Tab 1	**CS/SB 592** by **BI, Leek (CO-INTRODUCERS) Pizzo;** Similar to CS/H 00393 My Safe Florida Condominium Pilot Program					
347064	A	S	RCS	RI, Leek	Delete L.25 - 59:	03/25 06:17 PM
152862	A	S	RCS	RI, Bradley	btw L.130 - 131:	03/25 06:17 PM
411560	A	S	UNFAV	RI, Pizzo	btw L.171 - 172:	03/25 06:17 PM

Tab 2	**SB 604** by **Smith;** Identical to H 00093 Residential Swimming Pool Requirements					
246638	A	S		RI, Smith	Delete L.50 - 94:	03/24 03:53 PM
~~343714~~	A	S	WD	RI, Smith	Delete L.52 - 94:	03/25 06:23 PM

Tab 3	**SB 622** by **Rodriguez (CO-INTRODUCERS) Calatayud;** Identical to H 00709 Jai Alai Permit Holders					
469630	A	S	RCS	RI, Rodriguez	Delete L.20 - 26:	03/25 06:26 PM

Tab 4	**SB 818** by **McClain;** Identical to H 00703 Utility Relocation

Tab 5	**SB 1228** by **McClain;** Identical to H 00691 Spring Restoration

Tab 6	**SB 1220** by **DiCeglie;** Compare to CS/H 00801 Air-conditioning Systems

Tab 7	**SB 1404** by **Simon;** Identical to H 00953 Gambling					
914396	A	S	RCS	RI, Bradley	btw L.99 - 100:	03/25 06:32 PM
185516	A	S	RCS	RI, Gruters	Delete L.100 - 308:	03/25 06:32 PM
~~661106~~	A	S	WD	RI, Pizzo	btw L.129 - 130:	03/25 06:32 PM

Tab 8	**SB 1682** by **Grall (CO-INTRODUCERS) Burgess;** Similar to H 00483 First Responders

Tab 9	**CS/SB 948** by **JU, Bradley;** Compare to CS/H 01015 Flood Disclosures

Tab 10	**SB 1742** by **Bradley;** Compare to CS/H 00913 Condominium and Cooperative Associations					
707000	D	S	RCS	RI, Bradley	Delete everything after	03/25 06:37 PM

The Florida Senate

COMMITTEE MEETING EXPANDED AGENDA

REGULATED INDUSTRIES
Senator Bradley, Chair
Senator Pizzo, Vice Chair

MEETING DATE: Tuesday, March 25, 2025
TIME: 4:00—6:00 p.m.
PLACE: *Pat Thomas Committee Room,* 412 Knott Building

MEMBERS: Senator Bradley, Chair; Senator Pizzo, Vice Chair; Senators Bernard, Boyd, Burgess, Calatayud, Fine, Gruters, and Ingoglia

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	**CS/SB 592** Banking and Insurance / Leek (Similar H 393)	My Safe Florida Condominium Pilot Program; Limiting participation in the My Safe Florida Condominium Pilot Program to certain condominiums; revising the improvements for which a grant may be used; requiring that improvements be verified during the final hurricane mitigation inspection to qualify for grant funds; specifying that mitigation grants may be awarded only for mitigation improvements that will result in a mitigation credit, discount, or other rate differential, etc. BI 03/03/2025 Fav/CS RI 03/25/2025 Fav/CS FP	Fav/CS Yeas 8 Nays 0
2	**SB 604** Smith (Identical H 93)	Residential Swimming Pool Requirements; Requiring that swimming pools located on residential real property that is transferred or sold on or after a specified date meet certain pool safety and pool barrier requirements; requiring certain persons to report violations of the law to a local law enforcement agency; providing a criminal penalty, etc. RI 03/25/2025 Temporarily Postponed CA RC	Temporarily Postponed
3	**SB 622** Rodriguez (Identical H 709)	Jai Alai Permit Holders; Providing that holders of a valid pari-mutuel permit may lease any of their facilities to any other holder of the same pari-mutuel permit or to any jai alai permitholder when located within a specified radius of each other, etc. RI 03/25/2025 Fav/CS AEG FP	Fav/CS Yeas 8 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	**SB 818** McClain (Identical 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 RC	Favorable Yeas 8 Nays 0
5	**SB 1228** McClain (Identical H 691)	Spring Restoration; Authorizing certain domestic wastewater treatment facilities to request the incorporation of reclaimed water projects identified in Outstanding Florida Springs recovery or prevention strategies; requiring the Department of Environmental Protection to approve such requests within a certain period of time if certain conditions are met, etc. EN 03/11/2025 Favorable RI 03/25/2025 Favorable RC	Favorable Yeas 8 Nays 0
6	**SB 1220** DiCeglie (Compare CS/H 801)	Air-conditioning Systems; Revising the definition of the term “class A air-conditioning contractor”, etc. RI 03/25/2025 Temporarily Postponed CA RC	Temporarily Postponed
7	**SB 1404** Simon (Identical H 953, Compare H 1017, H 1467, S 1836)	Gambling; Prohibiting betting on athletic contests with knowledge that the results are prearranged or predetermined; revising criminal penalties for offenses involving keeping a gambling house; revising criminal penalties for offenses involving renting a house for gambling purposes; prohibiting Internet gambling and Internet sports wagering and related offenses; prohibiting specified actions relating to manipulation of card games, etc. RI 03/25/2025 Fav/CS AEG FP	Fav/CS Yeas 8 Nays 0
8	**SB 1682** Grall (Similar H 483)	First Responders; Defining the term “first responder”; redefining the terms “public agency” and “public safety agency”, etc. RI 03/25/2025 Favorable AEG RC	Favorable Yeas 8 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
9	**CS/SB 948** Judiciary / Bradley (Compare CS/H 1015)	Flood Disclosures; Requiring a landlord of residential real property to provide specified information to a prospective tenant at or before the time the rental agreement is executed; providing that if a landlord fails to disclose flood information truthfully and a tenant suffers substantial loss or damage, the tenant may terminate the rental agreement by giving a written notice of termination to the landlord within a specified timeframe; requiring a developer of a residential condominium unit to provide specified information to a prospective purchaser at or before the time the sales contract is executed; requiring a park owner of a mobile home park to provide specified information to a prospective lessee at or before the time the rental agreement is executed, etc. JU 03/12/2025 Fav/CS RI 03/25/2025 Favorable RC	Favorable Yeas 8 Nays 0
10	**SB 1742** Bradley (Compare CS/H 913)	Condominium and Cooperative Associations; Revising the methods of delivery for a copy of the most recent association financial report to include electronic delivery via the Internet; authorizing a unit-owner-controlled association to obtain a line of credit in lieu of maintaining reserves for budgets adopted on or before a specified date upon a majority vote of the association; revising the disclosures that must be included in a contract for the sale and resale of a residential unit; requiring a board to use best efforts to make prudent investment decisions in fulfilling its duty to manage operating and reserve funds of the association, etc. RI 03/19/2025 Temporarily Postponed RI 03/25/2025 Fav/CS AEG RC	Fav/CS Yeas 8 Nays 0
	Other Related Meeting Documents		

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 Regulated Industries

BILL:	CS/CS/SB 592
INTRODUCER:	Regulated Industries Committee, Banking and Insurance Committee, and Senator Leek
SUBJECT:	My Safe Florida Condominium Pilot Program
DATE:	March 27, 2025 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Thomas	Knudson	BI	**Fav/CS**
2.	Oxamendi	Imhof	RI	**Fav/CS**
3.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 592 revises provisions of the My Safe Florida Condominium Pilot Program (program) within the Department of Financial Services (DFS) to:

- Limit participation in the program to condominiums with structures or buildings on the condominium property which are three or more stories in height, provided that the structure or building that is the subject of the mitigation grant contains two or more single-family dwellings.
- Require approval of at least 75 percent of all voting interests who reside within the structure or building that is the subject of the mitigation grant, rather than a unanimous vote of all unit owners.
- Eliminate the restrictions that limit grant contributions for:
  - A roof-related project, to $11 per square foot multiplied by the roof's square footage, not to exceed $1,000 per unit, with a maximum grant award of 50 per cent of the project's cost.
  - An opening protection-related project, to $750 per window or door, not to exceed $1,500 per unit, with a maximum grant award of 50 percent of the project's cost, and opening protection-related projects to $750 per replacement window.
- Specify the roof mitigation techniques that may receive a grant award.
- Require that the improvements must be verified during the final hurricane mitigation inspection in order to qualify for grant funds.
- Provide that grant funds may only be awarded if the mitigation improvement will result in an insurance premium mitigation credit, discount, or other rate differential.

- Include wind-driven rain mitigation devices for sliding glass doors among the types of improvements for which hurricane mitigation grants may be used.

While the program is subject to annual appropriations, this bill has no fiscal impact on state or local government.

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

II. Present Situation:

The Legislature created the My Safe Florida Condominium Pilot Program (program) within the DFS, in 2024.[1] The program received a nonrecurring appropriation of $30 million from the General Revenue Fund.[2] The program provides a condominium association (association) a program similar to that of the My Safe Florida Home Program for single-family, detached residential properties and townhomes.[3] Implementation of the program is subject to annual legislative appropriations. The program supports eligible condominium associations by providing free inspections and grant funding for wind mitigation improvements, which may have the added benefit of lowering wind insurance premiums.

The program is limited to associations located in the "service area," which is the area of the state within 15 miles inward of a coastline as defined in s. 376.031, F.S.[4] The terms "association,"[5] "board of administration,"[6] "condominium,"[7] "condominium parcel,"[8] "unit,"[9] "unit owner"[10] and "voting interest"[11] have the same meaning as those terms are defined in s. 718.103, F.S.

[1] Chapter 2024-108, Laws of Fla.
[2] Line 2375 of the General Appropriations Act, ch. 2024-231, Laws of Fla. ($27,636,000 for grants; $600,000 for inspections; and $1,764,000 for operations and administration).
[3] *See* s. 215.5586, F.S.
[4] "Coastline" means the line of mean low water along the portion of the coast that is in direct contact with the open sea and the line marking the seaward limit of inland waters, as determined under the Convention on Territorial Seas and the Contiguous Zone, 15 U.S.T. (Pt. 2) 1606. Section 376.031(4), F.S.
[5] "Association" means, in addition to any entity responsible for the operation of common elements owned in undivided shares by unit owners, any entity which operates or maintains other real property in which unit owners have use rights, where membership in the entity is composed exclusively of unit owners or their elected or appointed representatives and is a required condition of unit ownership. Section 718.103(3), F.S.
[6] "Board of administration" or "board" means the board of directors or other representative body which is responsible for administration of the association. Section 718.103(5), F.S.
[7] "Condominium" means that form of ownership of real property created pursuant to ch. 718, F.S., which is comprised entirely of units that may be owned by one or more persons, and in which there is, appurtenant to each unit, an undivided share in common elements. Section 718.103(12), F.S.
[8] "Condominium parcel" means a unit, together with the undivided share in the common elements appurtenant to a unit. Section 718.103(13), F.S.
[9] "Unit" means a part of the condominium property which is subject to exclusive ownership. A unit may be in improvements, land, or land and improvements together, as specified in the declaration. Section 718.103(31), F.S.
[10] "Unit owner" or "owner of a unit" means a record owner of legal title to a condominium parcel. Section 718.103(32), F.S.
[11] "Voting interest" means the voting rights distributed to the association members pursuant to s. 718.104(4), F.S. In a multicondominium association, the voting interests of the association are the voting rights distributed to the unit owners in all condominiums operated by the association. On matters related to a specific condominium in a multicondominium association, the voting interests of the condominium are the voting rights distributed to the unit owners in that condominium. Section 718.103(34), F.S.

The DFS issued its first report on the program with the following findings:

- Tidal Basin selected to run the program on August 1, 2024.
- The International Association of Certified Home Inspectors selected on November 12, 2024, as the inspection company to conduct the inspections.
- The program is launched on November 14, 2024.
- The online application portal opened on November 14, 2024, and closed on November 19, 2024, due to the sufficiency of applications.
- 174 requests for inspections received; 165 requests approved.
- The approval of grant awards is waiting for the completion of inspections.[12]

Condominium Associations and Unit Owners

A condominium is a "form of ownership of real property created pursuant to this chapter, which is comprised entirely of units that may be owned by one or more persons, and in which there is, appurtenant to each unit, an undivided share in common elements." Condominiums are created under ch. 718, F.S,"[13] the "Condominium Act." Condominium unit owners are in a unique legal position because they are exclusive owners of property within a community, joint owners of community common elements, and members of the condominium association.[14] For unit owners, membership in the association is an unalienable right and required condition of unit ownership.[15]

The term "unit" means "a part of the condominium property which is subject to exclusive ownership. A unit may be in improvements, land, or land and improvements together, as specified in the declaration."[16]

To apply for an inspection of condominium parcels under the program, the association must receive approval by a majority vote of the board of administration or a majority vote of the total voting interests of the association.[17] In order to apply for a grant, the association must receive both of the following:

- Approval by a majority vote of the board of administration or a majority vote of the total voting interests of the association to participate in a mitigation grant; and
- A unanimous vote of all unit owners within the structure or building that is the subject of the mitigation grant.[18]

Associations may vote on participation in the program at either an annual meeting or a unit owner meeting called for the purpose of taking a vote on such participation.[19] The association must provide unit owners with clear disclosure of the program prior to a vote taking place.[20] The president and treasurer of the board of administration are required to sign the disclosure form

[12] *My Safe Florida Condominium Pilot Report*, February 1, 2025 (on file with the Senate Committee on Banking and Insurance).
[13] Section 718.103(12), F.S.
[14] *See* s. 718.103, F.S., for the terms used in the Condominium Act.
[15] Section 718.103(3), F.S.
[16] Section 718.103(31), F.S.
[17] Section 215.55871(2)(a), F.S.
[18] Section 215.55871(2)(b), F.S.
[19] Section 215.55871(2)(d), F.S.
[20] *Id.*

indicating a copy of the disclosure form was provided to each unit owner.[21] The association must maintain the signed disclosure form and the minutes from the meeting at which the unit owners voted to participate in the program as part of the official records of the association.[22] Within 14 days after an affirmative vote to participate in the program, the association must provide written notice as required under s. 718.112(2)(d), F.S., to all unit owners of the decision to participate in the program.[23]

Hurricane Mitigation Inspectors

Only licensed inspectors may perform inspections of the property to determine the mitigation measures that are needed, the insurance premium discounts that may be available, and which identify recommended improvements the association may take to mitigate hurricane damage.[24] The DFS must contract with wind certification entities to provide the inspections.[25] Eligible wind certification entities must, at a minimum:

- Use inspectors who are licensed or certified as:
  - A building inspector under s. 468.607, F.S.;
  - A general, building, or residential contractor under s. 489.111, F.S.;
  - A professional engineer under s. 471.015, F.S.;
  - A professional architect under s. 481.213, F.S.; or
  - A home inspector under s. 468.8314, F.S., who has completed at least three hours of hurricane mitigation training approved by the Construction Industry Licensing Board, which must include hurricane mitigation techniques, compliance with the uniform mitigation verification form, and completion of a proficiency exam;
- Use inspectors who have undergone drug testing and a background screening that includes submission and processing of fingerprints; and
- Provide a quality assurance program, including a reinspection component.[26]

Hurricane Mitigation Inspections

Hurricane mitigation inspections provided to an association must, at a minimum, include:

- An inspection of the property, and a report that summarizes the results and identifies recommended improvements the association may take to mitigate hurricane damage;
- A range of cost estimates regarding the recommended mitigation improvements; and
- Information regarding estimated insurance premium discounts, correlated to the current mitigation features and the recommended mitigation improvements identified by the inspection.[27]

An application for an inspection must contain a signed or electronically verified statement made under penalty of perjury by the president of the board of administration that the association has

[21] *Id.*
[22] *Id.*
[23] *Id.*
[24] Section 215.55871(3)(a), F.S.
[25] Section 215.55871(3)(b), F.S.
[26] *Id.*
[27] Section 215.55871(4)(a), F.S.

submitted only a single application for each property that the association operates or maintains.[28] An association may apply for and receive an inspection without also applying for a grant.[29]

Mitigation Grants

Grants must be used by associations to make improvements recommended by an inspection which increases the condominium parcel's resistance to hurricane damage.[30] An application for a grant must:

- Contain a signed or electronically verified statement made under penalty of perjury by the president of the board of administration that the association has submitted only a single application for each property that the association operates or maintains;
- Include a notarized statement from the president of the board of administration containing the name and license number of the contractor it intends to use for the mitigation project; and
- Include a notarized statement from the president of the board of administration which commits to the DFS that the association will complete the mitigation improvements. If the grant will be used to improve units, the application must also include an acknowledged statement from each unit owner who is required to provide approval for a grant.[31]

An association may select its own contractor for the mitigation project so long as the contractor meets all qualification, certification, or licensing requirements in general law.[32] A mitigation project must be performed by a properly licensed contractor who has secured all required local permits necessary for the project.[33] The DFS must electronically verify that the contractor's state license number is accurate and up to date before approving a grant application.[34]

All grants must be matched on the basis of one dollar provided by the association for two dollars provided by the state.[35] An association may receive grant funds for both roof-related and opening protection-related projects, but the total grant award may not exceed $175,000 per association.[36] The maximum grant contribution for:

- Roof-related projects is $11 per square foot multiplied by the square footage of the replacement roof, not to exceed $1,000 per unit, with a maximum grant award of 50 percent of the cost of the project.
- Opening protection-related projects is $750 per replacement window or door, not to exceed $1,500 per unit, with a maximum grant award of 50 percent of the cost of the project.[37]

An association awarded a grant must complete the entire mitigation project in order to receive the final grant award and must agree to make the property available for a final inspection once the mitigation project is finished.[38] The mitigation project must be completed in a manner

[28] Section 215.55871(4)(b), F.S.
[29] Section 215.55871(4)(c), F.S.
[30] Section 215.55871(5), F.S.
[31] Section 215.55871(5)(a), F.S.
[32] Section 215.55871(5)(b), F.S.
[33] *Id.*
[34] *Id.*
[35] Section 215.55871(5)(d)1., F.S.
[36] Section 215.55871(5)(d)4., F.S.
[37] Section 215.55871(5)(d)2.-3., F.S.
[38] Section 215.55871(5)(c), F.S.

consistent with the intent of the program and must meet or exceed applicable Florida Building Code requirements.[39] The association must submit a request to the DFS for a final inspection, or request an extension of time, within one year after receiving grant approval; otherwise the application is deemed abandoned and the grant money reverts back to the DFS.[40]

When recommended by a hurricane mitigation inspection report, grants may be used for the following improvements:

- Opening protection, including exterior doors, garage doors, windows, and skylights;
- Reinforcing roof-to-wall connections;
- Improving the strength of roof-deck attachments; and
- Secondary water barrier for roof.[41]

If improvements to protect the property that complied with the current applicable building code at the time have been previously installed, the association must use a mitigation grant to install improvements that do both of the following:

- Comply with or exceed the applicable building code in effect at the time the association applied for the grant; and
- Provide more protection than the improvements that the association previously installed.[42]

The association may not use a mitigation grant to:

- Install the same type of improvements that were previously installed; or
- Pay a deductible for a pending insurance claim for damage that is part of the property for which grant funds are being received.[43]

Contract Management

The DFS is charged with developing a process that ensures the most efficient means to collect and verify grant applications to determine eligibility and may direct hurricane mitigation inspectors to collect and verify grant application information or use the Internet or other electronic means to collect information and determine eligibility.[44] The DFS may contract with third parties for grant management, inspection services, contractor services, information technology, educational outreach, and auditing services.[45] Such contracts are considered direct costs of the program and are not subject to administrative cost limits.[46] Such contracts must be with providers that have a demonstrated record of successful business operations in areas directly related to the services to be provided and must ensure the highest accountability for use of state funds.[47]

[39] *Id.*
[40] *Id.*
[41] Section 215.55871(5)(e), F.S.
[42] Section 215.55871(5)(g)1., F.S.
[43] Section 215.55871(5)(g)2., F.S.
[44] Section 215.55871(5)(h), F.S.
[45] Section 215.55871(6)(a), F.S.
[46] *Id.*
[47] *Id.*

The DFS is required to implement a quality assurance and reinspection program that determines whether initial inspections and mitigation improvements are completed in a manner consistent with the intent of the program.[48] The DFS may use a valid random sampling in order to perform the quality assurance portion of the program.[49]

Reports

By February 1 of each year, the DFS must submit a report to the President of the Senate and the Speaker of the House of Representatives on the activities of the program and the use of state funds.[50] The report must include:

- The number of inspections requested;
- The number of inspections performed;
- The number of grant applications received;
- The number of grants approved and the monetary value of each grant;
- The estimated average annual amount of insurance premium discounts each association received and the total estimated annual amount of insurance premium discounts received by all associations participating in the program; and
- The estimated average annual amount of insurance premium discounts each unit owner received as a result of the improvements to the building or structure.[51]

Requests for Information

During the application process, the DFS may request an applicant provide additional information.[52] If the DFS does not receive a response for additional information from the applicant within 60 days after the applicant is notified of the error or omission, the application is deemed withdrawn by the applicant.[53]

Rulemaking Authority

The DFS is authorized to adopt rules pursuant to ss. 120.536(1) and 120.54, F.S., to implement the program.[54]

III. Effect of Proposed Changes:

The bill amends s. 215.55871, F.S., to:

- Limit participation in the program to condominiums with structures or buildings on the condominium property which are three or more stories in height, provided that the structure or building that is the subject of the mitigation grant contains two or more single-family dwellings.
- Require approval of at least 75 percent of all voting interests who reside within the structure or building that is the subject of the mitigation grant, rather than a unanimous vote of all unit owners.

[48] Section 215.55871(6)(b), F.S.
[49] *Id.*
[50] Section 215.55871(7), F.S.
[51] *Id.*
[52] Section 215.55871(8), F.S.
[53] *Id.*
[54] Section 215.55871(9), F.S.

- Eliminate the restrictions that limit grant contributions for:
  - A roof-related project, to $11 per square foot multiplied by the roof's square footage, not to exceed $1,000 per unit, with a maximum grant award of 50 percent of the project's cost.
  - An opening protection-related project, to $750 per window or door, not to exceed $1,500 per unit, with a maximum grant award of 50 percent of the project's cost, and opening protection-related projects to $750 per replacement window.
- Specify that grants for the roof-related improvements may include:
  - Reinforcing roof-to-wall connections.
  - Improving the strength of roof-deck attachments.
  - Installing secondary water resistance for the roof.
  - Replacing the roof covering.
- Specify that for buildings with a flat roof, if improvements to protect the property that complied with the current applicable building code at the time have been previously installed, the association must use the mitigation grant to install improvements that both:
  - Comply with or exceed the applicable building code in effect when the association applied for the grant; and
  - Provide more hurricane protection than the improvements the association previously installed.
- Repeal language stating that grants may be used for a previously inspected existing structure on the property. The language could be interpreted to allow grant applications to circumvent the program's requirement that inspections be provided by the program using only certain hurricane mitigation inspections.
- Require that the improvements must be verified during the final hurricane mitigation inspection in order to qualify for grant funds.
- Provide that grant funds may only be awarded if the mitigation improvement will result in an insurance premium mitigation credit, discount, or other rate differential. If necessary for the structure to qualify for a mitigation credit, discount, or other rate differential, the DFS must require that improvements be made to all openings as a condition of reimbursing a condominium association approved for a grant.
- Include wind-driven rain mitigation devices for sliding glass doors among the types of improvements for which hurricane mitigation grants may be used.

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:

The bill limits which associations may participate in the program but makes it more flexible for those associations that do participate.

C. Government Sector Impact:

While the program is subject to annual appropriations, this bill has no fiscal impact on state or local government. The program was funded in fiscal year 2024-25 through a nonrecurring appropriation of $30 million from the General Revenue Fund ($27,636,000 for grants; $600,000 for inspections; and $1,764,000 for operations and administration).

VI. Technical Deficiencies:

The bill revises the definition of "condominium," as defined in s. 718.103, F.S., for the purpose of s. 215.55871, F.S., to exclude detached units on individual parcels of land from the definition. A condominium parcel consists of a unit, together with the undivided share in the common elements appurtenant to the unit.[55] Therefore, a condominium unit cannot be detached from a condominium.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 215.55871 of the Florida Statutes.

[55] Section 718.103(13), F.S.

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 Regulated Industries on March 25, 2025:

The committee substitute:

- Limits participation in the pilot program to structures or buildings on the condominium property which are three or more stories in height, provided that the structure or building that is the subject of the mitigation grant contains two or more single-family dwellings;
- Requires approval of at least 75 percent of all voting interests, instead of all unit owners, who reside within the structure or building that is the subject of the mitigation grant;
- Removes from the bill the revision to the term "condominium;" and
- Includes wind-driven rain mitigation devices for sliding glass doors among the types of improvements for which hurricane mitigation grants may be used.

CS by Banking and Insurance on March 3, 2025:

The committee substitute makes the following changes:

- Provides that grant funds may only be awarded if the mitigation improvement will result in an insurance premium mitigation credit, discount, or other rate differential.
- Provides that the improvements must be verified during the final hurricane mitigation inspection in order to qualify for grant funds.

B. Amendments:

None.

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

347064

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2025	.	
	.	
	.	
	.	

The Committee on Regulated Industries (Leek) recommended the following:

Senate Amendment (with title amendment)

Delete lines 25 - 59
and insert:
added to that subsection, and present paragraph (b) of subsection (2) and subsection (5) of that section are amended, to read:
215.55871 My Safe Florida Condominium Pilot Program.—There is established within the Department of Financial Services the My Safe Florida Condominium Pilot Program to be implemented

347064

pursuant to appropriations. The department shall provide fiscal accountability, contract management, and strategic leadership for the pilot program, consistent with this section. This section does not create an entitlement for associations or unit owners or obligate the state in any way to fund the inspection or retrofitting of condominiums in the state. Implementation of this pilot program is subject to annual legislative appropriations. It is the intent of the Legislature that the My Safe Florida Condominium Pilot Program provide licensed inspectors to perform inspections for and grants to eligible associations as funding allows.

(2) PARTICIPATION.—

(a) Participation in the pilot program is limited to structures or buildings on the condominium property which are three or more stories in height, provided that each structure or building that is the subject of the mitigation grant contains two or more single-family dwellings.

(c) ~~(b)~~ In order to apply for a grant under subsection (5) which improves one or more units within a condominium, an association must receive both of the following:

1. Approval by a majority vote of the board of administration or a majority vote of the total voting interests of the association to participate in a mitigation inspection.

2. Approval by at least 75 percent ~~A unanimous vote~~ of all persons with voting interests who reside ~~unit owners~~ within the structure or building that is

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

And the title is amended as follows:

347064

Delete lines 3 - 6

and insert:

Pilot Program; amending s. 215.55871, F.S.; limiting participation in the My Safe Florida Condominium Pilot Program to certain structures or buildings; revising the approval

152862

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2025	.	
	.	
	.	
	.	

The Committee on Regulated Industries (Bradley) recommended the following:

Senate Amendment

Between lines 130 and 131
insert:
e. Wind-driven rain mitigation devices for sliding glass doors.

411560

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
03/25/2025	.	
	.	
	.	
	.	

The Committee on Regulated Industries (Pizzo) recommended the following:

Senate Amendment (with title amendment)

Between lines 171 and 172
insert:

Section 2. For the 2025-2026 fiscal year, the sum of $500 million in nonrecurring funds is appropriated for the General Revenue Fund to the Department of Financial Services for the My Safe Florida Condominium Pilot Program. The funds shall be used for hurricane mitigation grants, hurricane mitigation inspections, and outreach and administrative costs.

411560

========== T I T L E A M E N D M E N T ==========
And the title is amended as follows:
Between lines 17 and 18
insert:
providing an appropriation;

By the Committee on Banking and Insurance; and Senator Leek

597-02094-25 2025592c1

A bill to be entitled

An act relating to the My Safe Florida Condominium Pilot Program; amending s. 215.55871, F.S.; revising the definition of the term "condominium"; limiting participation in the My Safe Florida Condominium Pilot Program to certain condominiums; revising the approval requirements to receive a mitigation grant; deleting the amount of grant funding designated for certain projects; revising the improvements for which a grant may be used; requiring that improvements be verified during the final hurricane mitigation inspection to qualify for grant funds; specifying that mitigation grants may be awarded only for mitigation improvements that will result in a mitigation credit, discount, or other rate differential; requiring the Department of Financial Services to require that certain improvements be made under certain circumstances; providing an effective date.

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

Section 1. Present paragraphs (a) through (d) of subsection (2) of section 215.55871, Florida Statutes, are redesignated as paragraphs (b) through (e), respectively, a new paragraph (a) is added to that subsection, and paragraph (d) of subsection (1), present paragraph (b) of subsection (2), and subsection (5) of that section are amended, to read:

215.55871 My Safe Florida Condominium Pilot Program.—There is established within the Department of Financial Services the

597-02094-25 2025592c1

My Safe Florida Condominium Pilot Program to be implemented pursuant to appropriations. The department shall provide fiscal accountability, contract management, and strategic leadership for the pilot program, consistent with this section. This section does not create an entitlement for associations or unit owners or obligate the state in any way to fund the inspection or retrofitting of condominiums in the state. Implementation of this pilot program is subject to annual legislative appropriations. It is the intent of the Legislature that the My Safe Florida Condominium Pilot Program provide licensed inspectors to perform inspections for and grants to eligible associations as funding allows.

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

(d) "Condominium" has the same meaning as in s. 718.103. For purposes of this section, the term does not include detached units on individual parcels of land.

(2) PARTICIPATION.—

(a) Participation in the pilot program is limited to condominiums that are three stories or more in height, and the structure or building that is the subject of the mitigation grant must include at least one residential unit within such structure or building.

(c)~~(b)~~ In order to apply for a grant under subsection (5) which improves one or more units within a condominium, an association must receive both of the following:

1. Approval by a majority vote of the board of administration or a majority vote of the total voting interests of the association to participate in a mitigation inspection.

2. Approval by at least 75 percent ~~A unanimous vote~~ of all

unit owners who reside within the structure or building that is the subject of the mitigation grant.

(5) MITIGATION GRANTS.—Financial grants may be used by associations to make improvements recommended in a hurricane mitigation inspection report which increase the condominium's resistance to hurricane damage.

(a) An application for a mitigation grant must:

1. Contain a signed or electronically verified statement made under penalty of perjury by the president of the board of administration that the association has submitted only a single application for each property that the association operates or maintains.

2. Include a notarized statement from the president of the board of administration containing the name and license number of each contractor the association intends to use for the mitigation project.

3. Include a notarized statement from the president of the board of administration which commits to the department that the association will complete the mitigation improvements. If the grant will be used to improve units, the application must also include an acknowledged statement from each unit owner who is required to provide approval for a grant under paragraph (2)(c) ~~(2)(b)~~.

(b) An association may select its own contractors for the mitigation project as long as each contractor meets all qualification, certification, or licensing requirements in general law. A mitigation project must be performed by a properly licensed contractor who has secured all required local permits necessary for the project. The department must

electronically verify that the contractor's state license number is accurate and up to date before approving a grant application.

(c) An association awarded a grant must complete the entire mitigation project in order to receive the final grant award and must agree to make the property available for a final inspection once the mitigation project is finished to ensure the mitigation improvements are completed in a manner consistent with the intent of the pilot program and meet or exceed the applicable Florida Building Code requirements. Construction must be completed and the association must submit a request to the department for a final inspection, or request an extension of time, within 1 year after receiving grant approval. If the association fails to comply with this paragraph, the application is deemed abandoned and the grant money reverts back to the department.

(d) Grant projects shall be funded as follows:

1. All grants must be matched on the basis of $1 provided by the association for $2 provided by the state toward the actual cost of the project.

~~2. For roof-related projects, the grant contribution is $11 per square foot multiplied by the square footage of the replacement roof, not to exceed $1,000 per unit, with a maximum grant award of 50 percent of the cost of the project.~~

~~3. For opening protection-related projects, the grant contribution is a maximum of $750 per replacement window or door, not to exceed $1,500 per unit, with a maximum grant award of 50 percent of the cost of the project.~~

2.~~4.~~ An association may receive grant funds for both roof-related and opening protection-related projects, but the maximum

total grant award may not exceed $175,000 per association.

3.~~5.~~ The department may not accept grant applications or maintain a waiting list for grants after the cumulative value of the grants awarded have fully obligated the appropriation, unless otherwise expressly authorized by the Legislature.

(e) When recommended by a hurricane mitigation inspection report, grants for eligible associations may be used for the following improvements:

1. Opening protection improvements, including all of the following:

a. Exterior doors.~~,~~

b. Garage doors.~~,~~

c. Windows.~~, and~~

d. Skylights.

2. Roof-related improvements, including all of the following:

a.~~2.~~ Reinforcing roof-to-wall connections.

b.~~3.~~ Improving the strength of roof-deck attachments.

c.~~4.~~ Installing secondary water resistance for roof.

d. Replacing the roof covering.

(f) Improvements must be verified during the final hurricane mitigation inspection to qualify for grant funds ~~Grants may be used for a previously inspected existing structure on the property~~.

(g)~~1.~~ If improvements to protect the property which complied with the current applicable building code at the time have been previously installed, the association must use a mitigation grant to install improvements that do both of the following:

1.~~a.~~ Comply with or exceed the applicable building code in effect at the time the association applied for the grant.

2.~~b.~~ Provide more hurricane protection than the improvements that the association previously installed.

(h)~~2.~~ The association may not use a mitigation grant to:

1.~~a.~~ Install the same type of improvements that were previously installed; or

2.~~b.~~ Pay a deductible for a pending insurance claim for damage that is part of the property for which grant funds are being received.

(i)~~(h)~~ The department shall develop a process that ensures the most efficient means to collect and verify inspection and grant applications to determine eligibility. The department may direct hurricane mitigation inspectors to collect and verify inspection and grant application information or use the Internet or other electronic means to collect information and determine eligibility.

(j) Grant funds may be awarded only for each mitigation improvement that, when applied to the structure or building, will result in a mitigation credit, discount, or other rate differential. If necessary for the building or structure to qualify for a mitigation credit, discount, or other rate differential, the department must require that improvements be made to all openings, including exterior doors, garage doors, windows, and skylights, as a condition of reimbursing a condominium association approved for a grant.

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

The Florida Senate

APPEARANCE RECORD

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

3/25/25
Meeting Date

Reg. Ind.
Committee

592
Bill Number or Topic

152862
Amendment Barcode (if applicable)

Name Kari Hebrank Phone

Address 215 S. Monroe St Email KHEBRANIC@carltonfields.com
Street

TLH FLA 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:
PGT INNOVATIONS

☐ 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

Meeting Date: Leg Affairs

Committee

SB 592

Bill Number or Topic

Amendment Barcode (if applicable)

Name: Jennifer Ashton

Phone: 941-773-2112

Email: Jennifer@Ashton-Advocacy.com

Address

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: 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

March 25, 2025
Meeting Date

Regulated Industries
Committee

SB 592
Bill Number or Topic

Amendment Barcode (if applicable)

Name Chante' Jones

Phone 850-272-0551

Address 215 N Monroe St Ste 603
Street

Email CEJones@aarp.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:
AARP 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

Committee Agenda Request

To: Senator Jennifer Bradley, Chair
Committee on Regulated Industries

Subject: Committee Agenda Request

Date: March 3, 2025

I respectfully request that **Senate Bill #592**, relating to My Safe Florida Condominium Program, 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

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 Regulated Industries

BILL:	SB 604
INTRODUCER:	Senator Smith
SUBJECT:	Residential Swimming Pool Requirements
DATE:	March 24, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Baird	Imhof	RI	**Pre-meeting**
2.			CA	
3.			RC	

I. Summary:

SB 604 provides that upon a transfer or sale of a residential property, a swimming pool must be equipped with at least one pool safety feature. Failure to have at least one pool safety feature at a residential home that is transferred or sold on or after October 1, 2025, will require a title company, inspector, or underwriter for the mortgage to report the violation to a local law enforcement agency.

Additionally, current law provides that a residential swimming pool barrier must have certain characteristics. The bill provides that all of those swimming pool barrier requirements must be met at the time of a transfer or sale of residential real property or the title company, inspector, or underwriter for a mortgage company must report the violation to a local law enforcement agency.

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

II. Present Situation:

Florida Regulations on Pool Safety

In 2000, upon finding that drowning was the leading cause of death of young children in Florida, as well as a significant cause of death for medically frail elderly persons, the legislature enacted ch. 515, F.S., the Residential Swimming Pool Safety Act (the act).[1] The act provides certain safety measures must be taken to protect children under age six, and medically frail elderly persons, defined as those who are at least 65 years of age with a medical problem that affects balance, vision, or judgment.[2]

[1] *See* ch. 2000-143, Laws of Fla. (creating ch. 515, F.S., effective Oct. 1, 2000).

[2] Section 515.25, F.S. Such problems include, but are not limited to, a heart condition, diabetes, or Alzheimer's disease or any related disorder.

The act requires that all new residential swimming pools, spas, and hot tubs must be equipped with *at least one* pool safety feature, which safety feature options include:[3]

- The pool must be isolated from access to a home by an enclosure that meets certain requirements;
- The pool must be equipped with an approved safety pool cover;
- All doors and windows providing direct access from the home to the pool must be equipped with an exit alarm that has a minimum sound pressure rating of 85 dB A at 10 feet;
- All doors providing direct access from the home to the pool must be equipped with a self-closing, self-latching device with a release mechanism placed no lower than 54 inches above the floor; or
- A swimming pool alarm that, when placed in a pool, sounds an alarm upon detection of an accidental or unauthorized entrance into the water.

Failure to equip a new residential swimming pool with at least one pool safety feature will result in a person committing a misdemeanor of the second degree.[4]

Residential Swimming Pool Barrier Requirements

A swimming pool barrier has its own set of requirements that must all be met. The requirements are:

- The barrier must be at least 4 feet high on the outside.
- The barrier may not have any gaps, openings, indentations, protrusions, or structural components that could allow a young child to crawl under, squeeze through, or climb over the barrier.
- The barrier must be placed around the perimeter of the pool and must be separate from any fence, wall, or other enclosure surrounding the yard unless the fence, wall, or other enclosure or portion thereof is situated on the perimeter of the pool, is being used as part of the barrier, and meets the barrier requirements of this section.
- The barrier must be placed sufficiently away from the water's edge to prevent a young child or medically frail elderly person who may have managed to penetrate the barrier from immediately falling into the water.

Additionally, any gates that provide access to swimming pools must open outward away from the pool and be self-closing and equipped with a self-latching locking device, the release mechanism of which must be located on the pool side of the gate and so placed that it cannot be reached by a young child over the top or through any opening or gap.[5] A wall of a dwelling may serve as part of the barrier if it does not contain any door or window that opens to provide access to the swimming pool.[6] And a barrier may not be located in a way that allows any permanent structure, equipment, or similar object to be used for climbing the barrier.[7]

[3] *See* Section 515.27, F.S.
[4] Section 515.27(2), F.S.
[5] Section 515.29(3), F.S.
[6] Section 515.29(4), F.S.
[7] Section 515.29(5), F.S.

Drowning Deaths in Florida

Some relevant drowning statistics include:

- More children ages one to four years die from drowning than any other cause of death in the United States.[8]
- From 2019 to 2021 combined, Florida was ranked the highest in the United States for unintentional drowning death rates among children ages one to four years (6.64 per 100,000 population).[9]
- From 2019 to 2023 combined, there were 2,570 deaths in Florida from drowning.
- Children between the ages of one and four are more likely to drown in home swimming pools, with older children most likely to drown in natural water bodies.[10]

The act also created a drowning prevention education program that is available to the public.[11] The program administered by the Florida Department of Health was updated to include a newly created program. In 2024, the Florida Legislature enacted SB 544, the Swim Lesson Voucher Program, to help prevent future drowning deaths and to help children become competent swimmers in the state of Florida.[12]

Home Inspections in Florida

Florida law does not require a home inspection to be done before the transfer or sale of residential real property. However, almost all mortgage agreements contain a contractual requirement to have an inspection done prior to the purchase of the home. If a home inspection is done, the inspection must be done by a home inspector that is licensed by the Department of Business and Professional Regulation. Generally, home inspector requirements are under ch. 468, F.S.

A home inspector is required to maintain a commercial general liability insurance policy in an amount of not less than $300,000.[13] If a home inspection is contracted for, the licensed home inspector must provide the consumer with a copy of their license and a written report.[14] The written report must detail certain information including significantly deficient systems and components, reasons for deficiencies, and disclosure of systems and components that were not inspected.[15]

[8] Centers for Disease Control and Prevention, National Center for Injury Prevention and Control. Web-based Injury Statistics Query and Reporting System, available at https://wisqars.cdc.gov/ (last visited March 24, 2025).
[9] Drowning Prevention, Florida Department of Health, available at https://www.floridahealth.gov/programs-and-services/prevention/drowning-prevention/index.html (last visited March 24, 2025).
[10] Centers for Disease Control and Prevention, *Drowning Prevention*, available at https://www.cdc.gov/drowning/prevention/summer-swim-safety.html (last visited March 24, 2025).
[11] Section 515.31, F.S.
[12] *See* ch. 2024-89, Laws of Fla. The Swimming Lesson Voucher Program can be found at https://www.watersmartfl.com/ (last visited March 24, 2025).
[13] Section 468.8322, F.S.
[14] Section 468.8321, F.S.
[15] Section 468.8323, F.S.

III. Effect of Proposed Changes:

Section 1 of the bill provides that upon a transfer or sale of a residential property, a swimming pool, regardless of the year it was built, must be equipped with at least one pool safety feature. Failure to have at least one pool safety feature at a residential home that is transferred or sold on or after October 1, 2025, will require a title company, inspector, or underwriter for the mortgage to report the violation to a local law enforcement agency.

Section 2 of the bill provides that if residential real property has a pool barrier, the pool barrier must meet all of the pool barrier requirements if that residential real property is transferred or sold on or after October 1, 2025. A title company, an inspector, or an underwriter for the mortgage secured on the residential real property must report a violation to a local law enforcement agency.

Section 3 of the bill corrects a cross reference and provides drafting clarity.

Section 4 of the bill provides for 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:

The bill may create an increased burden on residential property owners that have a swimming pool and are trying to sell their homes.

Additionally, the bill may increase the burden on title companies, home inspectors, and mortgage company underwriters who must report violations to local law enforcement agencies.

C. Government Sector Impact:

The bill may increase workload for law enforcement personnel.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 515.27, 515.29, and 515.31.

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.

246638

LEGISLATIVE ACTION

Senate . House

. . . . .

The Committee on Regulated Industries (Smith) recommended the following:

Senate Amendment (with title amendment)

Delete lines 50 - 94

and insert:

subsection (1). An inspector must report a violation of this subsection to a local code enforcement agency. If the inspected pool safety feature is the pool barrier, it must meet all of the requirements in s. 515.29.

(3) ~~(2)~~ A person who fails to equip a ~~new~~ residential swimming pool with at least one pool safety feature as required

246638

in subsection (1) or subsection (2) commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, except that no penalty shall be imposed if the person, within 45 days after arrest or issuance of a summons or a notice to appear, has equipped the pool with at least one safety feature as required in subsection (1) or subsection (2) and has attended a drowning prevention education program established by s. 515.31. However, the requirement of attending a drowning prevention education program is waived if such program is not offered within 45 days after issuance of the citation.

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

And the title is amended as follows:

Delete lines 3 - 9

and insert:

requirements; amending s. 515.27, F.S.; requiring that swimming pools located on residential real property that is transferred or sold on or after a specified date meet certain pool safety requirements; requiring inspectors to report violations of the law to a local code enforcement agency; requiring inspected pool barriers to meet certain requirements;

343714

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/25/2025	.	
	.	
	.	
	.	

The Committee on Regulated Industries (Smith) recommended the following:

Senate Amendment (with title amendment)

Delete lines 52 - 94
and insert:
report a violation of this subsection to a local code enforcement agency.

(3)~~(2)~~ A person who fails to equip a ~~new~~ residential swimming pool with at least one pool safety feature as required in subsection (1) or subsection (2) commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s.

343714

775.083, except that no penalty shall be imposed if the person, within 45 days after arrest or issuance of a summons or a notice to appear, has equipped the pool with at least one safety feature as required in subsection (1) or subsection (2) and has attended a drowning prevention education program established by s. 515.31. However, the requirement of attending a drowning prevention education program is waived if such program is not offered within 45 days after issuance of the citation.

