG
Committee

1822
Bill Number or Topic

853150
Amendment Barcode (if applicable)

Name Katie Bauman

Phone 9048812531

Address 3896 Richmond St
Street

Email Kbauman@surfrider.org

Jacksonville FL 32205
City *State* *Zip*

Speaking: ☐ For ☑ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
Surfrider

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

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The Florida Senate

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4-16-25
Meeting Date

Rules
Committee

SB 1822
Bill Number or Topic

953150
Amendment Barcode (if applicable)

Name Stacey Gallagher

Phone 352-373-6441

Address 4581 NW 6TH St., Suite A
Street

Email Stacey@conserveturtles.org

Gainesville FL 32609
City *State* *Zip*

Speaking: ☐ For ☑ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☑ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☑ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:
Sea Turtle Conservancy

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The Florida Senate

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4/16/25
Meeting Date

Rules
Committee

1822
Bill Number or Topic

853150
Amendment Barcode (if applicable)

Name Samantha Padgett

Phone 850-224-2250

Address 230 S. Adams Street
Street

Email spadgett@frla.org

Tallahassee FL 32301
City *State* *Zip*

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☑ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
Florida Restaurant & Lodging Association

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

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4/16
Meeting Date

Rules
Committee

1822
Bill Number or Topic

653150
Amendment Barcode (if applicable)

Name Chad Kunde

Phone (850) 766-2896

Address 136 S Bronough St
Street

Tallahassee FL 32308
City State Zip

Email ckunde@flchamber.com

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing: Florida Chamber of Commerce

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

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S-001 (08/10/2021)

DUPLICATE

The Florida Senate

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4/16/25	1822
Meeting Date	Bill Number or Topic
Rules	853150
Committee	Amendment Barcode (if applicable)

Name Lorena Holley

Phone 850-443-1173

Address 227 S. Adams Street
Street

Email Lorena@FRF.org

Tallahassee FL 32301
City *State* *Zip*

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☑ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
Florida Retail Federation

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

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S-001 (08/10/2021)

4-16-25

Meeting Date

The Florida Senate

APPEARANCE RECORD

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1822

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Jess M. McCarty, Executive Assistant County Attorney Phone 305-979-7110

Address 111 N.W. 1st Street Suite 2800 Email jmm2@miamidade.gov

Street

Miami FL 33128

City *State* *Zip*

Speaking: ☐ For ☑ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:

Miami-Dade County

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

The Florida Senate

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4-16-2025
Meeting Date

Rules
Committee

SB1822
Bill Number or Topic

Amendment Barcode (if applicable)

Name Danielle Mosichuk

Phone 727-514-1635

Address 3951 34th St. S.
Street

Email daniellemosichuk@gmail.com

St. petersburg, FL 33711
City *State* *Zip*

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

The Florida Senate

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4-16-25
Meeting Date

RULES
Committee

SB 1822
Bill Number or Topic

Amendment Barcode (if applicable)

Name RYAN WORTHINGTON

Phone 904-228-5659

Address 5665 SHARON RD
Street

Email RYANWORTHINGTON1@aol.com

GREEN COVE SPRINGS, FL 32043
City State Zip

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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04/16/2025
Meeting Date

Rules
Committee

SB 1822
Bill Number or Topic

Amendment Barcode (if applicable)

Name CHRISTIAN LANDAETA → ["LAN-DETTA"] Phone 352-281-9460

Address 8722 NW 35TH LN
Street

Email Christianlandaeta76@gmail.com

GAINESVILLE FL 32606
City *State* *Zip*

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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4/16/25
Meeting Date

Rules
Committee

SB 1822
Bill Number or Topic

Amendment Barcode (if applicable)

Name Harper West

Phone 4078858668

Address 521 W. Harvard St.
Street

Email hbw2027@gmail.com

Orlando FL 32804
City *State* *Zip*

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

The Florida Senate

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4-16-25
Meeting Date

Rules
Committee

SB 1822
Bill Number or Topic

Amendment Barcode (if applicable)

Name Stacey Gallagher

Phone 352-378-6441

Address 4581 NW 6TH St.
Street

Email stacey@conserveturtles.org

Gainesville FL 32609
City State Zip

Speaking: ☐ For ☑ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☑ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:
Sea Turtle Conservancy

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S-001 (08/10/2021)

The Florida Senate

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4/16/25
Meeting Date

AEG
Committee

1822
Bill Number or Topic

Amendment Barcode (if applicable)

Name Katie Bauman

Phone 904 881 2531

Address
Street

Email kbauman@surfrider.org

City State Zip

Speaking: ☐ For ☑ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
Surfrider

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

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4/16/2025
Meeting Date

Rules
Committee

SB 1822
Bill Number or Topic

Amendment Barcode (if applicable)

Name Brenda Wells

Phone 352-281-4255

Address 7317 NW 21st Way
Street

Email brendawells@gmail.com

Gainesville FL 32653
City State Zip

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

The Florida Senate

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4/14/25
Meeting Date

Rules
Committee

SB 1822
Bill Number or Topic

Amendment Barcode (if applicable)

Name Bryanna Edgar

Phone 3528164705

Address 3515 SW 39th Blvd apt. 20C
Street

Email b.leigh2012@icloud.com

Gainesville FL. 32608
City State Zip

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/20

The Florida Senate

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4-16-25
Meeting Date

Rules
Committee

SB 1822
Bill Number or Topic

Amendment Barcode (if applicable)

Name Carol White

Phone 727-301-0238

Address 422 SW 13th St
Street

Email bctwhite@gmail.com

Ocala FL 34471
City *State* *Zip*

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

The Florida Senate

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04/16/2025	SB 1822
Meeting Date	Bill Number or Topic
Rules	
Committee	Amendment Barcode (if applicable)

Name Evelyn Chavez-Sanchez Phone (863) 837-9147

Address 429 Adriel Avenue Email echavezsan79@gmail.com
Street

Winter Haven FL 33880
City *State* *Zip*

Speaking: ☐ For ☒ Against ☐ Information **OR** **Waive Speaking:** ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☒ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

The Florida Senate

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Deliver both copies of this form to
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4/16/25
Meeting Date

RULES
Committee

SB 1822
Bill Number or Topic

Amendment Barcode (if applicable)

Name Isis Mack

Phone 813-613-8247

Address 3408 Berry Blossom Ln
Street

Email Isismack730@gmail.com

Plant City FL 33567
City State Zip

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☑ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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4/16/25
Meeting Date

Rules
Committee

SB 1822
Bill Number or Topic

Amendment Barcode (if applicable)

Name Alyssa White

Phone 443-643-6145

Address 1907 e 22nd Ave
Street

Email alyssa.flspn@floridarising.org

Tampa FL 33605
City *State* *Zip*

Speaking: ☐ For ☑ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☑ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

4/16/25
Meeting Date

Rules
Committee

1822
Bill Number or Topic

Amendment Barcode (if applicable)

Name Ryan Smart

Phone 561-358-7191

Address 206 Tallwood Rd
Street

Email Smart@floridaspringscouncil.org

Jacksonville Beach FL 32250
City State Zip

Speaking: ☐ For ☑ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing: Florida Springs Council

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

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S-001 (08/10/2021)

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Rules
Committee

1822
Bill Number or Topic

Amendment Barcode (if applicable)

Name Travis Moore

Phone 727. 421. 6902

Address P.O. Box 2020
Street

Email travis@moore-relations.com

St. Petersburg FL 33731
City *State* *Zip*

Speaking: ☐ For ☑ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing: Oceana & FL Native Plant Society

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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4-16-25
Meeting Date

Rules Committee
Committee

SB 1822
Bill Number or Topic

Amendment Barcode (if applicable)

Name Jocelyn Sandigo

Phone 786-907-1525

Address [redacted]
Street

Email sandigojocelyn0@gmail.com
(all lower case)

Homestead Florida 33083
City State Zip

Speaking: ☐ For ☑ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☑ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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4/16/25
Meeting Date

Committee

~~7016~~ 1822
Bill Number or Topic

Amendment Barcode (if applicable)