Section 2. Subsection (6) is added to section 515.29, Florida Statutes, and subsection (1) of that section is republished, to read:

515.29 Residential swimming pool barrier requirements.—

(1) A residential swimming pool barrier must have all of the following characteristics:

(a) The barrier must be at least 4 feet high on the outside.

(b) The barrier may not have any gaps, openings, indentations, protrusions, or structural components that could allow a young child to crawl under, squeeze through, or climb over the barrier.

(c) The barrier must be placed around the perimeter of the pool and must be separate from any fence, wall, or other enclosure surrounding the yard unless the fence, wall, or other enclosure or portion thereof is situated on the perimeter of the pool, is being used as part of the barrier, and meets the barrier requirements of this section.

(d) The barrier must be placed sufficiently away from the water’s edge to prevent a young child or medically frail elderly person who may have managed to penetrate the barrier from

343714

immediately falling into the water.

(6) A swimming pool, regardless of the year in which the pool was built, located on residential real property that is transferred or sold on or after October 1, 2025, must meet all of the pool barrier requirements in subsection (1). A title company, an inspector, or an underwriter for the mortgage secured on the residential real property must report a violation of this subsection to a local code enforcement agency.

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

And the title is amended as follows:

Delete lines 3 - 9

and insert:

requirements; amending s. 515.27, F.S.; requiring that swimming pools located on residential real property that is transferred or sold on or after a specified date meet certain pool safety requirements; requiring certain persons to report violations of the law to a local code enforcement agency; providing a criminal penalty; amending s. 515.29, F.S.; requiring that swimming pools located on residential real property that is transferred or sold on or after a specified date meet certain pool barrier requirements; requiring certain persons to report violations of the law to a local code enforcement agency;

By Senator Smith

17-01396-25 2025604__

A bill to be entitled

An act relating to residential swimming pool requirements; amending ss. 515.27 and 515.29, F.S.; requiring that swimming pools located on residential real property that is transferred or sold on or after a specified date meet certain pool safety and pool barrier requirements; requiring certain persons to report violations of the law to a local law enforcement agency; providing a criminal penalty; amending s. 515.31, F.S.; conforming a cross-reference and making technical changes; providing an effective date.

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

Section 1. Section 515.27, Florida Statutes, is amended to read:

515.27 Residential swimming pool safety feature options; penalties.—

(1) In order to pass final inspection and receive a certificate of completion, a residential swimming pool must meet at least one of the following requirements relating to pool safety features:

(a) The pool must be isolated from access to a home by an enclosure that meets the pool barrier requirements of s. 515.29;

(b) The pool must be equipped with an approved safety pool cover;

(c) All doors and windows providing direct access from the home to the pool must be equipped with an exit alarm that has a

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

17-01396-25 2025604__

minimum sound pressure rating of 85 dB A at 10 feet;

(d) All doors providing direct access from the home to the pool must be equipped with a self-closing, self-latching device with a release mechanism placed no lower than 54 inches above the floor; or

(e) A swimming pool alarm that, when placed in a pool, sounds an alarm upon detection of an accidental or unauthorized entrance into the water. Such pool alarm must meet and be independently certified to ASTM Standard F2208, titled "Standard Safety Specification for Residential Pool Alarms," which includes surface motion, pressure, sonar, laser, and infrared alarms. For purposes of this paragraph, the term "swimming pool alarm" does not include any swimming protection alarm device designed for individual use, such as an alarm attached to a child that sounds when the child exceeds a certain distance or becomes submerged in water.

(2) A swimming pool, regardless of the year in which the pool was built, located on residential real property that is transferred or sold on or after October 1, 2025, must be equipped with at least one pool safety feature as required in subsection (1). A title company, an inspector, or an underwriter for the mortgage secured on the residential real property must report a violation of this subsection to a local law enforcement agency.

(3)~~(2)~~ A person who fails to equip a ~~new~~ residential swimming pool with at least one pool safety feature as required in subsection (1) or subsection (2) commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, except that no penalty shall be imposed if the person,

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

within 45 days after arrest or issuance of a summons or a notice to appear, has equipped the pool with at least one safety feature as required in subsection (1) or subsection (2) and has attended a drowning prevention education program established by s. 515.31. However, the requirement of attending a drowning prevention education program is waived if such program is not offered within 45 days after issuance of the citation.

Section 2. Subsection (6) is added to section 515.29, Florida Statutes, and subsection (1) of that section is republished, to read:

515.29 Residential swimming pool barrier requirements.—

(1) A residential swimming pool barrier must have all of the following characteristics:

(a) The barrier must be at least 4 feet high on the outside.

(b) The barrier may not have any gaps, openings, indentations, protrusions, or structural components that could allow a young child to crawl under, squeeze through, or climb over the barrier.

(c) The barrier must be placed around the perimeter of the pool and must be separate from any fence, wall, or other enclosure surrounding the yard unless the fence, wall, or other enclosure or portion thereof is situated on the perimeter of the pool, is being used as part of the barrier, and meets the barrier requirements of this section.

(d) The barrier must be placed sufficiently away from the water's edge to prevent a young child or medically frail elderly person who may have managed to penetrate the barrier from immediately falling into the water.

(6) A swimming pool, regardless of the year in which the pool was built, located on residential real property that is transferred or sold on or after October 1, 2025, must meet all of the pool barrier requirements in subsection (1). A title company, an inspector, or an underwriter for the mortgage secured on the residential real property must report a violation of this subsection to a local law enforcement agency.

Section 3. Subsection (1) of section 515.31, Florida Statutes, is amended to read:

515.31 Drowning prevention education program; public information publication.—

(1) The department shall develop a drowning prevention education program. Such program must~~, which shall~~ be made available to the public at the state and local levels and is ~~which shall be~~ required as set forth in s. 515.27(3) ~~s. 515.27(2)~~ for persons in violation of the pool safety requirements of this chapter. The department may charge a fee, not to exceed $100, for attendance at such a program. The drowning prevention education program is to ~~shall~~ be funded using fee proceeds, state funds appropriated for such purpose, and grants. The department, in lieu of developing its own program, may adopt a nationally recognized drowning prevention education program to be approved for use in local safety education programs, as provided in rule of the department.

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

The Florida Senate

Committee Agenda Request

To: Senator Jennifer Bradley, Chair
Committee on Regulated Industries

Subject: Committee Agenda Request

Date: February 21, 2025

I respectfully request that **Senate Bill #604**, relating to Residential Swimming Pool Requirements, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Senator Carlos Guillermo Smith
Florida Senate, District 17

File signed original with committee office

S-020 (03/2004)

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 Regulated Industries

BILL:	CS/SB 622
INTRODUCER:	Regulated Industries Committee and Senators Rodriguez and Calatayud
SUBJECT:	Jai Alai Permit Holders
DATE:	March 27, 2025 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Baird	Imhof	RI	**Fav/CS**
2.			AEG	
3.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 622 provides that holders of a valid pari-mutuel permit are entitled to lease any of their facilities to any jai alai permitholder within a 35-mile radius. This changes the current requirement that only allows holders of valid pari-mutuel permits lease their facilities to any other holder of a same class valid pari-mutuel wearing.

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

II. Present Situation:

Pari-Mutuel Wagering in Florida

Since approximately 1931, pari-mutuel wagering (PMW) activities have been authorized in Florida for jai alai, greyhound racing, and horseracing. PMW is a system of betting where all bets are placed into a pool and the payout is *then* distributed among the winners, proportionally to their wagers, after deducting a percentage for the house.

These activities are overseen and regulated[1] by the Division of Pari-Mutuel Wagering (division) within the Florida Gaming Control Commission (commission), which is housed for

[1] From 1932 to 1969, Florida's pari-mutuel industry was regulated by the State Racing Commission. In 1970, the commission became a division within the Department of Business Regulation, which, in 1993, became the Department of Business and Professional Regulation.

administrative purposes within the Department of Legal Affairs, Office of the Attorney General.[2] The commission issues permits and operating licenses for PMW activities. Only pari-mutuel wagering permitholders under certain conditions are authorized to conduct other gaming activities like operating a cardroom or operating slot machines at their facilities.

Those pari-mutuel permits approved under ch. 550, F.S., are issued to the specific location in the permit application and for a specific type of pari-mutuel activity. Authorized pari-mutuel permit types include: greyhound racing, jai alai, thoroughbred racing, quarter horse racing, and harness horse racing.

Leasing of Pari-Mutuel Facilities

Florida allows holders of pari-mutuel permits to lease any and all of their facilities to any other holder of a same class valid pari-mutuel permit.[3] There is a requirement that the facility be located within a 35-mile radius of the lessee.[4] Once a lease agreement is in place, the lessee is entitled to a permit and license to conduct intertrack wagering and operate its race meet or jai alai games at the leased premise.[5]

Florida defines the same class of races, games or permit as:

With respect to a jai alai permitholder, jai alai games or other jai alai permitholders; with respect to a greyhound permitholder, other greyhound permitholders conducting pari-mutuel wagering; with respect to a thoroughbred permitholder, thoroughbred races or other thoroughbred permitholders; with respect to a harness permitholder, harness races or other harness permitholders; with respect to a quarter horse permitholder, quarter horse races or other quarter horse permitholders.[6]

During Fiscal Year 2024-2025, approximately 6 pari-mutuel operating licenses are operating by lease at another same class pari-mutuel permitholder's permitted facility under s. 550.475, F.S.[7]

Jai Alai

Jai alai is a fast-paced sport involving players hurling a ball against a wall, that can be configured in various ways, typically involving single players, teams of two, or in modern leagues, teams of six. Beginning in the early 20th century in Florida, jai alai experienced great popularity but has since seen a decline in popularity throughout the 21st century.

There are approximately 10 jai alai operating licenses operating at 7 permitted facilities.[8] During Fiscal Year 2023-2024, jai alai permitholders brought in less than $1,000,000 in revenue from

[2] *See* ss. 16.71-16.716, F.S.
[3] Section 550.475, F.S.
[4] *Id*.
[5] *Id*.
[6] Section 550.002(31), F.S.
[7] *See* Florida Gaming Control Commission, *2025 Agency Legislative Bill Analysis for SB 622* (March 4, 2025) (on file with the Senate Committee on Regulated Industries).
[8] *See* Florida Gaming Control Commission, *Annual Report Fiscal Year 2023-2024* (Annual Report), https://flgaming.gov/pmw/annual-reports/docs/2023-2024-FGCC-Annual-Report.pdf (last visited March 24, 2025).

the pari-mutuel handle.[9] In Fiscal Year 2023-2024, only Dania Jai Alai and Magic City Jai Alai were conducting live jai alai games.

III. Effect of Proposed Changes:

Section 1 of the bill would allow a pari-mutuel permit holder to lease their facilities to *any* jai alai permitholder.

This amends the current law to allow a pari-mutuel permit holder to lease their facilities to jai alai permitholders, even if the jai alai permitholder *is not* in the same class as the pari-mutuel holder, (i.e., thoroughbred permit holder could lease their premises to a jai alai permitholder).

Sections 2 and 3 of the bill are reenacted for the purpose of incorporating the amendments being made by the bill.

Section 4 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.

[9] *Id*.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

As currently enacted, s. 550.475, F.S., provides that a lessee that holds the same class pari-mutuel permit as the lessor is entitled to "a *permit* and license to conduct intertrack wagering and operate its race meet or jai alai games at the leased premises."

With the removal of the "same class" limitation for jai alai permitholders, the bill, as currently drafted, could be interpreted as allowing jai alai permitholders to obtain a new jai alai permit at the leased premises or to relocate a jai alai permit to the leased premises where a jai alai permit does not currently exist.

VIII. Statutes Affected:

This bill substantially amends section 550.475 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 by Regulated Industries on March 25, 2025:
The committee substitute provides that a holder of a valid pari-mutuel permit may lease their pari-mutuel permitted facilities to any other holder of a same class valid or to any jai alai permitholder.

Additionally, the committee substitute provides that such lessee may apply (as opposed to being entitled) for a license to conduct intertrack wagering and operate its race meet or jai alai games at the leased premise.

B. Amendments:

None.

469630

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2025	.	
	.	
	.	
	.	

The Committee on Regulated Industries (Rodriguez) recommended the following:

Senate Amendment (with title amendment)

Delete lines 20 - 26

and insert:

conduct of any pari-mutuel wagering in this state may ~~are entitled to~~ lease ~~any and all of~~ their pari-mutuel permitted facilities to any other holder of a same class valid pari-mutuel permit or to any jai alai permitholder, when located within a 35-mile radius of each other; and such lessee may apply for a ~~is entitled to a permit and~~ license to conduct intertrack wagering

469630

and operate its race meet or jai alai games at the leased premises.

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

And the title is amended as follows:

Delete lines 4 - 7

and insert:

pari-mutuel permit may lease their pari-mutuel permitted facilities to any other holder of the same pari-mutuel permit or to any jai alai permitholder when located within a specified radius of each other; authorizing such lessee to apply for a license, rather than be entitled to a permit and license, to conduct specified gaming activities at the leased premises; reenacting ss.

By Senator Rodriguez

40-01671A-25 2025622__

A bill to be entitled

An act relating to jai alai permit holders; amending s. 550.475, F.S.; providing that holders of a valid pari-mutuel permit may lease any of their facilities to any other holder of the same pari-mutuel permit or to any jai alai permitholder when located within a specified radius of each other; reenacting ss. 550.054(14)(b) and 550.615(8), F.S., relating to application for permit to conduct pari-mutuel wagering and intertrack wagering, respectively, to incorporate the amendment made to s. 550.475, F.S., in references thereto; providing an effective date.

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

Section 1. Section 550.475, Florida Statutes, is amended to read:

550.475 Lease of pari-mutuel facilities by pari-mutuel permitholders.—Holders of valid pari-mutuel permits for the conduct of any pari-mutuel wagering in this state are entitled to lease any ~~and all~~ of their facilities to any other holder of a same class valid pari-mutuel permit or to any jai alai permitholder, when located within a 35-mile radius of each other; and such lessee is entitled to a permit and license to conduct intertrack wagering and operate its race meet or jai alai games at the leased premises.

Section 2. For the purpose of incorporating the amendment made by this act to section 550.475, Florida Statutes, in a reference thereto, paragraph (b) of subsection (14) of section

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

40-01671A-25 2025622__

550.054, Florida Statutes, is reenacted to read:

550.054 Application for permit to conduct pari-mutuel wagering.—

(14)

(b) The commission, upon application from the holder of a jai alai permit meeting all conditions of this section, shall convert the permit and shall issue to the permitholder a permit to conduct greyhound racing. A permitholder of a permit converted under this section shall be required to apply for and conduct a full schedule of live racing each fiscal year to be eligible for any tax credit provided by this chapter. The holder of a permit converted pursuant to this subsection or any holder of a permit to conduct greyhound racing located in a county in which it is the only permit issued pursuant to this section who operates at a leased facility pursuant to s. 550.475 may move the location for which the permit has been issued to another location within a 30-mile radius of the location fixed in the permit issued in that county, provided the move does not cross the county boundary and such location is approved under the zoning regulations of the county or municipality in which the permit is located, and upon such relocation may use the permit for the conduct of pari-mutuel wagering and the operation of a cardroom. The provisions of s. 550.6305(9)(d) and (f) shall apply to any permit converted under this subsection and shall continue to apply to any permit which was previously included under and subject to such provisions before a conversion pursuant to this section occurred.

Section 3. For the purpose of incorporating the amendment made by this act to section 550.475, Florida Statutes, in a

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

reference thereto, subsection (8) of section 550.615, Florida Statutes, is reenacted to read:

550.615 Intertrack wagering.—

(8) In any three contiguous counties of the state where there are only three permitholders, all of which are greyhound permitholders, if any permitholder leases the facility of another permitholder for all or any portion of the conduct of its live race meet pursuant to s. 550.475, such lessee may conduct intertrack wagering at its pre-lease permitted facility throughout the entire year.

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

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

2025 AGENCY LEGISLATIVE BILL ANALYSIS
AGENCY: Florida Gaming Control Commission

BILL INFORMATION	
BILL NUMBER:	SB 622
BILL TITLE:	Jai Alai Permitholders
BILL SPONSOR:	Senator Rodriguez
EFFECTIVE DATE:	07/01/2025

COMMITTEES OF REFERENCE
1) Regulated Industries
2) Appropriations Committee on Agriculture, Environment, and General Government
3) Fiscal Policy
4) N/A
5) N/A

CURRENT COMMITTEE
Regulated Industries

SIMILAR BILLS	
BILL NUMBER:	N/A
SPONSOR:	N/A

PREVIOUS LEGISLATION	
BILL NUMBER:	HB 909
SPONSOR:	Esposito
YEAR:	2024
LAST ACTION:	Passed, but the permit relocation language was amended out.

IDENTICAL BILLS	
BILL NUMBER:	HB 709
SPONSOR:	Rep. Esposito

Is this bill part of an agency package?
No

BILL ANALYSIS INFORMATION	
DATE OF ANALYSIS:	February 11, 2025
LEAD AGENCY ANALYST:	Joe Dillmore, Director of Pari-Mutuel Wagering
ADDITIONAL ANALYST(S):	Tracy Swain, Bureau Chief of Revenue and Auditing
LEGAL ANALYST:	Elina Valentine, General Counsel
FISCAL ANALYST:	Tracy Swain, Bureau Chief of Revenue and Auditing

POLICY ANALYSIS

1. EXECUTIVE SUMMARY

Currently, holders of a valid pari-mutuel permit may lease any of their facilities to any other holder of the same class pari-mutuel permit when located within a 35-mile radius of each other. The bill allows holders of a valid pari-mutuel permit to lease any of their facilities to any jai alai permitholder within a 35-mile radius.

2. SUBSTANTIVE BILL ANALYSIS

1. PRESENT SITUATION:

Pari-mutuel permits approved under Chapter 550, Fla. Stat., are designated to the specific location in the permit application and pari-mutuel activity the permit was issued. Authorized pari-mutuel permit types include: greyhound racing, jai alai, thoroughbred racing, quarter horse racing, and harness horse racing.

Section 550.002(31), Fla. Stat., defines "same class of races, games, or permit" as: with respect to a jai alai permitholder, jai alai games or other jai alai permitholders; with respect to a greyhound permitholder, other greyhound permitholders conducting pari-mutuel wagering; with respect to a thoroughbred permitholder, thoroughbred races or other thoroughbred permitholders; with respect to a harness permitholder, harness races or other harness permitholders; with respect to a quarter horse permitholder, quarter horse races or other quarter horse permitholders.

Section 550.475, Fla. Stat. provides that holders of valid pari-mutuel permits for the conduct of any pari-mutuel wagering in this state are entitled to lease any and all of their facilities to any other holder of a same class valid pari-mutuel permit, when located within a 35-mile radius of each other; and such lessee is entitled to a permit and license to conduct intertrack wagering and operate its race meet or jai alai games at the leased premises.

During Fiscal Year 2024-25, approximately 6 pari-mutuel operating licenses are operating by lease at another same class pari-mutuel permitholder's permitted facility under s. 550.475, Fla. Stat. There are approximately 10 jai alai operating licenses operating at 7 permitted facilities.

2. EFFECT OF THE BILL:

Amends s. 550.475, Fla. Stat., to allow jai alai permitholders to lease the pari-mutuel facilities of any pari-mutuel permitholder located within a 35-miles radius of each other, regardless of the class of permit of the lessor.

3. DOES THE LEGISLATION DIRECT OR ALLOW THE AGENCY/BOARD/COMMISSION/DEPARTMENT TO DEVELOP, ADOPT, OR ELIMINATE RULES, REGULATIONS, POLICIES, OR PROCEDURES?

Y ☐ N ☒

If yes, explain:	N/A.
What is the expected impact to the agency's core mission?	N/A.
Rule(s) impacted (provide references to F.A.C., etc.):	N/A.

4. WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS?

List any known proponents and opponents:	Unknown.
Provide a summary of the proponents' and opponents' positions:	Unknown.

5. ARE THERE ANY REPORTS OR STUDIES REQUIRED BY THIS LEGISLATION? Y ☐ N ☒

If yes, provide a description:	N/A.
Date Due:	N/A.
Bill Section Number(s):	N/A.

6. ARE THERE ANY NEW GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSIONS, ETC. REQUIRED BY THIS LEGISLATION? Y ☐ N ☒

Board:	N/A.
Board Purpose:	N/A.
Who Appoints:	N/A.
Appointee Team:	N/A.
Changes:	N/A.
Bill Section Number(s):	N/A.

FISCAL ANALYSIS

1. DOES THE LEGISLATION HAVE A FISCAL IMPACT TO LOCAL GOVERNMENT? Y ☐ N ☐

Revenues:	Unknown.
Expenditures:	Unknown.
Does the legislation increase local taxes or fees?	Unknown.
If yes, does the legislation provide for a local referendum or local governing body public vote prior to implementation of the tax or fee increase?	Unknown.

2. DOES THE LEGISLATION HAVE A FISCAL IMPACT TO STATE GOVERNMENT? Y ☐ N ☒

Revenues:	N/A
Expenditures:	N/A
Does the legislation contain a State Government appropriation?	No.
If yes, was this appropriated last year?	N/A.

3. DOES THE LEGISLATION HAVE A FISCAL IMPACT TO THE PRIVATE SECTOR? **Y ☐ N ☐**

Revenues:	Unknown.
Expenditures:	Unknown.
Other:	Unknown.

4. DOES THE LEGISLATION INCREASE OR DECREASE TAXES, FEES, OR FINES? **Y ☐ N ☒**

Does the bill increase taxes, fees or fines?	No.
Does the bill decrease taxes, fees or fines?	No.
What is the impact of the increase or decrease?	N/A.
Bill Section Number:	N/A.

TECHNOLOGY IMPACT

1. DOES THE LEGISLATION IMPACT THE AGENCY'S TECHNOLOGY SYSTEMS (I.E. IT SUPPORT, LICENSING SOFTWARE, DATA STORAGE, ETC.)? **Y ☐ N ☒**

If yes, describe the anticipated impact to the agency including any fiscal impact.	N/A.

FEDERAL IMPACT

1. DOES THE LEGISLATION HAVE A FEDERAL IMPACT (I.E. FEDERAL COMPLIANCE, FEDERAL FUNDING, FEDERAL AGENCY INVOLVEMENT, ETC.)? **Y ☐ N ☒**

If yes, describe the anticipated impact including any fiscal impact.	N/A.

ADDITIONAL COMMENTS

LEGAL - GENERAL COUNSEL'S OFFICE REVIEW

Issues/Comments/Concerns	As currently enacted, s. 550.475, Fla. Stat. provides that a lessee that holds the same class pari-mutuel permit as the lessor is entitled to "*a permit* and license to conduct intertrack wagering and operate its race meet or jai alai games at the leased premises." (emphasis added). With the removal of the "same class" limitation for jai alai permitholders, the bill, as currently drafted, could be interpreted as allowing jai alai permitholders to obtain a new jai alai permit at the leased premises or to relocate a jai alai permit to the leased premises where a jai alai permit does not currently exist.

The Florida Senate

Committee Agenda Request

To: Senator Jennifer Bradley, Chair
Committee on Regulated Industries

Subject: Committee Agenda Request

Date: February 21, 2025

I respectfully request that **Senate Bill #622**, relating to Jai Alai Permit Holders be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Senator Ana Maria Rodriguez
Florida Senate, District 40

File signed original with committee office

S-020 (03/2004)

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 Regulated Industries

BILL:	SB 818
INTRODUCER:	Senator McClain
SUBJECT:	Utility Relocation
DATE:	March 24, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Schrader	Imhof	RI	**Favorable**
2.			TR	
3.			RC	

I. Summary:

SB 818 amends the process under which utilities located within a public road or publicly-owned rail corridor must be relocated when such utility is found by an authority (Florida Department of Transportation 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. It requires such owner to provide such authority with a relocation schedule within 30 days after the written notice and requires the owner to initiate the necessary work within 60 days after the written notice.

The bill requires the authority to pay the entire expense for the relocation to the providers of broadband Internet service, cable service, or video service providers. The general requirement is that utility owners must pay for such relocation.

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

[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.

and maintenance of utilities within their rights-of-way.[2] For the purposes of this provision, "utility" means 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 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.

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.[6]

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.

[2] Section 337.401(1)(a), F.S.
[3] *Id.*
[4] Section 337.401(2), F.S.
[5] *Lee County Electric Coop., Inc. v. City of Cape Coral*, 159 So. 3d 126, 130 (Fla. 2d DCA 2014).
[6] Federal Communications Commission, *Getting Broadband Q&A*, https://www.fcc.gov/consumers/guides/getting-broadband-qa (last accessed Mar. 21, 2025).

- 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 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.[7]

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."[8] 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.[9]

Currently, 91.8 percent of Floridians have access to 25/3 mbps service. Presently, there are 229 internet service providers in Florida,[10] including investor-owned companies and cooperative electric utilities.[11]

[7] *Id.*
[8] Florida Department of Commerce, *Office of Broadband*, https://www.floridajobs.org/community-planning-and-development/broadband/office-of-broadband (last visited Jan. 22, 2024).
[9] Federal Communications Commission, *FCC Increases Broadband Speed Benchmark*, Mar. 14, 2024 (available at https://docs.fcc.gov/public/attachments/DOC-401205A1.pdf).
[10] Broadband Now, *Internet Service Providers in Florida*, https://broadbandnow.com/Florida (last accessed Mar. 21, 2025).
[11] 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.

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 that includes video programming and that is provided to multiple subscribers within a community.[12]
- "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.[13]
- "Video service provider" as an entity providing video service.

III. Effect of Proposed Changes:

Section 1 of the bill amends s. 337.403, F.S., to revise the process under which utilities located within a public road or publicly-owned rail corridor must be relocated when such utility 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. Specifically, the bill requires that when a utility owner receives written notice of such a finding by an authority (FDOT and local government entities), it must (within 30 days), provide such authority with a reasonable utility relocation schedule to expedite the completion of that authority's construction or maintenance project identified in the notice. The bill also extends the time, from 30 days to 60 days, to initiate the work to alleviate the interference.

In addition, the bill provides an exemption for broadband Internet providers,[14] and cable service and video service providers,[15] from the general requirement that utility owners bear the cost of

[12] 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.

[13] "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.

[14] As defined in s. 288.9961(2), F.S.

[15] As defined in s. 610.103, F.S.

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 bill provides, instead, that the authority requiring such relocation must pay the entire expense of the relocation work. The general requirement is that the utility owner must pay for such relocation.

Section 2 of the bill amends s. 125.42, F.S., to conform a cross-reference to amendments made by the bill.

Section 3 of the bill provides an effective date of July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Art. VII, s. 18(a), of the Florida Constitution provides that a county or municipality may not be bound by any general law requiring such county or municipality to spend funds or to take an action requiring the expenditure of funds unless the legislature has determined that such law fulfills an important state interest and:

- Funds have been appropriated that have been estimated at the time of enactment to be sufficient to fund such expenditure;
- The legislature authorizes or has authorized a county or municipality to enact a funding source not available for such county or municipality on February 1, 1989, that can be used to generate the amount of funds to cover such expenditure;
- The law requiring such expenditure is approved by two-thirds of the membership in each house of the legislature;
- The expenditure is required to comply with a law that applies to all persons similarly situated, including the state and local governments; or
- The law is either required to comply with a federal requirement or required for eligibility for a federal entitlement, which federal requirement specifically contemplates actions by counties or municipalities for compliance.

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

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 a broadband Internet, cable service, and video service provider utility.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 337.403 of the Florida Statutes.
This bill amends section 125.42 of the Florida Statutes to amend a cross-reference.

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.

By Senator McClain

9-01289A-25 2025818__

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 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 project identified in the notice, and, within 60 days after the written notice from the authority, initiate the work necessary

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

9-01289A-25 2025818__

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.

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

(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. This act shall take effect July 1, 2025.

The Florida Senate

Committee Agenda Request

To: Senator Jennifer Bradley, Chair
Committee on Regulated Industries

Subject: Committee Agenda Request

Date: March 3, 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

3/25/25
Meeting Date

Regulated Industries
Committee

SB 818
Bill Number or Topic

Amendment Barcode (if applicable)

Name JEFF SCALA

Phone (727) 637-4081

Address 100 S Monroe
Street

Email jscala@fl-counties.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 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

March 29, 2023
Meeting Date

Reg. Industries
Committee

SB 818
Bill Number or Topic

Amendment Barcode (if applicable)

Name Floyd Self

Phone 850-566-6347

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: 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)

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

3/25/25
Meeting Date

Regulated Industries
Committee

SB 818
Bill Number or Topic

Amendment Barcode (if applicable)

Name Cameron Fink

Phone 8509334665

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 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)

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

March 25
Meeting Date

Regulated Industries
Committee

818
Bill Number or Topic

Amendment Barcode (if applicable)

Name Dr. Edward Longe

Phone 802-355-3664

Address 100 N. Duval St
Street

Email elonge@jamesmadison.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:

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

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

3/25/25
Meeting Date

Regulated Industries
Committee

SB 818
Bill Number or Topic

Amendment Barcode (if applicable)

Name Charles Dudley

Phone 850 681 0024

Address 108 S Monroe St.
Street

Email CDudleyeFlapartners-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. 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

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 Environment and Natural Resources

BILL:	SB 1228
INTRODUCER:	Senator McClain
SUBJECT:	Spring Restoration
DATE:	March 24, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Barriero	Rogers	EN	**Favorable**
2.	Schrader	Imhof	RI	**Favorable**
3.			RC	

I. Summary:

SB 1228 allows a domestic wastewater facility with an approved plan to eliminate nonbeneficial surface water discharges to request to amend the plan to incorporate a reclaimed water project identified in an Outstanding Florida Springs recovery or prevention strategy. The Department of Environmental Protection (DEP) must approve the request within 60 days if the following conditions are met:

- The identified use of reclaimed water will benefit a rural area of opportunity.
- The project will provide at least 35 million gallons per day of reclaimed water to benefit an Outstanding Florida Spring.
- The project involves more than one domestic wastewater treatment facility.
- The project implementation and surface water discharge elimination schedule meets the minimum flows and minimum water levels requirements for Outstanding Florida Springs.

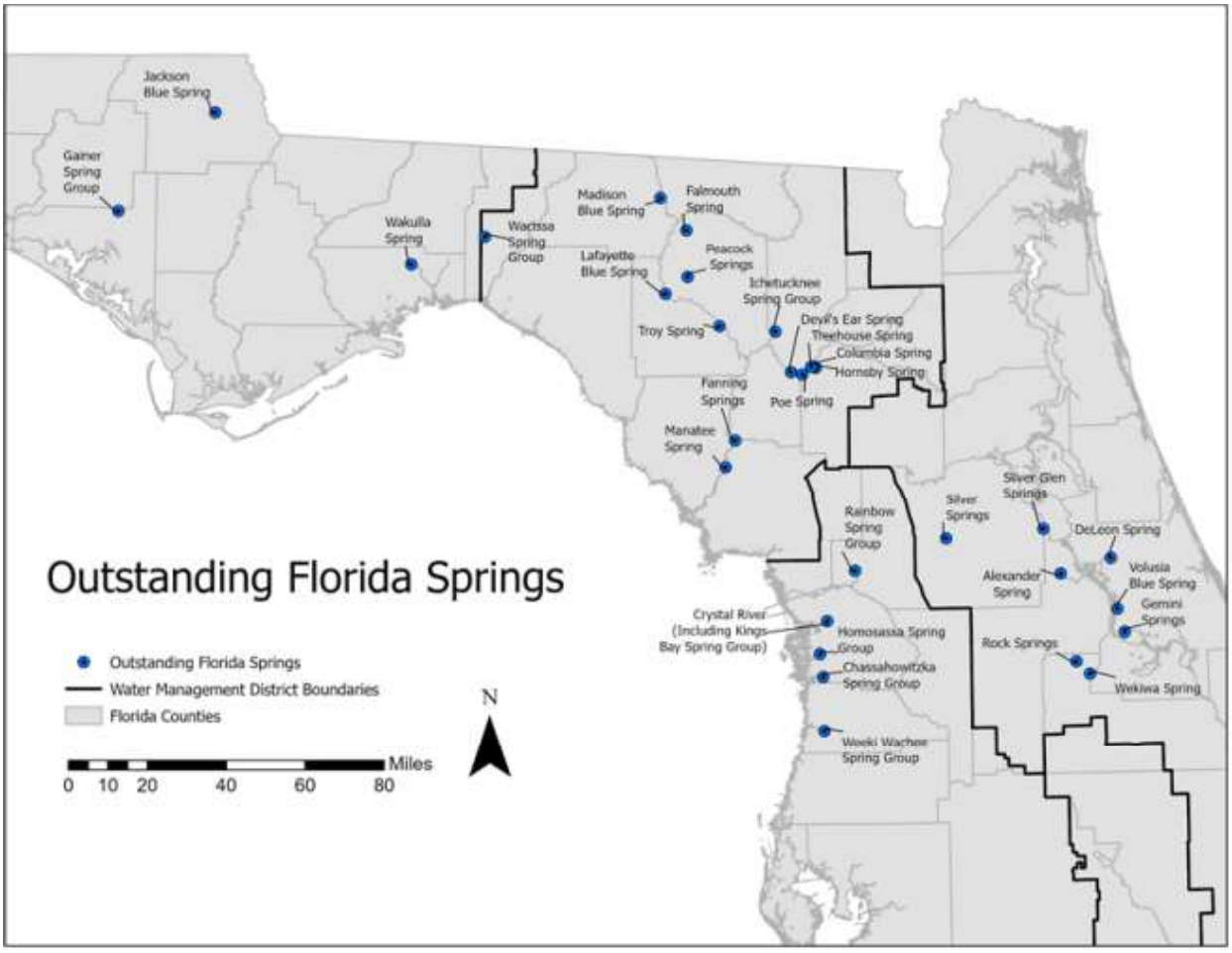
II. Present Situation:

Outstanding Florida Springs

In 2016, the Florida Legislature enacted the Florida Springs and Aquifer Protection Act and identified 30 Outstanding Florida Springs (OFSs) that require additional protections to ensure their conservation and restoration for future generations.[1] These springs are a unique part of the state's scenic beauty, provide critical habitat, and have immeasurable natural, recreational, and economic value.[2] OFSs are defined by statute and include all historic first magnitude springs, including their associated spring runs, as determined by the DEP using the most recent Florida

[1] DEP, *Springs*, https://floridadep.gov/springs/ (last visited Mar. 3, 2025).
[2] DEP, *Protect and Restore Springs*, https://floridadep.gov/springs/protect-restore (last visited Mar. 5, 2025); Ch. 2016-1, s. 22, Laws of Fla.

Geological Survey springs bulletin, and several additional enumerated springs.[3] There are 30 OFSs, including 24 historic first magnitude springs and six named additional springs.[4]



5

The water quality for each OFS must be assessed and a minimum flow or minimum water level (MFL) must be established.[6]

---

[3] Section 373.802(4), F.S.

[4] DEP, *Outstanding Florida Springs*, https://geodata.dep.state.fl.us/datasets/outstanding-florida-springs-ofs/about?layer=1 (last visited Mar. 22, 2025). The 30 OFSs are Alexander Spring, Chassahowitzka Springs Group, Columbia Spring, Crystal River, DeLeon Spring, Devil's Ear Spring, Falmouth Spring, Fanning Springs, Gainer Spring Group, Gemini Springs, Homasassa Spring Group, Hornsby Spring, Ichetucknee Spring Group, Jackson Blue Spring, Lafayette Blue Spring, Madison Blue Spring, Manatee Spring, Peacock Springs, Poe Spring, Rainbow Spring Group, Rock Springs, Silver Glen Springs, Silver Springs, Treehouse Spring, Troy Spring, Volusia Blue Spring, Wacissa Spring Group, Wakulla Spring, Weeki Wachee Springs Group, and Wekiwa Spring. DEP, *62-41.400-403, F.A.C. Outstanding Florida Springs Rule Development Workshop*, 5 (2023), *available at* https://floridadep.gov/sites/default/files/OFS_Workshop_Aug-28-2023_0.pdf (showing map of OFSs).

[5] DEP, *62-41.400-403, F.A.C. Outstanding Florida Springs Rule Development Workshop*, *supra* note 4 at pg. 4.

[6] *See* ch. 2016-1, s. 5, Laws of Fla.; s. 373.042(2)(a), F.S. *See also* DEP, *Protect and Restore Springs*, https://floridadep.gov/springs/protect-restore; DEP, *Minimum Flows and Minimum Water Levels and Reservations*, https://floridadep.gov/water-policy/water-policy/content/minimum-flows-and-minimum-water-levels-and-reservations#Minimum%20Flows%20and%20Minimum%20Water%20Levels%20(MFLs) (last visited Mar. 5, 2025).

Minimum Flow and Minimum Water Levels (MFLs)

MFLs are established for waterbodies to prevent significant harm to the water resources or ecology of an area as a result of water withdrawals.[7] MFLs are typically determined based on evaluations of natural seasonal fluctuations in water flows or levels, nonconsumptive uses, and environmental values associated with coastal, estuarine, riverine, spring, aquatic, wetlands ecology, and other pertinent information associated with the water resource.[8]

While the DEP has the authority to adopt MFLs, the state's five water management districts have the primary responsibility for MFL adoption. Water management districts submit annual MFL priority lists and schedules to the DEP for the establishment of MFLs for surface watercourses, aquifers, and surface waters within the district.[9] MFLs are calculated using the best information available[10] and are considered rules by the water management districts, which are subject to administrative challenges pursuant to ch. 120, F.S..[11] MFLs are subject to independent scientific peer review at the election of the DEP, a water management district, or, if requested, by a third party.[12]

MFLs must be established for each OFS.[13] If the water management district or the DEP fails to do so, it must adopt an MFL by emergency rule pursuant to s. 120.54(4), F.S.[14] For OFSs identified on a water management district's priority list which have the potential to be affected by withdrawals in an adjacent district, the adjacent district and the DEP must collaboratively develop and implement a recovery or prevention strategy for an OFS not meeting an adopted MFL.[15]

For OFSs that fall below the adopted MFL, or are projected to fall below the MFL within 20 years, the DEP or water management districts must implement a recovery or prevention strategy to ensure the MFL is maintained over the long-term.[16] The recovery or prevention strategy must include:

- A listing of all specific projects identified for implementation of the plan;
- A priority listing of each project;
- The estimated cost and date of completion for each listed project;
- The source and amount of financial assistance to be made available by the water management district for each listed project, which may not be less than 25 percent of the total project cost

[7] *See* s. 373.042, F.S.; *see also* DEP, *Minimum Flows and Minimum Water Levels and Reservations, supra* note 6.
[8] Fla. Admin. Code R. 62-40.473(1).
[9] Section 373.042(3), F.S.
[10] Section 373.042(1), F.S.
[11] Section 373.042(5) and (7), F.S.
[12] Section 373.042(6)(a), F.S.
[13] Section 373.042(2), F.S.
[14] *Id*.
[15] Section 373.042(2)(b), F.S.
[16] DEP, *Minimum Flows and Minimum Water Levels and Reservations*, https://floridadep.gov/owper/water-policy/content/minimum-flows-and-minimum-water-levels-and-reservations#Minimum%20Flows%20and%20Minimum%20Water%20Levels%20(MFLs) (last visited Mar. 22, 2025); section 373.805(1), F.S.

unless a specific funding source or sources are identified which will provide more than 75 percent of the total project cost;[17]
- An estimate of each listed project's benefit to an OFS; and
- An implementation plan designed with a target to achieve the adopted MFL no more than 20 years after the adoption of the recovery or prevention strategy.[18]

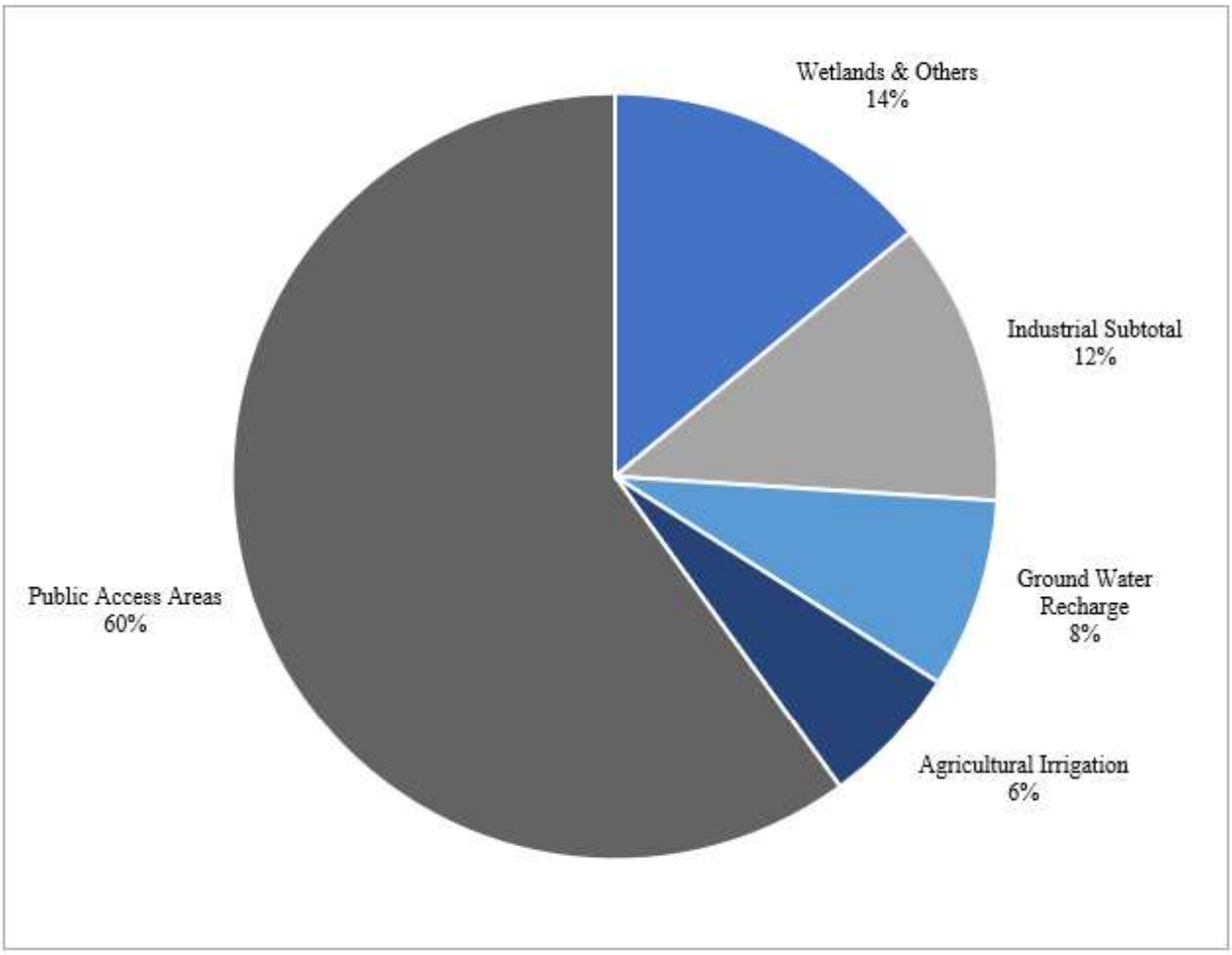
Reuse of Reclaimed Water

Reclaimed water is water that receives at least secondary treatment and basic disinfection and is reused after flowing out of a domestic wastewater treatment facility.[19] The reuse of reclaimed water is a critical component of meeting the state's existing and future water supply needs while sustaining natural systems and encouraging its best and most beneficial use.[20] Reclaimed water can be used for many purposes including:
- Irrigation of golf courses, parks, residential properties, highway medians and other landscaped areas;
- Urban uses such as toilet flushing, car washing, dust control and aesthetic purposes (i.e., decorative lakes, ponds, and fountains);
- Agricultural uses such as irrigation of edible food crops, pasture lands, grasslands, and other feed and fodder crops, and irrigation at nurseries;
- Wetlands creation, restoration, and enhancement;
- Recharging ground water with the use of rapid infiltration basins (percolation ponds), absorption fields, and direct injection to ground waters;
- Augmentation of surface waters that are used for drinking water supplies; and
- Industrial uses, including plant wash down, processing water, and cooling water purposes.[21]

A total of 380 domestic wastewater treatment facilities made reclaimed water available for reuse in 2023.[22] Approximately 891 million gallons per day (mgd) of reclaimed water from these facilities was reused for beneficial purposes, such as irrigating 655,171 residences, 536 golf courses, 1,104 parks, and 417 schools.[23] Irrigation accounted for about 60 percent of the 891 mgd of reclaimed water that was reused.[24] The graph below shows the percentage of reclaimed water utilization, by flow, for each reuse type.[25]

[17] The Northwest Florida Water Management District and the Suwannee River Water Management District are not required to meet the minimum financial assistance requirement. Section 373.805(4), F.S.
[18] *Id.*
[19] Fla. Admin. Code R. 62-600.200(57).
[20] Section 403.064(1), F.S.
[21] DEP, *Uses of Reclaimed Water*, https://floridadep.gov/water/domestic-wastewater/content/uses-reclaimed-water (last visited Mar. 22, 2025).
[22] DEP, *2023 Reuse Inventory Report*, 7 (2024), *available at* https://floridadep.gov/water/domestic-wastewater/content/reuse-inventory-database-and-annual-report.
[23] *Id.* at 7-8; DEP, *Florida's Reuse Activities*, https://floridadep.gov/water/domestic-wastewater/content/floridas-reuse-activities (last visited Mar. 22, 2025).
[24] *Id.*
[25] DEP, *2023 Reuse Inventory Report* at 12 (showing graph of reclaimed water utilization).