Name K. Gabrielle Knowlton

Phone (941) 726-9625

Address 4219 Morning Place
Street

Email relaxandheal@hotmail.com

Sarasota FL 34231
City State Zip

Speaking: ☐ For ☑ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☑ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

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S-001 (08/10/2021)

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APPEARANCE RECORD

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03-16-2025
Meeting Date

Senate Rules
Committee

SB 1822
Bill Number or Topic

Amendment Barcode (if applicable)

Name Tenny-Ann Dandy

Phone

Address

Email

Street

City State Zip 33071

Speaking: ☐ For ☑ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☑ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by: FLSP

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

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S-001 (08/10/2021)

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APPEARANCE RECORD

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Senate professional staff conducting the meeting

4.16.25
Meeting Date

SB 1822
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Sonia Howman, MD Phone 808-551-0457

Address 24 Central Ave Email sonnyo@mac.com
Street

Ft. Pt. FL 33706
City State Zip

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

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S-001 (08/10/2021)

04/16/2025
Meeting Date

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB1822
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Deuy Begona Phone 786 332-2122

Address 4430 SW 115 Email dbegona@gmail.com
Street

coral gables, fl. 33134
City State Zip

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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04/16/25
Meeting Date

Rules
Committee

SB1822
Bill Number or Topic

Amendment Barcode (if applicable)

Name Gwendolyn Allen

Phone 305-335-9221

Address
Street

Email gwxnqz@gmail.com

City State 33023 Zip

Speaking: ☐ For ☑ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☑ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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April 16, 2025
Meeting Date

Rules Committee
Committee

SB 1822
Bill Number or Topic

Amendment Barcode (if applicable)

Name Leydi (lady) Amador (Ama-door)

Phone 786-395-7498

Address 2765 West 54th st
Street

Email leydi.flspn@floridarising.org

Hialeah
City

FL
State

33016
Zip

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☒ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:
Florida Student Power

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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04/16/2025
Meeting Date

Rules
Committee

SB 1822
Bill Number or Topic

Amendment Barcode (if applicable)

Name Elise Prophete

Phone 917-825-5806

Address 355 6th Ave S
Street

Email eprophete@usf.edu

St. Petersburg Florida 33701
City State Zip

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☒ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:
Florida Student Power

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

4/16/25
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Rules
Committee

1822
Bill Number or Topic

Amendment Barcode (if applicable)

Name Samantha Padgett

Phone 850-224-2250

Address 230 S. Adams Street
Street

Email spadgett@frla.org

Tallahassee FL 32301
City *State* *Zip*

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☑ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
Florida Restaurant & Lodging Association

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

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April 16, 2025
Meeting Date

SB 1822
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Lin Yang Phone

Address 12030 USF Beard Drive Email linyang1@usf.edu
Street

Tampa FL 33620
City *State* *Zip*

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☑ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☑ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

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4/16/25
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Rules
Committee

1622
Bill Number or Topic

Amendment Barcode (if applicable)

Name Cameron Fink

Phone 850 933 4665

Address 516 N Adams St
Street

Email cfink@cif.com

Tallahassee FL 32301
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☑ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing: Associated Industries of Florida

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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4/16/25
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Rules
Committee

1822
Bill Number or Topic

Amendment Barcode (if applicable)

Name Lorena Holley

Phone 850-443-1173

Address 227 S. Adams Street
Street

Email Lorena@FRF.org

Tallahassee FL 32301
City *State* *Zip*

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☑ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
Florida Retail Federation

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

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4/16
Meeting Date

Rules
Committee

1822
Bill Number or Topic

Amendment Barcode (if applicable)

Name Chad Kunde

Phone (850) 761-7896

Address 136 S Bronough St
Street

Tallahassee FL 32301
City *State* *Zip*

Email ckunde@flchamber.com

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing: Florida Chamber of Commerce

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

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Rules
Committee

1022
Bill Number or Topic

Amendment Barcode (if applicable)

Name Daniel Martinez

Phone 305-240-2917

Address 107 E College Ave
Street

Email DMartinez@AFPHQ.org

TLH FL 32301
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☑ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing: Americans for Prosperity

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

The Florida Senate

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April 16 2025
Meeting Date

Senate rules
Committee

SB1822
Bill Number or Topic

Amendment Barcode (if applicable)

Name Jasmine Jeannel

Phone 786-695-8625

Address 5873 NW Wesley rd
Street

Port St Lucie FL 34986
City State Zip

Email jasmintjeannel6@gmail.com

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☑ In Support ☑ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☑ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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SB1822
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Alan Romero

Phone 941-726-2253

Address 2585 Wood St
Street

Email

Sarasota FL 34237
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

The Florida Senate

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4-16-25
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Rules
Committee

SB1822
Bill Number or Topic

Amendment Barcode (if applicable)

Name Zachariah Cobbs

Phone 813-327-3177

Address 3715 east wilder ave
Street

Email Zjcobbs@gmail.com

Tampa FL 33610
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☑ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☑ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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Senate professional staff conducting the meeting

4/16/2025
Meeting Date

SB 1822
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Casanova Dougherty

Phone 941 217 9582

Address 4 2511 Tulip St
Street

Email IrisJdougherty@gmail.com

Sarasota FL 34239
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

4/16/25
Meeting Date

SB 1022
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Laura Nelson

Phone 512-633-8582

Address 5576 Semolino St

Email

Street

Nokomis FL 34275

City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

04/16/25
Meeting Date

Senate Rules
Committee

SB 1822
Bill Number or Topic

Amendment Barcode (if applicable)

Name Kayla D. Taylor

Phone

Address 3415 NE 9th Dr
Street

Email Taylor

Miami
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☑ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☑ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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Senate professional staff conducting the meeting

04/16/25
Meeting Date

Senate Rules
Committee

SB1822
Bill Number or Topic

Amendment Barcode (if applicable)

Name Stephon Walker

Phone 78

Address 123 St Miami FL
Street

Email

Miami
City *State* *Zip*

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☑ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☑ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

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APPEARANCE RECORD

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4/16/2025
Meeting Date

Rules
Committee

SB 1822
Bill Number or Topic

Amendment Barcode (if applicable)

Name Nadine Baguma

Phone 813 [illegible]65 8350

Address 5052 Sable Chime Dr
Street

Email nadine.flspn@floridansing.org

Wimauma FL 33598
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☑ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☑ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

Wednesday April 16th, 2025
Meeting Date

Rules
Committee

SB 1822
Bill Number or Topic

Amendment Barcode (if applicable)

Name Victoria Johnson

Phone 727-589-7069

Address 10120 Mangrove Well Road
Street

Email forifashion4god@gmail.com

Sun City Center | Florida | 33573
City | State | Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☑ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☑ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

4.16.25
Meeting Date

Rules
Committee

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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SB 1822
Bill Number or Topic

Amendment Barcode (if applicable)

Name Alexandra Witt

Phone 904-518-9224

Address 2012 Chelwood ct
Street

Email alexandrazwitt@gmail.com

Jacksonville FL 32233
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

April 16, 2025
Meeting Date

SB 1822
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Lin Yang

Phone 813-768-2355

Address 12030 USF Beard Drive
Street

Email linyang1@usf.edu

Tampa FL 33620
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☑ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☑ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

April 16, 2025
Meeting Date

SB 1822
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Diego Dulanto Falcon Phone 813-317-9798

Address 9807 N. Pawnee Ave Email diego.dulanto@hotmail.com
Street

Tampa FL 33617
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☑ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☑ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

4/16/25
Meeting Date

1822 Waste Management
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Michidael Geard (Florida Student Power) Phone 784-681-7589

Address Street

Email michidael2@gmail.com

City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☒ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:
FL STUDENT POWER

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

4/16/25
Meeting Date

Rules
Committee

SB1822
Bill Number or Topic

Amendment Barcode (if applicable)

Name Enosha Oliver

Phone 786-847-9557

Address
Street

Email eoliv058@fiu.edu

Miami FL
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☑ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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Senate professional staff conducting the meeting

Rules
Meeting Date

4/16/25
Committee

CS/SB 1827
Bill Number or Topic

Amendment Barcode (if applicable)