Figure 1: Reclaimed Water Utilization by Flow.



Note: Agriculture irrigation includes edible crops as well as feed and fodder crops (e.g., spray fields).

The total reuse capacity of Florida's domestic wastewater treatment facilities has increased from 1,116 mgd in 2000 to 2,497 mgd in 2023.[26] The current reuse capacity represents about 55 percent of the total permitted domestic wastewater treatment capacity in Florida.[27]

Eliminating Nonbeneficial Discharges

Domestic wastewater utilities that dispose of effluent, reclaimed water, or reuse water by surface water discharge are required to submit to the DEP a plan for eliminating nonbeneficial surface water discharge by January 1, 2032.[28] The plan must include the average gallons per day of effluent, reclaimed water, or reuse water that will no longer be discharged into surface waters and the date of such elimination, the average gallons per day of surface water discharge which will continue in accordance with approved alternative uses, and the level of treatment that the

[26] DEP, *Florida's Reuse Activities*, https://floridadep.gov/water/domestic-wastewater/content/floridas-reuse-activities (last visited Mar. 5, 2025).
[27] *Id.*
[28] Section 403.064(16), F.S.

effluent, reclaimed water, or reuse water will receive before being discharged into a surface water by each alternative.[29]

The utility's plan must eliminate surface water discharges or meet the requirements of s. 403.086(10), F.S., which regulates the elimination of domestic wastewater through ocean outfalls.[30] If the plan does not provide for the complete elimination of surface water discharges, it must provide an affirmative demonstration that any of the following conditions apply to the remaining discharge:

- The discharge is associated with an indirect potable reuse project;
- The discharge is a wet weather discharge that occurs in accordance with an applicable DEP permit;
- The discharge is into a stormwater management system and is subsequently withdrawn for irrigation purposes;
- The utility operates domestic wastewater treatment facilities with reuse systems that reuse a minimum of 90 percent of the facility's annual average flow for reuse purposes; or
- The discharge provides direct ecological or public water supply benefits, such as rehydrating wetlands or implementing the requirements of MFLs or recovery or prevention strategies for a waterbody.[31]

These requirements do not apply to domestic wastewater treatment facilities that are:

- Located in a fiscally constrained county.[32]
- Located in a municipality that is entirely within a rural area of opportunity.[33]
- Located in a municipality that has less than $10 million in total revenue.
- Operated by an operator of a mobile home park[34] and has a permitted capacity of less than 300,000 gallons per day.[35]

A utility may modify its plan, provided it continues to meet the above requirements and the timeline to implement the plan is not extended.[36] If a plan is not timely submitted or approved by

[29] *Id.*
[30] Section 403.064(16)(a)1. and 2., F.S. Section 403.086(10), F.S., prohibits constructing new or expanding existing ocean outfalls beyond the capacities authorized as of July 1, 2008. By December 31, 2018, wastewater discharged through ocean outfalls must meet advanced treatment standards that reduce nitrogen and phosphorus levels, and by December 31, 2025, utilities must implement reuse systems to repurpose at least 60 percent of their baseline wastewater flow for approved beneficial uses such as irrigation, aquifer recharge, and industrial cooling. After December 31, 2025, ocean outfall discharges are prohibited except for limited backup flows under specific conditions.
[31] Section 403.064(16)(a)3., F.S.
[32] Each county that is entirely within a rural area of opportunity or each county for which the value of a mill will raise no more than $5 million in revenue from the previous July 1, is considered a fiscally constrained county. Section 218.67(1), F.S.
[33] "Rural area of opportunity" means a rural community, or a region composed of rural communities, designated by the Governor, which has been adversely affected by an extraordinary economic event, severe or chronic distress, or a natural disaster or that presents a unique economic development opportunity of regional impact. Section 288.0656(2)(d), F.S.
[34] "Operator of a mobile home park" means either a person who establishes a mobile home park on land that is leased from another person or a person who has been delegated the authority to act as the park owner in matters relating to the administration and management of the mobile home park, including, but not limited to, authority to make decisions relating to the mobile home park. Section 723.003(16), F.S.
[35] Section 403.064(16)(g), F.S.
[36] Section 403.064(16)(b), F.S.

the DEP, the utility's domestic wastewater treatment facilities may not dispose of effluent, reclaimed water, or reuse water by surface water discharge after January 1, 2028.[37]

Rural Areas of Opportunity

Section 288.0656(2)(d), F.S., defines a rural area of opportunity as a rural community, or a region composed of rural communities, designated by the Governor, which has been adversely affected by an extraordinary economic event, severe or chronic distress, or a natural disaster or that presents a unique economic development opportunity of regional impact. Florida's current rural areas of opportunity are:

- Opportunity Florida (the Northwest Rural Area of Opportunity), consisting of Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Liberty, Wakulla, and Washington counties, and the area within the city limits of Freeport and Walton County north of the Choctawhatchee Bay and intercoastal waterway.
- North Florida Economic Development Partnership (the North Central Rural Area of Opportunity), consisting of Baker, Bradford, Columbia, Dixie, Gilchrist, Hamilton, Jefferson, Lafayette, Levy, Madison, Putnam, Suwannee, Taylor, and Union counties.
- Florida's Heartland Regional Economic Development Initiative, Inc. (the South Central Rural Area of Opportunity), consisting of DeSoto, Glades, Hardee, Hendry, Highlands, and Okeechobee counties, and the cities of Pahokee, Belle Glade, and South Bay (Palm Beach County), and Immokalee (Collier County).

III. Effect of Proposed Changes:

Section 1 amends s. 403.064, F.S., which regulates the reuse of reclaimed water. The bill provides that a domestic wastewater facility with an approved plan may submit a request to the DEP to amend the plan to incorporate a reclaimed water project identified in an Outstanding Florida Springs recovery or prevention strategy. The DEP must approve the request within 60 days after receipt of the request if all the following conditions are met:

- The identified use of reclaimed water will benefit a rural area of opportunity.
- The project will provide at least 35 million gallons per day of reclaimed water to benefit an Outstanding Florida Spring.
- The project involves more than one domestic wastewater treatment facility.
- The project implementation and surface water discharge elimination schedule meets the minimum flows and minimum water levels requirements for Outstanding Florida Springs.

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

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

[37] Section 403.064(16)(d), F.S.

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:

Indeterminate.

C. Government Sector Impact:

Indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 403.064 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.)

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 McClain

9-01395A-25 20251228__

A bill to be entitled

An act relating to spring restoration; amending s. 403.064, F.S.; authorizing certain domestic wastewater treatment facilities to request the incorporation of reclaimed water projects identified in Outstanding Florida Springs recovery or prevention strategies; requiring the Department of Environmental Protection to approve such requests within a certain period of time if certain conditions are met; providing an effective date.

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

Section 1. Present paragraphs (f) through (i) of subsection (16) of section 403.064, Florida Statutes, are redesignated as paragraphs (g) through (j), respectively, and a new paragraph (f) is added to that subsection, to read:

403.064 Reuse of reclaimed water.—

(16) By November 1, 2021, domestic wastewater utilities that dispose of effluent, reclaimed water, or reuse water by surface water discharge shall submit to the department for review and approval a plan for eliminating nonbeneficial surface water discharge by January 1, 2032, subject to the requirements of this section. The plan must include the average gallons per day of effluent, reclaimed water, or reuse water that will no longer be discharged into surface waters and the date of such elimination, the average gallons per day of surface water discharge which will continue in accordance with the alternatives provided for in subparagraphs (a)2. and 3., and the

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

Florida Senate - 2025 **SB 1228**

9-01395A-25 20251228__

level of treatment that the effluent, reclaimed water, or reuse water will receive before being discharged into a surface water by each alternative.

(f) A domestic wastewater treatment facility with an approved plan may submit a request to the department to amend the plan to incorporate a reclaimed water project identified in an Outstanding Florida Springs recovery or prevention strategy adopted pursuant to s. 373.805. The department must approve the request within 60 days after receipt of the request if all of the following conditions are met:

1. The identified use of reclaimed water will benefit a rural area of opportunity as defined in s. 288.0656(2).

2. The project will provide at least 35 million gallons per day of reclaimed water to benefit an Outstanding Florida Spring.

3. The project involves more than one domestic wastewater treatment facility.

4. The project implementation and surface water discharge elimination schedule meets the requirements of s. 373.805.

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 Jennifer Bradley, Chair
Committee on Regulated Industries

Subject: Committee Agenda Request

Date: March 13, 2025

I respectfully request that **Senate Bill #1228**, relating to Spring Restoration, 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

March 25
Meeting Date

Rey Industries
Committee

1228
Bill Number or Topic

Amendment Barcode (if applicable)

Name DAVID CHILDS

Phone 8502227500

Address 119 S. Monroe St. Suite 500
Street

Email DAVID@VOGELGROUPDC.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:
JEA

☐ 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 Regulated Industries

BILL:	SB 1220
INTRODUCER:	Senator DiCeglie
SUBJECT:	Air-conditioning Systems
DATE:	March 24, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Baird	Imhof	RI	**Pre-meeting**
2.			CA	
3.			RC	

I. Summary:

SB 1220 expands the scope of Class A air-conditioning contractors relating to the installation and repair of package pool heaters, pipe connecting, and other specific pool related jobs.

The bill also provides an annual inflation increase for the current exemption from notice of commencement and applicability of lien requirements that apply to direct contracts replacing or repairing existing heating or air-conditioning systems that cost less than $15,000.

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

II. Present Situation:

Class A Air-Conditioning Contractors

Construction contractors are regulated under ch. 489, F.S. A licensed contractor, under this chapter, is defined as an individual, that for compensation, undertakes, bids on, or executes construction repair, alteration, remodeling, demolition, or improvement projects on buildings or structures, consistent with the job scopes outlined in s. 489.105, F.S.

Construction contractors are either certified or registered by the Construction Industry Licensing Board (CILB) housed within the Department of Business and Professional Regulation (DBPR). The CILB is responsible for licensing statewide construction contractors and regulating the construction industry in Florida under part I of ch. 489, F.S.[1]

Currently, there are four types of Heating, Ventilation, and Air-Conditioning (HVAC) contractors:[2]

[1] Section 489.107, F.S.
[2] Section 489.105(3), F.S.

- Class A air-conditioning contractor:
- Class B air-conditioning contractor:
- Class C air-conditioning contractor:
- Mechanical contractor.

The scope of work for "Class A air-conditioning contractors" specifically includes services that are unlimited in the execution of contracts requiring the experience, knowledge, and skill to install, maintain, repair, fabricate, alter, extend, or design central air-conditioning, heating, and ventilation systems and to perform other related tasks including replacing, disconnecting, or reconnecting electrical wiring up to an electrical panel and disconnecting and replacing breakers or fuses dedicated to HVAC circuits.[3]

HVAC contractors are not allowed to install or remove pool water heaters, pool equipment, pool piping, or construct pool/spa equipment rooms. However, they are authorized to service and repair pool heaters as long as such service or repair does not include installing or removing the pool heater.[4]

Pool/Spa Contractors

There are over 7,000 certified pool/spa contractors with current active licenses in the state of Florida.[5] A certified and licensed swimming pool/spa contractor, as defined within s. 489.105, F.S., is a professional authorized by the DBPR to engage in the construction, repair, and servicing of swimming pools and spas. Pool/spa contractors are divided into three categories: commercial pool/spa contractor, residential pool/spa contractor, and swimming pool/spa servicing contractor.

Generally, the scope of work for the commercial and residential pool/spa contractors includes activities like equipment installation, interior finishing, construction of equipment rooms or housing for pool/spa equipment, and *the installation of package pool heaters*.[6]

Pool Circulation System

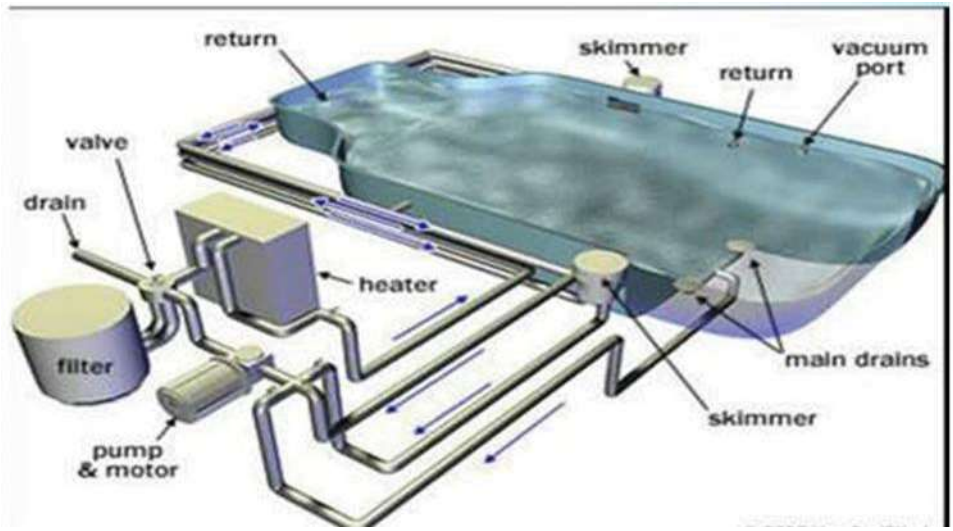
A pool's circulation or hydraulic system includes the elements of a pool that take water from the pool, filter it, heat it, and return it back into the pool. These elements include:[7]

---

[3] Section 489.105(3)(f), F.S.
[4] Licensing Board, Declaratory Statement 2012-024, available at https://www2.myfloridalicense.com/pro/cilb/documents/ds_2012-024.pdf (last visited March 24, 2025), Declaratory Statement 2014-006, available at https://www2.myfloridalicense.com/pro/cilb/documents/ds_2014-006.pdf (last visited March 24, 2025), Declaratory Statement 2014-060, available at https://www2.myfloridalicense.com/pro/cilb/documents/ds_2014-060.pdf (last visited March 24, 2025).
[5] Florida Department of Business and Professional Regulation, *Verify A Licensee*, available at https://www.myfloridalicense.com/wl11.asp?mode=0&SID= (last visited March 24. 2025).
[6] Section 489.105(3)(j), F.S.
[7] Capitol Pools. Understanding the Pool Circulation System, https://www.capitolpool.com/service/operating-poolcirculation#:~:text=Your%20pool%E2%80%99s%20circulation%20system%20is%20the%20elements%20of,and%20what%20you%20need%20to%20do%20with%20them (last visited March 24, 2025); R&R Pools, What Causes Poor Pool Circulation https://www.rrpools.ca/blog/causes-poor-pool-circulation/ (last visited March 24, 2025).

- Water Outlets – these include any pool opening, such as skimmers, drains, and vacuum ports, where water is taken out of the pool and into the circulation system.
- Circulation Pump – the pump is responsible for pulling water out of the pool, through the circulation system, and back into the pool.
- Filter – cleans the water by removing dirt, debris, and bacteria from the pool water. Water is directed through the filter via a valve.
- Heater – heats the pool water and may include bypass valves[8], which allow water to bypass the heater.
- Returns – these are openings in the pool through which water flows back into the pool from the circulation system.

A pool's flow rate is the speed at which the water travels through the circulation system, and the turnover time is the time it takes for the volume of water in the pool to make one pass through the circulation system.[9]



Pool Heaters

Generally, the pool's circulation system pulls water from the pool and into the pool heater, which warms the water via a heat exchange, and then circulates the heated water back into the pool. There are three main types of pool heaters: electric heat pumps, gas pool heaters, and solar pool heaters. [10]

[8] Swimmingpoolsteve, *What is a Pool Heater Bypass?* https://www.swimmingpoolsteve.com/pages/bypass1.html#:~:text=An%20external%20bypass%20is%20a%20configuration%20of%20pool,your%20breakpoint%20chlorination%20to%20remove%20spent%20chlorine%20%28c (last visited March 24, 2025).

[9] Stockwell Safety, *Flow Rate and Turnover*, https://www.stockwellassociates.co.uk/tutorial-flow-rate-and-turnover.php#:~:text=Flow%20rate%20refers%20to%20the,litres%20per%20minute%20(LPM). (last visited March 24, 2025).

[1010] Scott Keller, How Does a Pool Heater Work: A Comprehensive Guide to Pool Heating Options and Efficiency, Love Gunite Pool, (September 18, 2024) https://lovegunitepool.com/how-does-a-pool-heater-work/ (last visited March 24, 2025); Hank Cooper, *How Gas Pool Heaters Work? Unveiling the Science behind Your Warm Swim* (July 26, 2024)

Exemption from a Notice of Commencement

A notice of commencement must be filed before beginning certain construction projects in Florida.[11] Generally, a notice of commencement is recorded in a county's public records to establish the project's start date and serves to protect owners from paying twice for the same work by clearly identifying the parties involved. The notice of commencement also serves to provide contact information for potential lienors in the case of contractual disputes or other legal action.

Currently, there is an exemption from notice of commencement and applicability of lien requirements for direct contracts replacing or repairing existing heating or air-conditioning systems that cost less than $15,000.[12]

III. Effect of Proposed Changes:

Section 1 of the bill amends the scope of work for a "class A air-conditioning contractor" to include "the installation and repair of package pool heaters and the connection of package pool heaters to existing pool piping; the installation, repair, or replacement of existing or new pool/spa equipment, or cleaning or sanitizing equipment that requires at least a partial disassembling."

The bill would not allow class A air-conditioning contractors to do "filter changes; interior finishes; the installation of all perimeter piping and filter piping; and the construction of equipment rooms or housing for pool/spa equipment."

Section 2 of the bill would require that $15,000 amount be adjusted and increased annually by the percent change in the Consumer Price Index for All Urban Consumers, U.S. City Average, All Items, 1982-1984=100, or successor reports.

Sections 3, **4**, **5**, **6**, and **7** are reenacted for the purposes of incorporating the amendments made by the bill.

Section 8 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.

---

https://pooltipsusa.com/how-gas-pool-heaters-work-unveiling-the-science-behind-your-warm-swim/ (last visited March 24, 2025).

[11] Section 713.135, F.S.

[12] Section 713.135(1)(f), F.S.

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 expands the scope of work of Class A air-conditioning contractors, potentially increasing the amount of business they can contract for.

The bill allows Class A air-conditioning contractors to contract for work that pool/spa contractors can already do, potentially having a negative impact on pool/spa contractors' business.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

In Section 2 of the bill, it is not clear what agency would be charged with making the inflation adjustments.

VIII. Statutes Affected:

This bill substantially amends sections 489.105 and 713.135 of the Florida Statutes.

The bill reenacts sections 489.107, 489.113, 489.117, 489.141, and 553.998 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.)

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 DiCeglie

18-01069-25 20251220__

A bill to be entitled

An act relating to air-conditioning systems; amending s. 489.105, F.S.; revising the definition of the term "class A air-conditioning contractor"; amending s. 713.135, F.S.; revising applicability regarding notices of commencement; reenacting ss. 489.107(4)(b), 489.113(2), 489.117(4)(d) and (e), 489.141(2), and 553.998, F.S., relating to the Construction Industry Licensing Board, qualifications and restrictions for practice, registration and specialty contractors, conditions for recovery and eligibility, and compliance, 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 (f) of subsection (3) of section 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

18-01069-25 20251220__

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):

(f) "Class A air-conditioning contractor" means a contractor whose services are unlimited in the execution of contracts requiring the experience, knowledge, and skill to install, maintain, repair, fabricate, alter, extend, or design, if not prohibited by law, central air-conditioning, refrigeration, heating, and ventilating systems, including duct work in connection with a complete system if such duct work is performed by the contractor as necessary to complete an air-distribution system, boiler and unfired pressure vessel systems, and all appurtenances, apparatus, or equipment used in connection therewith, and any duct cleaning and equipment sanitizing that requires at least a partial disassembling of the system; to install, maintain, repair, fabricate, alter, extend, or design, if not prohibited by law, piping, insulation of pipes, vessels and ducts, pressure and process piping, and pneumatic control piping; to replace, disconnect, or reconnect power wiring on the line or load side of the dedicated existing electrical disconnect switch on single phase electrical systems; to repair or replace power wiring, disconnects, breakers, or fuses for dedicated HVAC circuits with proper use of a circuit breaker lock; to install, disconnect, and reconnect low voltage

heating, ventilating, and air-conditioning control wiring; and to install a condensate drain from an air-conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system. The scope of work for such contractor includes the installation and repair of package pool heaters and the connection of package pool heaters to existing pool piping; the installation, repair, or replacement of existing pool/spa equipment, new pool/spa equipment, or cleaning or sanitizing equipment that requires at least a partial disassembling, excluding filter changes; interior finishes; the installation of all perimeter piping and filter piping; and the construction of equipment rooms or housing for pool/spa equipment. The scope of work for such contractor also includes any excavation work incidental thereto, but does not include any work such as liquefied petroleum or natural gas fuel lines within buildings, except for disconnecting or reconnecting changeouts of liquefied petroleum or natural gas appliances within buildings; potable water lines or connections thereto; sanitary sewer lines; swimming pool piping and filters; or electrical power wiring. A Class A air-conditioning contractor may test and evaluate central air-conditioning, refrigeration, heating, and ventilating systems, including duct work; however, a mandatory licensing requirement is not established for the performance of these specific services.

Section 2. Subsection (1) of section 713.135, Florida Statutes, is amended to read:

713.135 Notice of commencement and applicability of lien.—

(1) When a person applies for a building permit, the authority issuing such permit shall:

(a) Print on the face of each permit card in no less than 14-point, capitalized, boldfaced type: "WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE SITE OF THE IMPROVEMENT BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT."

(b) Provide the applicant and the owner of the real property upon which improvements are to be constructed with a printed statement stating that the right, title, and interest of the person who has contracted for the improvement may be subject to attachment under the Construction Lien Law. The Department of Business and Professional Regulation shall furnish, for distribution, the statement described in this paragraph, and the statement must be a summary of the Construction Lien Law and must include an explanation of the provisions of the Construction Lien Law relating to the recording, and the posting of copies, of notices of commencement and a statement encouraging the owner to record a notice of commencement and post a copy of the notice of commencement in accordance with s. 713.13. The statement must also contain an explanation of the owner's rights if a lienor fails to furnish the owner with a notice as provided in s. 713.06(2) and an explanation of the owner's rights as provided in s. 713.22. The authority that issues the building permit must obtain from the Department of Business and Professional Regulation the statement required by this paragraph and must mail, deliver by electronic mail or other electronic format or facsimile, or personally deliver that

statement to the owner or, in a case in which the owner is required to personally appear to obtain the permit, provide that statement to any owner making improvements to real property consisting of a single or multiple family dwelling up to and including four units. However, the failure by the authorities to provide the summary does not subject the issuing authority to liability.

(c) In addition to providing the owner with the statement as required by paragraph (b), inform each applicant who is not the person whose right, title, and interest is subject to attachment that, as a condition to the issuance of a building permit, the applicant must promise in good faith that the statement will be delivered to the person whose property is subject to attachment.

(d) Furnish to the applicant two or more copies of a form of notice of commencement conforming with s. 713.13.

(e) Require the applicant to file with the issuing authority before the first inspection a copy of the notice of commencement if the direct contract is greater than $5,000. For purposes of this paragraph, the term "copy of the notice of commencement" means a certified copy of the recorded notice of commencement, a notarized statement that the notice of commencement has been filed for recording along with a copy thereof, or the clerk's office's official records identifying information that includes the instrument number for the notice of commencement or the number and page of book where the notice of commencement is recorded, as identified by the clerk.

1. In the absence of the filing of a copy of the notice of commencement, the issuing authority or a private provider

performing inspection services may not perform or approve subsequent inspections until the applicant files by mail, facsimile, hand delivery, or any other means such copy with the issuing authority.

2. The copy of the notice of commencement must contain the name and address of the owner, the name and address of the contractor, and the location or address of the property being improved. The issuing authority shall verify that the name and address of the owner, the name of the contractor, and the location or address of the property being improved which is contained in the copy of the notice of commencement is consistent with the information in the building permit application.

3. The issuing authority shall provide the recording information on the copy of the notice of commencement to any person upon request.

4. This paragraph does not require the recording of a notice of commencement before the issuance of a building permit. If a local government requires a separate permit or inspection for installation of temporary electrical service or other temporary utility service, land clearing, or other preliminary site work, such permits may be issued and such inspections may be conducted without providing the issuing authority with a copy of the notice of commencement.

(f) Not require that a notice of commencement be recorded as a condition of the application for, or processing or issuance of, a building permit. However, this paragraph does not modify or waive the inspection requirements set forth in this subsection.

This subsection does not apply to a direct contract to repair or replace an existing heating or air-conditioning system in an amount less than $15,000, which amount must be adjusted and increased annually by the percent change in the Consumer Price Index for All Urban Consumers, U.S. City Average, All Items, 1982-1984=100, or successor reports.

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, paragraphs (d) and (e) of subsection (4) of section 489.117, Florida Statutes, are reenacted to read:

489.117 Registration; specialty contractors.—

(4)

(d) Any person who is not required to obtain registration or certification pursuant to s. 489.105(3)(d)-(o) may perform contracting services for the construction, remodeling, repair, or improvement of single-family residences, including a townhouse as defined in the Florida Building Code, without obtaining a local license if such person is under the supervision of a certified or registered general, building, or residential contractor. As used in this paragraph, supervision shall not be deemed to require the existence of a direct contract between the certified or registered general, building, or residential contractor and the person performing specialty contracting services.

(e) Any person who is not certified or registered may perform the work of a specialty contractor whose scope of practice is limited to the type of work specified under s. 489.105(3)(j), (k), or (l) for the construction, remodeling, repair, or improvement of commercial or residential swimming pools, interactive water features as defined in the Florida Building Code, hot tubs, and spas without obtaining a local license or certification as a specialty contractor if he or she is supervised by a contractor who is certified or registered under s. 489.105(3)(j), (k), or (l); the work is within the scope of the supervising contractor's license; the supervising contractor is responsible for the work; and the work does not require certification or registration under s. 489.105(3)(d)-(i), (m)-(o), or s. 489.505. Such supervision does not require a direct contract between the contractor certified or registered under s. 489.105(3)(j), (k), or (l) and the person performing

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

the work, or for the person performing the work to be an employee of the contractor certified or registered under s. 489.105(3)(j), (k), or (l). This paragraph does not limit the exemptions provided in s. 489.103 and may not be construed to expand the scope of a contractor certified or registered under s. 489.105(3)(j), (k), or (l) to provide plumbing or electrical services for which certification or registration is required by this part or part II.

Section 6. 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 489.141, Florida Statutes, is reenacted to read:

489.141 Conditions for recovery; eligibility.—

(2) A claimant is not qualified to make a claim for recovery from the recovery fund if:

(a) The claimant is the spouse of the judgment debtor or licensee or a personal representative of such spouse;

(b) The claimant is a licensee who acted as the contractor in the transaction that is the subject of the claim;

(c) The claim is based upon a construction contract in which the licensee was acting with respect to the property owned or controlled by the licensee;

(d) The claim is based upon a construction contract in which the contractor did not hold a valid and current license at the time of the construction contract;

(e) The claimant was associated in a business relationship with the licensee other than the contract at issue; or

(f) The claimant had entered into a contract with a licensee to perform a scope of work described in s.

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

489.105(3)(d)-(q) before July 1, 2016.

Section 7. For the purpose of incorporating the amendment made by this act to section 489.105, Florida Statutes, in a reference thereto, section 553.998, Florida Statutes, is reenacted to read:

553.998 Compliance.—All ratings must be determined using tools and procedures developed by the systems recognized under this part and must be certified by the rater as accurate and correct and in compliance with procedures of the system under which the rater is certified. The local enforcement agency shall accept duct and air infiltration tests conducted in accordance with the Florida Building Code, 5th Edition (2014) Energy Conservation, by individuals as defined in s. 553.993(5) or (7) or individuals licensed as set forth in s. 489.105(3)(f), (g), or (i). The local enforcement agency may accept inspections in whole or in part by individuals as defined in s. 553.993(5) or (7).

Section 8. This act shall take effect July 1, 2025.

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

THE FLORIDA SENATE
SENATOR NICK DICEGLIE
District 18

Ben Albritton
President of the Senate

Jason Brodeur
President Pro Tempore

March 6, 2025

Dear Chair Bradley,

I respectfully request that **SB 1220: Air-conditioning Systems** be placed on the agenda of the Committee on Regulated Industries at your earliest convenience. If my office can be of any assistance to the committee, please do not hesitate to contact me at DiCeglie.Nick@flsenate.gov or (850) 487-5018. Thank you for your consideration.

Sincerely,

Nick DiCeglie

State Senator, District 18

Proudly Serving Pinellas County

Appropriations Committee on Transportation, Tourism, and Economic Development, Chair ~ Governmental Oversight and Accountability, Vice Chair ~ Appropriations ~ Appropriations Committee on Agriculture, Environment, and General Government ~ Commerce and Tourism ~ Environment and Natural Resources ~ Judiciary ~ Rules ~ Joint Select Committee on Collective Bargaining

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 Regulated Industries

BILL:	CS/SB 1404
INTRODUCER:	Regulated Industries Committee and Senator Simon
SUBJECT:	Gambling
DATE:	March 27, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Baird	Imhof	RI	**Fav/CS**
2.			AEG	
3.			FP	

I. Summary:

CS/SB 1404 amends Florida Statutes in the following ways:

- Amends the requirements for appointing members of the Florida Gaming Control Commission (commission).
- Amends the prohibitions on employment for certain employees and commissioners of the commission to not allow a former employee or commissioner to be an employee, associate, owner, or contractor for any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities.
- Amends the types of employment positions that are ineligible for employment with the commission within the 2 years immediately preceding such employment, to include any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities.
- Amends the commission's standards of conduct by prohibiting a former employee or commissioner from being an employee, associate, owner, or contractor for any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities.
- Amends the commission's standards of conduct by prohibiting a former employee's or commissioner's relative living in the same household, from being an employee, associate, owner, or contractor for any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities.
- Prohibits the executive director, or an employee of the commission, for the 2 years immediately following the date of resignation or termination from the commission from being an employee, associate, owner, or contractor for any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities.

- Creates a procedure that would allow any veterans' service organization granted a federal charter under Title 36, U.S.C, or a division, a department, a post, or a chapter of such organization, for which an alcoholic beverage license has been issued that is in doubt about whether a machine meets the definition of an amusement machine under s. 546.10, F.S., to petition the commission for a declaratory statement under s. 120.565, F.S., on whether the operation of the game or machine would be authorized under this section or ch. 489, F.S.
- Provides that a game or machine awaiting a declaratory statement from the commission may not be purchased or installed until the declaratory statement is issued.
- Creates a procedure that would allow the veterans' organization that is in doubt about the legality of a game or machine, currently on the premises, to petition the commission for a declaratory statement pursuant to s. 120.565, F.S., on whether the operation of the game or machine would be authorized under s. 546.10, F.S., or ch. 849, F.S. If the game, machine, premises, or organization is the subject of an ongoing criminal investigation, the organization may not petition the commission for a declaratory statement under this subsection.
- Provides that the commission shall issue a declaratory statement within 60 days after receiving a petition. The commission may not deny a petition.
- Provides that petitions made under this subsection must provide enough information for the commission to issue the declaratory statement and must be accompanied by the exact specifications for the type of game or machine that the organization will purchase or install or currently has on the premises. The declaratory statement is valid only for the game or machine for which it is requested and is invalid if the specifications for the game or machine have changed.
- Provides the declaratory statement is binding on the commission and can be introduced in any subsequent proceedings as evidence of a good faith effort to comply with s. 546.10, F.S., or ch. 849, F.S.
- Does not prevent the commission or any other criminal justice agency from detecting, apprehending, and arresting a person for any alleged crimes of this state.
- Does not require an owner or operator to request a declaratory statement in order to operate pursuant to this section.
- Replaces a requirement for slot machine licensees with a requirement that slot machine licensees create a written policy for ensuring opportunities for construction services from economically disadvantaged businesses.
- Prohibits wagering on any professional or amateur game knowing that the results are prearranged or have been predetermined.
- Prohibits the false impersonation of commission personnel or representatives and provides a criminal penalty.
- Increases criminal penalties for keeping an illegal gambling house.
- Increases criminal penalties for agents or employees of a gambling house.
- Increases criminal penalties for renting a house for gambling purposes.
- Prohibits a person from tampering with or manipulating the playing cards, outcome, or payoff of a card game in a licensed cardroom.
- Provides definitions and increases criminal penalties for specified violations involving a slot machine or device.
- Defines "Internet gambling," and provide criminal penalties.
- Defines "Internet sports wagering," and provides criminal penalties.
- Provides a higher criminal penalty for subsequent offenses in connection with lotteries.

- Creates new regulations regarding fantasy sports contests, including what constitutes a fantasy sports contest. The amendment creates definitions for the following terms: Confidential information; Contest operator; Contest participant; Entry fee; Fantasy sports contest; Noncommercial contest operator.
- Provides that the commission shall investigate violations of this section and refer them to the Attorney general or the state attorney.
- Provides civil and criminal penalties for violations of this section.
- Provides criminal penalties for persons in charge of slot machine locations.
- Prohibits trafficking in slot machines or devices and provides a criminal penalty.
- Requires the imposition of a specified fine for an offender convicted of trafficking in a
- specified number of slot machines and provide for the deposit of fines and use of proceeds.
- Prohibits a person from making false statements or disseminating false information regarding the legality of a slot machine or device to facilitate the sale or delivery and provides criminal penalties.
- Repeals a statute imposing criminal penalties for certain violations.
- Prohibits the transport or procurement of the transport of a specified number of persons to facilitate illegal gambling, defines the term "illegal gambling" and provides criminal penalties.
- Prohibits the making or disseminating of specified advertisements to promote or facilitate illegal gambling, prohibits activities for the creation of specified advertisements, defines the term "illegal gambling", and provides a criminal penalty and provides exceptions.
- Preempts enactment or enforcement of local ordinances on activities under s. 546.10 and ch. 849, F.S.
- Requires a court to consider the amount of currency seized that is connected to specified violations relating to illegal gambling when determining bail.
- Ranks offenses created by the act on the offense severity ranking chart of the Criminal Punishment Code.
- Changes the rank of certain specified offenses on the offense severity ranking chart.

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

II. Present Situation:

Background

In general, gambling is illegal in Florida.[1] Chapter 849, F.S., prohibits keeping a gambling house,[2] running a lottery,[3] or the manufacture, sale, lease, play, or possession of slot machines.[4] However, the following gaming activities are authorized by law and regulated by the state:

- Pari-mutuel[5] wagering at licensed greyhound and horse tracks and jai alai frontons;[6]

[1] *See* s. 849.08, F.S.
[2] *See* s. 849.01, F.S.
[3] *See* s. 849.09, F.S.
[4] *See* s. 849.16, F.S.
[5] Section 550.002(22), F.S., defines "pari-mutuel" as "a system of betting on races or games in which the winners divide the total amount bet, after deducting management expenses and taxes, in proportion to the sums they have wagered individually and with regard to the odds assigned to particular outcomes.
[6] *See* ch. 550, F.S., relating to the regulation of pari-mutuel activities.

- Slot machine gaming at certain licensed pari-mutuel locations in Miami-Dade County and Broward County;[7]
- Cardrooms[8] at certain pari-mutuel facilities;[9]
- The state lottery authorized by section 15 of Article X of the State Constitution and established under ch. 24, F.S.;[10]
- Skill-based amusement games and machines at specified locations as authorized by s. 546.10, F.S, the Family Amusement Games Act;[11] and
- The following activities, if conducted as authorized under ch. 849, F.S., relating to Gambling, under specific and limited conditions:
  - Penny-ante games;12
  - Bingo;13
  - Charitable drawings;14
  - Game promotions (sweepstakes);15 and
  - Bowling tournaments.16

A license to offer pari-mutuel wagering, slot machine gambling, or a cardroom at a pari-mutuel facility is a privilege granted by the state.[17]

The 1968 State Constitution states that "[l]otteries, other than the types of pari-mutuel pools authorized by law as of the effective date of this constitution . . ." are prohibited.[18] A constitutional amendment approved by the voters in 1986 authorized state-operated lotteries. Net proceeds of the lottery are deposited to the Educational Enhancement Trust Fund (EETF) and appropriated by the Legislature. Lottery operations are self-supporting and function as an entrepreneurial business enterprise.[19]

---

[7] *See* FLA. CONST., art. X, s. 23, and ch. 551, F.S.
[8] Section 849.086(2)(c), F.S., defines "cardroom" to mean "a facility where authorized card games are played for money or anything of value and to which the public is invited to participate in such games and charged a fee for participation by the operator of such facility."
[9] *See* Florida Gaming Control Commission, *Annual Report Fiscal Year 2022-2023* (Annual Report), at p. 15, at https://flgaming.gov/pmw/annual-reports/docs/2022-2023%20FGCC%20Annual%20Report.pdf (last visited March 24, 2025), which states that of 29 licensed permitholders, 26 operated at a pari-mutuel facility.
[10] Chapter 24, F.S., was enacted by ch. 87-65, Laws of Fla., to establish the state lottery; s. 24.102, F.S., states the legislative purpose and intent for the operations of the state lottery.
[11] *See* s. 546.10, F.S.
[12] *See* s. 849.085, F.S.
[13] *See* s. 849.0931, F.S.
[14] *See* s. 849.0935, F.S.
[15] Section 849.094, F.S., authorizes game promotions in connection with the sale of consumer products or services.
[16] *See* s. 849.141, F.S.
[17] Section 550.1625(1), F.S., "…legalized pari-mutuel betting at dog tracks is a privilege and is an operation that requires strict supervision and regulation in the best interests of the state." *See also, Solimena v. State,* 402 So.2d 1240, 1247 (Fla. 3d DCA 1981), *review denied*, 412 So.2d 470, which states "Florida courts have consistently emphasized the special nature of legalized racing, describing it as a privilege rather than as a vested right," citing *State ex rel. Mason v. Rose,* 122 Fla. 413, 165 So. 347 (1936).
[18] The pari-mutuel pools that were authorized by law on the effective date of the State Constitution, as revised in 1968, include horseracing, greyhound racing, and jai alai games. The revision was ratified by the electorate on November 5, 1968.
[19] The Department of the Lottery is authorized by s. 15, Art. X of the State Constitution. Chapter 24, F.S., was enacted by ch. 87-65, Laws of Fla., to establish the state lottery. Section 24.102, F.S., states the legislative purpose and intent for the operations of the state lottery.

Enforcement of Gaming Laws and Florida Gaming Control Commission

In 202l, the Legislature updated Florida law for authorized gaming in the state, and for enforcement of the gambling laws and other laws relating to authorized gaming.20 The Office of Statewide Prosecution in the Department of Legal Affairs is authorized to investigate and prosecute, in addition to gambling offenses, any violation of ch. 24, F.S., (State Lotteries), part II of ch. 285, F.S., (Gaming Compact), ch. 546, F.S., (Amusement Facilities), ch. 550, F.S., (Pari-mutuel Wagering), ch. 551, F.S., (Slot Machines), or ch. 849, F.S., (Gambling), which are referred to the Office of Statewide Prosecution by the commission.21

In addition to the enhanced authority of the Office of Statewide Prosecution, the commission was created[22] within the Department of Legal Affairs. The commission has two divisions, the Division of Gaming Enforcement (DGE), and the Division of Pari-mutuel Wagering (DPMW) which was transferred from the Department of Business and Professional Regulation effective July 1, 2022 (as discussed below).

The commission must do all of the following:[23]

- Exercise all of the regulatory and executive powers of the state with respect to gambling, including pari-mutuel wagering, cardrooms, slot machine facilities, oversight of gaming compacts executed by the state pursuant to the Federal Indian Gaming Regulatory Act, and any other forms of gambling authorized by the State Constitution or law, excluding state lottery games as authorized by the State Constitution.
- Establish procedures consistent with ch. 120, F.S., the Administrative Procedure Act, to ensure adequate due process in the exercise of the commission's regulatory and executive functions.
- Ensure that the laws of this state are not interpreted in any manner that expands the activities authorized in ch. 24, F.S. (State Lotteries), part II of ch. 285, F.S. (Gaming Compact), ch. 546, F.S. (Amusement Facilities), ch. 550, F.S. (Pari-mutuel Wagering), ch. 551, F.S., (Slot Machines), or ch. 849, F.S. (Gambling).
- Review the rules and regulations promulgated by the Seminole Tribal Gaming Commission for the operation of sports betting and propose to the Seminole Tribe Gaming Commission any additional consumer protection measures it deems appropriate. The proposed consumer protection measures may include, but are not limited to, the types of advertising and marketing conducted for sports betting, the types of procedures implemented to prohibit underage persons from engaging in sports betting, and the types of information, materials, and procedures needed to assist patrons with compulsive or addictive gambling problems.
- Evaluate, as the state compliance agency or as the commission, information that is reported by sports governing bodies or other parties to the commission relating to:

[20] *See* ch. 2021-268, Laws of Fla., (Implementation of 2021 Gaming Compact between the Seminole Tribe of Florida and the State of Florida); ch. 2021-269, Laws of Fla., (Gaming Enforcement), ch. 2021-270, Laws of Fla., (Public Records and Public Meetings), and 2021-271, Laws of Fla., (Gaming), as amended by ch. 2022-179, Laws of Fla., (Florida Gaming Control Commission). Conforming amendments are made to the section in ch. 2022-7, Laws of Fla., (Reviser's Bill) and ch. 2023-8, Laws of Fla., (Reviser's Bill).

[21] Section 16.56(1)(a), F.S.

[22] Section 16.71, F.S.

[23] Section 16.712, F.S. The commission also administers the Pari-mutuel Wagering Trust Fund. *See* s. 16.71(6), F.S.

  - Any abnormal betting activity or patterns that may indicate a concern about the integrity of a sports event or events;
  - Any other conduct with the potential to corrupt a betting outcome of a sports event for purposes of financial gain, including, but not limited to, match fixing; suspicious or illegal wagering activities, including the use of funds derived from illegal activity, wagers to conceal or launder funds derived from illegal activity, use of agents to place wagers, or use of false identification; and
  - The use of data deemed unacceptable by the commission or the Seminole Tribal Gaming Commission.
- Provide reasonable notice to state and local law enforcement, the Seminole Tribal Gaming Commission, and any appropriate sports governing body of non-proprietary information that may warrant further investigation of nonproprietary information by such entities to ensure the integrity of wagering activities in the state.
- Review any matter within the scope of the jurisdiction of the DPMW.
- Review the regulation of licensees, permitholders, or persons regulated by the Division of Pari-mutuel Wagering and the procedures used by that division to implement and enforce the law.
- Review the procedures of the DPMW which are used to qualify applicants applying for a license, permit, or registration.
- Receive and review violations reported by a state or local law enforcement agency, the Department of Law Enforcement, the Department of Legal Affairs, the Department of Agriculture and Consumer Services, the Department of Business and Professional Regulation, the Department of the Lottery, the Seminole Tribe of Florida, or any person licensed under ch. 24, F.S. (State Lotteries), part II of ch. 285, F.S. (Gaming Compact), ch. 546, F.S. (Amusement Facilities), ch. 550, F.S. (Pari-mutuel Wagering), ch. 551, F.S., (Slot Machines), or ch. 849, F.S. (Gambling), and determine whether such violation is appropriate for referral to the Office of Statewide Prosecution.
- Refer criminal violations of ch. 24, F.S., (State Lotteries), part II of ch. 285, F.S., (Gaming Compact), ch. 546, F.S., (Amusement Facilities), ch. 550, F.S., (Pari-mutuel Wagering), ch. 551, F.S., (Slot Machines), or ch. 849, F.S., (Gambling) to the appropriate state attorney or to the Office of Statewide Prosecution, as applicable.
- Exercise all other powers and perform any other duties prescribed by the Legislature, and adopt rules to implement the above.

Commissioners

As set forth in s. 16.71, F.S., of the five commissioners appointed as members of the commission, at least one member must have at least 10 years of experience in law enforcement and criminal investigations, at least one member must be a certified public accountant licensed in this state with at least 10 years of experience in accounting and auditing, and at least one member must be an attorney admitted and authorized to practice law in this state for the preceding 10 years. All members serve four-year terms, but may not serve more than 12 years. As of the date of this analysis, there is one vacancy on the commission.

Division of Gaming Enforcement

Section 16.711, F.S., sets forth the duties of the DGE within the commission.[24] The DGE is a criminal justice agency, as defined in s. 943.045, F.S. The commissioners must appoint a director of the DGE who is qualified by training and experience in law enforcement or security to supervise, direct, coordinate, and administer all activities of the DGE.[25]

The DGE director and all investigators employed by the DGE must meet the requirements for employment and appointment provided by s. 943.13, F.S., and must be certified as law enforcement officers, as defined in s. 943.10(1), F.S. The DGE director and such investigators must be designated law enforcement officers and must have the power to detect, apprehend, and arrest for any alleged violation of ch. 24, F.S., (State Lotteries), part II of ch. 285, F.S., (Gaming Compact), ch. 546, F.S., (Amusement Facilities), ch. 550, F.S., (Pari-mutuel Wagering), ch. 551, F.S., (Slot Machines), or ch. 849, F.S., (Gambling), or any rule adopted pursuant thereto, or any law of this state.[26]

Such law enforcement officers may enter upon any premises at which gaming activities are taking place in the state for the performance of their lawful duties and may take with them any necessary equipment, and such entry does not constitute a trespass. In any instance in which there is reason to believe that a violation has occurred, such officers have the authority, without warrant, to search and inspect any premises where the violation is alleged to have occurred or is occurring.[27]

Further, any such officer may, consistent with the United States and Florida Constitutions, seize or take possession of any papers, records, tickets, currency, or other items related to any alleged violation. Investigators employed by the commission also have access to, and the right to inspect, premises licensed by the commission, to collect taxes and remit them to the officer entitled to them, and to examine the books and records of all persons licensed by the commission.[28]
The DGE and its investigators are specifically authorized to seize any contraband in accordance with the Florida Contraband Forfeiture Act. The term "contraband" has the same meaning as the term "contraband article" in s. 932.701(2)(a)2., F.S.[29] The DGE is specifically authorized to store and test any contraband that is seized in accordance with the Florida Contraband Forfeiture Act and may authorize any of its staff to implement this provision. The authority of any other person authorized by law to seize contraband is not limited by these provisions.[30]

Section 16.711(5), F.S., requires the Florida Department of Law Enforcement (FDLE) to provide assistance in obtaining criminal history information relevant to investigations required for honest, secure, and exemplary gaming operations, and such other assistance as may be requested by the commission's executive director and agreed to by FDLE's executive director. Any other state agency, including the DBPR and the Department of Revenue, must, upon request, provide

[24] For a summary of DGE investigations and actions in Fiscal Year 2022-2023, s*ee* Annual Report, *supra* n. 11 at p.5.
[25] Section 16.711(2), F.S.
[26] Section 16.711(3), F.S.
[27] *Id*.
[28] *Id*.
[29] Section 16.711(4), F.S.
[30] *Id*.

the commission with any information relevant to any investigation conducted as described above, and the commission must reimburse any agency for the actual cost of providing any such assistance.[31]

Division of Pari-mutuel Wagering

The commission has regulatory oversight of permitted and licensed pari-mutuel wagering facilities, cardrooms located at pari-mutuel facilities, and slot machines at pari-mutuel facilities located in Miami-Dade and Broward counties. The DPMW is charged with the regulation of Florida's pari-mutuel, cardroom, and slot gaming industries, as authorized by ch. 550, F.S., (Pari-mutuel Wagering), ch. 551, F.S., (Slot Machines), and ch. 849, F.S., (Gambling), as well as collecting and safeguarding associated revenues due to the state. The DPMW supports the commission in meeting the commission's obligations as the State Compliance Agency (SCA)[32] in carrying out the state's oversight responsibilities under the provisions of the Gaming Compact between the Seminole Tribe of Florida and the State of Florida.[33]

Fantasy Sports Contests

The operation of fantasy sports activities in Florida has recently received significant publicity, much like the operation of Internet cafes in recent years. Many states are now evaluating the status of fantasy gaming activities in their jurisdictions,[34] as there are millions of participants.[35] A fantasy game typically has multiple players who select and manage imaginary teams whose players are actual professional sports players. Fantasy game players compete against one another in various formats, including weekly leagues among friends and colleagues, season-long leagues, and on-line contests (daily and weekly) entered by using the Internet through personal computers or mobile telephones and other communications devices. There are various financial arrangements among players and game operators.

Florida law does not specifically address fantasy contests. Section 849.14, F.S.,[36] provides that a person who wagers any "thing of value" upon the result of a contest of skill or endurance of

---

[31] Section 16.711(5), F.S.
[32] *See* s. 285.710, F.S. Until June 30, 2022, the DPMW was designated as the SCA, prior to that division's transfer to the commission from the Department of Business and Professional Regulation, as set forth in ch. 2021-269, Laws of Fla.
[33] Section 285.710(3)(b), F.S., provides that the Gaming Compact between the Seminole Tribe of Florida and the State of Florida (2021 Gaming Compact), executed by the Governor and the Tribe on April 23, 2021, as amended on May 17, 2021, is ratified and approved. The 2021 Gaming Compact may be accessed at https://www.flgov.com/wp-content/uploads/pdfs/2021%20Gaming%20Compact.pdf (last visited March 24, 2025). The May 17, 2021, amendment states that Part XVIII.A [relating to certain negotiations within 36 months] is deleted in its entirety and replaced with "Reserved", and that the Seminole Tribe of Florida agrees that it will not commence Sports Betting, as defined in Part III.CC, prior to October 15, 2021 (The 2021 Gaming Compact is on file with the Senate Regulated Industries Committee).
[34] *See* Marc Edelman, *A Short Treatise on Fantasy Sports and the Law: How America Regulates its New National Pastime*, Journal of Sports & Entertainment Law, Harvard Law School Vol. 3 (Jan. 2012) available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1907272 (last visited March 27, 2025).
[35] According to the Fantasy Sports Trade Association, which states it represents the interests of 57 million fantasy sports players, fantasy sports leagues were originally referred to as "rotisserie leagues" with the development of Rotisserie League Baseball in 1980, by magazine writer/editor Daniel Okrent, who met and played it with friends at a New York City restaurant La Rotisserie Francaise. *See* https://thefsga.org/history/ (last visited March 27, 2025).
[36] *See* Fla. AGO 91-03 (Jan. 7, 1991) *available at* https://www.myfloridalegal.com/ag-opinions/gambling-fantasy-sports-league (last visited March 27, 2025).

human or beast, or who receives any money wagered, or who knowingly becomes the custodian of money or other thing of value that is wagered, is guilty of a second degree misdemeanor.[37] Last year, the commission issued cease and desist correspondence to various companies operating fantasy contests in the state concerning possible violations of Florida's gambling laws. The letters have generated controversy, concern, and interest from contest operators, elected officials, and the Seminole Tribe of Florida, which has entered into gaming compacts with the state (as discussed below).[38] The legality of various forms of fantasy sports games and contests is being reviewed and addressed in a number of states.[39]

The State of Nevada has regulated gaming for more than 80 years, and its gaming control board was created by its legislature in 1955.[40] In 2015, the Office of the Nevada Attorney General provided the Nevada Gaming Control Board and the Nevada Gaming Commission the following informative summary about fantasy sports, player selection, and the types of simulated games being marketed to participants (referred to as owners in the Memorandum).[41]

Description of Fantasy Sports Games

Fantasy sports are games where the participants, as ''owners,'' assemble ''simulated teams'' with rosters and/or lineups of actual players of a professional sport. These games are generally played over the Internet using computer or mobile software applications. Fantasy sports cover a number of actual professional sports leagues, including the NFL, the MLB, the NBA, the NHL, the MLS, NASCAR, as well as college sports such as NCAA football and basketball.

Fantasy sports can be divided into two types: (1) traditional fantasy sports, which track player performance over the majority of a season, and (2) daily fantasy sports, which track player performance over a single game. The owners of these simulated teams compete against one another based on the statistical performance of actual players in actual games. The actual players' performance in specific sporting events is converted into ''fantasy points'' such that each actual player is assigned a specific score. An owner will then receive a total score that is determined by compiling the individual scores of each player in the owner's lineup. Thus, although the owners select lineups, once the lineup has been selected------at least in the context of daily fantasy sports------the owners have basically no ability to control the outcome of the simulated games. [Memorandum footnote 2: Given that lineups on some sites do not "lock" until the start of each individual game, the owners have until the tipoff of each individual game to set each particular lineup spot.]

Specifically, the owners of the simulated teams have no ability to control how many points their simulated teams receive from an actual player's performance. The actual players in the actual

[37] A conviction for a second degree misdemeanor may subject the violator to a definite term of imprisonment not exceeding 60 days, and a fine not exceeding $500. *See* ss. 775.082 and 775.083, F.S.
[38] *See* https://www.floridatrend.com/article/38854/questions-swirl-around-fantasy-sports (last visited March 27, 2025).
[39] *See* State Regulators Take Closer Look At Fantasy Sports Operators (sportshandle.com) (last visited March 27, 2025).
[40] *See* https://gaming.nv.gov/index.aspx?page=2 (last visited Jan. 21, 2024).
[41] See Memorandum from J. Brin Gibson, Bureau Chief of Gaming and Government Affairs, and Jetan D. Bhirud, Head of Complex Litigation, to A.G. Burnett, Chairman, Nevada Gaming Control Board; Terry Johnson, Member, Nevada Gaming Control Board; Shawn Reid, Member, Nevada Gaming Control Board (Oct. 16, 2015) (on file with the Senate Regulated Industries Committee).

games control their own performance. As a result, after an owner places a bet and sets a final lineup, the owner has no ability to influence the outcome of a simulated game. At that point, the owner waits to see what happens based upon the performance of the actual players selected.

Player Selection

The three most common methods of player selection in fantasy sports are (1) a snake draft; (2) an auction draft; and (3) a salary-cap draft. [Memorandum footnote omitted.] In a snake draft, owners take turns drafting actual players for their simulated teams. In an auction draft, each owner has a maximum budget to use to bid for players. Competing owners, however, cannot select the same actual players for their simulated teams as other owners. Daily fantasy sports do not generally utilize a snake draft or an auction draft.

In a salary-cap draft, just like in an auction draft, each owner has a maximum budget. Unlike in an auction draft, however, the owners do not bid against each other. Instead, each actual player has a set fantasy salary. Although (with a few exceptions) [Memorandum footnote 4: For example, most sites require owners to select actual players from at least three different actual teams.], the owners can select any actual player for their teams, the owners cannot exceed their maximum budget. In this format, generally speaking, competing owners can select the same actual players for their simulated teams as other owners.

Types of Simulated Games

Although there are many different types of simulated games offered across the different daily fantasy websites, the simulated games can generally be divided into (1) head-to-head; and (2) tournaments.

In head-to-head simulated games, one owner competes against another owner. The owner with the highest total score will win the entire payout pool.

Tournaments are simulated games that involve more than two owners.

Prohibitions for Commission Employees and Commissioners

Commissioners are public officers, and employees are public employees, subject to the Code of Ethics for Public Officers and Employees set forth in part III of ch. 112, F.S., (Code of Ethics). Commissioners and employees are also governed by standards of conduct and provisions limiting ex parte communications, as provided in the bill, similar to the standards applicable to commissioners serving on the Public Service Commission.

For a period of two years immediately preceding appointment to, or employment with, the commission, and while appointed or employed with the commission, a person may not:

- Hold a permit or license issued under ch. 550, F.S., (Pari-mutuel Wagering), or a license issued under ch. 551, F.S., (Slot Machines), or ch. 849, F.S., (Gambling); be an officer,

official, or employee of such permitholder or licensee; or be an ultimate equitable owner, as defined in s. 550.002(37), F.S.,[42] of such permitholder or licensee;
- Be an officer, official, employee, or other person with duties or responsibilities relating to a gaming operation owned by an Indian tribe that has a valid and active compact with the state; be a contractor or subcontractor of such tribe, or an entity employed, licensed, or contracted by such tribe; or be an ultimate equitable owner, as defined in s. 550.002(37), F.S., of such entity;
- Be or have been, a member of the Legislature;
- Be a registered lobbyist for the executive or legislative branch, except while a commissioner when officially representing the commission; or
- Be a bingo game operator or an employee of a bingo game operator;

Persons who fail to meet or violate the above requirements are ineligible for appointment to or employment with the commission, or if, within the two years immediately preceding such appointment or employment, he or she has solicited or accepted employment with; acquired any direct or indirect interest in; has any direct or indirect business association, partnership, or financial relationship with; or is a relative of, any person or entity who is:
- An applicant, licensee, or registrant with the commission or the Division of Pari-mutuel Wagering (division) in the DBPR;
- An officer, official, employee, or other person with duties or responsibilities relating to a gaming operation owned by an Indian tribe that has a valid and active compact with the state;
- A contractor or subcontractor of such tribe or an entity employed, licensed, or contracted by such tribe; or
- An ultimate equitable owner, as defined in s. 550.002(37), F.S., of such entity.

The term "relative" means a spouse, father, mother, son, daughter, grandfather, grandmother, brother, sister, uncle, aunt, cousin, nephew, niece, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister.

A person who is ineligible for employment with the commission due to being a relative of one of the persons described above may submit a waiver request to the commission for the person to be considered eligible for employment. Waiver requests must be considered on a case-by-case basis, and the commission must approve or deny each request. If the commission approves the request, the person is eligible for employment with the commission. The waiver procedure does not apply to candidates for appointment to the commission.

A person is ineligible for employment with the commission if he or she were:
- Convicted or found guilty of, or pled nolo contendere to, regardless of adjudication, in any jurisdiction, a felony within five years of the date of application;

[42] Section 550.002, F.S., defines the term "ultimate equitable owner" to mean "a natural person who, directly or indirectly, owns or controls five percent or more of an ownership interest in a corporation, foreign corporation, or alien business organization, regardless of whether such person owns or controls such ownership through one or more natural persons or one or more proxies, powers of attorney, nominees, corporations, associations, partnerships, trusts, joint stock companies, or other entities or devices, or any combination thereof."

- Convicted or found guilty of, or pled nolo contendere to, regardless of adjudication, in any jurisdiction, a misdemeanor within five years of the date of application which the commission determines bears a close relationship to the duties and responsibilities of the position for which employment is sought; or
- Dismissed from prior employment for gross misconduct or incompetence or intentionally making a false statement concerning a material fact in connection with the application for employment to the commission.

If an employee of the commission is charged with a felony while employed by the commission, the commission must suspend the employee, with or without pay, and terminate employment with the commission upon conviction. If an employee is charged with a misdemeanor while employed, the commission must suspend the employee, with or without pay, and may terminate employment upon conviction if the commission determines that the offense bears a close relationship to the duties and responsibilities of the position held with the commission.

A commissioner or an employee must notify the commission within three calendar days of arrest for any offense. In addition, a commissioner or an employee must provide detailed written notice of the circumstances to the commission if the member or employee is indicted, charged with, convicted of, pleads guilty or nolo contendere to, or forfeits bail for:

- A misdemeanor involving gambling, dishonesty, theft, or fraud;
- A violation of any law in any state, or a law of the United States or any other jurisdiction, involving gambling, dishonesty, theft, or fraud which would constitute a misdemeanor in Florida; or
- A felony under the laws of Florida or any other state, the United States, or any other jurisdiction.

State Preemption

There are two ways that a local enactment can be inconsistent with state law and therefore unconstitutional. First, a local government cannot legislate in a field if the subject area has been preempted to the state. Second, in a field where both the state and local government can legislate concurrently, a local government cannot enact an ordinance that directly conflicts with the state statute.[43]

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; it cannot be implied or inferred.[44] 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.[45] Courts determining

[43] *Orange County v. Singh,* 268 So. 3d 668, 673 (Fla. 2019) (citing *Phantom of Brevard, Inc. v. Brevard County,* 3 So. 3d 309, 314 (Fla. 2008)); *see also* James Wolf & Sarah Bolinder, *The Effectiveness of Home Rule: A Preemptions and Conflict Analysis,* 83 FLA. BAR J. 92 (2009), available at https://www.floridabar.org/the-florida-bar-journal/the-effectiveness-of-home-rule-a-preemption-and-conflict-analysis/ (last visited March 27, 2025).
[44] *City of Hollywood v. Mulligan,* 934 So. 2d 1238, 1243 (Fla. 2006); *Phantom of Brevard, Inc.,* 3 So. 3d at 1018.
[45] *Sarasota Alliance for Fair Elections, Inc. v. Browning,* 28 So. 3d 880, 886 (Fla. 2010).

the validity of local government ordinances enacted in the face of state preemption, whether express or implied, have found such ordinances to be null and void.[46]

III. Effect of Proposed Changes:

Section 1 amends s. 16.71, F.S., relating to the commission, to remove the requirement that members of the commission must be appointed by January 1, 2022 and the requirement that the Governor shall consider appointees based on racial, ethnic, and gender diversity. The bill also removes language that directed the Governor to appoint one of the initial members as the initial chair and the initial vice chair.

Section 2 amends s. 16.713, F.S., to prohibit a person, for the 2 years immediately preceding the date of appointment to or employment with the commission and while appointed to or employed with the commission from being an employee, associate, owner, or contractor for any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities.

Section 3 amends s. 16.715, F.S., to prohibit a person while employed, and for 2 years after service as a commissioner or for 2 years after employment with the commission, a commissioner from accepting any form of employment with or engage in any business activity with any business entity that, either directly or indirectly, owns or controls any person regulated by the commission; any person regulated by the commission; or any business entity that, either to directly or indirectly, is an affiliate or subsidiary of any person regulated by the commission; or be an employee, an associate, an owner, or a contractor for any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities.

Additionally, this section of the bill prohibits, while employed, and for 2 years after service as a commissioner or for 2 years after employment with the commission, a commissioner, an employee, or a *relative* living in the same household as a commissioner or an employee may not have any financial interest, other than shares in a mutual fund, in any person regulated by the commission; in any business entity that, either directly or indirectly, owns or controls any person regulated by the commission; or in any business entity that, either directly or indirectly, is an affiliate or a subsidiary of any person regulated by the commission; or be an employee, an associate, an owner, or a contractor for any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities.

Further, this section of the bill prohibits the executive director, or an employee of the commission, for the 2 years immediately following the date of resignation or termination from the commission from being an employee, associate, owner, or contractor for any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities.

[46] *See, e.g., National Rifle Association of America, Inc. v. City of South Miami,* 812 So. 2d 504 (Fla. 3d DCA 2002) (concluding that a City of South Miami local government ordinance, which purported to provide safety standards for firearms, was null and void because the Legislature expressly preempted the entire field of firearm and ammunition regulation when it enacted s. 790.33, F.S.).

Section 4 amends s. 546.10, F.S., relating to amusement games or machines, to provide a procedure that would allow any veterans' service organization granted a federal charter under Title 36, U.S.C, or a division, a department, a post, or a chapter of such organization, for which an alcoholic beverage license has been issued that is in doubt about whether a machine meets the definition of an amusement machine under s. 546.10, F.S. , to petition the Florida Gaming Control Commission for a declaratory statement under s. 120.565, F.S., on whether the operation of the game or machine would be authorized under s. 546.10, F.S., or ch. 489, F.S.

This section of the bill provides that a game or machine awaiting a declaratory statement from the commission may not be purchased or installed until the declaratory statement is issued. Additionally, this section, creates a procedure that would allow the veterans' organization that is in doubt about the legality of a game or machine, currently on the premises, to petition the commission for a declaratory statement pursuant to s. 120.565, F.S., on whether the operation of the game or machine would be authorized under s. 546.10, F.S., or ch. 849, F.S. If the game, machine, premises, or organization is the subject of an ongoing criminal investigation, the organization may not petition the commission for a declaratory statement under this subsection.

Under this section the bill provides that:

- The commission shall issue a declaratory statement within 60 days after receiving a petition.
- The commission may not deny a petition.
- Petitions made under this subsection must provide enough information for the commission to issue the declaratory statement and must be accompanied by the exact specifications for the type of game or machine that the organization will purchase or install or currently has on the premises.
- The declaratory statement is valid only for the game or machine for which it is requested and is invalid if the specifications for the game or machine have changed.
- The declaratory statement is binding on the commission and can be introduced in any subsequent proceedings as evidence of a good faith effort to comply with s. 546.10, F.S., or chapter 849, F.S.
- This section of the bill does not prevent the commission or any other criminal justice agency from detecting, apprehending, and arresting a person for any alleged crimes of this state.
- An owner or operator is not required to request a declaratory statement in order to operate pursuant to this section of the bill.

Section 5 amends s. 551.104, F.S., relating to a license to conduct slot machine gaming, removing references to "including minority vendors" and the provision that required each slot machine licensee to provide an annual report to the commission containing information indicating compliance with the contracting with minority persons requirement.

Section 6 amends s. 838.12, F.S., relating to bribery in athletic contests, to provide that "a person who stakes, bets, or wagers any money or other thing of value upon the result of any professional or amateur game, contest, match, race, or sport with knowledge that the results of such professional or amateur game, contest, match, race, or sport are prearranged or predetermined as described in this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084."

Section 7 amends s. 843.08, F.S., relating to false personation, to provide that a person who falsely assumes or pretends to be, and acts as any personnel or representative of the commission, commits a third degree felony.[47]

Under current law, the false personation offense occurs when a person impersonates and acts as a firefighter, a sheriff, a Florida Highway Patrol officer, a Fish and Wildlife Conservation Commission officer, a Department of Environmental Protection officer, a Department of Financial Services officer, any personnel or representative of the Division of Investigative and Forensic Services, a Department of Corrections officer, a correctional probation officer, a deputy sheriff, a state attorney or an assistant state attorney, a statewide prosecutor or an assistant statewide prosecutor, a state attorney investigator, a coroner, a police officer, a lottery special agent or lottery investigator, a beverage enforcement agent, any personnel or representative of the Department of Law Enforcement, certain federal law enforcement officers, and others.[48]

If the false personation occurs during the course of the commission of a felony, the violator commits a felony of the second degree (up to 15 years/$10,000 fine).[49]

Section 8 amends s. 849.01, F.S., relating to the keeping of gambling houses, to increase the penalty for that offense from a second degree misdemeanor (up to 60 days/$500 fine)[50] to a third degree felony (up to five years/$5,000 fine).[51] [52] Current law provides, in part, that the keeping of a gambling house includes any person, servant, clerk, or agent who:

> [H]as, keeps, exercises or maintains a gaming table or room, or gaming implements or apparatus, or house, booth, tent, shelter or other place for the purpose of gaming or gambling or in any place of which she or he may directly or indirectly have charge, control or management, either exclusively or with others, procures, suffers or permits any person to play for money or other valuable thing at any game whatever . . . .

Section 9 amends s. 849.02, F.S., relating to agents or employees of keeper of gambling house, creates a tier for violators based on the frequency of offenses, providing that:

- For a first offense, a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, F.S.

---

[47] Section 775.082, F.S., provides a felony of the third degree is punishable by a term of imprisonment not to exceed five years. Section 775.083, F.S., provides a felony of the third degree is punishable by a fine not to exceed $5,000. Under s. 775.084, F.S., an habitual felony offender is subject to enhanced penalties.
[48] *See* s. 843.08, F.S.
[49] Section 775.082, F.S., provides a felony of the second degree is punishable by a term of imprisonment not to exceed 15 years. Section 775.083, F.S., provides a felony of the second degree is punishable by a fine not to exceed $10,000. Under s. 775.084, F.S., an habitual felony offender is subject to enhanced penalties.
[50] Section 775.082, F.S., provides a misdemeanor of the second degree is punishable by a term of imprisonment not to exceed 60 days. Section 775.083, F.S. provides a misdemeanor of the second degree is punishable by a fine not to exceed $500. The enhanced penalties for this violation increase to imprisonment not to exceed five years and a fine not to exceed $5,000.
[51] Section 775.082, F.S., provides a felony of the third degree is punishable by a term of imprisonment not to exceed five years. Section 775.083, F.S., provides a felony of the third degree is punishable by a fine not to exceed $5,000.
[52] Section 775.082, F.S., provides a felony of the second degree is punishable by a term of imprisonment not to exceed 15 years. Section 775.083, F.S., provides a felony of the second degree is punishable by a fine not to exceed $10,000. Under s. 775.084, F.S., an habitual felony offender is subject to enhanced penalties.

- For a second offense, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, F.S.
- For a third or subsequent offense, a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, F.S.

Section 10 amends s. 849.03, F.S., relating to renting a house for gambling purposes, providing that a person who knowingly rents to another a house, room, booth, tent, shelter or place for the purpose of gaming commits:
- For a first offense, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, F.S.
- For a second or subsequent violation, a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, F.S.

Section 11 amends s. 849.08, F.S., relating to gambling, to provide a definition for the terms "Internet gambling" and "Internet sports wagering" along with associated penalties.
- "Internet gambling" means "to play or engage in any game in which money or other thing of value is awarded based on chance, regardless of any application of skill, that is available on the Internet and accessible on a mobile device, computer terminal, or other similar access device and simulates casino-style gaming, including, but not limited to, slot machines, video poker, and table games."
- "Internet sports wagering" means "to stake, bet, or wager any money or other thing of value upon the result of any trial or contest of skill, speed, power, or endurance of human or beast that is available on the Internet and accessible on a mobile device, computer terminal, or other similar access device."

The bill also provides criminal penalties - a misdemeanor of the second degree - for a person who plays or engages in Internet gaming. Additionally, a person who plays or engages in Internet sports wagering commits:
- For a first offense, a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, F.S.
- For a second or subsequent violation, a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, F.S.

A person commits a third degree felony if they are "a person who operates, conducts, or promotes Internet gambling or Internet sports wagering, or receives in any manner whatsoever any money or other thing of value offered for the purpose of Internet gambling or Internet sports wagering, or whoever knowingly becomes the custodian or depositary of any money or other thing of value so offered, or whoever aids, assists, abets, or influences in any manner in any of such acts." This section of the bill does not apply to people participating in authorized gaming activities under s. 285.710(13), F.S., or any gaming compact.

Section 12 amends s. 849.086, F.S., relating to authorized cardrooms, providing that prohibited activities include: "a person who manipulates or attempts to manipulate the playing cards, outcome, or payoff of a card game in a licensed cardroom by physical tampering or by use of any object, instrument, or device, whether mechanical, electrical, magnetic, or involving other

means, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, F.S."

Section 13 creates s. 849.0932, F.S., relating to fantasy sports contests, to provide new regulations regarding fantasy sports contests, including what constitutes a fantasy sports contest, providing definitions for the following terms: Confidential information; Contest operator; Contest participant; Entry fee; Fantasy sports contest; Noncommercial contest operator. Total entry fees, collected, maintained, and distributed by a noncommercial contest operator for a fantasy sports contest may not exceed $1,500 per season or a total of $10,000 per calendar year and that all entry fees must be returned to the contest participants in the form of prizes.

This section of the bill provides that the commission shall investigate violations of this section and refer them to the Attorney General or the state attorney. The bill provides civil and criminal penalties for violations of this section including:

- An operator or owner of any website, platform, or application that offers fantasy sports contests in violation of this section is subject to a fine of up to $100,000 per violation.
- A person who willfully and knowingly violates this section commits a misdemeanor of the first degree, punishable as provided in ss. 775.082 or 775.083, F.S.
- An operator or owner of any application, platform, or website that offers fantasy sports contests in violation of this section commits a felony of the third degree, punishable as provided in ss. 775.082, 775.083, or 775.084, F.S.

Section 14 amends s. 849.11, F.S., relating to games of chance, providing that a person who plays any game of chance by lot or with dice, cards, numbers, hazards or any other gambling device, in person or by the use, at least in part, of the Internet, commits a misdemeanor of the second degree. The bill also provides that "a person who sets up, operates, conducts, promotes, or receives in any manner whatsoever any money or other thing of value offered for the purpose of conduct prohibited in this section, or whoever knowingly becomes the custodian or depositary of any money or other thing of value so offered, or whoever aids, assists, abets, or influences in any manner in any of such acts, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, F.S."

Section 15 amends s. 849.13, F.S., relating to second convictions, providing that a person who commits a second or subsequent violation of the same offense, in connection with lotteries for which there is no penalty specified for a second or subsequent violation, shall have the offense reclassified to an offense of the next higher degree.

Section 16 amends s. 849.14, F.S., relating to unlawful betting on games of skill, changing "*whoever*" stakes, bets, or wagers any money or other thing of value, to "*a person who*" stakes, bets, or wagers any money or other thing of value… commits a felony of the third degree., and includes punishment provided in s. 775.084, F.S.

Section 17 amends s. 849.15, F.S., relating to prohibited slot machines, providing a definition for a "conviction" to mean "a determination of guilt that is the result of a plea or a trial, regardless of whether adjudication is withheld or a plea of nolo contendere is entered." The bill also provides a definition for "person of authority" to mean a person who, at any business, establishment, premises, or other location at which a slot machine or device is offered for play, has:

- Actual authority to act on behalf of the business, establishment, premises, or other location where a slot machine or device is offered for play; or
- Any ownership interest in the business, establishment, premises, or other location. The term "ownership interest" includes being an officer, director, or managing member of the business, establishment, premises, or other location.

The bill also provides the following criminal penalties:
- A person who violates the prohibitions on slot machines commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, F.S.
- A person commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if he or she violates the prohibitions on slot machines and:
  - At the time of the violation, the person was a person of authority; or
  - The person has one prior conviction for a violation of this section.
- A person commits a felony of the second degree punishable as provided in s. 775.082, s. 775.083, or s. 775.084, F.S., if he or she violates the prohibitions on slot machines and:
  - At the time of the violation, the person was a person of authority; and
  - The violation involves five or more slot machines or devices; or
  - The person has two or more prior convictions for a violation of this section.

Further, this section provides that "all shipments of legal gaming devices, including legal slot machines, into Indian lands located within this state shall be deemed legal shipments thereof provided that such Indian lands are held in federal trust for the benefit of a federally recognized Indian tribe that is a party to a tribal-state compact with the state pursuant to the federal Indian Gaming Regulatory Act of 1988, 18 U.S.C. ss. 1166-1168 and 25 U.S.C. ss. 2701 et seq."

Section 18 creates s. 849.155, F.S., relating to trafficking in slot machines, providing that it is a *first-degree felony* for any person who knowingly sells, purchases, manufactures, transports, delivers, or brings into this state more than 15 slot machines or devices or any parts thereof.

The bill also creates associated fines based on the quantity of slot machines:
- For more than 15 slot machines but less than 25 slot machines, such person must be fined $100,000.
- For 25 or more slot machines but less than 50 slot machines, such person must be fined $250,000.
- For 50 or more slot machines, such person must be fined $500,000.

The bill provides a carveout from criminal and financial penalties if such person is trafficking slot machines into any county of this state that has authorized slot machine gaming and shall be deemed legal shipments, provided that the destination of such shipments is an eligible facility as defined in s. 551.102, F.S., or the facility of a slot machine manufacturer or slot machine distributor as provided in s. 551.109(2)(a), F.S. All shipments of legal gaming devices, including legal slot machines, into Indian lands located within the state shall be deemed legal shipments, so long as the Indian lands are held in federal trust for the benefit of a federally recognized compact with the state.

Finally, this section of the bill provides that all fines imposed and collected pursuant to this section must be deposited into the *Pari-mutuel Wagering Trust Fund* and may be used for the enforcement of chapters 546, 550, 551, and 849, F.S., by the commission.

Section 19 creates s. 849.157, F.S., relating to making a false or misleading statement regarding the legality of slot machines to facilitate sale, providing that a person who knowingly and willfully makes a materially false or misleading statement or who knowingly and willfully disseminates false or misleading information regarding the legality of a slot machine or device for the purpose of facilitating the sale or delivery of a slot machine or device for any money or other valuable consideration commits a *felony of the third degree*, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, F.S.

If the sale or delivery is of five or more slot machines, then the person commits a *felony of the second degree*.

Section 20 repeals s. 849.23, F.S., that provided criminal penalties for the possession, manufacturing, or sale of prohibited slot machines.

Section 21 creates s. 849.47, F.S., relating to the transportation of persons to facilitate illegal gambling, providing for a definition for "illegal gambling" to mean "any criminal violation of chapter 546, chapter 550, chapter 551, or [chapter 849] that occurs at any business, establishment, premises, or other location."

Under the bill, a person who knowingly and willfully transports, or procures the transportation of five or more other persons into or within this state when he or she knows or reasonably should know that such transportation is for the purpose of facilitating illegal gambling commits a misdemeanor of the first degree.

A person who transports, or procures the transportation of, a minor or a person 65 years of age or older commits a felony of the third degree.

A person who transports, or procures the transportation of, 12 or more persons commits a felony of the third degree.

Section 22 creates s. 849.48, F.S., relating to prohibited gambling or gaming advertisements, prohibiting a person knowingly and intentionally making, publishing, disseminating, circulating, or placing before the public, or cause, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public in this state, in any manner, whether in person or by the use, at least in part, of the Internet, any advertisement circular, bill, poster, pamphlet, list, schedule, announcement, or notice for the purpose of promoting or facilitating illegal gambling.

A person may not set up any type or plate for any type of advertisement, circular, bill, poster, pamphlet, list, schedule, announcement, or notice when he or she knows or reasonably should know that such material will be used for the purpose of promoting or facilitating illegal gambling.

Under the bill, a person who violates this section commits a *first-degree misdemeanor* for their first offense and a *felony of the third degree* for a second or subsequent offense.

The bill does not prohibit the printing of any advertisement, circular, bill, poster, pamphlet, list, schedule, announcement, or notice to be used for the purpose of promoting or facilitating gambling conducted in any other state or nation, outside of this state, where such gambling is not prohibited.

Section 23 creates s. 849.49, F.S., relating to preemption of gaming regulations, providing that no county, municipality, or other political subdivision of the state shall enact or enforce any ordinance or local rule relating to gaming, gambling, lotteries, or any activities described in s. 546.10, F.S., or ch. 849, F.S., except as otherwise expressly provided by the State Constitution, general law, or special law.

Sections 24-27 are amended for the purpose of incorporating the amendments being made by the bill.

Section 28 provides an effective date of 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:

In **Section 22** of the bill, there may be some first amendment issues regarding what a person may not "set up" in the course of business.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Persons who violate the gambling laws will be subject to increased penalties.

Such violators may be impacted by the information that must be considered by a court for determining bail or release of persons arrested for crimes involving controlled substances, a slot machine, or illegal gambling or gaming, including the amount of currency seized that is connected to a violation of the gambling laws.

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: 16.71, 16.713, 16.715, 546.10, 551.104, 838.12, 843.08, 849.01, 849.02, 849.03, 849.08, 849.086, 849.11, 849.13, 849.14, 849.15, 903.046, 921.0022, 772.102, and 895.02.

This bill creates the following sections of the Florida Statutes: 849.0932, 849.155, 849.157, 849.47, 849.48, and 849.49.

This bill repeals section 849.23 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 by Regulated Industries on March 27, 2025:
The committee substitute:

- Amends the prohibitions on employment for certain employees and commissioners of the commission to not allow a former employee or commissioner to be an employee, associate, owner, or contractor for any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities.
- Amends the types of employment positions that are ineligible for employment with the commission within the 2 years immediately preceding such employment, to include any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities.

- Amends the commission's standards of conduct by prohibiting a former employee or commissioner from being an employee, associate, owner, or contractor for any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities.
- Amends the commission's standards of conduct by prohibiting a former employee's or commissioner's relative living in the same household, from being an employee, associate, owner, or contractor for any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities.
- Prohibits the executive director, or an employee of the commission, for the 2 years immediately following the date of resignation or termination from the commission from being an employee, associate, owner, or contractor for any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities.
- Creates a procedure that would allow any veterans' service organization granted a federal charter under Title 36, U.S.C, or a division, a department, a post, or a chapter of such organization, for which an alcoholic beverage license has been issued that is in doubt about whether a machine meets the definition of an amusement machine under s. 546.10, F.S. , to petition the commission for a declaratory statement under s. 120.565, F.S., on whether the operation of the game or machine would be authorized under this section or ch. 489, F.S.
- Provides that a game or machine awaiting a declaratory statement from the commission may not be purchased or installed until the declaratory statement is issued.
- Creates a procedure that would allow the veterans' organization that is in doubt about the legality of a game or machine, currently on the premises, to petition the commission for a declaratory statement pursuant to s. 120.565, F.S., on whether the operation of the game or machine would be authorized under s. 546.10, F.S., or ch. 849, F.S. If the game, machine, premises, or organization is the subject of an ongoing criminal investigation, the organization may not petition the commission for a declaratory statement under this subsection.
- Provides that the commission shall issue a declaratory statement within 60 days after receiving a petition. The commission may not deny a petition.
- Provides that petitions made under this subsection must provide enough information for the commission to issue the declaratory statement and must be accompanied by the exact specifications for the type of game or machine that the organization will purchase or install or currently has on the premises. The declaratory statement is valid only for the game or machine for which it is requested and is invalid if the specifications for the game or machine have changed.
- Provides the declaratory statement is binding on the commission and can be introduced in any subsequent proceedings as evidence of a good faith effort to comply with s. 546.10, F.S. or ch. 849, F.S.
- Does not prevent the commission or any other criminal justice agency from detecting, apprehending, and arresting a person for any alleged crimes of this state.
- Does not require an owner or operator to request a declaratory statement in order to operate pursuant to this section.

- Creates new regulations regarding fantasy sports contests, including what constitutes a fantasy sports contest. The amendment creates definitions for the following terms: Confidential information; Contest operator; Contest participant; Entry fee; Fantasy sports contest; Noncommercial contest operator.
- Provides that the commission shall investigate violations of this section and refer them to the Attorney General or the state attorney.
- Provides civil and criminal penalties for violations of this section of 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.

914396

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2025	.	
	.	
	.	
	.	

The Committee on Regulated Industries (Bradley) recommended the following:

Senate Amendment (with title amendment)

Between lines 99 and 100
insert:

Section 2. Present subsections (8) and (9) of section 546.10, Florida Statutes, are redesignated as subsections (9) and (10), respectively, and a new subsection (8) is added to that section, to read:

546.10 Amusement games or machines.—

(8)(a)1. Before purchasing or installing a game or machine

914396

on the premises of any veterans' service organization granted a federal charter under Title 36, U.S.C., or a division, a department, a post, or a chapter of such organization, for which an alcoholic beverage license has been issued, and the veterans' service organization is in doubt about whether a machine meets the definition of an amusement machine under this section, the organization may petition the Florida Gaming Control Commission for a declaratory statement under s. 120.565 on whether the operation of the game or machine would be authorized under this section or would be a violation of this section or chapter 849. A game or machine awaiting a declaratory statement from the commission may not be purchased or installed until the declaratory statement is issued.

2. If there is a game or machine currently on the premises of any veterans' service organization granted a federal charter under Title 36, U.S.C., or a division, a department, a post, or a chapter of such organization, for which an alcoholic beverage license has been issued and the veterans' service organization is in doubt about whether a machine meets the definition of an amusement machine under this section, the organization may petition the commission for a declaratory statement pursuant to s. 120.565 on whether the operation of the game or machine would be authorized under this section or would be a violation of this section or chapter 849. If the game, machine, premises, or organization is the subject of an ongoing criminal investigation, the organization may not petition the commission for a declaratory statement under this subsection.

3. The commission shall issue a declaratory statement pursuant to this subsection within 60 days after receiving a

914396

petition requesting such statement. The commission may not deny a petition that is validly requested pursuant to this subsection and 120.565.

(b) A petition made under this subsection must provide enough information for the commission to issue the declaratory statement and must be accompanied by the exact specifications for the type of game or machine that the organization will purchase or install or currently has on the premises. The declaratory statement is valid only for the game or machine for which it is requested and is invalid if the specifications for the game or the machine have been changed.

(c) The declaratory statement is binding on the commission and may be introduced in any subsequent proceedings as evidence of a good faith effort to comply with this section or chapter 849.

(d) This subsection does not prevent the commission or any other criminal justice agency as defined in s. 943.045 from detecting, apprehending, and arresting a person for any alleged violation of chapter 24, part II of chapter 285, this chapter, chapter 550, chapter 551, or chapter 849, or any rule adopted pursuant thereto, or of any law of this state.

(e) This subsection does not require an owner or an operator of an amusement game or machine under this section to request or obtain a declaratory statement in order to operate pursuant to 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 5

914396

and insert:

the Florida Gaming Control Commission; amending s. 546.10, F.S.; authorizing certain organizations to petition the petition before purchasing, installing, or operating a game or machine on its premises before petitioning for and being issued a specified declaratory statement from the Florida Gaming Control Commission if the organization is unsure if such game or machine is an amusement machine; prohibiting such organizations from purchasing or installing a game or machine until an outstanding declaratory statement is issued; prohibiting such organizations from seeking a declaratory statement if the game or machine in question is the subject of a criminal investigation; requiring the commission to issue a declaratory statement within a specified timeframe; prohibiting the commission from denying a petition if it was validly requested; specifying what information must be included in a request for a declaratory statement; providing that the declaratory statement is valid only for the game or machine for which it is requested; providing that the declaratory statement is invalid if the specifications for the game or machine have been changed; providing that the declaratory statement is binding on the commission and may be introduced as evidence in subsequent proceedings; providing construction; amending s.

185516

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2025	.	
	.	
	.	
	.	

The Committee on Regulated Industries (Gruters) recommended the following:

Senate Amendment (with title amendment)

Delete lines 100 - 308
and insert:

Section 2. Paragraphs (a) and (b) of subsection (2) of section 16.713, Florida Statutes, are amended to read:

16.713 Florida Gaming Control Commission; appointment and employment restrictions.—

(2) PROHIBITIONS FOR EMPLOYEES AND COMMISSIONERS; PERSONS INELIGIBLE FOR APPOINTMENT TO AND EMPLOYMENT WITH THE

185516

COMMISSION.—

(a) A person may not, for the 2 years immediately preceding the date of appointment to or employment with the commission and while appointed to or employed with the commission:

1. Hold a permit or license issued under chapter 550 or a license issued under chapter 551 or chapter 849; be an officer, official, or employee of such permitholder or licensee; or be an ultimate equitable owner, as defined in s. 550.002(37), of such permitholder or licensee;

2. Be an officer, official, employee, or other person with duties or responsibilities relating to a gaming operation owned by an Indian tribe that has a valid and active compact with the state; be a contractor or subcontractor of such tribe or an entity employed, licensed, or contracted by such tribe; or be an ultimate equitable owner, as defined in s. 550.002(37), of such entity;

3. Be a registered lobbyist for the executive or legislative branch, except while a commissioner or employee of the commission when officially representing the commission or unless the person registered as a lobbyist for the executive or legislative branch while employed by a state agency as defined in s. 110.107 during the normal course of his or her employment with such agency and he or she has not lobbied on behalf of any entity other than a state agency during the 2 years immediately preceding the date of his or her appointment to or employment with the commission; ~~or~~

4. Be a bingo game operator or an employee of a bingo game operator; or

5. Be an employee, associate, owner, or contractor for any

185516

person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities.