Name Karen Woodall

Phone 850-321-9386

Address 579 E. Call St.
Street

Email fcfep@yahoo.com

Tallahassee, Fl 32301
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing: Sierra Club Florida

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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Senate professional staff conducting the meeting

4/16/25
Meeting Date

Rules
Committee

SB 1822
Bill Number or Topic

Amendment Barcode (if applicable)

Name Kim Dinkins 1000 Friends of FL

Phone 352-895-8693

Address 806 N Monroe
Street

Email kdinkins@1000Fof.org

Tallahassee FL 32314
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☑ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
1000 Friends of FL

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

04/16/25
Meeting Date

Rules
Committee

SB 802
Bill Number or Topic

Amendment Barcode (if applicable)

Name Andres Achillos

Phone 321-948-9032

Address 1030 Mary's Drive
Street

Email Andresachillos2356@gmail.com

Tallahassee FL 32308
City State Zip

Speaking: ☐ For ☑ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☑ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☑ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

April 16, 2025
Meeting Date

Rules
Committee

SB 1822
Bill Number or Topic

Amendment Barcode (if applicable)

Name Chloe Dougherty

Phone 352-978-4774

Address 446 W Bay Street
Street

Email Chloe@floridaspringscouncil.org

Winter Garden FL 34787
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

4-16-25
Meeting Date

SB 1822
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Steve Russell

Phone 813-295-1535

Address 24 Central Ave
Street

Email ~~sr@~~ sr1996@gmail.com

Tpa
City

Fl
State

33706
Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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Senate professional staff conducting the meeting

4/14/25
Meeting Date

Rules
Committee

SB 1822
Bill Number or Topic

Amendment Barcode (if applicable)

Name Julia Colarossi

Phone 352-434-4424

Address
Street

Email

orlando 32826
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☒ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by: Florida Student Power

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

April 16, 2025
Meeting Date

Senate Rules
Committee

SB1822
Bill Number or Topic

Amendment Barcode (if applicable)

Name Nadia Morrow

Phone

Address

Street

Email

City State Zip 32607

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☑ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

4/16/25
Meeting Date

1822
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Allyson Saavedra

Phone 561-584-1740

Address 4489 Luxemburg Ct. Apt 106
Street

Email allysonsaa12@gmail.com

Lake Worth FL 33467
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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Senate professional staff conducting the meeting

4/16/25
Meeting Date

Rules
Committee

SB 1822
Bill Number or Topic

Amendment Barcode (if applicable)

Name Raman Pereira

Phone 407-333-0634

Address 1647 E. Colonial Dr.
Street

Email ramonpereira26@icloud.com

Orlando FL 32803
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☒ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:
Florida Student Power

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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Senate professional staff conducting the meeting

4/16/25
Meeting Date

Rules
Committee

SB 1322
Bill Number or Topic

Amendment Barcode (if applicable)

Name Dylan Lovings

Phone 941-760-5266

Address
Street

Email

City State 32792 Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

5/16/25
Meeting Date

Senate Rules
Committee

SB 1822
Bill Number or Topic

Amendment Barcode (if applicable)

Name Hannah Neuman

Phone 904.635.0203

Address
Street

Email

Tallahassee FL 32301
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☑ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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Senate professional staff conducting the meeting

4/16/25	SB 1022
Meeting Date	Bill Number or Topic
Rules	
Committee	Amendment Barcode (if applicable)

Name Seffron Cousins Phone 5212407351

Address Street Email saffy.cousins@gmail.com

City State Zip 32820

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☑ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☒ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by: Floride Student Power

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

03.16.2025
Meeting Date

Senate Rules
Committee

SB 1822
Bill Number or Topic

Amendment Barcode (if applicable)

Name Jalon Ganues

Phone

Address

Email

Street
Plantation FL 33313
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☑ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☑ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

04.16.2025	SB 1822
Meeting Date	Bill Number or Topic
Senate Rules	
Committee	Amendment Barcode (if applicable)

Name Estefania Torres Phone 352-801-1939

Address [redacted] Email estefaniacrown@hotmail

Street

Coral Springs FL 33071

City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☒ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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~~WE~~ 03.16.2025
Meeting Date

Senate rules
Committee

SB182
Bill Number or Topic

Amendment Barcode (if applicable)

Name Shaniya Taylor

Phone ~~To~~ 561-681-8091

Address 3415 NE 9th
Street

Miami
City *State* *Zip*

Email

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☑ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☑ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

4/16/25
Meeting Date

Rules
Committee

SB 1822
Bill Number or Topic

Amendment Barcode (if applicable)

Name Farah Aljallad

Phone 4076072245

Address
Street

Email

City State 32765 Zip

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☒ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by: Florida Student Power

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

April 16, 2025
Meeting Date

Senate Rules
Committee

SB1822
Bill Number or Topic

Amendment Barcode (if applicable)

Name Shoshana Davis

Phone 954-842-0703

Address
Street

Email shoshanadavis5@gmail.com

City State 33027 Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☑ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☑ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

4/16/25
Meeting Date

Senate Rules
Committee

SB1822
Bill Number or Topic

Amendment Barcode (if applicable)

Name Karyne Jean-Gilles

Phone 754-779-6321

Address
Street

Email karynegilles2004@gmail.com

32828
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☑ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☑ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

05/16/25
Meeting Date

Senate Rules
Committee

SB 822
Bill Number or Topic

Amendment Barcode (if applicable)

Name Shardonay Dailey

Phone

Address
Street

Email

City State 33856 Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☑ Against

PLEASE CHECK ONE OF THE FOLLOWING:

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The Florida Senate

APPEARANCE RECORD

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05/16/2025
Meeting Date

Senate Rules
Committee

SB 1822
Bill Number or Topic

Amendment Barcode (if applicable)

Name Ysabella Osses

Phone 9546634500

Address

Email

Street

City State Zip 33325

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☑ Against

PLEASE CHECK ONE OF THE FOLLOWING:

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S-001 (08/10/2021)

The Florida Senate

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4/16/25
Meeting Date

Rules
Committee

SB 1822
Bill Number or Topic

Amendment Barcode (if applicable)

Name Cassandra Urbez

Phone (727) 641-2812

Address 916 NW 6th Ave
Street

Email cassieurb42@gmail.com

Gainesville FL 32601
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☑ Against

PLEASE CHECK ONE OF THE FOLLOWING:

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4/16/2025
Meeting Date

Rules
Committee

SB 1822
Bill Number or Topic

Amendment Barcode (if applicable)

Name Tessa Barber

Phone 7274093562

Address 2882 Sandpiper PL
Street

Email tessaabarber@gmail.com

Clearwater FL 33762
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☑ Against

PLEASE CHECK ONE OF THE FOLLOWING:

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05/16/2025
Meeting Date

Senate Rules
Committee

SB 1822
Bill Number or Topic

Amendment Barcode (if applicable)

Name Markaya Belcher Phone

Address Email

Street

City State Zip 33167

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☑ Against

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The Florida Senate

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4-16-25
Meeting Date

Rules
Committee

Sb 1822
Bill Number or Topic

Amendment Barcode (if applicable)

Name Jada Jeannel

Phone 786-209-7032

Address [redacted]
Street

Email JeannelJada@gmail.com

Port Saint Lucie Florida 34986
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☑ Against

PLEASE CHECK ONE OF THE FOLLOWING:

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The Florida Senate

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4-16-25
Meeting Date

Senate rules
Committee

SB 1822
Bill Number or Topic

Amendment Barcode (if applicable)

Name Sheneice Jean-Noel

Phone 754-259-6344

Address
Street

Email belousg@gahoo.com

Miramar FL 33023
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☑ Against

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S-001 (08/10/2021)

The Florida Senate

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04/16/2025
Meeting Date

Rules
Committee

SB 1822
Bill Number or Topic

Amendment Barcode (if applicable)

Name Trencee Robertson

Phone n/a

Address n/a
Street

Email n/a

Tallahassee FL 32304
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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4/16/2025
Meeting Date

Senate Rules
Committee

SB 1822
Bill Number or Topic

Amendment Barcode (if applicable)

Name DANAYS Silva

Phone

Address
Street

Email

33018
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

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4-16-25
Meeting Date

SB 1822
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Jada Jeannoel

Phone 786-209-7032

Address

Email Jeannoeljada@gmail.com

Street

City *State* *Zip*

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☑ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

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S-001 (08/10/2021)

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

Avila.bryan.web@flsenate.gov

SENATOR BRYAN AVILA
39th District

COMMITTEES:
COMMITTEES:
Finance and Tax, *Chair*
Transportation, Vice Chair
Appropriations Committee on Transportation, Tourism, and Economic Development
Environmental and Natural Resources
Ethics and Elections
Fiscal Policy
Rules

April 14, 2025

The Honorable Chair Kathleen Passidomo
Committee on Rules
The Florida Senate
402 Senate Office Building
404 South Monroe Street
Tallahassee, Florida 32399-1100

REF: EXCUSAL LETTER

Honorable Chair Passidomo,

Please excuse my absence from committee on Wednesday, April 16, 2025. I have a work obligation that cannot be cancelled or reschedule.