(b) A person is ineligible for appointment to or employment with the commission if, within the 2 years immediately preceding such appointment or employment, he or she violated paragraph (a) or solicited or accepted employment with, acquired any direct or indirect interest in, or had any direct or indirect business association, partnership, or financial relationship with, or is a relative of:

1. Any person or entity who is an applicant, licensee, or registrant with the commission; ~~or~~

2. Any officer, official, employee, or other person with duties or responsibilities relating to a gaming operation owned by an Indian tribe that has a valid and active compact with the state; any contractor or subcontractor of such tribe or an entity employed, licensed, or contracted by such tribe; or any ultimate equitable owner, as defined in s. 550.002(37), of such entity; or

3. Any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities.

For the purposes of this subsection, the term "relative" means a spouse, father, mother, son, daughter, grandfather, grandmother, brother, sister, uncle, aunt, cousin, nephew, niece, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

185516

Section 3. Paragraph (b) of subsection (1) and paragraphs (b) and (c) of subsection (2) of section 16.715, Florida Statutes, are amended to read:

16.715 Florida Gaming Control Commission standards of conduct; ex parte communications.—

(1) STANDARDS OF CONDUCT.—

(b)1. A commissioner or employee of the commission may not accept anything from any business entity that, either directly or indirectly, owns or controls any person regulated by the commission or from any business entity that, either directly or indirectly, is an affiliate or subsidiary of any person regulated by the commission.

2. A commissioner or an employee may attend conferences, along with associated meals and events that are generally available to all conference participants, without payment of any fees in addition to the conference fee. Additionally, while attending a conference, a commissioner or an employee may attend meetings, meals, or events that are not sponsored, in whole or in part, by any representative of any person regulated by the commission and that are limited to commissioners or employees only, committee members, or speakers if the commissioner or employee is a member of a committee of the association of regulatory agencies which organized the conference or is a speaker at the conference. It is not a violation of this subparagraph for a commissioner or an employee to attend a conference for which conference participants who are employed by a person regulated by the commission have paid a higher conference registration fee than the commissioner or employee, or to attend a meal or event that is generally available to all

185516

conference participants without payment of any fees in addition to the conference fee and that is sponsored, in whole or in part, by a person regulated by the commission.

3. While employed, and for 2 years after service as a commissioner or for 2 years after employment with the commission, a commissioner or an employee may not accept any form of employment with or engage in any business activity with any business entity that, either directly or indirectly, owns or controls any person regulated by the commission; any person regulated by the commission; or any business entity that, either directly or indirectly, is an affiliate or subsidiary of any person regulated by the commission; or be an employee, associate, owner, or contractor for any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities.

4. While employed, and for 2 years after service as a commissioner or for 2 years after employment with the commission, a commissioner, an employee, or a relative living in the same household as a commissioner or an employee may not have any financial interest, other than shares in a mutual fund, in any person regulated by the commission; in any business entity that, either directly or indirectly, owns or controls any person regulated by the commission; or in any business entity that, either directly or indirectly, is an affiliate or a subsidiary of any person regulated by the commission; or be an employee, associate, owner, or contractor for any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports

185516

contests and other betting activities. If a commissioner, an employee, or a relative living in the same household as a commissioner or an employee acquires any financial interest prohibited by this subsection during the commissioner's term of office or the employee's employment with the commission as a result of events or actions beyond the commissioner's, the employee's, or the relative's control, he or she shall immediately sell such financial interest. For the purposes of this subsection, the term "relative" has the same meaning as in s. 16.713(2)(b).

5. A commissioner or an employee may not accept anything from a party in a proceeding currently pending before the commission.

6. A commissioner may not serve as the representative of any political party or on any executive committee or other governing body of a political party; serve as an executive officer or employee of any political party, committee, organization, or association; receive remuneration for activities on behalf of any candidate for public office; engage on behalf of any candidate for public office in the solicitation of votes or other activities on behalf of such candidacy; or become a candidate for election to any public office without first resigning from office.

7. A commissioner, during his or her term of office, may not make any public comment regarding the merits of any proceeding under ss. 120.569 and 120.57 currently pending before the commission.

8. A commissioner or an employee may not act in an unprofessional manner at any time during the performance of

185516

official duties.

9. A commissioner or an employee must avoid impropriety in all activities and must act at all times in a manner that promotes public confidence in the integrity and impartiality of the commission.

10. A commissioner or an employee may not directly or indirectly, through staff or other means, solicit anything of value from any person regulated by the commission, or from any business entity that, whether directly or indirectly, is an affiliate or a subsidiary of any person regulated by the commission, or from any party appearing in a proceeding considered by the commission in the last 2 years.

11. A commissioner may not lobby the Governor or any agency of the state, members or employees of the Legislature, or any county or municipal government or governmental agency except to represent the commission in an official capacity.

(2) FORMER COMMISSIONERS AND EMPLOYEES.—

(b) A commissioner, the executive director, or an employee of the commission may not, for the 2 years immediately following the date of resignation or termination from the commission:

1. Hold a permit or license issued under chapter 550, or a license issued under chapter 551 or chapter 849; be an officer, official, or employee of such permitholder or licensee; ~~or~~ be an ultimate equitable owner, as defined in s. 550.002(37), of such permitholder or licensee; or be an employee, associate, owner, or contractor for any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities;

185516

2. Accept employment by or compensation from a business entity that, directly or indirectly, owns or controls a person regulated by the commission; from a person regulated by the commission; from a business entity which, directly or indirectly, is an affiliate or subsidiary of a person regulated by the commission; ~~or~~ from a business entity or trade association that has been a party to a commission proceeding within the 2 years preceding the member's resignation or termination of service on the commission; from any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities; or

3. Be a bingo game operator or an employee of a bingo game operator.

(c) A person employed by the commission may not, for the 2 years immediately following the date of termination or resignation from employment with the commission:

1. Hold a permit or license issued under chapter 550, or a license issued under chapter 551 or chapter 849; be an officer, official, or employee of such permitholder or licensee; or be an ultimate equitable owner, as defined in s. 550.002(37), of such permitholder or licensee; or be an employee, associate, owner, or contractor for any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities; or

2. Be a bingo game operator or an employee of a bingo game operator.

Section 4. Paragraph (i) of subsection (4) of section

185516

551.104, Florida Statutes, is amended to read:

551.104 License to conduct slot machine gaming.—

(4) As a condition of licensure and to maintain continued authority for the conduct of slot machine gaming, the slot machine licensee shall:

(i) Create and file with the commission a written policy for:

1. Creating opportunities to purchase from vendors in this state~~, including minority vendors~~.

2. Creating opportunities for employment of residents of this state~~, including minority residents~~.

3. Ensuring opportunities for construction services from a small business as defined in s. 288.703 ~~minority contractors~~.

4. Ensuring that opportunities for employment are offered on an equal, nondiscriminatory basis.

5. Training for employees on responsible gaming and working with a compulsive or addictive gambling prevention program to further its purposes as provided for in s. 551.118.

6. The implementation of a drug-testing program that includes, but is not limited to, requiring each employee to sign an agreement that he or she understands that the slot machine facility is a drug-free workplace.

The slot machine licensee shall use the Internet-based job-listing system of the Department of Commerce in advertising employment opportunities. ~~Each slot machine licensee shall provide an annual report to the Florida Gaming Control Commission containing information indicating compliance with this paragraph in regard to minority persons.~~

185516

Section 5. Section 838.12, Florida Statutes, is amended, to read:

838.12 Bribery in athletic contests.—

(1) Whoever gives, promises, offers or conspires to give, promise or offer, to anyone who participates or expects to participate in any professional or amateur game, contest, match, race or sport; or to any umpire, referee, judge or other official of such game, contest, match, race or sport; or to any owner, manager, coach or trainer of, or to any relative of, or to any person having any direct, indirect, remote or possible connection with, any team, individual, participant or prospective participant in any such professional or amateur game, contest, match, race or sport, or the officials aforesaid, any bribe, money, goods, present, reward or any valuable thing whatsoever, or any promise, contract or agreement whatsoever, with intent to influence him or her or them to lose or cause to be lost any game, contest, match, race or sport, or to limit his or her or their or any person's or any team's margin of victory in any game, contest, match, race, or sport, or to fix or throw any game, contest, match, race or sport, commits ~~shall be guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) Any participant or prospective participant in any professional or amateur game, contest, match, race or sport; or any umpire, referee, judge or other official of such game, contest, match, race or sport; or any owner, manager, coach or trainer of, or any relative of, or any person having any direct, indirect, remote or possible connection with, any team, individual, participant or prospective participant in any such

185516

professional or amateur game, contest, match, race or sport, or the officials aforesaid; who in any way solicits, receives or accepts, or agrees to receive or accept, or who conspires to receive or accept, any bribe, money, goods, present, reward or any valuable thing whatsoever, or any promise, contract or agreement whatsoever, with intent to lose or cause to be lost any game, contest, match, race or sport, or to limit his, her, their or any person's or any team's margin of victory in any game, contest, match, race or sport, or to fix or throw any game, contest, match, race or sport, commits ~~shall be guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) A person who stakes, bets, or wagers any money or other thing of value upon the result of any professional or amateur game, contest, match, race, or sport with knowledge that the results of such professional or amateur game, contest, match, race, or sport are prearranged or predetermined as described in subsection (1) or subsection (2) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 6. Section 843.08, Florida Statutes, is amended to read:

843.08 False personation.—A person who falsely assumes or pretends to be a firefighter, a sheriff, an officer of the Florida Highway Patrol, an officer of the Fish and Wildlife Conservation Commission, an officer of the Department of Environmental Protection, an officer of the Department of Financial Services, any personnel or representative of the Division of Investigative and Forensic Services, any personnel

185516

or representative of the Florida Gaming Control Commission, an officer of the Department of Corrections, a correctional probation officer, a deputy sheriff, a state attorney or an assistant state attorney, a statewide prosecutor or an assistant statewide prosecutor, a state attorney investigator, a coroner, a police officer, a lottery special agent or lottery investigator, a beverage enforcement agent, a school guardian as described in s. 30.15(1)(k), a security officer licensed under chapter 493, any member of the Florida Commission on Offender Review or any administrative aide or supervisor employed by the commission, any personnel or representative of the Department of Law Enforcement, or a federal law enforcement officer as defined in s. 901.1505, and takes upon himself or herself to act as such, or to require any other person to aid or assist him or her in a matter pertaining to the duty of any such officer, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. However, a person who falsely personates any such officer during the course of the commission of a felony commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If the commission of the felony results in the death or personal injury of another human being, the person commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. In determining whether a defendant has violated this section, the court or jury may consider any relevant evidence, including, but not limited to, whether the defendant used lights in violation of s. 316.2397 or s. 843.081.

Section 7. Section 849.01, Florida Statutes, is amended to read:

185516

849.01 Keeping gambling houses, etc.—Whoever by herself or himself, her or his servant, clerk or agent, or in any other manner has, keeps, exercises or maintains a gaming table or room, or gaming implements or apparatus, or house, booth, tent, shelter or other place for the purpose of gaming or gambling or in any place of which she or he may directly or indirectly have charge, control or management, either exclusively or with others, procures, suffers or permits any person to play for money or other valuable thing at any game whatever, whether heretofore prohibited or not, commits a felony ~~misdemeanor~~ of the third ~~second~~ degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

Section 8. Section 849.02, Florida Statutes, is amended to read:

849.02 Agents or employees of keeper of gambling house.—A person who ~~Whoever~~ acts as servant, clerk, agent, or employee of any person in the violation of s. 849.01 commits:

(1) For a first offense, a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) For a second offense, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) For a third or subsequent offense, a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084 ~~shall be punished in the manner and to the extent therein mentioned~~.

Section 9. Section 849.03, Florida Statutes, is amended to read:

849.03 Renting house for gambling purposes.—A person who ~~Whoever~~, whether as owner or agent, knowingly rents to another a


185516

house, room, booth, tent, shelter or place for the purpose of gaming commits:

(1) For a first offense, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084 ~~shall be punished in the manner and to the extent mentioned in s. 849.01~~.

(2) For a second or subsequent violation, a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 10. Section 849.08, Florida Statutes, is amended to read:

849.08 Gambling.—

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

(a) "Internet gambling" means to play or engage in any game in which money or other thing of value is awarded based on chance, regardless of any application of skill, that is available on the Internet and accessible on a mobile device, computer terminal, or other similar access device and simulates casino-style gaming, including, but not limited to, slot machines, video poker, and table games.

(b) "Internet sports wagering" means to stake, bet, or wager any money or other thing of value upon the result of any trial or contest of skill, speed, power, or endurance of human or beast that is available on the Internet and accessible on a mobile device, computer terminal, or other similar access device. The term does not include fantasy sports contests as defined in s. 849.0932.

(2) A person who ~~Whoever~~ plays or engages in Internet gambling, any game at cards, keno, roulette, faro or other game

185516

of chance, at any place, by any device whatever, for money or other thing of value, commits ~~shall be guilty of~~ a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(3) A person who plays or engages in Internet sports wagering commits:

(a) For a first offense, a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(b) For a second or subsequent violation, a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(4) A person who operates, conducts, or promotes Internet gambling or Internet sports wagering, or receives in any manner whatsoever any money or other thing of value offered for the purpose of Internet gambling or Internet sports wagering, or whoever knowingly becomes the custodian or depositary of any money or other thing of value so offered, or whoever aids, assists, abets, or influences in any manner in any of such acts, all of which are hereby forbidden, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) This section does not apply to participation in, or the conduct of, any gaming activities authorized under s. 285.710(13) and conducted pursuant to a gaming compact ratified and approved under s. 285.710(3).

Section 11. Paragraph (e) is added to subsection (12) of section 849.086, Florida Statutes, to read:

849.086 Cardrooms authorized.—

(12) PROHIBITED ACTIVITIES.—

185516

(e) A person who manipulates or attempts to manipulate the playing cards, outcome, or payoff of a card game in a licensed cardroom by physical tampering or by use of any object, instrument, or device, whether mechanical, electrical, magnetic, or involving other means, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 12. Section 849.0932, Florida Statutes, is created to read:

849.0932 Fantasy sports contests; conditions for conduct.—

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

(a) "Commission" means the Florida Gaming Control Commission.

(b) "Confidential information" means information related to the playing of fantasy sports contests by contest participants which is obtained solely as a result of a person's employment with, or work as an agent of, a contest operator.

(c) "Contest operator" means a person or an entity that offers fantasy sports contests for a cash prize to members of the public. The term does not include a noncommercial contest operator in this state.

(d) "Contest participant" means a person who pays an entry fee for the ability to participate in a fantasy or simulation sports game or contest offered by a contest operator or noncommercial contest operator.

(e) "Entry fee" means the cash or cash equivalent amount that a person is required to pay to a contest operator or noncommercial contest operator to participate in a fantasy sports contest.

(f) "Fantasy sports contest" means a fantasy or simulation

185516

sports game or contest offered by a contest operator or a noncommercial contest operator in which a contest participant manages a fantasy or simulation sports team composed of athletes from a professional sports organization and which meets each of the following requirements:

1. All prizes and awards offered to winning contest participants are established and made known to the contest participants in advance of the game or contest, and their value is not determined by the number of contest participants or the amount of any fees paid by those contest participants.

2. All winning outcomes reflect the relative knowledge and skill of the contest participants and are determined predominantly by accumulated statistical results of the performance of individuals, including athletes in the case of sporting events.

3. No winning outcome is based on the score, point spread, or any performance or performances of any single actual team or combination of such teams; solely on any single performance of an individual athlete or player in a single actual event; on a pari-mutuel event, as the term "pari-mutuel" is defined in s. 550.002; on a game of poker or other card game; or on the performances of participants in collegiate, high school, or youth sporting events.

4. No casino graphics, themes, or titles, including, but not limited to, depictions of slot machine-style symbols, cards, dice, craps, roulette, or lotto, are displayed or depicted.

(g) "Noncommercial contest operator" means a natural person who organizes and conducts a fantasy or simulation sports game in which contest participants are charged entry fees for the

185516

right to participate; and who collects, maintains, and distributes such entry fees;

(2) The total entry fees collected, maintained, and distributed by a noncommercial contest operator for a fantasy sports contest may not exceed $1,500 per season or a total of $10,000 per calendar year. All entry fees must be returned to the contest participants in the form of prizes.

(3) The Florida Gaming Control Commission shall investigate violations of this section and refer them to the Attorney General or the state attorney in the circuit in which the violation occurs. The Attorney General or state attorney may also institute proceedings to enjoin any person found to be violating this section.

(4)(a) A violation of this section is punishable by a fine of $1,000 in addition to civil and criminal penalties.

(b) An operator or owner of any website, platform, or application that offers fantasy sports contests in violation of this section is subject to a fine of up to $100,000 per violation.

(5)(a) A person who willfully and knowingly violates this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) An operator or an owner of any application, platform, or website that offers fantasy sports contests in violation of this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

And the title is amended as follows:

185516

Delete lines 5 - 27

and insert:

the Florida Gaming Control Commission; amending s. 16.713, F.S.; prohibiting certain employment for a specified timeframe before or during a person's service with the commission; amending s. 16.715, F.S.; revising standards of conduct for the commission; prohibiting certain post-employment activities for former commissioners and employees for a specified period; amending s. 551.104, F.S.; revising hiring and procurement policy and reporting requirements for slot machine gaming licensure; amending s. 838.12, F.S.; prohibiting betting on athletic contests with knowledge that the results are prearranged or predetermined; providing criminal penalties; amending s. 843.08, F.S.; prohibiting false personation of personnel of the Florida Gaming Control Commission; providing criminal penalties; amending s. 849.01, F.S.; revising criminal penalties for offenses involving keeping a gambling house; amending s. 849.02, F.S.; increasing criminal penalties for specified offenses by agents or employees of a keeper of a gambling house; amending s. 849.03, F.S.; revising criminal penalties for offenses involving renting a house for gambling purposes; amending s. 849.08, F.S.; defining the terms "Internet gambling" and "Internet sports wagering"; prohibiting Internet gambling and Internet sports wagering and related offenses; providing criminal penalties; providing an

185516

exception; amending s. 849.086, F.S.; prohibiting specified actions relating to manipulation of card games; providing criminal penalties; creating s. 849.0932, F.S.; defining terms; prohibiting entry fees collected by noncommercial contest operators from exceeding a specified amount; requiring that all entry fees be returned to contest participants in the form of prizes; requiring the Florida Gaming Control Commission to investigate and refer violations to the Attorney General or the state attorney in the circuit in which the violation occurs; authorizing the Attorney General or the state attorney to institute proceedings to enjoin persons found to be in violation of specified provisions of law; providing fines of specified amounts and civil and criminal penalties for specified violations; amending

661106

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/25/2025	.	
	.	
	.	
	.	

The Committee on Regulated Industries (Pizzo) recommended the following:

Senate Amendment (with title amendment)

Between lines 129 and 130
insert:

Section 3. Subsection (4) of section 551.114, Florida Statutes, is amended to read:

551.114 Slot machine gaming areas.—

(4) Designated slot machine gaming areas must be located at or contiguous to ~~at~~ the address specified in the licensed permitholder's slot machine license issued for fiscal year 2020-

661106

2021, excluding roads, highways, and streets. The designated slot machine gaming area must be under the ownership or lease of the permitholder.

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

And the title is amended as follows:

Delete line 8

and insert:

licensure; amending s. 551.114, F.S.; requiring that designated slot machine gaming areas be located at the address specified in the licensed permitholder's slot machine license is issued; requiring that such slot machine gaming areas be under the ownership or lease of the permitholder; amending s. 838.12, F.S.; prohibiting

By Senator Simon

3-00776A-25 20251404__

A bill to be entitled

An act relating to gambling; amending s. 16.71, F.S.; deleting obsolete provisions; deleting language concerning factors to be considered in appointments to the Florida Gaming Control Commission; amending s. 551.104, F.S.; revising hiring and procurement policy and reporting requirements for slot machine gaming licensure; amending s. 838.12, F.S.; prohibiting betting on athletic contests with knowledge that the results are prearranged or predetermined; providing criminal penalties; amending s. 843.08, F.S.; prohibiting false personation of personnel of the Florida Gaming Control Commission; providing criminal penalties; amending s. 849.01, F.S.; revising criminal penalties for offenses involving keeping a gambling house; amending s. 849.02, F.S.; increasing criminal penalties for specified offenses by agents or employees of a keeper of a gambling house; amending s. 849.03, F.S.; revising criminal penalties for offenses involving renting a house for gambling purposes; amending s. 849.08, F.S.; defining the terms "Internet gambling" and "Internet sports wagering"; prohibiting Internet gambling and Internet sports wagering and related offenses; providing criminal penalties; providing an exception; amending s. 849.086, F.S.; prohibiting specified actions relating to manipulation of card games; providing criminal penalties; amending s. 849.11, F.S.; prohibiting certain offenses related to games of chance involving the Internet; providing

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

Florida Senate - 2025 **SB 1404**

3-00776A-25 20251404__

criminal penalties; amending s. 849.13, F.S.; providing enhanced criminal penalties for second or subsequent violations of certain provisions; amending s. 849.14, F.S.; revising the criminal penalties for betting or wagering on certain activities; amending s. 849.15, F.S.; providing definitions; providing criminal penalties for specified offenses relating to the manufacture, possession, and sale of slot machines or devices; creating s. 849.155, F.S.; prohibiting trafficking in slot machines, devices, or parts thereof; providing criminal penalties; providing for the deposit of fines into a specified trust fund for specified purposes; creating s. 849.157, F.S.; prohibiting the making of a false or misleading statement regarding the legality of slot machines or devices for specified purposes; providing criminal penalties; repealing s. 849.23, F.S., relating to penalties for violations of specified sections; creating s. 849.47, F.S.; defining the term "illegal gambling"; prohibiting the transportation of specified numbers of persons, persons of certain ages, or a certain number of persons for the purpose of facilitating illegal gambling; providing criminal penalties; creating s. 849.48, F.S.; defining the term "illegal gambling"; prohibiting specified gambling or gaming advertisements; providing criminal penalties; providing construction; creating s. 849.49, F.S.; preempting to the state the regulation of gaming, gambling, lotteries, or any activities described in

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

specified provisions; amending s. 903.046, F.S.; providing for consideration of the amount of currency seized connected to or involved in specified gambling or gaming offenses when determining whether to release a defendant prior to trial; amending s. 921.0022, F.S.; ranking offenses for purposes of the offense severity ranking chart of the Criminal Punishment Code; amending ss. 772.102 and 895.02, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Paragraph (a) of subsection (2) of section 16.71, Florida Statutes, is amended to read:

16.71 Florida Gaming Control Commission; creation; meetings; membership.—

(2) MEMBERSHIP.—

(a) The commission shall consist of five members appointed by the Governor, and subject to confirmation by the Senate, for terms of 4 years. ~~Members of the commission must be appointed by January 1, 2022. The Governor shall consider appointees who reflect Florida's racial, ethnic, and gender diversity. Of the initial five members appointed by the Governor, and immediately upon appointment, the Governor shall appoint one of the members as the initial chair and one of the members as the initial vice chair.~~ At the end of the initial chair's and vice chair's terms pursuant to subparagraph 1., the commission shall elect one of the members of the commission as chair and one of the members of

the commission as vice chair.

1. For the purpose of providing staggered terms, of the initial appointments, two members shall be appointed to 4-year terms, two members shall be appointed to 3-year terms, and one member shall be appointed to a 2-year term.

2. Of the five members, at least one member must have at least 10 years of experience in law enforcement and criminal investigations, at least one member must be a certified public accountant licensed in this state with at least 10 years of experience in accounting and auditing, and at least one member must be an attorney admitted and authorized to practice law in this state for at least the preceding 10 years.

Section 2. Paragraph (i) of subsection (4) of section 551.104, Florida Statutes, is amended to read:

551.104 License to conduct slot machine gaming.—

(4) As a condition of licensure and to maintain continued authority for the conduct of slot machine gaming, the slot machine licensee shall:

(i) Create and file with the commission a written policy for:

1. Creating opportunities to purchase from vendors in this state~~, including minority vendors~~.

2. Creating opportunities for employment of residents of this state~~, including minority residents~~.

3. Ensuring opportunities for construction services from a small business as defined in s. 288.703 ~~minority contractors~~.

4. Ensuring that opportunities for employment are offered on an equal, nondiscriminatory basis.

5. Training for employees on responsible gaming and working

with a compulsive or addictive gambling prevention program to further its purposes as provided for in s. 551.118.

6. The implementation of a drug-testing program that includes, but is not limited to, requiring each employee to sign an agreement that he or she understands that the slot machine facility is a drug-free workplace.

The slot machine licensee shall use the Internet-based job-listing system of the Department of Commerce in advertising employment opportunities. ~~Each slot machine licensee shall provide an annual report to the Florida Gaming Control Commission containing information indicating compliance with this paragraph in regard to minority persons.~~

Section 3. Section 838.12, Florida Statutes, is amended, to read:

838.12 Bribery in athletic contests.—

(1) Whoever gives, promises, offers or conspires to give, promise or offer, to anyone who participates or expects to participate in any professional or amateur game, contest, match, race or sport; or to any umpire, referee, judge or other official of such game, contest, match, race or sport; or to any owner, manager, coach or trainer of, or to any relative of, or to any person having any direct, indirect, remote or possible connection with, any team, individual, participant or prospective participant in any such professional or amateur game, contest, match, race or sport, or the officials aforesaid, any bribe, money, goods, present, reward or any valuable thing whatsoever, or any promise, contract or agreement whatsoever, with intent to influence him or her or them to lose or cause to

be lost any game, contest, match, race or sport, or to limit his or her or their or any person's or any team's margin of victory in any game, contest, match, race, or sport, or to fix or throw any game, contest, match, race or sport, commits ~~shall be guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) Any participant or prospective participant in any professional or amateur game, contest, match, race or sport; or any umpire, referee, judge or other official of such game, contest, match, race or sport; or any owner, manager, coach or trainer of, or any relative of, or any person having any direct, indirect, remote or possible connection with, any team, individual, participant or prospective participant in any such professional or amateur game, contest, match, race or sport, or the officials aforesaid; who in any way solicits, receives or accepts, or agrees to receive or accept, or who conspires to receive or accept, any bribe, money, goods, present, reward or any valuable thing whatsoever, or any promise, contract or agreement whatsoever, with intent to lose or cause to be lost any game, contest, match, race or sport, or to limit his, her, their or any person's or any team's margin of victory in any game, contest, match, race or sport, or to fix or throw any game, contest, match, race or sport, commits ~~shall be guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) A person who stakes, bets, or wagers any money or other thing of value upon the result of any professional or amateur game, contest, match, race, or sport with knowledge that the results of such professional or amateur game, contest, match,

race, or sport are prearranged or predetermined as described in subsection (1) or subsection (2) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 4. Section 843.08, Florida Statutes, is amended to read:

843.08 False personation.—A person who falsely assumes or pretends to be a firefighter, a sheriff, an officer of the Florida Highway Patrol, an officer of the Fish and Wildlife Conservation Commission, an officer of the Department of Environmental Protection, an officer of the Department of Financial Services, any personnel or representative of the Division of Investigative and Forensic Services, any personnel or representative of the Florida Gaming Control Commission, an officer of the Department of Corrections, a correctional probation officer, a deputy sheriff, a state attorney or an assistant state attorney, a statewide prosecutor or an assistant statewide prosecutor, a state attorney investigator, a coroner, a police officer, a lottery special agent or lottery investigator, a beverage enforcement agent, a school guardian as described in s. 30.15(1)(k), a security officer licensed under chapter 493, any member of the Florida Commission on Offender Review or any administrative aide or supervisor employed by the commission, any personnel or representative of the Department of Law Enforcement, or a federal law enforcement officer as defined in s. 901.1505, and takes upon himself or herself to act as such, or to require any other person to aid or assist him or her in a matter pertaining to the duty of any such officer, commits a felony of the third degree, punishable as provided in s.

775.082, s. 775.083, or s. 775.084. However, a person who falsely personates any such officer during the course of the commission of a felony commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If the commission of the felony results in the death or personal injury of another human being, the person commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. In determining whether a defendant has violated this section, the court or jury may consider any relevant evidence, including, but not limited to, whether the defendant used lights in violation of s. 316.2397 or s. 843.081.

Section 5. Section 849.01, Florida Statutes, is amended to read:

849.01 Keeping gambling houses, etc.—Whoever by herself or himself, her or his servant, clerk or agent, or in any other manner has, keeps, exercises or maintains a gaming table or room, or gaming implements or apparatus, or house, booth, tent, shelter or other place for the purpose of gaming or gambling or in any place of which she or he may directly or indirectly have charge, control or management, either exclusively or with others, procures, suffers or permits any person to play for money or other valuable thing at any game whatever, whether heretofore prohibited or not, commits a felony ~~misdemeanor~~ of the third ~~second~~ degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

Section 6. Section 849.02, Florida Statutes, is amended to read:

849.02 Agents or employees of keeper of gambling house.—A person who ~~Whoever~~ acts as servant, clerk, agent, or employee of

any person in the violation of s. 849.01 commits:

(1) For a first offense, a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) For a second offense, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) For a third or subsequent offense, a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084 ~~shall be punished in the manner and to the extent therein mentioned~~.

Section 7. Section 849.03, Florida Statutes, is amended to read:

849.03 Renting house for gambling purposes.—A person who ~~Whoever~~, whether as owner or agent, knowingly rents to another a house, room, booth, tent, shelter or place for the purpose of gaming commits:

(1) For a first offense, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084 ~~shall be punished in the manner and to the extent mentioned in s. 849.01~~.

(2) For a second or subsequent violation, a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 8. Section 849.08, Florida Statutes, is amended to read:

849.08 Gambling.—

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

(a) "Internet gambling" means to play or engage in any game in which money or other thing of value is awarded based on chance, regardless of any application of skill, that is

available on the Internet and accessible on a mobile device, computer terminal, or other similar access device and simulates casino-style gaming, including, but not limited to, slot machines, video poker, and table games.

(b) "Internet sports wagering" means to stake, bet, or wager any money or other thing of value upon the result of any trial or contest of skill, speed, power, or endurance of human or beast that is available on the Internet and accessible on a mobile device, computer terminal, or other similar access device.

(2) A person who ~~Whoever~~ plays or engages in Internet gambling, any game at cards, keno, roulette, faro or other game of chance, at any place, by any device whatever, for money or other thing of value, commits ~~shall be guilty of~~ a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(3) A person who plays or engages in Internet sports wagering commits:

(a) For a first offense, a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(b) For a second or subsequent violation, a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(4) A person who operates, conducts, or promotes Internet gambling or Internet sports wagering, or receives in any manner whatsoever any money or other thing of value offered for the purpose of Internet gambling or Internet sports wagering, or whoever knowingly becomes the custodian or depositary of any money or other thing of value so offered, or whoever aids,

assists, abets, or influences in any manner in any of such acts, all of which are hereby forbidden, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) This section does not apply to participation in, or the conduct of, any gaming activities authorized under s. 285.710(13) and conducted pursuant to a gaming compact ratified and approved under s. 285.710(3).

Section 9. Paragraph (e) is added to subsection (12) of section 849.086, Florida Statutes, to read:

849.086 Cardrooms authorized.—

(12) PROHIBITED ACTIVITIES.—

(e) A person who manipulates or attempts to manipulate the playing cards, outcome, or payoff of a card game in a licensed cardroom by physical tampering or by use of any object, instrument, or device, whether mechanical, electrical, magnetic, or involving other means, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 10. Section 849.11, Florida Statutes, is amended to read:

849.11 Plays at games of chance by lot.—

(1) A person who ~~Whoever sets up, promotes or~~ plays in person or by the use, at least in part, of the Internet, at any game of chance by lot or with dice, cards, numbers, hazards or any other gambling device whatever for, or for the disposal of money or other thing of value or under the pretext of a sale, gift or delivery thereof, or for any right, share or interest therein, commits ~~shall be guilty of~~ a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(2) A person who sets up, operates, conducts, promotes, or receives in any manner whatsoever any money or other thing of value offered for the purpose of conduct prohibited in subsection (1), or whoever knowingly becomes the custodian or depositary of any money or other thing of value so offered, or whoever aids, assists, abets, or influences in any manner in any of such acts, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 11. Section 849.13, Florida Statutes, is amended to read:

849.13 ~~Punishment on~~ Second or subsequent conviction.—A person who commits a second or subsequent violation of the same ~~Whoever, after being convicted of an~~ offense ~~forbidden by law~~ in connection with lotteries for which there is no penalty specified for a second or subsequent violation, shall have the offense reclassified to an offense of the next higher degree~~, commits the like offense, shall be guilty of a misdemeanor of the first degree~~, punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084. For purposes of sentencing under chapter 921, a felony offense that is reclassified under this subsection is ranked one level above the ranking under s. 921.0022 or s. 921.0023 of the felony offense committed.

Section 12. Section 849.14, Florida Statutes, is amended to read:

849.14 Unlawful to bet on result of trial or contest of skill, etc.—A person who ~~Whoever~~ stakes, bets, or wagers any money or other thing of value upon the result of any trial or contest of skill, speed or power or endurance of human or beast, or whoever receives in any manner whatsoever any money or other

thing of value staked, bet, or wagered, or offered for the purpose of being staked, bet, or wagered, by or for any other person upon any such result, or whoever knowingly becomes the custodian or depositary of any money or other thing of value so staked, bet, or wagered upon any such result, or whoever aids, or assists, or abets, or influences in any manner in any of such acts all of which are hereby forbidden, commits a felony of the third degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

Section 13. Section 849.15, Florida Statutes, is amended to read:

849.15 Manufacture, sale, possession, etc., of slot machines or devices prohibited.—

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

(a) "Conviction" means a determination of guilt that is the result of a plea or a trial, regardless of whether adjudication is withheld or a plea of nolo contendere is entered.

(b) "Person of authority" means a person who, at any business, establishment, premises, or other location at which a slot machine or device is offered for play, has:

1. Actual authority to act on behalf of the business, establishment, premises, or other location where a slot machine or device is offered for play; or

2. Any ownership interest in the business, establishment, premises, or other location. The term "ownership interest" includes being an officer, director, or managing member of the business, establishment, premises, or other location.

(2)~~(1)~~ It is unlawful:

(a) To manufacture, own, store, keep, possess, sell, rent,

lease, let on shares, lend or give away, transport, or expose for sale or lease, or to offer to sell, rent, lease, let on shares, lend or give away, or permit the operation of, or for any person to permit to be placed, maintained, or used or kept in any room, space, or building owned, leased or occupied by the person or under the person's management or control, any slot machine or device or any part thereof; or

(b) To make or to permit to be made with any person any agreement with reference to any slot machine or device, pursuant to which the user thereof, as a result of any element of chance or other outcome unpredictable to him or her, may become entitled to receive any money, credit, allowance, or thing of value or additional chance or right to use such machine or device, or to receive any check, slug, token or memorandum entitling the holder to receive any money, credit, allowance or thing of value.

(3)(a) Except as provided in paragraphs (b) and (c), a person who violates subsection (2) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) A person commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if he or she violates subsection (2), and:

1. At the time of the violation, the person was a person of authority; or

2. The person has one prior conviction for a violation of this section.

(c) A person commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084,

if he or she violates subsection (2), and:

1.a. At the time of the violation, the person was a person of authority; and

b. The violation involves five or more slot machines or devices; or

2. The person has two or more prior convictions for a violation of this section.

(4)~~(2)~~ Pursuant to section 2 of that chapter of the Congress of the United States entitled "An act to prohibit transportation of gaming devices in interstate and foreign commerce," approved January 2, 1951, being ch. 1194, 64 Stat. 1134, and also designated as 15 U.S.C. ss. 1171-1177, the State of Florida, acting by and through the duly elected and qualified members of its Legislature, does hereby in this section, and in accordance with and in compliance with the provisions of section 2 of such chapter of Congress, declare and proclaim that any county of the State of Florida within which slot machine gaming is authorized pursuant to chapter 551 is exempt from the provisions of section 2 of that chapter of the Congress of the United States entitled "An act to prohibit transportation of gaming devices in interstate and foreign commerce," designated as 15 U.S.C. ss. 1171-1177, approved January 2, 1951. All shipments of gaming devices, including slot machines, into any county of this state within which slot machine gaming is authorized pursuant to chapter 551 and the registering, recording, and labeling of which have been duly performed by the manufacturer or distributor thereof in accordance with sections 3 and 4 of that chapter of the Congress of the United States entitled "An act to prohibit transportation of gaming devices in

interstate and foreign commerce," approved January 2, 1951, being ch. 1194, 64 Stat. 1134, and also designated as 15 U.S.C. ss. 1171-1177, shall be deemed legal shipments thereof into this state provided the destination of such shipments is an eligible facility as defined in s. 551.102 or the facility of a slot machine manufacturer or slot machine distributor as provided in s. 551.109(2)(a).

(5) All shipments of legal gaming devices, including legal slot machines, into Indian lands located within this state shall be deemed legal shipments thereof provided that such Indian lands are held in federal trust for the benefit of a federally recognized Indian tribe that is a party to a tribal-state compact with the state pursuant to the federal Indian Gaming Regulatory Act of 1988, 18 U.S.C. ss. 1166-1168 and 25 U.S.C. ss. 2701 et seq.

Section 14. Section 849.155, Florida Statutes, is created to read:

849.155 Trafficking in slot machines, devices, or parts.—Any person who knowingly sells, purchases, manufactures, transports, delivers, or brings into this state more than 15 slot machines or devices or any parts thereof commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If the quantity of slot machines or devices or any parts thereof involved is:

(1) More than 15 slot machines or devices or any parts thereof, but less than 25 slot machines or devices or any parts thereof, such person must be fined $100,000.

(2) 25 slot machines or devices or any parts thereof or more, but less than 50 slot machines or devices or any parts

thereof, such person must be fined $250,000.

(3) 50 slot machines or devices or any parts thereof or more, such person must be fined $500,000.

(4) Pursuant to section 2 of the chapter of the Congress of the United States entitled "An act to prohibit transportation of gaming devices in interstate and foreign commerce," approved January 2, 1951, being ch. 1194, 64 Stat. 1134, and also designated as 15 U.S.C. ss. 1171-1177, the State of Florida, acting by and through the duly elected and qualified members of its Legislature, does hereby in this section, and in accordance with and in compliance with the provisions of s. 2 of such chapter of Congress, declare and proclaim that any county of the State of Florida within which slot machine gaming is authorized pursuant to chapter 551 is exempt from the provisions of s. 2 of that chapter of the Congress of the United States entitled "An act to prohibit transportation of gaming devices in interstate and foreign commerce," designated as 15 U.S.C. ss. 1171-1177, approved January 2, 1951. All shipments of gaming devices, including slot machines, into any county of this state within which slot machine gaming is authorized pursuant to chapter 551 and the registering, recording, and labeling of which have been duly performed by the manufacturer or distributor thereof in accordance with ss. 3 and 4 of that chapter of the Congress of the United States entitled "An act to prohibit transportation of gaming devices in interstate and foreign commerce," approved January 2, 1951, being ch. 1194, 64 Stat. 1134, and also designated as 15 U.S.C. ss. 1171-1177, shall be deemed legal shipments thereof into this state provided the destination of such shipments is an eligible facility as defined in s. 551.102

or the facility of a slot machine manufacturer or slot machine distributor as provided in s. 551.109(2)(a).

(5) All shipments of legal gaming devices, including legal slot machines, into Indian lands located within the state shall be deemed legal shipments thereof provided that such Indian lands are held in federal trust for the benefit of a federally recognized Indian tribe that is a party to a tribal-state compact with the state pursuant to the federal Indian Gaming Regulatory Act of 1988, 18 U.S.C. ss. 1166-1168 and 25 U.S.C. ss. 2701 et seq.

Notwithstanding any other law, all fines imposed and collected pursuant to this section must be deposited into the Pari-mutuel Wagering Trust Fund and may be used for the enforcement of chapters 546, 550, 551, and this chapter by the Florida Gaming Control Commission.

Section 15. Section 849.157, Florida Statutes, is created to read:

849.157 Making a false or misleading statement regarding the legality of slot machines or devices to facilitate sale.—

(1) Except as provided in subsection (2), a person who knowingly and willfully makes a materially false or misleading statement or who knowingly and willfully disseminates false or misleading information regarding the legality of a slot machine or device for the purpose of facilitating the sale or delivery of a slot machine or device for any money or other valuable consideration commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) A person who violates subsection (1) when such a

violation involves the sale or delivery, or attempted sale or delivery, of five or more slot machines or devices commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 16. Section 849.23, Florida Statutes, is repealed.

Section 17. Section 849.47, Florida Statutes, is created to read:

849.47 Transporting or procuring the transportation of persons to facilitate illegal gambling.—

(1) As used in this section, the term "illegal gambling" means any criminal violation of chapter 546, chapter 550, chapter 551, or this chapter that occurs at any business, establishment, premises, or other location.

(2) Except as provided in subsection (3), a person who knowingly and willfully transports, or procures the transportation of, five or more other persons into or within this state when he or she knows or reasonably should know that such transportation is for the purpose of facilitating illegal gambling commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3)(a) A person who transports, or procures the transportation of, a minor or a person 65 years of age or older in violation of subsection (2) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) A person who transports, or procures the transportation of, 12 or more persons in violation of subsection (2) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 18. Section 849.48, Florida Statutes, is created to read:

849.48 Gambling or gaming advertisements; prohibited.—

(1) As used in this section, the term "illegal gambling" means any criminal violation of chapter 546, chapter 550, chapter 551, or this chapter which occurs at any business, establishment, premises, or other location.

(2)(a) Except as otherwise specifically authorized by law, a person may not knowingly and intentionally make, publish, disseminate, circulate, or place before the public, or cause, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public in this state, in any manner, whether in person or by the use, at least in part, of the Internet, any advertisement, circular, bill, poster, pamphlet, list, schedule, announcement, or notice for the purpose of promoting or facilitating illegal gambling.

(b) Except as otherwise specifically authorized by law, a person may not set up any type or plate for any type of advertisement, circular, bill, poster, pamphlet, list, schedule, announcement, or notice when he or she knows or reasonably should know that such material will be used for the purpose of promoting or facilitating illegal gambling.

(c) A person who violates this subsection commits:

1. For a first offense, a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

2. For a second or subsequent offense, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) This section does not prohibit the printing or

producing of any advertisement, circular, bill, poster, pamphlet, list, schedule, announcement, or notice to be used for the purpose of promoting or facilitating gambling conducted in any other state or nation, outside of this state, where such gambling is not prohibited.

Section 19. Section 849.49, Florida Statutes, is created to read:

849.49 Preemption.—No county, municipality, or other political subdivision of the state shall enact or enforce any ordinance or local rule relating to gaming, gambling, lotteries, or any activities described in s. 546.10 or this chapter, except as otherwise expressly provided by the State Constitution, general law, or special law.

Section 20. Present paragraphs (i) through (m) of subsection (2) of section 903.046, Florida Statutes, are redesignated as paragraphs (j) through (n), respectively, and a new paragraph (i) is added to that subsection, to read:

903.046 Purpose of and criteria for bail determination.—

(2) When determining whether to release a defendant on bail or other conditions, and what that bail or those conditions may be, the court shall consider:

(i) The amount of currency seized that is connected to or involved in a violation of chapter 546, chapter 550, chapter 551, or chapter 849.

Section 21. Paragraphs (a), (c), (e), and (g) of subsection (3) of section 921.0022, Florida Statutes, are amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(a) LEVEL 1

Florida Statute	Felony Degree	Description
24.118(3)(a)	3rd	Counterfeit or altered state lottery ticket.
104.0616(2)	3rd	Unlawfully distributing, ordering, requesting, collecting, delivering, or possessing vote-by-mail ballots.
212.054(2)(b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
212.15(2)(b)	3rd	Failure to remit sales taxes, amount $1,000 or more but less than $20,000.
316.1935(1)	3rd	Fleeing or attempting to elude law enforcement officer.
319.30(5)	3rd	Sell, exchange, give away certificate of title or identification number plate.