Thank you for your understanding and if you have any questions, please feel free to contact me.

Sincerely,



Bryan Avila
Senator
District 39

CC: Tom Yeatman, Staff Director
Cynthia Futch, Administrative Committee Assistant
Ronnie Whitaker, Staff Director, Majority Office
Elizabeth Simmons, Legislative Analyst, Senate Majority Office

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Rules, *Vice Chair*
Appropriations Committee on Pre-K - 12 Education
Community Affairs
Education Postsecondary
Finance and Tax
Fiscal Policy
Military and Veterans Affairs, Space, and Domestic Security
Transportation

SENATOR SHEVRIN D. "SHEV" JONES
34th District

April 14, 2025

The Honorable Senator Kathleen Passidomo
Chairwoman, Rules
400 Senate Building
404 South Monroe Street
Tallahassee, FL 32399

Dear Chairwoman Passidomo,

I respectfully request an excused absence from the Wednesday, April 16, 2025, Rules Committee at 8:30 a.m. while I recover from a recent emergency surgery.

Thank you in advance for considering this request. If you have any questions, comments, or concerns, please do not hesitate to contact me or my office.

Sincerely,



Shevrin D. “Shev” Jones
Florida State Senator – Senate District 34

REPLY TO:
❒ 606 NW 183rd Street, Miami Gardens, Florida 33169 (305) 493-6022
❒ 214 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5034

Senate’s Website: *www.flsenate.gov*

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

CourtSmart Tag Report

Room: KB 412 **Case No.:** **Type:**
Caption: Senate Rules Committee **Judge:**

Started: 4/16/2025 8:41:38 AM
Ends: 4/16/2025 1:09:48 PM **Length: 04:28:11**

8:41:37 AM Chair Passidomo calls the meeting to order
8:41:42 AM Roll call
8:41:49 AM Quorum announced
8:42:26 AM Senators Jones and Avila are excused
8:43:00 AM Tab 20 CS/CS/SB 1422 Unmanned Aircraft or Unmanned Aircraft Systems by Senator Truenow
8:43:13 AM Senator Truenow explains the bill
8:44:14 AM Late-filed Amendment 238888 by Senator Pizzo
8:44:22 AM Without objection-introduced
8:44:27 AM Senator Pizzo explains the amendment
8:45:25 AM Senator Martin
8:45:29 AM Senator Pizzo
8:46:23 AM Senator Martin
8:46:27 AM Senator Pizzo
8:46:45 AM Senator Martin
8:46:49 AM Senator Pizzo
8:47:34 AM Senator Martin
8:47:44 AM Senator Pizzo
8:48:26 AM Senator Martin
8:48:30 AM Senator Pizzo
8:48:55 AM Senator Truenow
8:50:03 AM Senator Pizzo
8:50:31 AM Amendment is not adopted
8:50:51 AM Senator Truenow
8:51:11 AM Roll call
8:51:52 AM CS/CS/SB 1422 is reported favorably
8:52:00 AM Tab 9 CS/SB 846 Notary Public Fraud by Senator Polsky
8:52:12 AM Senator Polsky explains the bill
8:53:12 AM Amendment Barcode 610758
8:53:40 AM Senator Polsky
8:54:11 AM Amendment is adopted
8:54:20 AM Back on the Bill
8:54:25 AM Appearance Forms
8:54:29 AM Michael Sheedy, FL Conference of Catholic Bishops, waives
8:54:36 AM Tiffany Hankins, FLIC, waives
8:54:42 AM Senator Polsky
8:54:47 AM Roll call
8:55:25 AM CS/CS/SB 846 is reported favorably
8:55:31 AM Tab 7 CS/CS/SB 650 Hazardous Walking Conditions by Senator Leek
8:55:41 AM Senator Leek explains the bill
8:56:32 AM Senator Davis
8:56:46 AM Senator Leek
8:57:27 AM Roll call
8:58:03 AM CS/CS/SB 650 is reported favorably
8:58:10 AM Tab 11 CS/CS/SB 922 Employment Agreements by Senator Leek
8:58:22 AM Senator Leek explains the bill
8:59:11 AM Amendment Barcode 359244
9:00:11 AM Senator Osgood
9:00:35 AM Senator Leek
9:00:59 AM Senator Osgood
9:01:07 AM Senator Leek
9:01:12 AM Senator Pizzo
9:01:17 AM Senator Leek

9:01:34 AM Senator Pizzo
9:01:38 AM Senator Leek
9:02:06 AM Amendment is adopted
9:02:17 AM Back on the Bill
9:02:20 AM Senator Pizzo
9:02:38 AM Senator Leek
9:02:42 AM Senator Pizzo
9:02:46 AM Senator Leek
9:02:58 AM Senator Pizzo
9:03:02 AM Senator Leek
9:03:44 AM Appearance Forms
9:03:49 AM Tanner Warwick, Associated Industries of Florida, waives
9:03:53 AM Senator Harrell
9:04:28 AM Senator Leek
9:04:33 AM Roll call
9:05:13 AM CS/CS/CS/SB 922 is reported favorably
9:05:19 AM Tab 28 CS/SB 1820 Motor Vehicle Manufacturers and Franchised Motor Vehicle Dealers by Senator Leek
9:05:32 AM Senator Leek explains the bill
9:06:27 AM Appearance Form
9:06:31 AM David Ramba, Florida Automobile Dealers Association, waives
9:06:42 AM Roll call
9:07:17 AM CS/SB 1820 is reported favorably
9:07:23 AM Tab 1 SB 96 Relief of Jacob Rodgers by the City of Gainesville by Senator Bernard
9:07:35 AM Senator Bernard explains the bill
9:09:31 AM Senator Gaetz
9:09:36 AM Senator Bernard
9:09:51 AM Appearance Form
9:09:55 AM Matt Forrest, representing Jacob Rodgers, waives
9:10:05 AM Senator Bernard
9:10:21 AM Roll call
9:10:57 AM CS/SB 96 is reported favorably
9:11:02 AM Tab 6 CS/SB 540 Disability History and Awareness Instruction by Senator Collins
9:11:11 AM Senator Collins explains the bill
9:12:00 AM Chair Passidomo
9:12:05 AM Appearance Forms
9:12:44 AM Ziliana Diaz speaks
9:12:52 AM Melissa Hartsell, Evin B. Hartsell Foundation, speaks
9:16:32 AM Vivian Pennywell, The ARC of Florida, waives
9:16:37 AM Joe McCann, The Family Cafe, Inc., waives
9:16:45 AM Keyna Cory, Florida Goodwill Assn, waives
9:16:51 AM Senator Burgess
9:16:58 AM Senator Gaetz
9:18:23 AM Senator Davis
9:18:58 AM Senator Collins
9:21:50 AM Roll call
9:22:31 AM CS/SB 540 is reported favorably
9:22:37 AM Tab 22 CS/CS/SB 1650 Vexatious Litigants by Senator Grall
9:23:11 AM Senator Grall explains the bill
9:24:38 AM Questions
9:24:42 AM Senator Berman
9:24:53 AM Senator Grall
9:25:25 AM Senator Berman
9:25:33 AM Appearance Form
9:25:37 AM Tashiba L. Robinson, State Courts System, waives
9:25:47 AM Debate
9:25:51 AM Senator Berman
9:26:08 AM Senator Grall
9:26:09 AM Roll call
9:26:47 AM CS/CS/SB 1650 is reported favorably
9:26:52 AM Tab 23 CS/CS/SB 1652 Public Records/Pleading, Request for Relief, or Other Document Stricken by a Court, By Senator Grall

9:27:01 AM Senator Grall explains the bill
9:27:21 AM Appearance Form
9:27:23 AM Tashiba L Robinson, State Court System, waives
9:27:28 AM Senator Grall
9:27:33 AM Roll call
9:28:09 AM CS/CS/SB 1652 is reported favorably
9:28:15 AM Tab 25 CS/CS/SB 1736 Insulin Administration by Direct-support Professionals and Relatives by Senator Grall
9:28:24 AM Senator Grall explains the bill
9:28:34 AM Appearance Form
9:28:42 AM Dina Justice, The Arc of Florida, waives
9:28:50 AM Roll call
9:29:31 AM CS/CS/SB 1736 is reported favorably
9:29:35 AM Tab 12 CS/SB 998 Physician Assistant and Advanced Practice Registered Nurse Services by Senator Calatayud
9:29:46 AM Senator Calatayud explains the bill
9:30:17 AM Appearance Forms
9:30:21 AM Paul Ledford, FL Hospice & Palliative Care Assoc., waives
9:30:27 AM Daniel Martinez, Americans for Prosperity, waives
9:30:32 AM Senator Calatayud
9:30:36 AM Roll call
9:31:13 AM CS/SB 998 is reported favorably
9:31:15 AM Tab 19 SB 1412 Home Health Care Services by Senator Calatayud
9:31:27 AM Senator Calatayud explains the bill
9:32:21 AM Appearance Form
9:32:24 AM Denise Bellville, Home Care Association of Florida, waives
9:32:29 AM Senator Calatayud
9:32:36 AM Roll call
9:33:12 AM SB 1412 is reported favorably
9:33:14 AM Tab 8 CS/SB 818 Utility Relocation by Senator McClain
9:33:45 AM Senator McClain
9:33:49 AM Amendment Barcode 868666
9:34:16 AM Senator McClain explains the amendment
9:35:02 AM Senator Pizzo
9:35:06 AM Senator McClain
9:35:19 AM Senator Wright
9:35:25 AM Senator McClain
9:35:41 AM Senator Davis
9:35:52 AM Senator McClain
9:36:07 AM Senator Osgood
9:36:13 AM Senator McClain
9:36:54 AM Senator Osgood
9:36:57 AM Senator McClain
9:37:41 AM Senator Osgood
9:37:45 AM Senator McClain
9:37:56 AM Senator Wright
9:38:01 AM Senator McClain
9:38:23 AM Senator Wright
9:38:28 AM Senator McCain
9:38:34 AM Senator Rouson
9:38:58 AM Senator McClain
9:39:36 AM Appearance Forms
9:39:39 AM Chris Doolin, Small County Coalition, waives
9:39:42 AM Charles Dudley, FL Internet & Television Assoc., waives
9:39:48 AM Floyd R. Self, Charter Communications, waives
9:39:51 AM Peter Abello, Florida Association of Counties, waives
9:39:58 AM Matthew Singer, FL League of Cities, waives
9:40:03 AM Senator McClain
9:40:09 AM Amendment is adopted
9:40:14 AM Back on the Bill
9:40:18 AM Senator Osgood
9:40:28 AM Senator McClain

9:40:50 AM Senator Osgood
9:41:36 AM Senator McClain
9:42:06 AM Senator Osgood
9:42:09 AM Senator McClain
9:42:56 AM Senator Osgood
9:42:59 AM Senator McClain
9:44:22 AM Senator Osgood
9:44:24 AM Senator McClain
9:45:40 AM Appearance Forms
9:45:45 AM Tanner Warwick, Associated Industries of Florida, waives
9:45:48 AM Daphnee Sainvil waives
9:45:58 AM Senator McClain
9:46:49 AM Roll call
9:47:24 AM CS/CS/SB 818 is reported favorably
9:47:30 AM Tab 13 CS/SB 1076 Roof Contracting by Senator McClain
9:47:37 AM Senator McClain explains the bill
9:47:46 AM Late-filed Amendment Barcode 879128
9:48:31 AM Without objection-introduced
9:48:35 AM Senator McClain explains the amendment
9:49:39 AM Appearance Form
9:49:43 AM Jennifer Ashton, International Association of Certified Home Inspectors, waives
9:49:51 AM Amendment is adopted
9:50:01 AM Back on the Bill
9:50:14 AM Senator Gaetz
9:50:42 AM Senator McClain
9:52:13 AM Senator Gaetz
9:52:17 AM Senator McClain
9:53:32 AM Senator Davis
9:54:04 AM Senator McClain
9:55:19 AM Senator Davis
9:55:23 AM Senator McClain
9:56:05 AM Senator Osgood
9:56:09 AM Senator McClain
9:57:49 AM Appearance Forms
9:57:52 AM Chris Dawson, FL Roofing & Sheet Metal Contractors Association, waives
9:58:01 AM Jennifer Ashton, International Association of Certified Home Inspectors, waives
9:58:07 AM Carol Bowen, Assoc. Builders and Contractors of Florida, waives
9:58:13 AM Senator McClain
9:58:36 AM Roll call
9:59:13 AM CS/CS/SB 1076 is reported favorably
9:59:19 AM Tab 14 CS/CS/SB 1078 Fire Prevention by Senator McClain
9:59:27 AM Senator McClain explains the bill
9:59:37 AM Amendment Barcode 973042
10:00:08 AM Senator McClain explains the amendment
10:00:35 AM Appearance Form
10:00:36 AM Chief Jim Millicon, Florida Fire Marshalls Assc & Florida Fire Chiefs Assc, waives
10:00:50 AM Senator McClain
10:00:53 AM Amendment is adopted
10:00:57 AM Back on the Bill
10:01:02 AM Appearance Forms
10:01:05 AM Shannon Few, Exec. Director, Integration Assoc. of Florida/Alarm Assoc. of Florida, waives
10:01:17 AM Ron Pierce, American Fire Sprinkler Assc., waives
10:01:24 AM Lucas Parsons, FL Automatic Fire Alarm Assn, waives
10:01:31 AM Tim Meenan, Florida Fire Sprinkler Association, waives
10:01:37 AM Senator Wright
10:01:56 AM Senator McClain
10:02:20 AM Roll call
10:03:04 AM CS/CS/CS/SB 1078 is reported favorably
10:03:07 AM Tab 15 SB 1080 Local Government Land Regulation by Senator McClain
10:03:20 AM Senator McClain explains the bill
10:03:23 AM Amendment Barcode 659760
10:04:13 AM Senator McClain explains the amendment