319.35(1)(a)	3rd	Tamper, adjust, change, etc., an odometer.
320.26(1)(a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
322.212 (1)(a)-(c)	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver license; possession of simulated identification.
322.212(4)	3rd	Supply or aid in supplying unauthorized driver license or identification card.
322.212(5)(a)	3rd	False application for driver license or identification card.
414.39(3)(a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than $200.
443.071(1)	3rd	False statement or representation to obtain or increase reemployment

		assistance benefits.
509.151(1)	3rd	Defraud an innkeeper, food or lodging value $1,000 or more.
517.302(1)	3rd	Violation of the Florida Securities and Investor Protection Act.
713.69	3rd	Tenant removes property upon which lien has accrued, value $1,000 or more.
812.014(3)(c)	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).
815.04(4)(a)	3rd	Offense against intellectual property (i.e., computer programs, data).
817.52(2)	3rd	Hiring with intent to defraud, motor vehicle services.
817.569(2)	3rd	Use of public record or public records information or providing false information to facilitate commission of a felony.

826.01	3rd	Bigamy.
828.122(3)	3rd	Fighting or baiting animals.
831.04(1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
831.31(1)(a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
832.041(1)	3rd	Stopping payment with intent to defraud $150 or more.
832.05(2)(b) & (4)(c)	3rd	Knowing, making, issuing worthless checks $150 or more or obtaining property in return for worthless check $150 or more.
838.15(2)	3rd	Commercial bribe receiving.
838.16	3rd	Commercial bribery.
843.18	3rd	Fleeing by boat to elude a law enforcement officer.
847.011(1)(a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
~~849.09(1)(a)-(d)~~	~~3rd~~	~~Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.~~
~~849.23~~	~~3rd~~	~~Gambling-related machines; "common offender" as to property rights.~~
~~849.25(2)~~	~~3rd~~	~~Engaging in bookmaking.~~
860.08	3rd	Interfere with a railroad signal.
860.13(1)(a)	3rd	Operate aircraft while under the influence.
893.13(2)(a)2.	3rd	Purchase of cannabis.
893.13(6)(a)	3rd	Possession of cannabis (more than 20 grams).

934.03(1)(a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.

(c) LEVEL 3

Florida Statute	Felony Degree	Description
119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
316.066 (3)(b)-(d)	3rd	Unlawfully obtaining or using confidential crash reports.
316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
327.35(2)(b)	3rd	Felony BUI.
328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
379.2431 (1)(e)5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring,

		selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.
379.2431 (1)(e)6.	3rd	Possessing any marine turtle species or hatchling, or parts thereof, or the nest of any marine turtle species described in the Marine Turtle Protection Act.
379.2431 (1)(e)7.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
400.9935(4)(a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.
400.9935(4)(e)	3rd	Filing a false license application or other required information or failing to report information.
440.1051(3)	3rd	False report of workers'

		compensation fraud or retaliation for making such a report.
501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
624.401(4)(a)	3rd	Transacting insurance without a certificate of authority.
624.401(4)(b)1.	3rd	Transacting insurance without a certificate of authority; premium collected less than $20,000.
626.902(1)(a) & (b)	3rd	Representing an unauthorized insurer.
697.08	3rd	Equity skimming.
790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
794.053	3rd	Lewd or lascivious written solicitation of a person 16 or 17 years of age by a person 24

		years of age or older.
806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
810.09(2)(b)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
810.145(2)(c)	3rd	Digital voyeurism; 19 years of age or older.
812.014(2)(c)2.	3rd	Grand theft; $5,000 or more but less than $10,000.
812.0145(2)(c)	3rd	Theft from person 65 years of age or older; $300 or more but less than $10,000.
812.015(8)(b)	3rd	Retail theft with intent to sell; conspires with others.
812.081(2)	3rd	Theft of a trade secret.

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

815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.
817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than $20,000.
817.233	3rd	Burning to defraud insurer.
817.234 (8)(b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
817.234(11)(a)	3rd	Insurance fraud; property value less than $20,000.
817.236	3rd	Filing a false motor vehicle insurance application.
817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
817.413(2)	3rd	Sale of used goods of $1,000 or more as new.

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

817.49(2)(b)1.	3rd	Willful making of a false report of a crime causing great bodily harm, permanent disfigurement, or permanent disability.
831.28(2)(a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument with intent to defraud.
831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
836.13(2)	3rd	Person who promotes an altered sexual depiction of an identifiable person without consent.
838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
838.12(3)	3rd	Betting on a predetermined or prearranged professional or amateur game, contest, match, race, or sport.

849.01	3rd	Keeping a gambling house.
849.02(2)	3rd	Agents or employees of keeper of gambling house.
849.03(1)	3rd	Renting house for gambling purposes.
849.08(4)	3rd	Operating, conducting, promoting, aiding, abetting, assisting Internet gambling and Internet sports wagering.
849.086(12)(e)	3rd	Tampering with cards or card games.
849.09(1)(a)-(d)	3rd	Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.
849.09(1)(e), (f), (g), (i), or (k)	3rd	Conducting an unlawful lottery; second or subsequent offense.
849.09(1)(h) or	3rd	Conducting an unlawful lottery;

(j)		second or subsequent offense.
849.11(2)	3rd	Offenses relating to games of chance.
849.14	3rd	Betting on result of trial or contest of skill, etc.
849.15(3)(b)	3rd	Manufacture, sale, or possession of slot machine; by person of authority or with prior conviction.
849.157(1)	3rd	False or misleading statement to facilitate sale of slot machines or devices.
849.25(2)	3rd	Engaging in bookmaking.
849.47(3)(a) & (b)	3rd	Transporting persons to facilitate illegal gambling; minor, person 65 years of age or older, or 12 or more persons.
849.48(2)(c)	3rd	Illegal gambling advertising.
847.01385	3rd	Harmful communication to a

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

		minor.
860.15(3)	3rd	Overcharging for repairs and parts.
870.01(2)	3rd	Riot.
870.01(4)	3rd	Inciting a riot.
893.13(1)(a)2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs).
893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of university.
893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs

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

		within 1,000 feet of public housing facility.
893.13(4)(c)	3rd	Use or hire of minor; deliver to minor other controlled substances.
893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
893.13(7)(a)8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.
893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.

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

893.13(8)(a)1.	3rd	Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.
893.13(8)(a)2.	3rd	Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.
893.13(8)(a)3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
893.13(8)(a)4.	3rd	Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.

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

918.13(1)	3rd	Tampering with or fabricating physical evidence.
944.47 (1)(a)1. & 2.	3rd	Introduce contraband to correctional facility.
944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).

(e) LEVEL 5

Florida Statute	Felony Degree	Description
316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
316.80(2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
379.365(2)(c)1.	3rd	Violation of rules relating to: willful molestation of stone crab traps, lines, or buoys; illegal bartering, trading, or sale, conspiring or aiding in such barter, trade, or sale, or supplying, agreeing to supply, aiding in supplying, or giving away stone crab trap tags or certificates; making, altering, forging, counterfeiting, or reproducing stone crab trap tags; possession of forged, counterfeit, or imitation stone crab trap tags; and engaging in the commercial harvest of stone crabs while license is suspended or revoked.

379.367(4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
379.407(5)(b)3.	3rd	Possession of 100 or more undersized spiny lobsters.
381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
440.10(1)(g)	2nd	Failure to obtain workers' compensation coverage.
440.105(5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
440.381(2)	3rd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
624.401(4)(b)2.	2nd	Transacting insurance without a certificate or authority; premium collected $20,000 or more but less than $100,000.
626.902(1)(c)	2nd	Representing an unauthorized

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

		insurer; repeat offender.
790.01(3)	3rd	Unlawful carrying of a concealed firearm.
790.162	2nd	Threat to throw or discharge destructive device.
790.163(1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
790.221(1)	2nd	Possession of short-barreled shotgun or machine gun.
790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
796.05(1)	2nd	Live on earnings of a prostitute; 1st offense.
800.04(6)(c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
800.04(7)(b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or

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

		older.
806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
810.145(4)(c)	3rd	Commercial digital voyeurism dissemination.
810.145(7)(a)	2nd	Digital voyeurism; 2nd or subsequent offense.
810.145(8)(a)	2nd	Digital voyeurism; certain minor victims.
812.014(2)(d)3.	2nd	Grand theft, 2nd degree; theft from 20 or more dwellings or their unenclosed curtilage, or any combination.
812.0145(2)(b)	2nd	Theft from person 65 years of age or older; $10,000 or more but less than $50,000.
812.015 (8)(a) & (c)-(e)	3rd	Retail theft; property stolen is valued at $750 or more and one or more specified acts.

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

812.015(8)(f)	3rd	Retail theft; multiple thefts within specified period.
812.015(8)(g)	3rd	Retail theft; committed with specified number of other persons.
812.019(1)	2nd	Stolen property; dealing in or trafficking in.
812.081(3)	2nd	Trafficking in trade secrets.
812.131(2)(b)	3rd	Robbery by sudden snatching.
812.16(2)	3rd	Owning, operating, or conducting a chop shop.
817.034(4)(a)2.	2nd	Communications fraud, value $20,000 to $50,000.
817.234(11)(b)	2nd	Insurance fraud; property value $20,000 or more but less than $100,000.
817.2341(1), (2)(a) & (3)(a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the

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

		solvency of an insuring entity.
817.568(2)(b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, $5,000 or more or use of personal identification information of 10 or more persons.
817.611(2)(a)	2nd	Traffic in or possess 5 to 14 counterfeit credit cards or related documents.
817.625(2)(b)	2nd	Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.
825.1025(4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.

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

836.14(4)	2nd	Person who willfully promotes for financial gain a sexually explicit image of an identifiable person without consent.
839.13(2)(b)	2nd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.
843.01(1)	3rd	Resist officer with violence to person; resist arrest with violence.
847.0135(5)(b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
849.02(3)	2nd	Agents or employees of keeper of gambling house, 3rd or

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

		subsequent offense.
849.03(2)	2nd	Renting house for gambling purposes.
849.15(3)(c)	2nd	Manufacture, sale, or possession of a slot machine; by a person of authority of five or more machines or two or more prior convictions.
849.157(2)	2nd	False or misleading statement to facilitate sale of slot machines or devices; five or more machines.
849.25(3)	2nd	Bookmaking; second or subsequent offense.
874.05(1)(b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
874.05(2)(a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
893.13(1)(a)1.	2nd	Sell, manufacture, or deliver

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

		cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. drugs).
893.13(1)(c)2.	2nd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
893.13(1)(d)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. drugs) within 1,000 feet of university.
893.13(1)(e)2.	2nd	Sell, manufacture, or deliver cannabis or other drug prohibited under s. 893.03(1)(c), (2)(c)1.,

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

		(2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) within 1,000 feet of property used for religious services or a specified business site.
893.13(1)(f)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)5. drugs) within 1,000 feet of public housing facility.
893.13(4)(b)	2nd	Use or hire of minor; deliver to minor other controlled substance.
893.1351(1)	3rd	Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.

(g) LEVEL 7

Florida Statute	Felony Degree	Description
316.027(2)(c)	1st	Accident involving death, failure to stop; leaving scene.
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
409.920 (2)(b)1.a.	3rd	Medicaid provider fraud; $10,000 or less.
409.920 (2)(b)1.b.	2nd	Medicaid provider fraud; more than $10,000, but less than $50,000.

456.065(2)	3rd	Practicing a health care profession without a license.
456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
458.327(1)	3rd	Practicing medicine without a license.
459.013(1)	3rd	Practicing osteopathic medicine without a license.
460.411(1)	3rd	Practicing chiropractic medicine without a license.
461.012(1)	3rd	Practicing podiatric medicine without a license.
462.17	3rd	Practicing naturopathy without a license.
463.015(1)	3rd	Practicing optometry without a license.
464.016(1)	3rd	Practicing nursing without a license.

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

465.015(2)	3rd	Practicing pharmacy without a license.
466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
467.201	3rd	Practicing midwifery without a license.
468.366	3rd	Delivering respiratory care services without a license.
483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
483.901(7)	3rd	Practicing medical physics without a license.
484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
484.053	3rd	Dispensing hearing aids without a license.
494.0018(2)	1st	Conviction of any violation of chapter 494 in which the total money and property unlawfully

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

		obtained exceeded $50,000 and there were five or more victims.
560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding $300 but less than $20,000 by a money services business.
560.125(5)(a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding $300 but less than $20,000.
655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding $300 but less than $20,000 by financial institution.
775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.
775.21(10)(b)	3rd	Sexual predator working where children regularly congregate.

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

775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
782.071	2nd	Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).
782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great

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

		bodily harm or disfigurement.
784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
784.048(7)	3rd	Aggravated stalking; violation of court order.
784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.
784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
784.081(1)	1st	Aggravated battery on specified official or employee.
784.082(1)	1st	Aggravated battery by detained person on visitor or other

		detainee.
784.083(1)	1st	Aggravated battery on code inspector.
787.06(3)(a)2.	1st	Human trafficking using coercion for labor and services of an adult.
787.06(3)(e)2.	1st	Human trafficking using coercion for labor and services by the transfer or transport of an adult from outside Florida to within the state.
790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
790.16(1)	1st	Discharge of a machine gun under specified circumstances.
790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or

		attempting to commit a felony.
790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
790.23	1st,PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
794.08(4)	3rd	Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.
796.05(1)	1st	Live on earnings of a prostitute; 2nd offense.
796.05(1)	1st	Live on earnings of a prostitute; 3rd and subsequent offense.

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

800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
800.04(5)(c)2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years of age; offender 18 years of age or older.
800.04(5)(e)	1st	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense.
806.01(2)	2nd	Maliciously damage structure by fire or explosive.
810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.

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

810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
810.02(3)(e)	2nd	Burglary of authorized emergency vehicle.
812.014(2)(a)1.	1st	Property stolen, valued at $100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.
812.014(2)(b)2.	2nd	Property stolen, cargo valued at less than $50,000, grand theft in 2nd degree.
812.014(2)(b)3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
812.014(2)(b)4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
812.014(2)(g)	2nd	Grand theft; second degree; firearm with previous

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

		conviction of s. 812.014(2)(c)5.
812.0145(2)(a)	1st	Theft from person 65 years of age or older; $50,000 or more.
812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
812.131(2)(a)	2nd	Robbery by sudden snatching.
812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
817.034(4)(a)1.	1st	Communications fraud, value greater than $50,000.
817.234(8)(a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
817.234(9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
817.234(11)(c)	1st	Insurance fraud; property value $100,000 or more.

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

817.2341 (2)(b) & (3)(b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
817.418(2)(a)	3rd	Offering for sale or advertising personal protective equipment with intent to defraud.
817.504(1)(a)	3rd	Offering or advertising a vaccine with intent to defraud.
817.535(2)(a)	3rd	Filing false lien or other unauthorized document.
817.611(2)(b)	2nd	Traffic in or possess 15 to 49 counterfeit credit cards or related documents.
825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.

825.103(3)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at $10,000 or more, but less than $50,000.
827.03(2)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
827.071(4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes child pornography.
837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
838.015	2nd	Bribery.
838.016	2nd	Unlawful compensation or reward

		for official behavior.
838.021(3)(a)	2nd	Unlawful harm to a public servant.
838.22	2nd	Bid tampering.
843.0855(2)	3rd	Impersonation of a public officer or employee.
843.0855(3)	3rd	Unlawful simulation of legal process.
843.0855(4)	3rd	Intimidation of a public officer or employee.
847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
849.155	1st	Trafficking in slot machines or devices or any parts thereof.
872.06	2nd	Abuse of a dead human body.
874.05(2)(b)	1st	Encouraging or recruiting

		person under 13 to join a criminal gang; second or subsequent offense.
874.10	1st,PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
893.13(1)(e)1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5., within 1,000 feet of property used for religious services or a specified business site.

893.13(4)(a)	1st	Use or hire of minor; deliver to minor other controlled substance.
893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
893.135 (1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
893.135 (1)(c)2.a.	1st	Trafficking in hydrocodone, 28 grams or more, less than 50 grams.
893.135 (1)(c)2.b.	1st	Trafficking in hydrocodone, 50 grams or more, less than 100 grams.
893.135 (1)(c)3.a.	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.

893.135 (1)(c)3.b.	1st	Trafficking in oxycodone, 14 grams or more, less than 25 grams.
893.135 (1)(c)4.b.(I)	1st	Trafficking in fentanyl, 4 grams or more, less than 14 grams.
893.135 (1)(d)1.a.	1st	Trafficking in phencyclidine, 28 grams or more, less than 200 grams.
893.135(1)(e)1.	1st	Trafficking in methaqualone, 200 grams or more, less than 5 kilograms.
893.135(1)(f)1.	1st	Trafficking in amphetamine, 14 grams or more, less than 28 grams.
893.135 (1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
893.135 (1)(h)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.

893.135 (1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
893.135 (1)(k)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
893.135 (1)(m)2.a.	1st	Trafficking in synthetic cannabinoids, 280 grams or more, less than 500 grams.
893.135 (1)(m)2.b.	1st	Trafficking in synthetic cannabinoids, 500 grams or more, less than 1,000 grams.
893.135 (1)(n)2.a.	1st	Trafficking in n-benzyl phenethylamines, 14 grams or more, less than 100 grams.
893.1351(2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
896.101(5)(a)	3rd	Money laundering, financial transactions exceeding $300 but less than $20,000.
896.104(4)(a)1.	3rd	Structuring transactions to

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

		evade reporting or registration requirements, financial transactions exceeding $300 but less than $20,000.
943.0435(4)(c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
943.0435(9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
943.0435(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

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

944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

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

985.4815(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

Section 22. Paragraph (a) of subsection (1) and paragraph (a) of subsection (2) of section 772.102, Florida Statutes, are amended to read:

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

(1) "Criminal activity" means to commit, to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit:

(a) Any crime that is chargeable by indictment or information under the following provisions:

1. Section 210.18, relating to evasion of payment of cigarette taxes.

2. Section 414.39, relating to public assistance fraud.

3. Section 440.105 or s. 440.106, relating to workers' compensation.

4. Part IV of chapter 501, relating to telemarketing.

5. Chapter 517, relating to securities transactions.

6. Section 550.235 or s. 550.3551, relating to dogracing and horseracing.

7. Chapter 550, relating to jai alai frontons.

8. Chapter 552, relating to the manufacture, distribution, and use of explosives.

9. Chapter 562, relating to beverage law enforcement.

10. Section 624.401, relating to transacting insurance

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

without a certificate of authority, s. 624.437(4)(c)1., relating to operating an unauthorized multiple-employer welfare arrangement, or s. 626.902(1)(b), relating to representing or aiding an unauthorized insurer.

11. Chapter 687, relating to interest and usurious practices.

12. Section 721.08, s. 721.09, or s. 721.13, relating to real estate timeshare plans.

13. Chapter 782, relating to homicide.

14. Chapter 784, relating to assault and battery.

15. Chapter 787, relating to kidnapping or human trafficking.

16. Chapter 790, relating to weapons and firearms.

17. Former s. 796.03, s. 796.04, s. 796.05, or s. 796.07, relating to prostitution.

18. Chapter 806, relating to arson.

19. Section 810.02(2)(c), relating to specified burglary of a dwelling or structure.

20. Chapter 812, relating to theft, robbery, and related crimes.

21. Chapter 815, relating to computer-related crimes.

22. Chapter 817, relating to fraudulent practices, false pretenses, fraud generally, and credit card crimes.

23. Section 827.071, relating to commercial sexual exploitation of children.

24. Chapter 831, relating to forgery and counterfeiting.

25. Chapter 832, relating to issuance of worthless checks and drafts.

26. Section 836.05, relating to extortion.

27. Chapter 837, relating to perjury.

28. Chapter 838, relating to bribery and misuse of public office.

29. Chapter 843, relating to obstruction of justice.

30. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or s. 847.07, relating to obscene literature and profanity.

31. Section 849.09, s. 849.14, s. 849.15, ~~s. 849.23,~~ or s. 849.25, relating to gambling.

32. Chapter 893, relating to drug abuse prevention and control.

33. Section 914.22 or s. 914.23, relating to witnesses, victims, or informants.

34. Section 918.12 or s. 918.13, relating to tampering with jurors and evidence.

(2) "Unlawful debt" means any money or other thing of value constituting principal or interest of a debt that is legally unenforceable in this state in whole or in part because the debt was incurred or contracted:

(a) In violation of any one of the following provisions of law:

1. Section 550.235 or s. 550.3551, relating to dogracing and horseracing.

2. Chapter 550, relating to jai alai frontons.

3. Section 687.071, relating to criminal usury and loan sharking.

4. Section 849.09, s. 849.14, s. 849.15, ~~s. 849.23,~~ or s. 849.25, relating to gambling.

Section 23. Paragraph (a) of subsection (12) of section 895.02, Florida Statutes, is amended to read:

895.02 Definitions.—As used in ss. 895.01-895.08, the term:

(12) "Unlawful debt" means any money or other thing of value constituting principal or interest of a debt that is legally unenforceable in this state in whole or in part because the debt was incurred or contracted:

(a) In violation of any one of the following provisions of law:

1. Section 550.235 or s. 550.3551, relating to dogracing and horseracing.

2. Chapter 550, relating to jai alai frontons.

3. Section 551.109, relating to slot machine gaming.

4. Chapter 687, relating to interest and usury.

5. Section 849.09, s. 849.14, s. 849.15, ~~s. 849.23,~~ or s. 849.25, relating to gambling.

Section 24. 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 Jennifer Bradley, Chair
Committee on Regulated Industries

Subject: Committee Agenda Request

Date: March 9th, 2025

I respectfully request that **Senate Bill #1404**, relating to Gambling, 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
Senate professional staff conducting the meeting

3/25/25
Meeting Date

Regulated Industries
Committee

SB 1404
Bill Number or Topic

Amendment Barcode (if applicable)

Name Allie McNair

Phone 8505661979

Address 2167 Mahan Dr.
Street

Email amcnair@flsheriffs.org

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 Sheriffs 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)

3/25/25
Meeting Date

Rules
Committee

The Florida Senate

APPEARANCE RECORD

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

SB 1409
Bill Number or Topic

Amendment Barcode (if applicable)

Name State Attorney Jack Campbell

Phone 606-6012

Address Florida Prosecuting Attorneys

Email

Street

Tallahassee FL

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.

[ ] 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

3/25/25
Meeting Date

REGULATED INDUSTRIES
Committee

SB 1404
Bill Number or Topic

Amendment Barcode (if applicable)

Name DAVID ROBERTS

Phone 850-443-4820

Address P.O. BOX 383
Street

Email david@norrob.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:

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

AMUSEMENT MACHINES OPERATORS ASSOC. 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

APPEARANCE RECORD

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

03/25/25
Meeting Date

Regulated Industries
Committee

SB 1404
Bill Number or Topic

Amendment Barcode (if applicable)

Name Acting Executive Director, Ross Marshman

Phone 8507948073

Address 4070 Esplanade Way Suite 250
Street

Email ross.marshman@flgaming.gov

Tallahassee FL 32399
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 Gaming Control Commission

☐ 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

3/25/25
Meeting Date

Regulated Industries
Committee

1404
Bill Number or Topic

Amendment Barcode (if applicable)

Name Sean Golden

Phone 850-210-2586

Address 251 Levy Bay Rd
Street

Email seangolden@gmail.com

Panacea FL 32346
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

3/25/25
Meeting Date

1404
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Stuart Scott

Phone 850 443 8769

Address 958 ALACHUA AVE
Street

Email stuartscottfl@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:

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

3/25/25
Meeting Date

Reg. Industries
Committee

1404
Bill Number or Topic

Amendment Barcode (if applicable)

Name Kelli Dougherty

Phone 850-322-5666

Address 1622 Paula Dr.
Street

Email kdoc21@comcast.net

Tallahassee, 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:

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

3/25
Meeting Date

Rsg. Interests
Committee

1404
Bill Number or Topic

Amendment Barcode (if applicable)

Name Bill Helmich

Phone 850-251-3126

Address 303 Jonas 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:

☐ 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

3-25-25
Meeting Date

SB 1404 - Gaming
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Shelley Jefferson

Phone 352 418-7008

Address PO Box 684
Street

Email Shelleyjtractor@GMail.com

Steinhatchee FL 32359
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

3/24/25
Meeting Date

Rules
Committee

1404
Bill Number or Topic

Amendment Barcode (if applicable)

Name ERIC KING

Phone 954.445.1077

Address 6119 Ox Bottom Manor Dr
Street

Email ericking@comcast.net

Tallahassee 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:

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

3-25-25
Meeting Date

SB 1404
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name John Pemrick Lewis

Phone 6196029000

Address 657 Litchfield Ct.
Street
Tallahassee, FL 32312
City State Zip

Email JohnPemrickLewis@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:

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

3-25-25
Meeting Date

Reg. Industries
Committee

1404
Bill Number or Topic

Amendment Barcode (if applicable)

Name Frank Roycraft

Phone 850-656-6714

Address 1714 Silverwood Dr
Street

Email fdroycraft@hotmail.com

Tall 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:

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

3/25/25
Meeting Date

Regulated Industries
Committee

SB 1404
Bill Number or Topic

Amendment Barcode (if applicable)

Name Aaron DiPietro

Phone 904-608-4471

Address P.O Box 530103
Street

Email aaron@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)

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

3/25/25
Meeting Date

REGULATED IND
Committee

SB 1404
Bill Number or Topic

Amendment Barcode (if applicable)

Name RALPH HABEN

Phone 850 545 6401

Address 1843 WINERY WAY
Street

Email RALPH@RALPHHABEN.COM

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:

☐ 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

3/26/2025
Meeting Date

Senate Reg. Ind.
Committee

SB 1404
Bill Number or Topic

Amendment Barcode (if applicable)

Name Gale Fontaine Florida Charity Bingo Association Phone (954) 444-8645

Address 2461 N. Powerline Rd. Email galefontaine@yahoo.com
Street

Pompano FL 33069
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

3-25-25
Meeting Date

1404
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Cynthia Laskowski

Phone 9047049791

Address 2510 Melody Circle #2
Street

Email cmdr@floridalegion
Post13.org

Tallahassee FL 32310
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)

3/25/25
Meeting Date

The Florida Senate

APPEARANCE RECORD

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

SB 1404
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Jim DIETRICH Phone

Address PO. BOX 777 STEINHATCHEE FL Email jjdietrich@yahoo.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

03/25/2025
Meeting Date

SB 1404 Gaming
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Debbie Goddard

Phone 352-356-9433

Address PO Box 684
Street

Email goddard_d@yahoo.com

Steinhatchee FL 32359
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)

STATE OF NEVADA

OFFICE OF THE ATTORNEY GENERAL

555 East Washington Avenue, #3900
Las Vegas, Nevada 89101-1068

ADAM PAUL LAXALT
Attorney General

WESLEY K. DUNCAN
Assistant Attorney General
NICHOLAS A. TRUTANICH
Assistant Attorney General

MEMORANDUM

Date: October 16, 2015

To: A.G. Burnett, Chairman, Nevada Gaming Control Board; Terry Johnson, Member, Nevada Gaming Control Board; Shawn Reid, Member, Nevada Gaming Control Board

From: J. Brin Gibson, Bureau Chief of Gaming and Government Affairs
Ketan D. Bhirud, Head of Complex Litigation

Subject: Legality of Daily Fantasy Sports Under Nevada Law

You have requested that our Office research the legality of daily fantasy sports under the Nevada Gaming Control Act and Nevada Gaming Commission Regulations.

Pursuant to NRS 463.0199, the Office of the Nevada Attorney General serves as legal counsel to the Nevada Gaming Control Board and the Nevada Gaming Commission. In particular, the Gaming Division within the Office of the Nevada Attorney General provides legal advice to both regulatory agencies upon request. This memorandum was drafted in response to such a request made by the Nevada Gaming Control Board and is strictly a legal analysis. In developing this analysis, our division has expressly rejected any consideration regarding claims of a double standard for daily fantasy sports as measured against the regulation of traditional sports wagering, the popularity of daily fantasy sports, the general demand for daily fantasy sports products, or the existence or potential for partnerships between daily fantasy sports operators and important industries. Furthermore, while this Office recognizes that there are strong voices on both sides of the policy debate surrounding daily fantasy sports, our goal, above all, is to provide legal advice that shows complete fidelity to the law. We believe this opinion accomplishes that purpose.

QUESTION

Do daily fantasy sports constitute gambling games, sports pools, and/or lotteries under the Nevada Gaming Control Act and Gaming Commission Regulations?

SHORT ANSWER

In short, daily fantasy sports constitute sports pools and gambling games. They may also constitute lotteries, depending on the test applied by the Nevada Supreme Court. As a result, pay-to-play daily fantasy sports cannot be offered in Nevada without licensure.[1]

ANALYSIS

I. Background

A. General Description of Fantasy Sports

Fantasy sports are games where the participants, as "owners," assemble "simulated teams" with rosters and/or lineups of actual players of a professional sport. These games are generally played over the Internet using computer or mobile software applications. Fantasy sports cover a number of actual professional sports leagues, including the NFL, the MLB, the NBA, the NHL, the MLS, NASCAR, as well as college sports such as NCAA football and basketball.

Fantasy sports can be divided into two types: (1) traditional fantasy sports, which track player performance over the majority of a season, and (2) daily fantasy sports, which track player performance over a single game. The owners of these simulated teams compete against one another based on the statistical performance of actual players in actual games. The actual players' performance in specific sporting events is converted into "fantasy points" such that each actual player is assigned a specific score. An owner will then receive a total score that is determined by compiling the individual scores of each player in the owner's lineup. Thus, although the owners select lineups, once the lineup has been selected—at least in the context of daily fantasy sports—the owners have basically no ability to control the outcome of the

---

[1] This conclusion—that daily fantasy sports are gambling—is consistent with how operators of certain daily fantasy sports describe themselves. For example, Jason Robins (the owner, co-founder, and CEO of DraftKings) stated that the concept for DraftKings.com was "almost identical to a casino." Mr. Robins made these comments on Reddit.com, which is an entertainment, social networking, and news website where registered community members can submit content, such as text posts or direct links, making it essentially an online bulletin board system. The website contains a section titled "/r/IAma," which generally translates to "ask me anything." On the thread that he started, Mr. Robins engages in an online discussion about how he and two friends started DraftKings, Inc. *See* https://www.reddit.com/r/IAmA/comments/x5zrn/we_quit_our_jobs_to_pursue_a_dream_of_starting_a/. Similarly, DraftKings' has applied for and received licenses to operate in the United Kingdom. http://www.prnewswire.com/news-releases/draftkings-announces-international-expansion-300129047.html . Although there is no question that the gambling laws of the United Kingdom and Nevada are fundamentally different, it is still noteworthy that the licenses in question are for "pool betting" and "gambling software," and that DraftKings does not include either of those terms in its press release. Instead, DraftKings simply states that "the company has been granted a license to operate in the United Kingdom," without identifying the licenses at issue. It appears that DraftKings recognizes the appearance of inconsistency between its position that it should be unregulated in the United States and its decision to submit to gaming regulation in the United Kingdom.

simulated games.[2] Specifically, the owners of the simulated teams have no ability to control how many points their simulated teams receive from an actual player's performance. The actual players in the actual games control their own performance. As a result, after an owner places a bet and sets a final lineup, the owner has no ability to influence the outcome of a simulated game. At that point, the owner waits to see what happens based upon the performance of the actual players selected.

B. Player Selection

The three most common methods of player selection in fantasy sports are (1) a snake draft; (2) an auction draft; and (3) a salary-cap draft.[3] In a snake draft, owners take turns drafting actual players for their simulated teams. In an auction draft, each owner has a maximum budget to use to bid for players. Competing owners, however, cannot select the same actual players for their simulated teams as other owners. Daily fantasy sports do not generally utilize a snake draft or an auction draft.

In a salary-cap draft, just like in an auction draft, each owner has a maximum budget. Unlike in an auction draft, however, the owners do not bid against each other. Instead, each actual player has a set fantasy salary. Although (with a few exceptions)[4] the owners can select any actual player for their teams, the owners cannot exceed their maximum budget. In this format, generally speaking, competing owners can select the same actual players for their simulated teams as other owners.

C. Types of Simulated Games

Although there are many different types of simulated games offered across the different daily fantasy websites, the simulated games can generally be divided into (1) head-to-head; and (2) tournaments.

In head-to-head simulated games, one owner competes against another owner. The owner with the highest total score will win the entire payout pool.

Tournaments are simulated games that involve more than two owners. Although there are theoretically many different kinds of tournaments, the most common are (1) 50/50; (2) double-up; (3) triple-up/quadruple-up/quintuple-up/etc.; and (4) top-X.

Although 50/50 and double-up simulated games are very similar (and some sites use the terms interchangeably), they are not necessarily identical. In a traditional 50/50 simulated game, an owner's goal is to end up in the top half of total scores. Owners who finish in the top half will equally split the payout pool. As a result, half the owners will lose their entry fee and half the owners will win. The winning owners, however, will not actually "double" their entry fee because the site operator will take a "rake"[5] from every owner who participates. For example,

---

[2] Given that lineups on some sites do not "lock" until the start of each individual game, the owners have until the tipoff of each individual game to set each particular lineup spot.

[3] Because it is not relevant to daily fantasy sports, dynasty and keeper league options are not discussed.

[4] For example, most sites require owners to select actual players from at least three different actual teams.

[5] A rake is a fee taken by an operator of a game.

in a 100 person, 50/50 simulated game with a $10 entry fee, the 50 highest scoring owners would receive $18, the 50 lowest scoring owners would receive $0, and the site operator would receive $100 as a rake. By contrast, in a double-up simulated game, the site operator might allow 110 owners into the simulated game, while only paying the owners with the top 50 scores. In that scenario, an owner finishing in the top 50 scores would receive $20, an owner finishing in the bottom 60 scores would receive $0, and the operator would take a $100 rake.

Triple-up, quadruple-up, and quintuple-up simulated games are similar to double-up simulated games, except that instead of the opportunity to double their money, the owners have the opportunity to triple, quadruple, or quintuple their money. For example, in a triple-up league, the top third splits the payout pool; in a quadruple-up league, the top fourth splits the payout pool; and in a quintuple-up league, the top fifth of the league splits the payout pool. Similar to a double-up simulated game, site operators generally will pay less than one-third, one-fourth, or one-fifth of the total wagers placed, respectively.

In a top-X simulated game, which can consist of up to thousands of owners, the owners finishing with a total score in the top-X (top 1, top 2, top 3, etc.) will split the payout pool (either evenly or with progressively more based on how high they finish). For example, in a 100 person, top 3 simulated game with a $10 entry fee, the first place finisher might receive $500, the second place finisher might receive $300, the third place finisher might receive $100, and the operator would take a $100 rake.

D. Guaranteed and Non-Guaranteed Simulated Games

Daily fantasy sports operators often offer both simulated games that are guaranteed and simulated games that are non-guaranteed. If a simulated game is guaranteed, the winners will be paid out regardless of how many owners enter the simulated game. If a simulated game is non-guaranteed, the simulated game will be cancelled unless a certain number of owners participate. If a non-guaranteed simulated game is cancelled, the entry fees will be fully refunded.

II. Preliminary Discussion

A. Determinations of Skill Versus Chance Under Nevada Law

In the context of addressing the legality of fantasy sports, the question of whether skill or chance is involved is often deemed important. However, under Title 41 of the Nevada Revised Statutes, the determination of whether an activity involves skill, chance, or some combination of the two, is relevant only when analyzing lotteries. By contrast, the determination of whether an activity constitutes a gambling game or a sports pool under Nevada law does not require analysis of the level of skill involved. This distinction was made crystal clear by the passage of Senate Bill (SB) 9 during the 2015 Nevada Legislative Session, which distinguishes between games of skill, games of chance, and hybrid games of both skill and chance, while recognizing that all three are gambling games.

1. Lottery

Nevada Revised Statute 462.105(1) defines "lottery" as follows:

> 1. Except as otherwise provided in subsection 2, "lottery" means any scheme for the disposal or distribution of property, **by chance**, among persons who have paid or promised to pay any valuable

> consideration for the chance of obtaining that property, or a portion of it, or for any share or interest in that property upon any agreement, understanding or expectation that it is to be distributed or disposed of **by lot or chance**, whether called a lottery, raffle or gift enterprise, or by whatever name it may be known.[6]

Accordingly, there are three essential elements for a lottery: (1) prize; (2) chance; and (3) consideration. If any one of these elements is missing, the activity does not qualify as a lottery.

The case of *Las Vegas Hacienda, Inc. v. Gibson*, 77 Nev. 25, 359 P.2d 85 (1961) provides some guidance as to when the element of chance would be satisfied. *Gibson* involved an "offer to pay $5,000 to any person who, having paid 50 cents for the opportunity of attempting to do so, shot a hole in one on its golf course."[7] In that case, where the central question was whether the transaction involved gambling, the Nevada Supreme Court concluded—using a definition of "wager" that is different than what is in our statutes today—that a gaming transaction was not present. After doing so, the Court, in *dicta*, provided a test for determining whether a game is one of chance or skill: "The test of the character of a game is not whether it contains an element of chance or an element of skill, but which is the dominating element."[8] This test is commonly known as the "dominant factor test."

Assuming the Nevada Supreme Court were to apply the same test that it outlined in *dicta* in *Gibson*, a game where skill is the dominant factor would not constitute a lottery. That being said, *Gibson* involved a situation where the alleged gamblers ***directly controlled*** the outcome of the event. They were the participants in the underlying sporting event. By contrast, in daily fantasy sports, the outcome of any simulated game is determined by third parties—the actual players on actual teams and not by the owners, regardless of their skill in choosing lineups and assessing various other factors that may contribute to the outcome of the simulated game. As a result, it is unclear whether a determination of skill versus chance is necessary in determining whether daily fantasy sports are lotteries.

2. Senate Bill 9

Senate Bill 9, which was passed during the 2015 Nevada Legislative Session, explicitly authorizes the Nevada Gaming Commission to adopt regulations, applicable to gaming devices, that "define and differentiate between the requirements for and the outcomes of a game of skill, a game of chance and a hybrid game." Senate Bill 9 further provides definitions for a "game of skill"[9] and a "hybrid game."

Importantly, Senate Bill 9 does not comment on or address whether games of skill fall within the Gaming Control Act. Rather, it starts from the premise that they do. To the extent

---

[6] (Emphasis added).
[7] *Gibson*, 77 Nev. at 27, 359 P.2d at 86.
[8] *Id.* at 30, 359 P.2d at 87.
[9] "Game of skill" for the purposes of Senate Bill 9 is defined as "a game in which the skill of the player, rather than chance, is the dominant factor in affecting the outcome of the game as determined over a period of continuous play." With this definition, the Nevada Legislature has arguably codified the "dominant factor test" as articulated in *Gibson*, although, as noted, such a test will have limited applicability in the context of the Gaming Control Act.

there was any doubt whether Nevada regulators had jurisdiction over gambling games that incorporate skill in determining their outcome, Senate Bill 9 extinguishes that doubt.

3. Gambling Games and Sports Pools

Despite the foregoing, arguments have been made that games of skill, where skill is the dominant factor, are outside of the jurisdiction of the Nevada Gaming Control Board and Commission. These arguments, however, ignore Nevada's statutory requirements.

Nevada Revised Statute 463.160 makes it unlawful for any person to deal, operate, carry on, conduct, maintain or expose for play in Nevada any gambling game without first obtaining a gaming license. "Gambling game" is defined in NRS 463.0152 as:

> [A]ny game played with cards, dice, equipment ***or any*** mechanical, electromechanical or ***electronic device*** or machine for money, property, checks, credit or any representative of value, including, ***without limiting the generality of the foregoing***, faro, monte, roulette, keno, bingo, fan-tan, twenty-one, blackjack, seven-and-a-half, big injun, klondike, craps, poker, chuck-a-luck, Chinese chuck-a-luck (dai shu), wheel of fortune, chemin de fer, baccarat, pai gow, beat the banker, panguingui, slot machine, ***any banking or percentage game*** or any other game or device approved by the Commission, but does not include games played with cards in private homes or residences in which no person makes money for operating the game, except as a player, or games operated by charitable or educational organizations which are approved by the Board pursuant to the provisions of NRS 463.409.[10]

In essence, under NRS 463.160, a gambling game is (1) any game played with cards, dice, equipment or any device or machine for any representative of value;[11] (2) any banking game; (3) any percentage game; or (4) any other game or device approved by the Nevada Gaming Commission. This broad definition makes no distinction between games of skill and games of chance. Therefore, while a determination that an activity is a game of skill is relevant to determining whether that activity is a lottery, it is not relevant to determining whether that activity constitutes a gambling game. Similarly, NRS 463.0193, which defines a "sports pool" as "the business of accepting wagers on sporting events or other events by any system or method of wagering," makes no distinction between games of skill and games of chance. Indeed, it has long been noted that there is a strong element of skill involved in sports wagering.

It is important to note that while Nevada gaming regulators clearly have authority to regulate games of skill, the present analysis does not concede the argument that daily fantasy sports are predominately skill-based. As Dr. Timothy Fong, Associate Clinical Professor of Psychiatry and Biobehavioral Sciences at the David Geffen School of Medicine at UCLA and Executive Director of the UCLA Gambling Studies Program, states in regards to fantasy football:

---

[10] (Emphasis added.)

[11] The Gaming Control Act defines a "representative of value" as "any instrumentality used by a patron in a game whether or not the instrumentality may be redeemed for cash." NRS 463.01862.

> Very simply, it's gambling, [it's putting] money on an event with a certain outcome in the hopes of winning more money. To call it anything else is really just not accurate. That link hasn't really been made by the players and the public—that what I'm doing is no different than playing blackjack or craps or betting on sports in Vegas casinos.[12]

The debate about whether daily fantasy sports are predominately driven by skill or chance is not settled. Nonetheless, the distinction between skill and chance is of limited significance under Title 41 of the Nevada Gaming Control Act, other than when analyzing lotteries.

B. UIGEA Did Not Legalize Fantasy Sports

As this Memorandum is written solely to analyze daily fantasy sports under Nevada law, it takes no position on the legality of daily fantasy sports under federal laws, such as the Professional and Amateur Sports Protection Act of 1992.[13] That being said, a point of clarification is in order because there are some operators and commentators who have taken the position that the Unlawful Internet Gambling Enforcement Act of 2006 ("UIGEA")[14] legalized fantasy sports within the United States. Given the explicit language of UIGEA, that position is simply untenable, and often at odds with what those same operators and commentators have said in the past.

Specifically, in its first section under the subheading "Rule of construction," UIGEA states: "No provision of this subchapter shall be construed as altering, limiting, or extending any Federal or State law or Tribal-State compact prohibiting, permitting, or regulating gambling within the United States."[15] Thus, it is clear that UIGEA neither made legal nor illegal any form of gambling within the United States. UIGEA simply provides "[n]ew mechanisms ***for enforcing*** gambling laws on the Internet," which Congress deemed necessary as it believed "traditional law enforcement mechanisms [were] often inadequate for enforcing gambling prohibitions or regulations on the Internet, especially where such gambling crosses State or national borders."[16] This conclusion is consistent with those of prominent commentators, including one of the leading attorneys representing daily fantasy sports operators, who stated, "The exemption in UIGEA for fantasy sports does not mean that fantasy sports are lawful, only that fantasy sports are not criminalized under UIGEA."[17]

Former Representative Jim Leach, the congressman who drafted UIGEA, when asked whether the 2006 legislation makes daily fantasy sports operations legal, responded, "[t]he only unique basis provided fantasy sports by UIGEA is its exemption from one law enforcement mechanism where the burden for compliance has been placed on private sector financial

---

[12] Ramon Ramirez, *The Dark Secret About Fantasy Football No One Is Talking About*, THE KERNAL (August 30, 2015), *at* http://kernelmag.dailydot.com/issue-sections/features-issue-sections/14172/is-fantasy-football-addictive/ (internal commentary omitted).

[13] PL 102–559, October 28, 1992, 106 Stat 4227.

[14] 31 U.S.C.A. §§ 5361-5367.

[15] 31 U.S.C.A. § 5361(b).

[16] 31 U.S.C.A. § 5361 (a)(4) (emphasis added).

[17] Anthony N. Cabot & Louis V. Csoka, Fantasy Sports: One Form of Mainstream Wagering in the United States, 40 J. Marshall L. Rev. 1195, 1201 (2007).

firms."[18] He continued, "[b]ut it is sheer chutzpah for a fantasy sports company to cite the law as a legal basis for existing. Quite precisely, UIGEA does not exempt fantasy sports companies from any other obligation to any other law." He concluded, "There is no credible way fantasy sports betting can be described as not gambling . . . [o]nly a sophist can make such a claim."[19]

In short, UIEGA is irrelevant to determining the legality of daily fantasy sports under Nevada law.