10:04:24 AM Amendment to the Amendment Barcode 779662
10:04:53 AM Senator McClain explains the amendment to the amendment
10:05:39 AM Amendment is adopted
10:05:45 AM Back on the main amendment
10:05:52 AM Senator Bradley
10:05:58 AM Senator McClain
10:06:06 AM Senator Bradley
10:06:10 AM Senator McClain
10:06:14 AM Senator Bradley
10:06:16 AM Senator McClain
10:06:41 AM Appearance Form
10:06:44 AM Kim Dinkins, 1000 Friends of Florida, speaks
10:08:03 AM Rusty Payton, Florida Homebuilders Association, waives
10:08:08 AM Charles Dudley, City of Oakland Park, waives
10:08:15 AM Candace Ericks, City of Plantation, waives
10:08:20 AM Elizabeth Alvi, Audubon Florida, speaks
10:10:46 AM Davin Suggs, Florida Association of Counties, waives
10:10:50 AM Leslie Reed, Conservation Florida, waives
10:10:59 AM Kahreem Golden, The Nature Conservancy (Withdrawn)
10:11:11 AM Neil Fleckinstein, Tall Timbers Research Station & Land Conservancy, waives
10:11:21 AM Senator McClain
10:11:28 AM Amendment is adopted
10:11:33 AM Back on the Bill
10:11:37 AM Senator Osgood
10:11:52 AM Senator McClain
10:15:06 AM Appearance Forms
10:15:08 AM Daniel Martinez, Americans for Prosperity, waives
10:15:12 AM Colton Madill, Florida Chamber of Commerce, waives
10:15:17 AM Senator Berman
10:15:58 AM Senator Osgood
10:16:29 AM Senator McClain
10:17:39 AM Roll call
10:18:24 AM CS/SB 1080 is reported favorably
10:18:25 AM Tab 10 CS/SB 868 Social Media Use by Minors by Senator Ingoglia
10:18:39 AM Senator Ingoglia explains the bill
10:22:35 AM Questions
10:22:36 AM Senator Pizzo
10:22:49 AM Senator Ingoglia
10:23:19 AM Senator Pizzo
10:23:23 AM Senator Ingoglia
10:23:51 AM Senator Pizzo
10:24:08 AM Senator Ingoglia
10:25:06 AM Senator Osgood
10:25:11 AM Senator Ingoglia
10:27:06 AM Senator Osgood
10:28:10 AM Senator Ingoglia
10:31:10 AM Senator Davis
10:32:11 AM Senator Ingoglia
10:33:31 AM Senator Rouson
10:33:58 AM Senator Ingoglia
10:34:39 AM Senator Bradley
10:34:51 AM Senator Ingoglia
10:35:48 AM Senator Bradley
10:36:08 AM Senator Ingoglia
10:38:07 AM Senator Bradley
10:38:11 AM Senator Ingoglia
10:39:17 AM Senator Burton
10:39:47 AM Senator Ingoglia
10:40:08 AM Senator Burton
10:40:12 AM Senator Ingoglia
10:42:20 AM Senator Burton
10:42:24 AM Senator Ingoglia

10:42:58 AM Appearance Forms
10:43:14 AM Devy Begona, FLSP, speaks
10:44:39 AM Sofia Henandez speaks
10:45:51 AM Philip Gunn, Net Choice, speaks
10:48:01 AM Senator Ingoglia
10:49:02 AM Mr. Gunn
10:49:33 AM Senator Ingoglia
10:49:36 AM Mr. Gunn
10:49:58 AM Senator Ingoglia
10:50:02 AM Mr. Gunn
10:50:12 AM Katie Kelly, Technet, speaks
10:50:32 AM Senator Pizzo
10:51:32 AM Ms. Kelly
10:51:36 AM Senator Pizzo
10:51:40 AM Ms. Kelly
10:52:05 AM Senator Pizzo
10:52:08 AM Ms. Kelly
10:52:43 AM Chris Carmody, Meta, speaks
10:53:55 AM Senator Gaetz
10:54:57 AM Mr. Carmody
10:55:16 AM Senator Gaetz
10:55:20 AM Mr. Carmody
10:55:45 AM Senator Pizzo
10:55:54 AM Mr. Carmody
10:57:07 AM Amira Fox, State Attorney-20th Circuit, speaks
10:59:42 AM Romina Montenegro, FLSPN, speaks
11:00:58 AM Bryan Haas, State Attorney 10th Circuit, speaks
11:02:20 AM Senator Pizzo
11:02:26 AM Mr. Haas
11:03:14 AM Senator Pizzo
11:03:32 AM Mr. Haas
11:03:36 AM Senator Pizzo
11:03:41 AM Mr. Haas
11:04:04 AM Aaron DiPietro, Florida Family Voice, waives
11:04:07 AM David Rodriguez waives
11:04:18 AM Chair Passidomo
11:04:20 AM Cleyver Diaz Moralez (sp?) waives
11:04:27 AM Barbara Myers waives
11:04:32 AM Michi Cearol, FL Student Power, waives
11:04:40 AM Parker Keaton waives
11:04:46 AM Esterling Charles waives
11:04:51 AM Dia-Solara Felix, Florida Student Power, waives
11:04:57 AM Lin Yang waives
11:04:59 AM Evelyn Chavez-Sanchez (Withdraws)
11:05:08 AM Emely Herrera waives
11:05:11 AM Alyssa White waives
11:05:16 AM Farah Aljallad, Florida Student Power, waives
11:05:22 AM Amy Patricia Morales, FLSP, waives
11:05:31 AM Diego Dulaitto Falcon waives
11:05:37 AM Alexandra Witt waives
11:05:44 AM Debate
11:05:45 AM Senator Harrell
11:08:08 AM Appearance Form
11:08:16 AM Danays Silva waives
11:08:27 AM Senator Osgood
11:11:16 AM Senator Pizzo
11:12:53 AM Senator Ingoglia
11:17:47 AM Roll call
11:18:24 AM CS/SB 868 is reported favorably
11:18:25 AM Tab 2 CS/SB Charter Schools by Senator Gaetz
11:18:45 AM Senator Gaetz explains the bill
11:19:11 AM Amendment Barcode 625976

11:19:13 AM Senator Gaetz explains the amendment
11:19:26 AM Amendment is adopted
11:19:34 AM Back on the Bill
11:19:39 AM Questions
11:19:42 AM Senator Davis
11:19:47 AM Senator Gaetz
11:20:17 AM Senator Davis
11:20:20 AM Senator Gaetz
11:21:03 AM Senator Davis
11:21:07 AM Senator Gaetz
11:21:30 AM Senator Osgood
11:21:35 AM Senator Gaetz
11:21:58 AM Senator Berman
11:22:07 AM Senator Gaetz
11:22:29 AM Appearance Forms
11:22:36 AM Danaye Silva speaks
11:23:28 AM Muah Dahn
11:24:17 AM Francesca Micheline
11:24:37 AM Tessa Barber speaks
11:25:12 AM Jude Bruno waives
11:26:01 AM Latisha Jones waives
11:26:05 AM Daniel Martinez, Americans for Prosperity, waives
11:26:15 AM Aurelie Colon, SPLC, waives
11:26:19 AM Nathan Hoffman, Foundation for Florida's Future, waives
11:26:22 AM Thomas Williamson waives
11:26:30 AM Bilkis Rosado waives
11:26:35 AM Britt Rutherford waives
11:26:36 AM Hali Emerson waives
11:26:40 AM Brian Simmons waives
11:26:41 AM Barry Tillis waives
11:26:42 AM Cassandra Urbens waives
11:26:47 AM Justin Peacock waives
11:26:51 AM Henry Griffin waives
11:26:55 AM Shaunese T. waives
11:27:00 AM Jeremy Bullian waives
11:27:02 AM Della Denny Abbott waives
11:27:12 AM Jude Bruno waives
11:27:14 AM Lin Yang waives
11:27:16 AM Chair Passidomo
11:27:19 AM Debate
11:27:20 AM Senator Berman
11:28:42 AM Senator Davis
11:29:28 AM Senator Gaetz
11:31:10 AM Roll call
11:31:56 AM CS/CS/SB 140 is reported favorably
11:32:01 AM Tab 3 CS/CS/SB 196 Chemicals in Consumer Products by Senator Gruters
11:32:11 AM Senator Gruters explains the bill
11:32:23 AM Late-filed Amendment Barcode 745992
11:33:24 AM Without objection-introduced
11:33:25 AM Late-filed Substitute Amendment Barcode 136722
11:33:31 AM Without objection-introduced
11:33:34 AM Senator Gruters explains the amendment
11:33:55 AM Substitute Amendment is adopted
11:34:04 AM Back on the Bill
11:34:14 AM Senator Gruters
11:34:18 AM Roll call
11:35:01 AM CS/CS/CS/SB 196 is reported favorably
11:35:02 AM Tab 5 CS/SB 430 Cardiac Emergencies by Senator Simon
11:35:18 AM Senator Simon explains the bill
11:36:23 AM Appearance Forms
11:36:26 AM Tiffany McCaskill Henderson, American Heart Association, speaks
11:37:03 AM Marnie George, FL Chapter, AM College of Cardiology, waives