III. Analysis of the Legality of Daily Fantasy Sports Under Nevada Law

A. Daily Fantasy Sports Are "Sports Pools" Under NRS 463.0193

Nevada Revised Statute 463.0193 defines a "sports pool" as "the business of accepting wagers on sporting events or other events by any system or method of wagering." In order to determine if daily fantasy sports operators are operating a sports pool, one must determine (1) whether a wager is present; (2) whether the wagering is done on sporting events or other events by any system or method of wagering; and (3) whether daily fantasy sports operators are in "the business" of accepting wagers.

Daily fantasy sports meet all of these requirements and, thus, constitute "sports pools" under Nevada law. This conclusion is consistent with the views of one of the leading attorneys representing daily fantasy sports operators, who stated that "fantasy sports" was "a significant evolution in the realm of sports betting."[20]

1. Wagers on Sporting Events or Other Events by Any System or Method of Wagering

a. Wagers

i. Wagers Are Present in Daily Fantasy Sports

Nevada Revised Statute 463.01962 defines a "wager" as "a sum of money or representative of value that is risked on an occurrence for which the outcome is uncertain."[21]

---

[18] Tim Dahlberg, "*Former congressman says DFS is "cauldron of daily betting*," *at* http://cdcgamingreports.com/former-congressman-says-dfs-is-cauldron-of-daily-betting/.

[19] *Id.*

[20] Anthony N. Cabot & Louis V. Csoka, The Games People Play: Is It Time for A New Legal Approach to Prize Games?, 4 Nev. L.J. 197, 215 (2004).

[21] *See* Bo J. Bernhard & Vincent H. Eade, *Gambling in a Fantasy World: An Exploratory Study of Rotisserie Baseball Games*, 9 UNLV GAMING RESEARCH & REVIEW JOURNAL 29 (2004) (In his exploratory review of fantasy baseball, Dr. Bo Bernhard, Executive Director of the International Gaming Institute and Professor at the William F. Harrah College of Hotel Administration, concluded that, "[i]f we broadly define gambling as an activity that risks something of value . . . on an event whose outcome is uncertain [essentially Nevada's definition of "wager"] (such as the whims of a professional baseball season), fantasy baseball clearly qualifies.").

Although its holding came prior to the enactment of NRS 463.10962—and, thus, may no longer be applicable—the Nevada Supreme Court stated in *State v. GNLV Corporation*,[22] that:

> a "wager" exists when two or more contracting parties have mutual rights in respect to the money wagered and each of the parties necessarily risks something, and has a chance to make something upon the happening or not happening of an uncertain event. A prize differs from a wager in that the person offering the prize must permanently relinquish the prize upon performance of a specified act. In a wager, each party has a chance of gain and takes a risk of loss.[23]

With some exceptions, the daily fantasy sports owners pay money to play the simulated games and compete with each other based on their total scores.[24] If an owner wins, the owner gets money back. If an owner loses, the owner loses the bet made. When owners play against each other, some will win and some will lose. Thus, because owners risk money on an occurrence for which the outcome is uncertain, wagers are present.[25]

This determination is consistent with how certain daily fantasy sports operators describe themselves. For example, in the online discussion described above, the DraftKings CEO states "You are ***playing against other players***, we simply act as the 'points tally' and 'money distributor.'"[26] The DraftKings CEO also states that DraftKings' "concept is a mashup between poker and fantasy sports. Basically, you pick a team, ***deposit your wager***, and if your team wins,

---

[22] *State v. GNLV Corp.*, 108 Nev. 456, 834 P.2d 411 (1992). *GNLV* was a case where GNLV Corp. dba The Golden Nugget Hotel and Casino (the "Golden Nugget") ran a program known as the "24 Karat Club." The "24 Karat Club" was a program in which enrolled patrons automatically received a fifty-cent ticket each time the last dollar of a total of $75.00 was placed in certain designated slot machines. After the patron wagered the 75th dollar, the slot machine dispensed a ticket worth fifty cents toward the purchase of a "gold certificate. Gold certificates could be redeemed for gaming tokens, cash, room rental, food, beverages or merchandise. The slot machines dispensed the fifty-cent tickets ***irrespective of gains or losses resulting from the play involved*** in each $75.00 increment. On that record, the Nevada Supreme Court held that because the Golden Nugget's distribution of the tickets was required by the contract between the Golden Nugget and its "24 Karat Club" members, it was not dependent upon the result of a legitimate wager. As a preliminary matter, *GNLV* was decided before the enactment of NRS 463.01962 (the statute defining the term "wager"). More importantly, in *GNLV*, the patrons were neither competing against one another for the tickets nor receiving tickets based upon the outcome of an uncertain event. By contrast, in daily fantasy sports, the owners are competing against one another. As a result, each owner has a risk of loss depending on the outcome of their simulated team's performance. Thus, although the Nevada Supreme Court found that wagers were not present in *GNLV*, wagers are present in daily fantasy sports regardless of whether one uses the new statutory definition of wager or applies the holding in *GNLV*.

[23] *Id.* at 458, 834 P.2d at 413 (1992) (internal citations omitted).

[24] Generally speaking, daily fantasy sports operators all offer pay-to-play games. Some, however, also offer free-to-play games.

[25] 463.0152.

[26] *See* https://www.reddit.com/r/IAmA/comments/x5zrn/we_quit_our_jobs_to_pursue_a_dream_of_starting_a/ (emphasis added).

you get the pot."[27] Additionally, the DraftKings CEO repeatedly refers to the payments on his sites as "wagers" and "bets," and the activity as "betting."[28]

Similarly, the DraftKings website uses the following image on its website for its pages for fantasy football, weekly fantasy football, fantasy college football, weekly fantasy college football, weekly fantasy golf, daily fantasy basketball, fantasy college basketball, weekly fantasy basketball, weekly fantasy college basketball, and weekly fantasy hockey:[29]



That image is identified on each of those webpages, through alternative text ("alt text")[30] with a phrase that includes the word "betting" (i.e., "fantasy golf betting," "weekly fantasy basketball betting," "weekly fantasy hockey betting," "weekly fantasy football betting," "weekly fantasy college football betting," "weekly fantasy college basketball betting," "Fantasy College Football Betting," "daily fantasy basketball betting," and "Fantasy College Basketball Betting"). Although it is unclear why this image is identified using the alt text "betting,"—whether it is because these sites are trying to draw Internet search traffic from gamblers, because "betting" is how the sites internally discuss their product, or for some other reason—it appears that although the sites' representatives publicly state that they do not believe daily fantasy sports involve "wagers" or "bets," they do use the terms "betting" and "wagering" when they are not dealing with law enforcement agencies.

ii. *Las Vegas Hacienda, Inc. v. Gibson* Is Inapposite

There have been some who suggest that wagers are not present in daily fantasy sports because of the Nevada Supreme Court's 1961 decision in *Las Vegas Hacienda, Inc. v. Gibson*.[31] Those people are mistaken. To begin with, *Gibson* was decided several years before the gaming statutes at issue in this Memorandum were enacted. Because of that, the Court did not have the

---

[27] *Id.* (emphasis added).
[28] *Id.*
[29] *See e.g.*, https://www.draftkings.com/fantasy-football , https://www.draftkings.com/weekly-fantasy-golf , and https://www.draftkings.com/daily-fantasy-basketball .
[30] Alt text (alternative text) is a word or phrase that can be inserted as an attribute in an HTML (Hypertext Markup Language) document to tell website viewers the nature or contents of an image. The alt text appears in a blank box that would normally contain the image.
[31] 77 Nev. 25, 26, 359 P.2d 85, 86 (1961).

benefit of those statutes in making its determination. As a result, *Gibson* applies a common law understanding of "wager" and "gambling" that differs from our current statutory framework.

Gibson involved a golf course that offered to pay $5,000 to any person who shot a hole-in-one after paying 50 cents for the opportunity to attempt to do so. From the record, it is unclear whether (1) the patron paid 50 cents for the opportunity to play a round of golf and, incidentally, would be awarded a prize if he or she sank a hole-in-one; or (2) the patron paid the 50 cents solely for the opportunity to try and shoot a hole-in-one. Regardless, a patron eventually shot a hole-in-one and the golf course refused to pay, arguing that a person cannot sue for recovery of money won in gambling. The Court held for the patron by determining the debt was a contractual debt rather than a gambling debt. As part of its analysis, the Court distinguished between "prizes" and "wagers." In doing so, the Court stated:

> A prize or premium differs from a wager in that in the former, the person offering the same has no chance of gaining back the thing offered, but, if he abides by his offer, he must lose; whereas in the latter, each party interested therein has a chance of gain and takes a risk of loss. . . . In a wager or a bet, there must be two parties, and it is known, before the chance or uncertain event upon which it is laid or accomplished, who are the parties who must either lose or win. In a premium or reward there is but one party until the act or thing or purpose for which it is offered has been accomplished. A premium is a reward or recompense for some act done; a wager is a stake upon an uncertain event. In a premium it is known who is to give before the event; in a wager it is not known until after the event. The two need not be confounded.[32]

Even applying these outdated elements from *Gibson*, wagers are present in daily fantasy sports. Assuming that in a wager, "each party interested therein has a chance of gain and takes a risk of loss" and "there must be [at least] two parties . . . who must either lose or win," daily fantasy sports involve wagers because owners in daily fantasy sports all have a chance of gain and take a risk of loss based upon who wins and who loses. Additionally, even accepting that a prize "is a reward or recompense for some act done" and a wager "is a stake upon an uncertain event," does not change the conclusion. In the case of daily fantasy sports, the primary "act" at issue is that of choosing a lineup. The completion of this "act" will not, in itself, result in any prize. The payouts in daily fantasy sports are not awarded to owners who simply set a lineup, they are awarded to the owners whose lineups receive the highest total score (which is dependent upon the *uncertain* outcomes associated with sporting events). Accordingly, even applying *Gibson*, wagers are present in daily fantasy sports.

Moreover, the Court stated that its holding was based upon the absence of a statute providing otherwise.[33] Every statute addressed in this Memorandum was enacted after *Gibson* was decided. That distinction is important to remember, because a strict application of *Gibson* in the modern day could lead to the absurd result of removing large categories of gambling from the

---

[32] *Id.* at 28-29, 359 P.2d at 86-87.

[33] *Id.* at 27, 359 P.2d at 86 ("It is generally held, in the absence of a prohibitory statute, that the offer of a prize to a contestant therefor who performs a specified act is not invalid as being a gambling transaction."). Additionally, NRS 463.01962, which defines a "wager" was added to the Nevada Revised Statutes in 1997. As a result, any cases, including *Gibson*, that defined the term "wager" prior to 1997 are no longer mandatory or persuasive.

control of the Nevada Gaming Control Board and Commission and, moreover, could render null a number of Nevada gaming statutes and regulations that take precedence over common law.

b. <u>On Sporting Events or Other Events by Any System or Method of Wagering</u>

Although it seems obvious that the wagers in question are being placed on sporting events, some discussion of this element is necessary as certain commentators have suggested that because the wagers at issue are not being placed upon the *outcome* of a particular sporting event, the wagers do not fall within the requirement that they be placed on sporting events or other events. That interpretation not only belies common sense, but is also contradicted by an analysis of the Gaming Control Act and Regulations.

To begin with, that interpretation is inconsistent with Nevada's historic understanding of sports pools. For example, Nevada has been regulating "proposition bets" or "prop bets" for decades.[34] A prop bet is a wager on the occurrence or non-occurrence of some event during the course of a sporting event. Examples of prop bets include whether a particular quarterback will pass for more or less than 300 yards, whether a particular basketball player will score more or less than 25 points, and whether a particular pitcher will pitch more or less than 10 strikeouts. Through the use of "parlay cards," the State has also regulated combinations of prop bets. Specifically, Regulation 22.090(1) states: "As used in this section, 'parlay card wager' means a wager on ***the outcome of*** a series of 3 or more games, matches, or similar sports events ***or on a series of 3 or more contingencies incident*** to particular games, matches or similar sports events."[35] As a result, it is clear that Nevada intended to regulate wagers on both (1) the outcomes of particular sporting events; and (2) contingencies incident to particular sporting events.

Notably, NRS 463.0193, which defines "sports pool," not only fails to use the word "outcome," but instead specifically broadens its definition by adding the words "by any system or method of wagering." This is in contrast to the definition of "pari-mutuel system of wagering," which only includes wagers on "the ***outcome*** of a race or sporting event."[36] As a result, the Nevada Legislature has, in some places, distinguished between betting on the outcome of particular sporting event and simply betting generally on the sporting event "by any system of method of wagering."[37] The logical, and likely only, conclusion is that Nevada's regulation of sports pools includes (1) wagering on the outcome of particular sporting events; (2) wagering on any activity that takes place during particular sporting events; and (3) wagering on combinations of the outcomes of and/or activities that take place during particular sporting events.

---

[34] *See, e.g.,* Nev. Gaming Comm'n Reg. 22.060(4).
[35] Nev. Gaming Comm'n Reg. 22.090(1) (emphasis added).
[36] NRS 464.005(5) (emphasis added).
[37] It should be noted, however, that although the absence of the term "outcome" within the definition of "sports pool" precludes a conclusion that the definition only prohibits wagering on the final score of sporting events, the inverse is not necessarily true. Even if the definition of "sports pool" had included the word outcome, one could find that "outcome" includes contingencies incident to particular sporting events.

2. Business of Accepting Wagers

If it is accepted that the daily fantasy sports operators are "accepting wagers on sporting events or other events by any system or method of wagering," there seems to be no dispute that they are in the business of doing so.[38] With perhaps some limited exceptions, the daily fantasy sports operators are not operating their sites solely for recreation or amusement; they are operating the sites as businesses to make money.

B. Daily Fantasy Sports Are "Gambling Games"

There are, generally speaking, four types of gambling games outlined in NRS 463.0152: (1) games played with cards, dice, equipment or any device or machine for any representative of value; (2) banking games; (3) percentage games; and (4) other games or devices approved by the Nevada Gaming Commission.[39] These four categories are not necessarily mutually exclusive.

1. Daily Fantasy Sports Are Games Played with Cards, Dice, Equipment, Devices or Machines for Any Representative of Value

The first type of gambling game included in NRS 463.0152's definition has two elements. First, it must be a "game played with cards, dice, equipment or any mechanical, electromechanical or electronic device or machine." Second it must be played "for money, property, checks, credit or any representative of value." Daily fantasy sports meet both these elements and, as a result, constitute gambling games.

a. Game Played with Cards, Dice, Equipment, Device, or Machine

Although the term "electronic device" is not defined by the Gaming Control Act, other Nevada statutes have defined a computer to be an electronic device.[40] That definition is consistent with the general understanding of what an electronic device is. As a result, daily fantasy sports, which cannot possibly be played except online using computers and/or mobile phones, meet the first element requiring that the activity be a "game played with cards, dice, equipment or any mechanical, electromechanical or electronic device or machine."

b. Played for Money or Any Representative of Value

The Gaming Control Act defines a "representative of value" as "any instrumentality used by a patron in a game whether or not the instrumentality may be redeemed for cash."[41] With some exceptions, the daily fantasy sports owners pay money to play the simulated games and compete with each other based on their total scores.[42] If an owner wins, the owner gets money back. Thus, daily fantasy sports meet the second requirement that the activity in question must be played "for money, property, checks, credit or any representative of value."

---

[38] NRS 463.0193.
[39] NRS 463.0152.
[40] *See* NRS 205.4735 and 360B.410.
[41] NRS 463.01862.
[42] Generally speaking, daily fantasy sports operators all offer pay-to-play games. Some, however, also offer free-to-play games.

2. Daily Fantasy Sports Are Probably Not Banking Games

Nevada Revised Statute 463.01365 defines a "banking game" as "any ***gambling game*** in which players compete against the licensed gaming establishment,[43] rather than against one another."[44] Nevada Revised Statute 463.0152 defines a "gambling game" to include "any ***banking game***."[45] As a result, these definitions are circular and there is ambiguity as to what the statutes mean. It is worth noting that Black's Law Dictionary defines a "banking game" as a "gambling arrangement in which the house (i.e., the bank) accepts bets from all players and then pays out winning bets and takes other bettors' losses."[46]

A logical reconciliation of these statutes (and the traditional definition of "banking game") is to define a banking game as a game in which (1) participants compete against the operator of the game (rather than the other participants) using representatives of value; and (2) calculation of the payout to any given participant is, generally speaking, not based upon the representatives of value used by any other participants.[47] That interpretation is consistent with the Nevada Supreme Court's statement that craps, roulette, and black jack are examples of banking games.[48]

Generally speaking, daily fantasy sports operators do not directly wager against the owners. Instead, the owners wager against each other by placing a bet and competing for the highest scores, with the operator paying out to the highest scorers. If that is true, in those circumstances, daily fantasy sports do not constitute banking games as the payouts to each owner are directly related to the payouts to other owners based upon other owners' simulated teams' performances. That being said, if a particular operator were to allow owners to wager directly against the operator, then that particular simulated game would be a banking game.

3. Daily Fantasy Sports Are Percentage Games

The third type of gambling game included in NRS 463.0152's definition is a percentage game, which has two elements. First, it must be a game "where patrons wager against each

---

[43] Although this statute could arguably be read to exclude from its definition any games offered by a non-licensee, that interpretation would lead to an absurd result. The Nevada Legislature could not possibly have intended to only restrict the type of games offered by licensees, leaving the rest of the public free to offer banking games. Additionally, given that the term "banking game" appears twice in the definitions of NRS 463, and only once has this limiting language, there is additional reason to reject that interpretation.

[44] (Emphasis added.)

[45] (Emphasis added.)

[46] BANKING GAME, Black's Law Dictionary (10th ed. 2014).

[47] We can imagine situations in which various banking games might have some sort of cumulative payout. For example, an establishment might offer blackjack but (directly or indirectly) take some percentage of each hand played and place it into a cumulative payout pool that is awarded to one or more participants based upon the occurrence of some event. That tying of some wagers with the operator to wagers with other players would not remove the game from what is contemplated by the definition of "banking game."

[48] *Hughes Props., Inc. v. State*, 100 Nev. 295, 297, 680 P.2d 970, 971 (1984).

other."[49] Second, "the house takes a percentage of each wager as a 'rake-off.'"[50] Daily fantasy sports meet both these elements and, as a result, constitute gambling games.

a. Patrons Wager Against Each Other

The Gaming Control Act defines a "wager" as "a sum of money or representative of value that is risked on an occurrence for which the outcome is uncertain."[51] As was explained in Section III.A.1.a above, because the daily fantasy sports owners pay money to play the simulated games and receive money based upon which of them has the highest total scores, the owners risk money on an occurrence for which the outcome is uncertain. As a result, wagers are present and daily fantasy sports meet the requirement that "wagers" be present.

b. The House Takes a Percentage of Each Wager as a "Rake-off"

Although the specifics of how each rake is calculated differs and the rake may be a flat fee (and, as a result, the actual percentage taken in any given simulated game would vary depending upon the number of owners) the daily fantasy sports operators all make their profit by directly or indirectly taking some percentage of the wagers in each simulated game.

This conclusion is also consistent with how certain daily fantasy sports operators describe themselves. For example, in the online discussion described above, the DraftKings CEO explains that "In our case, you win the total wager amount of all the people who had teams in that contest. If there were 10 people and each put in $10 dollars, you'd win $100 (***minus 10% which goes to us***)."[52]

4. Daily Fantasy Sports Have Not Been Approved by the Commission

As the Nevada Gaming Commission has not approved daily fantasy sports, analysis of these types of gambling games is unnecessary. Daily fantasy sports are not games or devices approved by the Nevada Gaming Commission.

C. Some Daily Fantasy Sports Could Be Considered Lotteries Depending on How a Court Resolves the Question of Whose Skill Is at Issue and the Amount of Skill Involved in the Particular Simulated Game at Issue

If, for some reason, daily fantasy sports are not otherwise determined to be gambling games or sports pools, they could constitute lotteries, which—with limited charitable exceptions—are prohibited by Article IV, Section 24 of the Nevada Constitution. A lottery is a scheme for the disposal of property ***by chance***, among persons who have paid consideration, for the chance of obtaining all or a portion of said property.[53] Essentially, a lottery involves the common law elements of gambling: (1) prize; (2) chance; and (3) consideration. Because all of

---

[49] *Id.* ("Percentage games are poker, panguingui and similar games where patrons wager against each other and the house takes a percentage of each wager as a 'rake-off.'").

[50] *Id.*

[51] NRS 463.01962.

[52] *See* https://www.reddit.com/r/IAmA/comments/x5zrn/we_quit_our_jobs_to_pursue_a_dream_of_starting_a/ (emphasis added).

[53] NRS 462.105.

the daily fantasy sports at issue involve consideration to play and a prize, the sole issue is whether a particular simulated game is determined predominantly by skill or by chance.[54]

As a preliminary matter, there may not need to be a determination of skill. As skill is generally understood when analyzing a lottery, the skill at issue is the skill of the individuals determining the actual outcome of the event. With daily fantasy sports, although the owners select a lineup for their simulated team, the owners have no ability to control how many points their simulated teams receive from an actual player's performance. The actual players in the actual games control their own performance. As a result, after an owner places a bet and sets a final lineup, the owner simply waits to see what happens based upon the performance of the actual players involved. Given that the owners' skills do not determine the outcome of the simulated games, there may be no skill involved as that term is traditionally understood in the context of lotteries. If that is the case, then daily fantasy sports constitute lotteries and are prohibited in Nevada.

If a court rejects that interpretation and decides to analyze the skill of the owners in picking their lineups, then an analysis of whether a particular simulated game is determined predominantly by skill or chance is required. There are some daily fantasy sports in which the element of chance clearly predominates. These include simulated games in which the owners are assigned a random slate of players for their virtual teams. As there is no skill involved in these games, they would be considered unlawful lotteries. By contrast, the vast majority of daily fantasy sports require some level of skill on the part of the owners. Because the level of skill involved is a question of fact, each individual simulated game must be examined by a finder of fact, who will determine this issue on a case-by-case basis.

CONCLUSION

Upon extensive review of pay-to-play daily fantasy sports, we conclude that they constitute sports pools under NRS 463.0193 and gambling games under NRS 463.0152. Daily fantasy sports may also constitute illegal lotteries under NRS 462.105(1) depending on the legal question of whose skill is being assessed and the factual question of whether skill or chance is dominant. If the skill being assessed is that of the actual players rather than that of the fantasy sports team owners, then daily fantasy sports constitute illegal lotteries. If the skill being assessed is that of the owners, then there is a factual question as to whether the skill in selecting lineups predominates over chance.

Throughout the foregoing analysis, the holdings and dicta of the *Gibson* and *GNLV* cases are distinguished from the facts, law, and context of the current matter. It is particularly noteworthy that both of these gaming cases were decided before the definition of "wager" was codified in NRS 463.01962. *Gibson*, in particular, was decided in 1961, at the most nascent stage of the Nevada Gaming Control Act and before the passage of the statutes at issue. As a result, the *Gibson* court had to rely upon traditional common law principles of gambling rather than our current statutory and regulatory framework. Consequently, the *Gibson* decision must be considered not against the backdrop of 2015, but within the historical milieu of 1961.

In summary, pay-to-play daily fantasy sports constitute sports pools and gambling games under Nevada law. They may also constitute lotteries, depending on the test applied by the

[54] *Gibson*, 77 Nev. at 30, 359 P.2d at 87.

Nevada Supreme Court. As a result, daily fantasy sports cannot be offered in Nevada without licensure.

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 Regulated Industries

BILL:	SB 1682
INTRODUCER:	Senator Grall
SUBJECT:	First Responders
DATE:	March 24, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Schrader	Imhof	RI	**Favorable**
2.			AEG	
3.			RC	

I. Summary:

SB 1682 amends s. 365.171, F.S., that establishes the Florida Emergency Communications State Plan to define "first responders" to mean any full-time or part-time paid employee or unpaid volunteer who is a 911 public safety telecommunicator, correctional officer, emergency medical technician or paramedic, federal law enforcement officer, firefighter or law enforcement officer.

It revises the definition of "public agency" and "public safety agency" to delete the terms "firefighting, law enforcement, ambulance, medical, or other" emergency services and insert "first responder."

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

II. Present Situation:

Florida 911 System

Since 1973, the state of Florida, in conjunction with Florida's counties, has funded technological advancements in statewide emergency number systems (i.e. 911 systems) for emergency communications between citizens and visitors and emergency services. Basic 911 service was established statewide in 1997. In 2005, wireline enhanced E911 service was implemented in all of Florida's 67 counties to obtain a 911 caller's telephone number and address. In 2007, Florida's wireless 911 board transitioned to the E911 Board with the intent of implementing enhanced 911 services. Phase I of the enhanced services provided call back numbers, and the location of cell sites utilized for making the call into 911; Phase II provided location information

for the actual cellular caller. These enhancements were completed March 31, 2008.[1] Currently, Florida's counties are working on technical, funding, and deployment issues in an effort to provide statewide text-to-911 services. As of February 2025, 64 of Florida's 67 counties offer text-to-911 service.[2]

2023 Revisions to Florida's Emergency Communications Law

In 2023, Florida passed SB 1418 which made several changes to Florida's emergency communications law support to reflect the transition from enhanced 911 (E911) to Next Generation 911 (NG911), to revise legislative intent regarding such services, and to revise the composition, name, duties, and meeting frequency of the current E911 Board (renamed in the bill to be the Emergency Communications Board [EC Board]).[3] Under the bill, the EC Board was given the additional responsibility of advocating and developing policy recommendations to ensure interoperability and connectivity between public safety communication systems within the state. The EC Board was also authorized, under the bill, to establish a schedule for implementing NG911 systems, public safety radio communications systems, and other public safety communications improvements. The EC Board may prioritize disbursement of revenues pursuant to this schedule to implement 911 services in the most efficient and cost-effective manner.

The bill also revised the distribution of revenue collected from a monthly fee to fund 911 services assessed on voice communications services in the state, removed county exceptions to the state's uniform rate for this fee, and revised the expenditures that are eligible to be paid by revenue collected from this fee. The EC Board was directed to ensure that county recipients of funds only use such funds for the purposes for which they have been provided. If the EC Board determines such funds were not used for the purposes for which they were provided, the EC Board was authorized to secure county repayment of improperly used funds. Changes, modifications, or upgrades to the emergency communications systems or services must be made in cooperation with the head of each law enforcement agency served by the primary Public Safety Answering Point (PSAP) in each county.[4]

The bill also required the Department of Management Services Division of Telecommunications to develop a plan by December 30, 2023, to upgrade 911 PSAPs within the state to allow the transfer of an emergency call from one local, multijurisdictional, or regional E911 system to another local, multijurisdictional, or regional E911 system in the state by December 30, 2033.

Florida Emergency Communications State Plan Act

Section 365.171, F.S., is the Florida Emergency Communications State Plan Act. That section establishes 911 as the designated emergency communications number for the state and that

[1] Department of Management Services, *Florida 911*, https://www.dms.myflorida.com/business_operations/telecommunications/public_safety_communications/florida_911 (last visited: Mar. 20, 2025).
[2] Department of Management Services, *Florida Text-to-911 Status (by county)*, https://www.arcgis.com/apps/dashboards/3a78afa830ca4b40bb8adb6ac0c45b25 (last visited Mar. 20, 2025).
[3] Chapter 2023-55, Laws of Fla.
[4] Section 365.172 (3)(y), F.S., defines a "public safety answering point" "PSAP," or "answering point" as the public safety agency that receives incoming 911 requests for assistance and dispatches appropriate public safety agencies to respond to the requests in accordance with the statewide emergency communications plan.

public safety agencies may not advertise or otherwise promote the use of any communications number for emergency response services other than 911. The section also provides that it is the intent of the legislature "to implement and continually update a cohesive statewide emergency communications plan for enhanced 911 services which will provide citizens with rapid direct access to public safety agencies by accessing "911" with the objective of reducing the response time to situations requiring law enforcement, fire, medical, rescue, and other emergency services."[5]

As used in s. 365.171, F.S.:

- A "public agency" means "the state and any city, county, city and county, municipal corporation, chartered organization, public district, or public authority located in whole or in part within this state which provides, or has authority to provide, firefighting, law enforcement, ambulance, medical, or other emergency services;" and
- A "public safety agency" means "a functional division of a public agency which provides firefighting, law enforcement, medical, or other emergency services."

911 Public Safety Telecommunicator Certification

Chapter 401, F.S., relates to medical telecommunications and transportation. Part I of ch. 401, F.S., is specific to the state's emergency telecommunication systems, administered by the Department of Management Services. Part II of ch. 401, F.S., is specific to the emergency medical services (EMS) grants program administered by the Department of Health (DOH). Part III of ch. 401, F.S., consisting of ss. 401.2101 through 401.465, F.S., is specific to medical transportation services and provides for the regulation of EMS by the DOH, including the licensure of EMS service entities, the certification of staff employed by those services, and the permitting of vehicles used by such staff—whether for basic life support, advanced life support, or air ambulance services.

Section 401.465, F.S., is specific to public safety telecommunicator (PST) certification, administered as part of the EMS program, and defines:

- "911 public safety telecommunicator" as a public safety dispatcher or 911 operator whose duties and responsibilities include the answering, receiving, transferring, and dispatching functions related to 911 calls; dispatching law enforcement officers, fire rescue services, EMS, and other public safety services to the scene of an emergency; providing real-time information from federal, state, and local crime databases; or supervising or serving as the command officer to a person or persons having such duties and responsibilities. The term does not include, however, administrative support personnel, including, but not limited to, those whose primary duties and responsibilities are in accounting, purchasing, legal, and personnel.
- "Public safety telecommunication training program" as a 911 emergency public safety telecommunication training program that the DOH determines to be equivalent to the public safety telecommunication training program curriculum framework developed by the Department of Education and consists of at least 232 hours.[6]

[5] Section 365.171(2).
[6] Section 401.465(1), F.S.

Any person employed as a PST at a public safety answering point must be certified by the DOH. A public safety agency may employ a PST for a period not to exceed 12 months if the trainee works under the direct supervision of a certified PST, as determined by rule of the DOH, and is enrolled in a PST training program.

Public Records Law

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.[7] This 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.[8] In addition to the Florida Constitution, the Florida Statutes provide that the public may access legislative and executive branch records.[9] Chapter 119, F.S., constitutes the main body of public records laws, and is known as the Public Records Act.[10] The Public Records Act states that:

> [i]t is the policy of this state that all state, county and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.[11]

According to the Public Records Act, a public record includes virtually any document or recording, regardless of its physical form or how it may be transmitted.[12] The Florida Supreme Court has interpreted public records as being "any material prepared in connection with official agency business which is intended to perpetuate, communicate or formalize knowledge of some type."[13] A violation of the Public Records Act may result in civil or criminal liability.[14]

The Legislature may create an exemption to public records requirements by passing a general law by a two-thirds vote of each of the House and the Senate.[15] The exemption must explicitly lay out the public necessity justifying the exemption and must be no broader than necessary to

---

[7] FLA. CONST. art. I, s. 24(a).
[8] *Id*.
[9] The Public Records Act does not apply to legislative or judicial records. *Locke v. Hawkes*, 595 So. 2d 32 (Fla. 1992). Also see *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995). The Legislature's records are public pursuant to s. 11.0431, F.S., and FLA. CONST. art. I, s. 24(b). Public records exemptions for the Legislature are primarily located in s. 11.0431(2)-(3), F.S.
[10] Public records laws are found throughout the Florida Statutes.
[11] Section 119.01(1), F.S.
[12] Section 119.011(12), F.S., defines "public record" to mean "all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency." Section 119.011(2), F.S., defines "agency" as "any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency."
[13] *Shevin v. Byron, Harless, Schaffer, Reid and Assoc. Inc*., 379 So. 2d 633, 640 (Fla. 1980).
[14] Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.
[15] FLA. CONST. art. I, s. 24(c).

accomplish the stated purpose of the exemption.[16] A statutory exemption, which does not meet these two criteria, may be unconstitutional and may not be judicially saved.[17]

When creating a public records exemption, the Legislature may provide that a record is "confidential and exempt" or "exempt."[18] Records designated "confidential and exempt" may be released by the records custodian only under the circumstances defined by statutory exemptions. Records designated as "exempt" may be released at the discretion of the records custodian under certain circumstances.[19]

III. Effect of Proposed Changes:

Section 1 of the bill amends s. 365.171, F.S., to create the following definitions for the Florida Emergency Communications State Plan Act:

- "First responder" to mean any of the following persons who are either a full-time paid employee, a part-time paid employee, or an unpaid volunteer:
  - A 911 public safety telecommunicator, as defined in s. 401.465, F.S.;[20]
  - A correctional officer, as defined in s. 943.10(2), F.S.;[21]
  - An emergency medical technician[22] or paramedic,[23] as those terms are defined in s. 401.23, F.S.;
  - A federal law enforcement officer, as defined in s. 901.1505(1), F.S.;[24]

---

[16] *Id*.

[17] *Halifax Hosp. Medical Center v. News-Journal Corp.,* 724 So. 2d 567 (Fla. 1999). In *Halifax Hospital*, the Florida Supreme Court found that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption. *Id*. at 570. The Florida Supreme Court also declined to narrow the exemption in order to save it. *Id.* In *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004), the court found that the intent of a public records statute was to create a public records exemption. The *Baker County Press* court found that since the law did not contain a public necessity statement, it was unconstitutional. *Id*. at 196.

[18] If the Legislature designates a record as confidential, such record may not be released to anyone other than the persons or entities specifically designated in the statutory exemption. *WFTV, Inc. v. The School Board of Seminole*, 874 So. 2d 48 (Fla. 5th DCA 2004).

[19] *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

[20] Section 401.465, F.S., defines "public safety telecommunicator" as "a public safety dispatcher or 911 operator whose duties and responsibilities include the answering, receiving, transferring, and dispatching functions related to 911 calls; dispatching law enforcement officers, fire rescue services, emergency medical services, and other public safety services to the scene of an emergency; providing real-time information from federal, state, and local crime databases; or supervising or serving as the command officer to a person or persons having such duties and responsibilities. However, the term does not include administrative support personnel, including, but not limited to, those whose primary duties and responsibilities are in accounting, purchasing, legal, and personnel."

[21] Section 943.10(2), F.S., defines "correctional officer" as "any person who is appointed or employed full time by the state or any political subdivision thereof, or by any private entity which has contracted with the state or county, and whose primary responsibility is the supervision, protection, care, custody, and control, or investigation, of inmates within a correctional institution; however, the term 'correctional officer' does not include any secretarial, clerical, or professionally trained personnel."

[22] Section 401.23, F.S., defines "emergency medical technician" as a person who is certified by the Department of Health to perform basic life support pursuant to ss. 401.2101-465, F.S.

[23] Section 401.23, F.S., defines "paramedic" as a person who is certified by the Department of Health to perform basic and advanced life support pursuant to ss. 401.2101-465, F.S.

[24] Section 901.1505(1), F.S., defines "federal law enforcement officer" as "a person who is employed by the Federal Government as a full-time law enforcement officer as defined by the applicable provisions of the United States Code, who is

- A firefighter, as defined in s. 633.102, F.S.; and[25]
- A law enforcement officer, as defined in s. 943.10(1), F.S.[26]

The bill revises the definition of "public agency" to delete the terms "firefighting, law enforcement, ambulance, medical, or other" emergency services and insert "first responder."

It revises the definition of "public safety agency" to delete the terms "firefighting, law enforcement, medical, or other" emergency services and insert "first responder."

Section 2 conforms a cross-reference in s. 401.465, F.S., to amendments made by the bill.

Section 3 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:

Vote and Single Subject 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. Such a bill may only relate to one subject.

Under current law, s. 365.171(12)(a), F.S., provides that certain records, recordings, and information obtained by a "public agency" or "public safety agency" be confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, except that such record or information may be disclosed to a public safety agency.[27] This bill revises, and potentially expands, the definition of "public agency" and "public safety agency," by including 911 public safety communicators and correctional officers in the definition of those agencies. Such an expansion would have the effect of also expanding

empowered to effect an arrest for violations of the United States Code, who is authorized to carry firearms in the performance of her or his duties, and who has received law enforcement training equivalent to that prescribed in s. 943.13[F.S]."

[25] Section 633.102, F.S., defines "firefighter" as a person "who holds a current and valid Firefighter Certificate of Compliance or Special Certificate of Compliance issued by the [Division of State Fire Marshal within the Department of Financial Services] under s. 633.408[F.S]."

[26] Section 943.10(1), F.S., defines "law enforcement officer" as "any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. This definition includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers but does not include support personnel employed by the employing agency."

[27] Specifically, the record or information is protected if it is obtained for the purpose of providing services in an emergency and it "reveals the name, address, telephone number, or personal information about, or information which may identify any person requesting emergency service or reporting an emergency by accessing an emergency communications system."

the public records exemption provided in s. 365.171(12)(a), F.S., and thus, making the bill subject to the vote and the single subject requirements of Article I, s. 24(c) of the State Constitution.

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. If this bill does expand an exemption, a statement of public necessity would be required. Presently, the bill does not provide such a statement.

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.

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:

The bill does not appear to provide a definition for what "first responder emergency services" would be. The bill does provide a definition for "first responder," however, this definition is comprised of persons with certain certifications, requirements, and duties. Thus, it is unclear what services provided by (or potentially for) such persons would be contemplated under the bill in order to qualify an entity as a "public agency" or "public safety agency."

The bill also revises the definition of "public agency" and "public safety agency" for s. 365.171, F.S. Section 365.172, F.S., also provides a definition for "public agency" and "public safety agency" that applies to s. 365.171, F.S. Presently, the definition for "public agency" is very similar between ss. 365.171 and 365.172, F.S.,[28] and the definition for "public safety agency" is identical. Thus, though there are overlapping definitions between these two sections in current law, the definitions are similar enough to potentially not raise any significant conflict. However, with the revisions in the bill to these definitions in s. 365.171, F.S., that would no longer be the case.

VIII. Statutes Affected:

This bill substantially amends the following section 365.171 of the Florida Statutes.

The bill amends s. 401.465 of the Florida Statutes to correct a cross-reference.

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.

[28] The definition for "public agency" in s. 365.171, F.S., is "the state and any city, county, city and county, municipal corporation, chartered organization, public district, or public authority located in whole or in part within this state which provides, or has authority to provide, firefighting, law enforcement, ambulance, medical, or other emergency services." For 365.172, F.S., the definition is the state and any municipality, county, municipal corporation, or other governmental entity, public district, or public authority located in whole or in part within this state which provides, or has authority to provide, firefighting, law enforcement, ambulance, medical, or other emergency services.

By Senator Grall

29-01620A-25 20251682__

A bill to be entitled

An act relating to first responders; amending s. 365.171, F.S.; defining the term "first responder"; redefining the terms "public agency" and "public safety agency"; amending s. 401.465, F.S.; conforming a cross-reference; providing an effective date.

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

Section 1. Present paragraphs (a) through (d) of subsection (3) of section 365.171, Florida Statutes, are redesignated as paragraphs (b) through (e), respectively, a new paragraph (a) is added to that subsection, and present paragraphs (c) and (d) of that subsection are amended, to read:

365.171 Emergency communications state plan.—

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

(a) "First responder" means any of the following persons who is either a full-time paid employee, a part-time paid employee, or an unpaid volunteer:

1. A 911 public safety telecommunicator, as defined in s. 401.465.

2. A correctional officer, as defined in s. 943.10(2).

3. An emergency medical technician or paramedic, as those terms are defined in s. 401.23.

4. A federal law enforcement officer, as defined in s. 901.1505(1).

5. A firefighter, as defined in s. 633.102.

6. A law enforcement officer, as defined in s. 943.10(1).

(d) ~~(c)~~ "Public agency" means the state and any city,

county, city and county, municipal corporation, chartered organization, public district, or public authority located in whole or in part within this state which provides, or has authority to provide, first responder ~~firefighting, law enforcement, ambulance, medical, or other~~ emergency services.

(e) ~~(d)~~ "Public safety agency" means a functional division of a public agency providing first responder ~~which provides firefighting, law enforcement, medical, or other~~ emergency services.

Section 2. Paragraph (c) of subsection (1) of section 401.465, Florida Statutes, is amended to read:

401.465 911 public safety telecommunicator certification.—

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

(c) "Public safety agency" has the same meaning as in s. 365.171(3)(e) ~~s. 365.171(3)(d)~~.

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

The Florida Senate

Committee Agenda Request

To: Senator Jennifer Bradley, Chair
Committee on Regulated Industries

Subject: Committee Agenda Request

Date: March 7, 2025

I respectfully request that **Senate Bill #1682**, relating to First Responders, 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

The Florida Senate

APPEARANCE RECORD

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

3-25-2025
Meeting Date

Regulated Industries
Committee

SB 1682
Bill Number or Topic

Amendment Barcode (if applicable)

Name Jennifer Dana

Phone 561-602-9273

Address 3228 Gun Club Rd
Street

Email DANAJ@PBSO.ORG

West Palm Beach, FL 33406
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: PALM BEACH COUNTY SHERIFF'S OFFICE

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

3/25
Meeting Date

Regulated Industries
Committee

1682
Bill Number or Topic

Amendment Barcode (if applicable)

Name Richard Pinsky

Phone

Address 201 E. Park Ave.
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:

911 Emergency Dispatchers

☐ 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 Judiciary

BILL:	CS/SB 948
INTRODUCER:	Judiciary Committee and Senator Bradley
SUBJECT:	Flood Disclosures
DATE:	March 24, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bond	Cibula	JU	**Fav/CS**
2.	Schrader	Imhof	RI	**Favorable**
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 948 requires a landlord of residential rental property or a mobile home park owner to disclose certain information regarding the property and flood risks to prospective tenants. A tenant who does not receive the disclosures and who incurs substantial losses or damages due to flooding may terminate the lease and is entitled to refund of advance rents paid.

Similarly, the bill requires the developer of a condominium or cooperative to disclose information relating to flood risks in a contract for the sale or long-term rental of a condominium or cooperative unit.

Lastly, the bill slightly expands the flood-related disclosures required under current law that must be provided to a prospective purchaser of residential real property. The bill adds a requirement that the seller disclose whether he or she is aware of any flood damage that occurred during his or her ownership. A seller must also disclose whether he or she has received assistance from *any* source for flood damage to the property, as opposed to just federal sources.

The bill is effective October 1, 2025.

II. Present Situation:

Real Property Sales Disclosure

As to sales of real property, Florida historically followed the legal theory of *Caveat Emptor* ("let the buyer beware"). Under this theory, the seller has no duty to disclose defects in the property and the buyer takes the property "as-is." One court stated that "there is no duty to disclose [a latent defect] when parties are dealing at [arm's] length."[1]

The law changed in 1985 when the Florida Supreme Court ruled that "where the seller of a home knows of facts materially affecting the value of the property which are not readily observable and are not known to the buyer, the seller is under a duty to disclose them to the buyer."[2] This duty applies even if the buyer has agreed to purchase residential property "as-is."[3]

Notably, the disclosure required by case law only applies to facts that are not "readily observable" to the buyer. In the context of flood disclosures, the appellate courts are split as to whether a tendency to flood is readily observable. In one case, the buyers bought a home in the East Everglades area of Miami-Dade County.[4] When they viewed the home during the dry season, the home was acceptable. The sellers did not disclose that the land on which the home sat, but not the home itself, flooded annually during the rainy season, a fact the seller knew from previous experience. The flooding, according to the court, was so severe that "snakes and even alligators (two at least), have gathered at [the] property (presumably on an elevated portion) to escape the waters."[5] The court found that seasonal flooding of the neighborhood was common knowledge and was information that was readily available to the buyers had they exercised "diligent attention."[6] The lawsuit against the seller was dismissed.