11:37:41 AM Senator Simon
11:37:45 AM Roll call
11:38:22 AM CS/SB 430 is reported favorably
11:38:27 AM Tab 4 SB 202 Municipal Water and Sewer Utility Rates by Senator Jones
11:38:42 AM Senator Davis explains the bill
11:39:46 AM Amendment Barcode 607430
11:40:46 AM Senator Davis explains the amendment
11:40:56 AM Amendment is adopted
11:41:25 AM Back on the Bill
11:41:32 AM Appearance Forms
11:41:35 AM Bill Helmich, City of North Miami Beach, speaks
11:42:28 AM Mayor Rodney Harris speaks
11:42:58 AM Cameron Benson waives
11:43:05 AM Vice-Mayor Robert Stephens waives
11:43:12 AM Linda Julien, Miami Gardens Councilwoman, waives
11:43:21 AM Jileah B. Wilder, City of Miami Gardens, waives
11:43:24 AM Yolanda Cash Jackson, City of Miami Gardens, waives
11:43:28 AM Debate
11:43:30 AM Senator Pizzo
11:45:27 AM Senator Osgood
11:47:11 AM Senator Davis
11:47:59 AM Roll call
11:48:36 AM CS/SB 202 is reported favorably
11:48:42 AM Tab 16 CS/CS/SB 1174 Licensure of Family Foster Homes by Senator Jones
11:48:51 AM Senator Davis explains the bill
11:49:19 AM Roll call
11:50:02 AM CS/CS/SB 1174 is reported favorably
11:50:03 AM Tab 17 CS/SB 1266 Public Records/Crime Victims/Officers Involved in Use of Force Incidents by Senator Gruters
11:50:20 AM Senator Gruters explains the bill
11:51:20 AM Amendment Barcode 557690
11:51:21 AM Senator Gruters explains the amendment
11:51:47 AM Questions
11:51:49 AM Senator Berman
11:52:01 AM Senator Gruters
11:52:39 AM Senator Berman
11:52:40 AM Senator Gruters
11:52:53 AM Appearance Forms
11:52:56 AM Jennifer Cook Pritt, Florida Police Chiefs Association, waives
11:53:02 AM Amendment is adopted
11:53:10 AM Back on the Bill
11:53:17 AM Appearance Forms
11:53:19 AM Victoria Rivera
11:53:26 AM Sophira Etienne, FLSP, speaks
11:53:34 AM Isabela Ford speaks
11:55:37 AM William B. Smith, FL PBA, waives
11:55:42 AM Barbara C. Meulener, FLSP, waives
11:55:47 AM Emely Herrera waives
11:55:52 AM Amy Patricia Morales, FLSP, waives
11:55:59 AM Lin Yang waives
11:56:03 AM Latisha Jones waives
11:56:04 AM Debate
11:56:05 AM Senator Burgess
11:56:21 AM Senator Gruters
11:56:30 AM Roll call
11:57:20 AM CS/CS/SB 1266 is reported favorably
11:57:24 AM Tab 18 SB 1300 Permits for Drilling, Exploration, and Extraction of Oil and Gas Resources by Senator Simon
11:57:36 AM Senator Simon explains the bill
11:58:30 AM Appearance Forms
11:58:42 AM Captain T.J. Saunders speaks
12:00:55 PM Adrienne Johnson, FL Shellfish Agriculture Assoc., speaks

12:01:17 PM Jeff Wren speaks
12:03:05 PM Hunter Leavine speaks
12:04:40 PM Kim DInkins, 1000 Friends of Florida, waives
12:04:44 PM Lin Yang, Florida Student Power, waives
12:04:51 PM Kahreem Golden, The Nature Conservancy, waives
12:04:54 PM Pepper Uchino, FL Share & Beach Preservation Assoc., waives
12:04:57 PM Debate
12:04:58 PM Senator Boyd
12:05:23 PM Senator Simon
12:05:58 PM Roll call
12:06:33 PM SB 1300 is reported favorably
12:06:34 PM Tab 21 CS/SB 1644 Emergency Services by Senator Rodriguez
12:06:47 PM Senator Rodriguez explains the bill
12:07:26 PM Roll call
12:08:02 PM CS/SB 1644 is reported favorably
12:08:03 PM Tab 24 CS/CS/SB 1702 Education by Senator Burgess
12:08:25 PM Senator Burgess explains the bill
12:08:34 PM Amendment Barcode 374688
12:09:34 PM Senator Burgess explains the amendment
12:10:01 PM Questions
12:10:03 PM Senator Berman
12:10:05 PM Senator Burgess
12:10:34 PM Senator Berman
12:10:45 PM Senator Burgess
12:10:59 PM Appearance Form
12:11:02 PM Andreina Figueroa, Academica, waives
12:11:08 PM Amendment is adopted
12:11:14 PM Amendment Barcode 635596
12:11:22 PM Late-Filed Substitute Amendment 846588
12:11:26 PM Without objection - introduced
12:11:30 PM Senator Burgess explains the amendment
12:12:02 PM Appearance Forms
12:12:05 PM Alli Liby-Schoonover, IF's Lastinger Center for Learning, waives
12:12:09 PM Natalie Brown, Helios Education Foundation, waives
12:12:15 PM Amendment adopted
12:12:24 PM Late-filed Amendment Barcode 377612
12:12:27 PM Without objection - introduced
12:12:35 PM Senator Burgess explains the amendment
12:13:07 PM Appearance Form
12:13:09 PM Isabel Garcia, RCMA, waives
12:13:16 PM Amendment is adopted
12:13:23 PM Back on the Bill
12:13:29 PM Questions
12:13:31 PM Senator Davis
12:13:48 PM Senator Burgess
12:13:58 PM Senator Davis
12:14:02 PM Senator Burgess
12:14:19 PM Senator Davis
12:14:40 PM Senator Burgess
12:15:07 PM Senator Davis
12:15:22 PM Senator Burgess
12:15:29 PM Senator Davis
12:15:33 PM Senator Burgess
12:15:44 PM Senator Davis
12:16:17 PM Senator Burgess
12:16:26 PM Senator Davis
12:16:34 PM Senator Burgess
12:16:56 PM Senator Davis
12:17:08 PM Senator Burgess
12:17:35 PM Senator Berman
12:17:39 PM Senator Burgess
12:18:14 PM Appearance Form

12:18:16 PM Nathan Hoffman, Foundation for Florida's Future, waives
12:18:19 PM Ken Kniepmann, Florida Charter School Alliance, waives
12:18:29 PM Roll call
12:19:10 PM CS/CS/CS/SB 1702 is reported favorably
12:19:11 PM Tab 26 CS/SB 1768 Stem Cell Therapy by Senator Trumbull
12:19:26 PM Senator Trumbull explains the bill
12:19:40 PM Late-filed Amendment Barcode 642556
12:20:31 PM Without objection - introduced
12:20:34 PM Late-filed handwritten amendment to the amendment
12:20:49 PM Without objection - introduced
12:20:52 PM Senator Trumbull explains the handwritten amendment
12:21:27 PM Senator Boyd
12:21:39 PM Senator Trumbull
12:22:07 PM Senator Harrell
12:22:12 PM Handwritten amendment is adopted
12:22:18 PM Back on main amendment Barcode 642556
12:22:27 PM Senator Trumbull explains
12:23:07 PM Senator Harrell
12:23:29 PM Senator Gruters
12:23:40 PM Amendment is adopted
12:23:48 PM Back on the Bill
12:23:51 PM Questions
12:23:52 PM Senator Berman
12:24:01 PM Senator Trumbull
12:24:34 PM Senator Berman
12:25:08 PM Senator Trumbull
12:25:21 PM Senator Berman
12:25:30 PM Senator Trumbull
12:25:49 PM Senator Rouson
12:26:43 PM Senator Trumbull
12:26:54 PM Senator Rouson
12:26:57 PM Senator Trumbull
12:27:25 PM Senator Rouson
12:27:28 PM Senator Trumbull
12:28:01 PM Appearance Forms
12:28:06 PM Donald Hudspeth waives
12:28:28 PM Dr. Scott Faulkner speaks
12:29:06 PM Senator Pizzo
12:30:10 PM Dr. Faulkner
12:30:26 PM Senator Pizzo
12:30:39 PM Aaron DiPietro, Florida Family Voice, waives
12:30:46 PM Debate
12:30:50 PM Senator Berman
12:32:02 PM Senator Brodeur
12:32:14 PM Senator Burgess
12:33:11 PM Senator Harrell
12:34:04 PM Senator Trumbull
12:34:36 PM Roll call
12:35:13 PM CS/CS/SB 1768 is reported favorably
12:35:57 PM Tab 27 CS/SB 1808 Refund of Overpayments Made by Patients by Senator Burton
12:36:15 PM Senator Burton explains the bill
12:36:43 PM Amendment Barcode 532816
12:36:45 PM Senator Burton explains the amendment
12:36:56 PM Questions
12:36:58 PM Senator Pizzo
12:37:08 PM Senator Burton
12:37:15 PM Amendment is adopted
12:37:22 PM Back on the Bill
12:37:27 PM Senator Burton
12:37:33 PM Roll call
12:38:17 PM CS/CS/SB 1808 is reported favorably
12:38:23 PM Tab 29 CS/SB 1822 Waste Management by Senator Martin

12:38:32 PM Senator Martin explains the bill
12:38:42 PM Amendment Barcode 853150
12:39:45 PM Late-filed Amendment to the Amendment 777380
12:39:51 PM Without objection-introduced
12:39:57 PM Senator Martin explains the amendment
12:40:31 PM Amendment is adopted
12:40:41 PM Back on main amendment barcode 853150
12:40:50 PM Appearance Forms
12:40:59 PM Ryan Smart, FL Springs Council (Withdrawn)
12:41:09 PM Cameron Fink, Associated Industries of Florida, waives
12:41:11 PM Katie Bauman, Surfrider, speaks
12:42:08 PM Stacy Gallagher, Sea Turtle Conservancy, waives
12:42:11 PM Samantha Padgett, FL Restaurant and Lodging Association, waives
12:42:16 PM Chad Kunde, FL Chamber of Commerce, waives
12:42:20 PM Lorena Holley, FL Retail Federation, waives
12:42:29 PM Amendment is adopted
12:42:33 PM Back on the Bill
12:42:36 PM Questions
12:42:37 PM Senator Garcia
12:43:28 PM Senator Martin
12:43:48 PM Senator Garcia
12:43:53 PM Senator Martin
12:45:59 PM Senator Garcia
12:46:19 PM Senator Martin
12:47:44 PM Senator Pizzo
12:48:10 PM Senator Martin
12:48:18 PM Senator Pizzo
12:48:22 PM Senator Martin
12:48:27 PM Senator Pizzo
12:48:31 PM Chair Passidomo
12:48:40 PM Senator Pizzo
12:48:44 PM Senator Martin
12:49:43 PM Senator Pizzo
12:49:56 PM Senator Martin
12:50:16 PM Appearance Forms
12:50:37 PM Jess McCarty, Executive Assistant County Attorney Miami-Dade County, waives
12:50:44 PM Danielle Mosichuk speaks
12:50:56 PM Ryan Worthington speaks
12:52:28 PM Christian Landaeta speaks
12:53:16 PM Harper West speaks
12:54:11 PM Stacey Gallagher, Sea Turtle Conservancy, speaks
12:54:55 PM Katie Bauman, Surfrider, speaks
12:55:20 PM Brenda Wells waives
12:55:31 PM Bryanna Edgar speaks
12:55:58 PM Carol White speaks
12:56:30 PM Evelyn Chavez- Sanchez speaks
12:57:10 PM Chair Passidomo - Rule 2.102, Meeting Extension
12:57:34 PM Isis Mack speaks
12:58:07 PM Senator Gaetz motion for vote time certain
12:58:17 PM Chair Passidomo - motion adopted
12:58:20 PM Alyssa White speaks
12:59:02 PM Ryan Smart, Florida Springs Council, speaks
12:59:31 PM Travis Moore, Ocean & FL, speaks
1:00:10 PM Jocelyn Sandigo
1:00:14 PM K. Gabrielle Knowlton
1:00:55 PM Tenny-Ann Dandy speaks
1:01:26 PM Chair Passidomo
1:01:27 PM Sonia Howman, MD
1:01:52 PM Devy Begona speaks
1:02:15 PM Gwendolyn Allen speaks
1:02:55 PM Leydi Amador, Florida Student Power
1:02:57 PM Elise Prophete, Florida Student Power

1:03:11 PM Samantha Padgett, Florida Restaurant & Lodging Association, waives
1:03:18 PM Lin Yang waives
1:03:22 PM Cameron Fink, Associated Industries of Florida, waives
1:03:26 PM Lorena Holley, Florida Retail Federation, waives
1:03:30 PM Chad Kunde. Florida Chamber of Commerce, waives
1:03:32 PM Daniel Martinez. Americans for Prosperity, waives
1:03:41 PM Jasmine J. waives
1:03:45 PM Alan Romero waives
1:03:48 PM Zacharle Cobbs waives
1:03:50 PM Casanova Dougherty waives
1:03:53 PM Laura Nelson waives
1:03:57 PM Kayla Taylor waives
1:04:00 PM Stephon Walker waives
1:04:02 PM Nadine Baguma waives
1:04:04 PM Victoria Johnson waives
1:04:06 PM Alexandra Whitt waives
1:04:09 PM Lin Yang waives
1:04:10 PM Diego Dulanto Falcon waives
1:04:15 PM Michidael Ceard, Florida Student Power, waives
1:04:18 PM Enosha Oliver waives
1:04:20 PM Karen Woodall, Sierra Club Florida, waives
1:04:23 PM Kim Dinkins, 1000 Friends of Florida, waives
1:04:27 PM Andres Cubillos waives
1:04:29 PM Chloe Dougherty waives
1:04:32 PM Steve Russell waives
1:04:35 PM Julia Colarossi waives
1:04:36 PM Nadia Morrow waives
1:04:39 PM Allyson Saavedra waives
1:04:43 PM Ramon Pereira waives
1:04:44 PM Dylon L. waives
1:04:46 PM Hannah Neuman waives
1:04:51 PM Seffren Cousins waives
1:04:53 PM Jaloh Ganues waives
1:04:57 PM Estefania Torres waives
1:05:02 PM Shaniya Taylor waives
1:05:04 PM Farah Aljallad, Florida Student Power, waives
1:05:07 PM Shoshana Davis waives
1:05:10 PM Karyne Jean-Gilles waives
1:05:12 PM Shardonay Dailey waives
1:05:14 PM Ysabella Osses waives
1:05:17 PM Cassandra U. waives
1:05:20 PM Tessa Barber waives
1:05:23 PM Markaya B. waives
1:05:25 PM Jada Jeannoel waives
1:05:28 PM Sheneice Jean-Noel waives
1:05:30 PM Trenece Robertson waives
1:05:33 PM Danay Silva waives
1:05:36 PM Jada Jeannoel waives
1:05:44 PM Senator Garcia
1:06:28 PM Senator Martin
1:07:12 PM Roll call
1:07:55 PM CS/CS/SB 1822 is reported favorably
1:08:01 PM Vote After Motions
1:08:07 PM Senator DiCeglie
1:08:17 PM Senator Boyd
1:08:25 PM Senator Rodriguez
1:08:31 PM Senator Hooper
1:08:41 PM Senator Bradley
1:08:46 PM Senator Martin
1:08:50 PM Senator Burgess
1:08:52 PM Senator Gaetz
1:08:57 PM Senator Davis

1:09:00 PM Senator Rouson
1:09:18 PM Senator Boyd moves to allow staff to make technical changes - without objection motion adopted
1:09:30 PM Senator Davis moves to adjourn
1:09:37 PM Meeting Adjourned