In another case, the buyers sued because the seller failed to disclose that the property was in the Coastal Barrier Resource Area (CBRA), and thus ineligible for flood insurance. The trial court found the information regarding the CBRA was publicly available and dismissed the case. The appellate court, however, ruled for the buyers.[7]

The duty to disclose latent defects will generally not apply to an as-is contract for the sale of non-residential property. An appellate court stated Florida courts will continue to apply the doctrine of caveat emptor to an "as-is" contract for non-residential property unless one of the following exceptions apply:

- Where some artifice or trick has been employed to prevent the purchaser from making an independent inquiry;
- Where the purchaser does not have equal opportunity to become apprised of the fact; or
- Where a party undertakes to disclose facts and fails to disclose the whole truth.[8]

---

[1] *Banks v. Salina*, 413 So. 2d 851, 852 (Fla. 4th DCA 1982).
[2] *Johnson v. Davis*, 480 So. 2d 625, 629 (Fla. 1985).
[3] *Rayner v. Wise Realty Co. of Tallahassee*, 504 So. 2d 1361 (Fla. 1st DCA 1987).
[4] *Nelson v. Wiggs*, 699 So. 2d 258 (Fla. 3rd DCA 1997).
[5] *Id.* at 259.
[6] *Id.* at 260.
[7] *Newbern v. Mansbach*, 777 So.2d 1044 (Fla. 1st DCA 2001).
[8] *Florida Holding 4800, LLC v. Lauderhill Mall Investment, LLC,* 317 So.3d 121, 124 (Fla. 4th DCA 2021).

Statutory Real Property Sales Disclosure Requirements

Numerous statutes have created specific legal disclosure requirements for a seller of residential real property that clarify the scope of a required disclosure or require additional disclosures. These statutory disclosure requirements relate to the following:

- Associations -- A seller of property in a condominium, cooperative, or homeowners' association must make extensive specific disclosures of information related to the association.[9]
- Coastal -- A sale of a property located partially or totally seaward of the coastal construction control line requires a written disclosure statement at time of contract. The seller also must furnish the buyer with a survey or affidavit showing the control line, although the buyer may waive this requirement.[10]
- Code enforcement -- If a code enforcement proceeding is pending at the time of sale, the seller must disclose it to the buyer.[11]
- Flood -- A seller of real property must disclose whether the seller has filed a flood insurance claim and whether the seller has received federal flood aid.[12]
- Lead paint -- Federal law requires all sellers or landlords of residential real property built before 1978 to give the buyer or tenant a federally produced form disclosure. The contract or lease must allow for a 10-day inspection period.[13]
- Mobile Home Park Lot Rentals – In a park having 26 or more lots, the park owner must furnish a copy of the prospectus. That document discloses information on numerous topics of interest that a mobile home owner might have regarding the park.[14]
- Property tax -- A seller must disclose that a transfer of ownership may lead to an increased property tax assessment related to the Save Our Homes Amendment.[15]
- Radon gas -- A specific disclosure relating to the risks of radon gas must be made in writing in connection with the sale of any building.[16]

---

[9] See, ss. 718.503 (condominiums), 719.503 (cooperatives), and 720.401 (homeowners' association), F.S.

[10] Section 161.57, F.S. The written disclosure is this statement: "The property being purchased may be subject to coastal erosion and to federal, state, or local regulations that govern coastal property, including the delineation of the coastal construction control line, rigid coastal protection structures, beach nourishment, and the protection of marine turtles. Additional information can be obtained from the Florida Department of Environmental Protection, including whether there are significant erosion conditions associated with the shoreline of the property being purchased."

[11] Section 162.06(5), F.S.

[12] Section 689.302, F.S.

[13] 24 CFR Part 35 and 40 CFR Part 745. See also United States Environmental Protection Agency, Lead-Based Paint Disclosure Rule (updated Jan. 13, 2025), https://www.epa.gov/lead/lead-based-paint-disclosure-rule-section-1018-title-x.

[14] See ss. 723.011-012, F.S.

[15] Section 689.261, F.S. The written disclosure is this statement: "BUYER SHOULD NOT RELY ON THE SELLER'S CURRENT PROPERTY TAXES AS THE AMOUNT OF PROPERTY TAXES THAT THE BUYER MAY BE OBLIGATED TO PAY IN THE YEAR SUBSEQUENT TO PURCHASE. A CHANGE OF OWNERSHIP OR PROPERTY IMPROVEMENTS TRIGGERS REASSESSMENTS OF THE PROPERTY THAT COULD RESULT IN HIGHER PROPERTY TAXES. IF YOU HAVE ANY QUESTIONS CONCERNING VALUATION, CONTACT THE COUNTY PROPERTY APPRAISER'S OFFICE FOR INFORMATION."

[16] Section 404.056(5), F.S. The disclosure is this statement: "RADON GAS: Radon is a naturally occurring radioactive gas that, when it has accumulated in a building in sufficient quantities, may present health risks to persons who are exposed to it over time. Levels of radon that exceed federal and state guidelines have been found in buildings in Florida. Additional information regarding radon and radon testing may be obtained from your county health department."

- Sewer lines -- A seller must disclose known defects in the property's sanitary sewer lateral line.[17]
- Sinkhole damage -- The seller of real property upon which a sinkhole claim has been made by the seller and paid by the insurer must disclose to the buyer of such property, before the closing, that a claim has been paid and whether the full amount of the proceeds was used to repair the sinkhole damage.[18]
- Subsurface rights -- A seller must provide a prospective purchaser of residential property with a disclosure summary if the seller or an affiliated or related entity has previously severed or retained or will sever or retain any of the subsurface rights or right of entry.[19]

Correspondingly, statutes provide that certain disclosures are not required, including:
- That an occupant is or has been infected with HIV or AIDS.[20]
- That the property was or may have been the site of a homicide, suicide, or other death.[21]

Disclosures Related to Residential Leases

The Florida Residential Landlord and Tenant Act requires that a landlord disclose information regarding the deposit and the landlord's address.[22] The federal lead-based paint disclosure applicable to residential sales also applies to residential leases. The duty to disclose latent defects applicable to sales of real property does not apply to a lease transaction.[23]

III. Effect of Proposed Changes:

Residential Landlord-Tenant Flood Disclosure

The bill creates s. 83.512, F.S., to require a landlord leasing a residential property to provide a prospective tenant with a separate "Flood Disclosure" form. The form is provided in the bill and it:
- Informs the tenant that renter's insurance policies do not include coverage for flood damage;
- Requires the landlord to state whether the landlord knows of any flood damage that has occurred on any portion of the property or in any related structure during the landlord's ownership;
- Requires the landlord to state whether the landlord has filed an insurance claim for flood damage related to the property; and

[17] Section 689.301, F.S.
[18] Section 627.7073(2)(c), F.S.
[19] Section 689.29, F.S. The written disclosure is: "SUBSURFACE RIGHTS HAVE BEEN OR WILL BE SEVERED FROM THE TITLE TO REAL PROPERTY BY CONVEYANCE (DEED) OF THE SUBSURFACE RIGHTS FROM THE SELLER OR AN AFFILIATED OR RELATED ENTITY OR BY RESERVATION OF THE SUBSURFACE RIGHTS BY THE SELLER OR AN AFFILIATED OR RELATED ENTITY. WHEN SUBSURFACE RIGHTS ARE SEVERED FROM THE PROPERTY, THE OWNER OF THOSE RIGHTS MAY HAVE THE PERPETUAL RIGHT TO DRILL, MINE, EXPLORE, OR REMOVE ANY OF THE SUBSURFACE RESOURCES ON OR FROM THE PROPERTY EITHER DIRECTLY FROM THE SURFACE OF THE PROPERTY OR FROM A NEARBY LOCATION. SUBSURFACE RIGHTS MAY HAVE A MONETARY VALUE."
[20] Section 689.25(1)(a), F.S.
[21] Section 689.25(1)(b), F.S.
[22] Sections 83.49 and 83.50, F.S.
[23] *Rost Invs., LLC v. Cameron*, 302 So. 3d 445, 451 (Fla. 2nd DCA 2020); *rev. denied*, 2021 WL 1402224.

- Requires the landlord to state whether the landlord has received assistance for flood damage to the property from the Federal Emergency Management Agency or other entities.

Note that the disclosure form, like the current disclosure form applicable to residential sales in s. 689.302, F.S., does not require detailed answers. The questions are all in the form of a "yes/no" reply without further detail.

The disclosure form required by the bill also defines "flooding" to mean "a general or temporary condition of partial or complete inundation of the property caused by . . . the overflow of inland or tidal waters; the unusual and rapid accumulation of runoff or surface waters from any established water source, such as a river, stream, or drainage ditch; or sustained periods of standing water resulting from rainfall." This definition is the same as in the disclosure form required by current law for residential real estate sales.[24]

The bill allows a tenant, where the landlord has failed to provide such disclosure and such tenant suffers a substantial loss or damage due to flooding, to terminate the lease no more than 30 days after the date of the flood loss or damage.[25] In such event, the landlord must refund the tenant all rent or other amounts paid in advance under the rental agreement for any period after the effective date of the termination of the rental agreement. However, such termination does not alleviate the tenant's obligation to pay delinquent or unpaid rents due at the time of termination.

Residential Mobile Home Park Lot Leases

The bill amends s. 723.011, F.S., to require a mobile home park owner leasing a residential mobile home park lot to provide a prospective lessee with a separate "Flood Disclosure" form. The form is provided in the bill, and it:

- Informs the mobile home owner that renter's insurance policies do not include coverage for flood damage;
- Requires the mobile home park owner to state whether the park owner knows of any flood damage that has occurred on any portion of the property or in any related structure during the park owner's ownership;
- Requires the mobile home park owner to state whether the park owner has filed an insurance claim for flood damage related to the property; and
- Requires the mobile home park owner to state whether the park owner has received assistance for flood damage to the property.

The disclosure form, like the current disclosure form applicable to residential sales, does not require detailed answers. The questions are all in the form of a "yes/no" reply with no further detail.

The disclosure form required by the bill also defines "flooding" to mean "a general or temporary condition of partial or complete inundation of the property caused by . . . the overflow of inland or tidal waters; the unusual and rapid accumulation of runoff or surface waters from any

[24] Section 689.302, F.S.

[25] The bill defines "substantial loss or damage" as the total cost of repairs to or replacement of the personal property is 50 percent or more of the personal property's market value on the date the flooding occurred.

established water source, such as a river, stream, or drainage ditch; or sustained periods of standing water resulting from rainfall." This definition is the same as in the disclosure form required by current law for residential real estate sales.[26]

The bill allows a tenant, where the owner has failed to provide such disclosure and such tenant suffers a substantial loss or damage due to flooding, to terminate the lease no more than 30 days after the date of the flood loss or damage.[27] In such event, the owner must refund the tenant all rent or other amounts paid in advance under the rental agreement for any period after the effective date of the termination of the rental agreement. However, such termination does not alleviate the tenant's obligation to pay delinquent or unpaid rents (or other sums due to the owner) due at the time of termination.

Condominium and Cooperative Flood Disclosure

The bill amends ss. 718.503 and 719.503, F.S., to require a developer of a condominium or cooperative, respectively, to include flood disclosures in sales contracts and in long-term rental agreements (defined as an unexpired term of more than 5 years). Specifically, the contract or agreement must:

- Contain a statement that informs the buyer or renter that homeowners' insurance policies do not include coverage for flood damage;
- Disclose whether the developer has any knowledge of flooding that has damaged the property or structures on the property during their ownership;
- Disclose whether the developer has filed an insurance claim for flood damage related to the property or the common elements; and
- Disclose whether the developer has received assistance for flood damage to the property or the common elements from the Federal Emergency Management Agency or other entities.

Consistent with the similar flood disclosure form in current law for residential real estate sales and with the other forms created by this bill for residential rental properties, the required contract language also defines "flooding" to mean "a general or temporary condition of partial or complete inundation of the property caused by . . . the overflow of inland or tidal waters; the unusual and rapid accumulation of runoff or surface waters from any established water source, such as a river, stream, or drainage ditch; or sustained periods of standing water resulting from rainfall."

In a resale of a condominium or cooperative unit, the general flood disclosure form at s. 689.302, F.S., applies.

Flood Disclosure Form in Current Law

The bill amends the flood disclosure form in current law at s. 689.302, F.S., applicable to all sales of residential real property, to expand its scope. Currently, the form asks whether the seller has received any federal flood-related assistance. The bill deletes the limiting word "federal,"

[26] Section 689.302, F.S.

[27] The bill defines "substantial loss or damage" as the total cost of repairs to or replacement of the personal property is 50 percent or more of the personal property's market value on the date the flooding occurred

which has the effect of expanding the scope of the disclosure to include whether the seller has received state, local, or private flood-related assistance. It remains as a "yes/no" question without further detail.

The bill also adds to the standard form to include disclosure of whether the seller has knowledge of any flooding that has damaged any portion of the property or any structure on the property during the seller's ownership of the property.

Effective Date

The bill is effective 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 new and revised disclosure requirements provided in the bill may add administrative costs to a covered transaction. In addition, these new and revised requirements may increase the potential for lawsuits (and damages) where a person required to make such disclosures does not do so.

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: 689.302, 718.503, 719.503 and 723.011.
This bill creates section 83.512 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 Judiciary on March 12, 2025:
The CS adds a disclosure of past flood damage to the disclosure form applicable to real estate sales; and adds matching flood disclosures to cooperative law and mobile home park tenancy law, respectively.

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 Judiciary; and Senator Bradley

590-02311-25 2025948c1

A bill to be entitled

An act relating to flood disclosures; creating s. 83.512, F.S.; requiring a landlord of residential real property to provide specified information to a prospective tenant at or before the time the rental agreement is executed; specifying how such information must be disclosed; defining the term "flooding"; providing that if a landlord fails to disclose flood information truthfully and a tenant suffers substantial loss or damage, the tenant may terminate the rental agreement by giving a written notice of termination to the landlord within a specified timeframe; defining the term "substantial loss"; requiring a landlord to refund the tenant all amounts paid in advance for any period after the effective date of the termination of the rental agreement; providing that a tenant is still liable for any sum owed to the landlord before the termination of the rental agreement; amending s. 689.302, F.S.; revising the flood information that must be disclosed to prospective purchasers of residential real property; amending s. 718.503, F.S.; requiring a developer of a residential condominium unit to provide specified information to a prospective purchaser at or before the time the sales contract is executed; specifying how such information must be disclosed; defining the term "flooding"; amending s. 719.503, F.S.; requiring a developer of a residential condominium unit to provide specified information to a prospective

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

590-02311-25 2025948c1

purchaser at or before the time the sales contract is executed; specifying how such information must be disclosed; defining the term "flooding"; amending s. 723.011, F.S.; requiring a park owner of a mobile home park to provide specified information to a prospective lessee at or before the time the rental agreement is executed; specifying how such information must be disclosed; defining the term "flooding"; providing that if a park owner fails to disclose flood information truthfully and a lessee suffers substantial loss or damage, the lessee may terminate the rental agreement by giving a written notice of termination to the park owner within a specified timeframe; defining the term "substantial loss"; requiring a park owner to refund the lessee all amounts paid in advance for any period after the effective date of the termination of the rental agreement; providing that a lessee is still liable for any sum owed to the park owner before the termination of the rental agreement; providing an effective date.

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

Section 1. Section 83.512, Florida Statutes, is created to read:

83.512 Disclosure of flood risks to prospective tenant of residential real property.—

(1) A landlord must complete and provide a flood disclosure to a prospective tenant of residential real property at or

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

before the execution of a rental agreement for a term of 1 year or longer. The flood disclosure must be in a separate document. The flood disclosure must be made in substantially the following form:

FLOOD DISCLOSURE

Flood Insurance: Renters' insurance policies do not include coverage for damage resulting from floods. Tenant is encouraged to discuss the need to purchase separate flood insurance coverage with Tenant's insurance agent.

1. Landlord has .... has no .... knowledge of any flooding that has damaged any portion of the property or any structure on the property during Landlord's ownership of the property.

2. Landlord has .... has not .... filed a claim with an insurance provider relating to flood damage on the property, including, but not limited to, a claim with the National Flood Insurance Program.

3. Landlord has .... has not .... received assistance for flood damage to the property, including, but not limited to, assistance from the Federal Emergency Management Agency.

4. For the purposes of this disclosure, the term "flooding" means a general or temporary condition of partial or complete inundation of the property caused by any of the following:

a. The overflow of inland or tidal waters.

b. The unusual and rapid accumulation of runoff

or surface waters from any established water source, such as a river, stream, or drainage ditch.

c. Sustained periods of standing water resulting from rainfall.

(2) If a landlord violates this section and a tenant suffers a substantial loss or damage to the tenant's personal property as a result of flooding, the tenant may terminate the rental agreement by giving a written notice of termination to the landlord no later than 30 days after the date of the damage or loss. Termination of a rental agreement under this section is effective upon the tenant surrendering possession of the property. For the purpose of this section, the term "substantial loss or damage" means the total cost of repairs to or replacement of the personal property is 50 percent or more of the personal property's market value on the date the flooding occurred.

(3) A landlord shall refund the tenant all rent or other amounts paid in advance under the rental agreement for any period after the effective date of the termination of the rental agreement.

(4) This section does not affect a tenant's liability for delinquent, unpaid rent or other sums owed to the landlord before the date the rental agreement was terminated by the tenant under this section.

Section 2. Section 689.302, Florida Statutes, is amended to read:

689.302 Disclosure of flood risks to prospective purchaser.—A seller must complete and provide a flood disclosure

to a purchaser of residential real property at or before the time the sales contract is executed. The flood disclosure must be made in the following form:

FLOOD DISCLOSURE

Flood Insurance: Homeowners' insurance policies do not include coverage for damage resulting from floods. Buyer is encouraged to discuss the need to purchase separate flood insurance coverage with Buyer's insurance agent.

(1) Seller has ☐ has no ☐ knowledge of any flooding that has damaged any portion of the property or any structure on the property during Seller's ownership of the property.

(2) Seller has ☐ has not ☐ filed a claim with an insurance provider relating to flood damage on the property, including, but not limited to, a claim with the National Flood Insurance Program.

(3) ~~(2)~~ Seller has ☐ has not ☐ received ~~federal~~ assistance for flood damage to the property, including, but not limited to, assistance from the Federal Emergency Management Agency.

(4) ~~(3)~~ For the purposes of this disclosure, the term "flooding" means a general or temporary condition of partial or complete inundation of the property caused by any of the following:

(a) The overflow of inland or tidal waters.

(b) The unusual and rapid accumulation of runoff or surface waters from any established water source,

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

such as a river, stream, or drainage ditch.

(c) Sustained periods of standing water resulting from rainfall.

Section 3. Paragraph (a) of subsection (1) of section 718.503, Florida Statutes, is amended to read:

718.503 Developer disclosure prior to sale; nondeveloper unit owner disclosure prior to sale; voidability.—

(1) DEVELOPER DISCLOSURE.—

(a) *Contents of contracts.*—Any contract for the sale of a residential unit or a lease thereof for an unexpired term of more than 5 years shall:

1. Contain the following legend in conspicuous type:

THIS AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 15 DAYS AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER, AND RECEIPT BY BUYER OF ALL OF THE ITEMS REQUIRED TO BE DELIVERED TO HIM OR HER BY THE DEVELOPER UNDER SECTION 718.503, FLORIDA STATUTES. THIS AGREEMENT IS ALSO VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 15 DAYS AFTER THE DATE OF RECEIPT FROM THE DEVELOPER OF ANY AMENDMENT WHICH MATERIALLY ALTERS OR MODIFIES THE OFFERING IN A MANNER THAT IS ADVERSE TO THE BUYER. ANY PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 15 DAYS AFTER THE BUYER HAS RECEIVED ALL OF THE ITEMS

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

REQUIRED. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING. FIGURES CONTAINED IN ANY BUDGET DELIVERED TO THE BUYER PREPARED IN ACCORDANCE WITH THE CONDOMINIUM ACT ARE ESTIMATES ONLY AND REPRESENT AN APPROXIMATION OF FUTURE EXPENSES BASED ON FACTS AND CIRCUMSTANCES EXISTING AT THE TIME OF THE PREPARATION OF THE BUDGET BY THE DEVELOPER. ACTUAL COSTS OF SUCH ITEMS MAY EXCEED THE ESTIMATED COSTS. SUCH CHANGES IN COST DO NOT CONSTITUTE MATERIAL ADVERSE CHANGES IN THE OFFERING.

2. Contain the following caveat in conspicuous type on the first page of the contract:

ORAL REPRESENTATIONS CANNOT BE RELIED UPON AS CORRECTLY STATING THE REPRESENTATIONS OF THE DEVELOPER. FOR CORRECT REPRESENTATIONS, REFERENCE SHOULD BE MADE TO THIS CONTRACT AND THE DOCUMENTS REQUIRED BY SECTION 718.503, FLORIDA STATUTES, TO BE FURNISHED BY A DEVELOPER TO A BUYER OR LESSEE.

3. If the unit has been occupied by someone other than the buyer, contain a statement that the unit has been occupied.

4. If the contract is for the sale or transfer of a unit subject to a lease, include as an exhibit a copy of the executed lease and shall contain within the text in conspicuous type: "THE UNIT IS SUBJECT TO A LEASE (OR SUBLEASE)."

5. If the contract is for the lease of a unit for a term of 5 years or more, include as an exhibit a copy of the proposed

lease.

6. If the contract is for the sale or lease of a unit that is subject to a lien for rent payable under a lease of a recreational facility or other commonly used facility, contain within the text the following statement in conspicuous type:

THIS CONTRACT IS FOR THE TRANSFER OF A UNIT THAT IS SUBJECT TO A LIEN FOR RENT PAYABLE UNDER A LEASE OF COMMONLY USED FACILITIES. FAILURE TO PAY RENT MAY RESULT IN FORECLOSURE OF THE LIEN.

7. State the name and address of the escrow agent required by s. 718.202 and state that the purchaser may obtain a receipt for his or her deposit from the escrow agent upon request.

8. If the contract is for the sale or transfer of a unit in a condominium in which timeshare estates have been or may be created, contain within the text in conspicuous type: "UNITS IN THIS CONDOMINIUM ARE SUBJECT TO TIMESHARE ESTATES." The contract for the sale of a fee interest in a timeshare estate shall also contain, in conspicuous type, the following:

FOR THE PURPOSE OF AD VALOREM TAXES OR SPECIAL ASSESSMENTS LEVIED BY TAXING AUTHORITIES AGAINST A FEE INTEREST IN A TIMESHARE ESTATE, THE MANAGING ENTITY IS GENERALLY CONSIDERED THE TAXPAYER UNDER FLORIDA LAW. YOU HAVE THE RIGHT TO CHALLENGE AN ASSESSMENT BY A TAXING AUTHORITY RELATING TO YOUR TIMESHARE ESTATE PURSUANT TO THE PROVISIONS OF CHAPTER 194, FLORIDA STATUTES.

9. Contain within the text the following statement in conspicuous type:

HOMEOWNERS' INSURANCE POLICIES DO NOT INCLUDE COVERAGE FOR DAMAGE RESULTING FROM FLOODING. BUYER IS ENCOURAGED TO DISCUSS THE NEED TO PURCHASE SEPARATE FLOOD INSURANCE COVERAGE WITH BUYER'S INSURANCE AGENT.

DEVELOPER HAS .... HAS NO .... KNOWLEDGE OF ANY FLOODING THAT HAS DAMAGED ANY PORTION OF THE PROPERTY OR ANY STRUCTURE ON THE PROPERTY DURING DEVELOPER'S OWNERSHIP OF THE PROPERTY.

DEVELOPER HAS .... HAS NOT .... FILED A CLAIM WITH AN INSURANCE PROVIDER RELATING TO FLOOD DAMAGE ON THE PROPERTY OR COMMON ELEMENTS, INCLUDING, BUT NOT LIMITED TO, A CLAIM WITH THE NATIONAL FLOOD INSURANCE PROGRAM.

DEVELOPER HAS .... HAS NOT .... RECEIVED ASSISTANCE FOR FLOOD DAMAGE TO THE PROPERTY OR COMMON ELEMENTS, INCLUDING, BUT NOT LIMITED TO, ASSISTANCE FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

FOR THE PURPOSES OF THIS DISCLOSURE, THE TERM "FLOODING" MEANS A GENERAL OR TEMPORARY CONDITION OF PARTIAL OR COMPLETE INUNDATION OF THE PROPERTY OR COMMON ELEMENTS CAUSED BY THE OVERFLOW OF INLAND OR

TIDAL WATERS; THE UNUSUAL AND RAPID ACCUMULATION OF RUNOFF OR SURFACE WATERS FROM ANY ESTABLISHED WATER SOURCE, SUCH AS A RIVER, STREAM, OR DRAINAGE DITCH; OR SUSTAINED PERIODS OF STANDING WATER RESULTING FROM RAINFALL.

Section 4. Paragraph (a) of subsection (1) of section 719.503, Florida Statutes, is amended to read:

719.503 Disclosure prior to sale.—

(1) DEVELOPER DISCLOSURE.—

(a) *Contents of contracts.*—Any contracts for the sale of a unit or a lease thereof for an unexpired term of more than 5 years shall contain:

1. The following legend in conspicuous type:

THIS AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 15 DAYS AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER, AND RECEIPT BY BUYER OF ALL OF THE ITEMS REQUIRED TO BE DELIVERED TO HIM OR HER BY THE DEVELOPER UNDER SECTION 719.503, FLORIDA STATUTES. THIS AGREEMENT IS ALSO VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 15 DAYS AFTER THE DATE OF RECEIPT FROM THE DEVELOPER OF ANY AMENDMENT WHICH MATERIALLY ALTERS OR MODIFIES THE OFFERING IN A MANNER THAT IS ADVERSE TO THE BUYER. ANY PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 15 DAYS

AFTER THE BUYER HAS RECEIVED ALL OF THE ITEMS REQUIRED. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING. FIGURES CONTAINED IN ANY BUDGET DELIVERED TO THE BUYER PREPARED IN ACCORDANCE WITH THE COOPERATIVE ACT ARE ESTIMATES ONLY AND REPRESENT AN APPROXIMATION OF FUTURE EXPENSES BASED ON FACTS AND CIRCUMSTANCES EXISTING AT THE TIME OF THE PREPARATION OF THE BUDGET BY THE DEVELOPER. ACTUAL COSTS OF SUCH ITEMS MAY EXCEED THE ESTIMATED COSTS. SUCH CHANGES IN COST DO NOT CONSTITUTE MATERIAL ADVERSE CHANGES IN THE OFFERING.

2. The following caveat in conspicuous type shall be placed upon the first page of the contract:

ORAL REPRESENTATIONS CANNOT BE RELIED UPON AS CORRECTLY STATING THE REPRESENTATIONS OF THE DEVELOPER. FOR CORRECT REPRESENTATIONS, REFERENCE SHOULD BE MADE TO THIS CONTRACT AND THE DOCUMENTS REQUIRED BY SECTION 719.503, FLORIDA STATUTES, TO BE FURNISHED BY A DEVELOPER TO A BUYER OR LESSEE.

3. If the unit has been occupied by someone other than the buyer, a statement that the unit has been occupied.

4. If the contract is for the sale or transfer of a unit subject to a lease, the contract shall include as an exhibit a copy of the executed lease and shall contain within the text in conspicuous type: "THE UNIT IS SUBJECT TO A LEASE (OR SUBLEASE)."

5. If the contract is for the lease of a unit for a term of 5 years or more, the contract shall include as an exhibit a copy of the proposed lease.

6. If the contract is for the sale or lease of a unit that is subject to a lien for rent payable under a lease of a recreational facility or other common areas, the contract shall contain within the text the following statement in conspicuous type: "THIS CONTRACT IS FOR THE TRANSFER OF A UNIT THAT IS SUBJECT TO A LIEN FOR RENT PAYABLE UNDER A LEASE OF COMMON AREAS. FAILURE TO PAY RENT MAY RESULT IN FORECLOSURE OF THE LIEN."

7. The contract shall state the name and address of the escrow agent required by s. 719.202 and shall state that the purchaser may obtain a receipt for his or her deposit from the escrow agent, upon request.

8. If the contract is for the sale or transfer of a unit in a cooperative in which timeshare estates have been or may be created, the following text in conspicuous type: "UNITS IN THIS COOPERATIVE ARE SUBJECT TO TIMESHARE ESTATES." The contract for the sale of a timeshare estate must also contain, in conspicuous type, the following:

FOR THE PURPOSE OF AD VALOREM TAXES OR SPECIAL ASSESSMENTS LEVIED BY TAXING AUTHORITIES AGAINST A TIMESHARE ESTATE, THE MANAGING ENTITY IS GENERALLY CONSIDERED THE TAXPAYER UNDER FLORIDA LAW. YOU HAVE THE RIGHT TO CHALLENGE AN ASSESSMENT BY A TAXING AUTHORITY RELATING TO YOUR TIMESHARE ESTATE PURSUANT TO THE PROVISIONS OF CHAPTER 194, FLORIDA STATUTES.

9. Contain within the text the following statement in conspicuous type:

HOMEOWNERS' INSURANCE POLICIES DO NOT INCLUDE COVERAGE FOR DAMAGE RESULTING FROM FLOODING. BUYER IS ENCOURAGED TO DISCUSS THE NEED TO PURCHASE SEPARATE FLOOD INSURANCE COVERAGE WITH BUYER'S INSURANCE AGENT.

DEVELOPER HAS .... HAS NO .... KNOWLEDGE OF ANY FLOODING THAT HAS DAMAGED ANY PORTION OF THE PROPERTY OR ANY STRUCTURE ON THE PROPERTY DURING DEVELOPER'S OWNERSHIP OF THE PROPERTY.

DEVELOPER HAS .... HAS NOT .... FILED A CLAIM WITH AN INSURANCE PROVIDER RELATING TO FLOOD DAMAGE ON THE PROPERTY OR COMMON ELEMENTS, INCLUDING, BUT NOT LIMITED TO, A CLAIM WITH THE NATIONAL FLOOD INSURANCE PROGRAM.

DEVELOPER HAS .... HAS NOT .... RECEIVED ASSISTANCE FOR FLOOD DAMAGE TO THE PROPERTY OR COMMON ELEMENTS, INCLUDING, BUT NOT LIMITED TO, ASSISTANCE FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

FOR THE PURPOSES OF THIS DISCLOSURE, THE TERM "FLOODING" MEANS A GENERAL OR TEMPORARY CONDITION OF PARTIAL OR COMPLETE INUNDATION OF THE PROPERTY OR COMMON ELEMENTS CAUSED BY THE OVERFLOW OF INLAND OR

TIDAL WATERS; THE UNUSUAL AND RAPID ACCUMULATION OF RUNOFF OR SURFACE WATERS FROM ANY ESTABLISHED WATER SOURCE, SUCH AS A RIVER, STREAM, OR DRAINAGE DITCH; OR SUSTAINED PERIODS OF STANDING WATER RESULTING FROM RAINFALL.

Section 5. Subsection (6) is added to section 723.011, Florida Statutes, to read:

723.011 Disclosure prior to rental of a mobile home lot; prospectus, filing, approval.—

(6)(a) A mobile home park owner must complete and provide a flood disclosure to a prospective lessee of residential real property. Delivery must be made prior to execution of the lot rental agreement or at the time of occupancy, whichever occurs first. The flood disclosure must be in a separate document. The flood disclosure must be made in substantially the following form:

FLOOD DISCLOSURE

Flood Insurance: Homeowners' and renters' insurance policies do not include coverage for damage resulting from floods. You are encouraged to discuss the need to purchase separate flood insurance coverage your insurance agent.

1. The park owner has .... has no .... knowledge of any flooding that has damaged any portion of the property or any structure on the property during park owner's ownership of the property.

2. The park owner has .... has not .... filed a

claim with an insurance provider relating to flood damage on the property, including, but not limited to, a claim with the National Flood Insurance Program.

3. The park owner has .... has not .... received assistance for flood damage to the property, including, but not limited to, assistance from the Federal Emergency Management Agency.

4. For the purposes of this disclosure, the term "flooding" means a general or temporary condition of partial or complete inundation of the property caused by any of the following:

a. The overflow of inland or tidal waters.

b. The unusual and rapid accumulation of runoff or surface waters from any established water source, such as a river, stream, or drainage ditch.

c. Sustained periods of standing water resulting from rainfall.

(b) If a park owner violates this section and a lessee suffers a substantial loss or damage to the lessee's mobile home or personal property as a result of flooding, the lessee may terminate the rental agreement by giving a written notice of termination to the park owner no later than 30 days after the date of the damage or loss. Termination of a rental agreement under this section is effective upon the lessee surrendering possession of the property. For the purpose of this paragraph, the term "substantial loss or damage" means the total cost of repairs to or replacement of the mobile home and personal property is 50 percent or more of the mobile home and personal

property's market value on the date the flooding occurred.

(c) A park owner shall refund the lessee all rent or other amounts paid in advance under the rental agreement for any period after the effective date of the termination of the rental agreement.

(d) This subsection does not affect a lessee's liability for delinquent, unpaid rent or other sums owed to the park owner before the date the rental agreement was terminated by the lessee under this subsection.

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

The Florida Senate

APPEARANCE RECORD

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

3/25/2025
Meeting Date

Regulated Industries
Committee

948
Bill Number or Topic

Amendment Barcode (if applicable)

Name Elizabeth Alvi

Phone 850-999-1028

Address 2001 Thomasville Road
Street

Email Beth.Alvi@Audubon.Org

Tallahassee FI 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:
Audubon 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 Flo. 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

03/25/2025
Meeting Date

S Regulated Industries
Committee

948
Bill Number or Topic

Amendment Barcode (if applicable)

Name Steven Schale

Phone 850-222-8900

Address 204 South Monroe Street
Street

Email steve@tapfla.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:
The Environmental Defense Fund

☐ 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

3/25/2025
Meeting Date

Regulated Industries
Committee

946
Bill Number or Topic

Amendment Barcode (if applicable)

Name Kate Wesner

Phone 5417223659

Address 150 M. St. Washington DC
Street

Email kate@tirodcoalition.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: American Road Coalition Action

☐ 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 Regulated Industries

BILL:	CS/SB 1742
INTRODUCER:	Regulated Industries Committee and Senator Bradley
SUBJECT:	Condominium and Cooperative Associations
DATE:	March 27, 2025 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Oxamendi	Imhof	RI	**Fav/CS**
2.			AEG	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1742 relates to the governance of condominium and cooperative associations, and the regulation of the community association managers (CAMs) who manage those communities.

Relating to CAMs, the bill:

- Prohibits persons who have had their CAM license revoked from having an indirect or direct ownership interest in a CAM firm, or being an employee, partner, officer, director, or trustee of a CAM firm and may not reapply for 10 years;
- Requires CAMS to maintain and update an online account with the Department of Business and Professional Regulation (department) in which they must indicate if they are providing services for a condominium, cooperative, or homeowners' association;
- Requires all CAM contracts to include a statement that they will abide by professional standards and the applicable community association recordkeeping requirements; and
- Requires the Division of Condominiums, Timeshares, and Mobile Homes (division) to give written notice to the CAM firm and the community association for which the manager performs community management services when a CAM's license is suspended or revoked.

Relating to the milestone inspection requirement for condominium and cooperative associations with buildings that are three or more stories in height, the bill:

- Requires local enforcement agencies, on or before October 1, 2025, to report to the department specified information regarding the inspections, including the number of buildings inspected, and a list of buildings that have been deemed unsafe or uninhabitable;

- Requires the Florida Building Commission (commission) to contract with the University of Florida (UF) to create a report that provides comprehensive data, evaluation, and analysis of the milestone inspections that have been performed, and the report to be submitted to the Governor and the presiding officers of the Legislature;
- For the 2025-2026 fiscal year, appropriates the recurring sum of $150,000 and the nonrecurring sum of $100,000 to the commission to contract with UF to implement the study; and
- Requires the boards of county commissioners to adopt an ordinance requiring that a condominium or cooperative association and any other owner that is subject to a milestone inspection requirement to commence repairs within 365 days after a phase two report is received.

Relating to the official maintenance of official records by condominium associations, the bill requires associations:
- Keep recordings of videoconference meetings;
- Keep all bank statements and ledgers as official records;
- Keep all affidavits required by ch. 718, F.S., as official records, including on the association's website;
- Keep all approved minutes of the board over the preceding 12 months on the association's website; and
- Update the association's website within 30 days of any change.

Relating to the delivery of the annual financial statement in condominium associations, the bill:
- Provides that the association must deliver to unit owners a notice that a copy of the annual financial report will be provided in the manner requested by the unit owner via the mail, hand delivery, or electronically delivered via the Internet; and
- Requires that an officer or director of the association sign an affidavit evidencing compliance with the requirements for delivery of the annual financial statement.

Relating to the conduct of the meetings in condominium associations, the bill:
- Allows condominium association to conduct meetings by video conferencing, including board meetings, budget meetings, and unit member meetings.
- Prohibits board members from participating in meetings by videoconference more than two times in a calendar year;
- Allows board members who appear by videoconference to vote, but their presence may not count towards a quorum;
- Requires meetings conducted by videoconference to be recorded and the recordings to be kept as official records;
- Requires that the notice for a meeting that is to be conducted by video conference must include a hyperlink to the videoconference and the address for the physical location of the meeting;
- Deletes requirements related to the broadcasting of meeting notices; and
- Requires the division to adopt rules for the conduct of meetings by videoconference.

Relating to the budgeting process in condominium associations, the bill:

- Requires associations to simultaneously propose a substitute budget that excludes any discretionary spending if the proposed budget exceeds 115 percent of the assessments of the preceding year;
- Requires that the substitute budget must be presented to the unit owners for approval before a budget can be adopted, instead of the current requirement that the unit owners must petition for consideration of a substitute budget after the budget is approved; and
- Removes "assessments for the betterment of the community" as an expense that can be excluded when determining whether assessments exceed 115 percent of the assessments of the preceding year.

Relating to the maintenance of reserves by condominium and cooperative associations, the bill:

- Revises the term "alternative funding method" to allow all multicondominiums to use the method, which is currently limited to multicondominiums with 25 or more condominiums, and to allow the division to adopt additional funding methods for reserves by rule;
- Provides requirements and procedures for associations to invest reserve funds;
- Increases the monetary threshold for reserve items from $10,000 to $25,000;
- For a budget adopted on or before December 31, 2028, allows an association that is required to have a structural integrity reserve study (SIRS) may, with the approval of a majority of the voting interests of the association, secure a line of credit in lieu of maintaining reserves for all or a portion of the required reserves;
- Allows condominium boards to pause reserve funding without unit owner approval when the condominium building is declared uninhabitable by the local building official. Current law requires a vote of the members to pause reserves if the building has been declared uninhabitable;
- For a budget adopted on or before December 31, 2028, allows unit-owner controlled associations to temporarily pause or reduce reserve contributions for no more than the two consecutive annual budgets following a milestone inspection, upon a vote of a majority of the total voting interests, in order to fund needed repairs recommended by the milestone inspection. If an association pauses or reduces reserve funding, it must perform a SIRS before continuing reserve contribution in order to determine the association's reserve funding needs and to recommend a reserve funding plan; and
- Provides that a board may change the accounting method for reserves to a pooling accounting method or a straight-line accounting method without a vote of the members.

Regarding SIRS requirements for condominium and cooperative associations, the bill:

- Extends the deadline by which for associations must complete a required SIRS from December 31, 2024, to December 31, 2025;
- Requires design professionals, e.g., architects and engineers, and licensed contractors bidding on a SIRS to disclose in writing if they intend to bid on maintenance, repair, or replacement work related to the SIRS. They cannot have a direct or indirect interest in the firm conducting the study or be related to someone with such an interest unless disclosed to the association in writing. Failure to disclose makes the contract voidable and may result in professional discipline;

- Requires that the SIRS, at minimum, include a reserve "baseline" funding plan that ensures that the reserve cash balance stays above zero. It may suggest alternative funding schedules if such schedule meets the association's maintenance obligations;
- Requires that the SIRS must differentiate between mandatory reserve items and other reserve items;
- Allows associations that have completed a required milestone inspection to delay the SIRS for up to two budget years to prioritize funding for repairs and maintenance as required by the milestone inspection;
- Requires officers and directors of associations to sign an affidavit acknowledging receipt of a completed SIRS; and
- Requires the division to adopt by rule the form for the SIRS in coordination with the Florida Building Commission.

Regarding presale disclosure for condominium and cooperative associations, the bill:
- Revises the pre-sale notice requirements that sellers of a unit must provide a copy of the most recent year-end-financial statement and annual budget.
- Extends the 3-day recission period for condominium sales by nondeveloper unit owners to 15 days. The current recission period for developer sales is 15 days.

The bill expands the condominium jurisdiction of the division to review records and investigate complaints to include:
- Completion of milestone inspections and repairs;
- Requirements to maintain insurance and fidelity bonding for all persons who disperse funds;
- Board member education requirements; and
- Reporting requirements related to SIRS.

The bill requires condominium and cooperative associations to create an online account with the division and requires these associations to report to the division specified information on or before December 31, 2025, and to update the information within 15 days of a change. The additional information that must be submitted includes:
- Contact information for the association, its members of the board, and its CAM; and
- Information about the association, such as the number of units, age of buildings, and assessments, including the purpose for the assessments.

The bill revises the term "official investigation" to include official investigations by the division for alleged violations of ss. 914.22 and 914.23, F.S., which relate to the criminal prohibitions against tampering with, harassing, or retaliating against a witness, victim, or informant.

Regarding the creation of condominiums within a portion of a building or within a multiple parcel building, the bill revises the provision in s. 31 of ch. 2024-244, Laws of Florida, which provides that the provisions in that act related to condominiums within a portion of a building or within a multiple parcel building are intended to clarify existing law and shall apply retroactively, to provide that those provisions do not apply retroactively and only apply to condominiums for which declarations were initially recorded on or after July 1, 2025.

The bill takes effect July 1, 2025.

II. Present Situation:

Milestone Inspections

Section 553.899, F.S., requires residential condominium and cooperative buildings that are three stories or more in height, as determined by the Florida Building Code, to have a milestone inspection by December 31 of the year in which the building reaches 30 years of age. However, if a building reaches 30 years of age before July 1, 2022, the initial milestone inspection must be performed before December 31, 2024. If a building reaches 30 years of age on or after July 1, 2022, and before December 31, 2024, the building's milestone inspection must be performed before December 31, 2025. The local enforcement agency[1] will provide written notice of the required inspection to the association.[2]

Local enforcement agencies that are responsible with enforcing the milestone inspection requirements may set a 25-year inspection requirement if justified by local environmental conditions, including proximity to seawater.[3] Local enforcement agencies may also extend the inspection deadline for a building upon a petition showing good cause that the owner or owners of the buildings have entered into a contract with an architect or engineer to perform the milestone inspection services and the milestone inspection cannot reasonably be completed before the deadline.[4]

Single-family, two-family, three-family, and four-family dwellings with three or fewer stories above ground are exempt from the milestone inspection requirements.

The milestone inspection requirement applies to buildings that in whole or in part are subject to the condominium or cooperative forms of ownership, such as mixed-ownership buildings. Consequently, all owners of a mixed-ownership building in which portions of the building are subject to the condominium or cooperative form of ownership are responsible for ensuring compliance and must share the costs of the inspection.

The purpose of a milestone inspection is to determine the life safety and adequacy of the structural components of the building and, to the extent reasonably possible, determine the general structural condition of the building as it affects the safety of such building, including a determination of any necessary maintenance, repair, or replacement of any structural component of the building.[5] The purpose of such inspection is not to determine if the condition of an existing

---

[1] Section 553.71(5), F.S., defines the term "local enforcement agency" to mean "an agency of local government, a local school board, a community college board of trustees, or a university board of trustees in the State University System with jurisdiction to make inspections of buildings and to enforce the codes which establish standards for design, construction, erection, alteration, repair, modification, or demolition of public or private buildings, structures, or facilities."
[2] Section 553.899(3), F.S.
[3] Section 553.899(3)(b), F.S.
[4] Section 553.899(3)(c), F.S.
[5] Section 553.899(2)(a), F.S.

building is in compliance with the Florida Building Code or the firesafety code.[6] The milestone inspection services may be provided by a team of professionals with an architect or engineer acting as a registered design professional in responsible charge with all work and reports signed and sealed by the appropriate qualified team member.[7]

In addition, s. 553.899, F.S.:

- Requires that a phase one milestone inspection must commence within 180 days after an association receives a written notice from the local enforcement agency.
- Requires that a phase two milestone inspection must be performed if any substantial deterioration is identified during phase one.[8]
- Provides the minimum contents of a milestone inspection report.
- Requires inspection report results to be provided to local building officials and the affected association.
- Requires that the contract between an association that is subject to the milestone inspection requirement and a community association manager (CAM) or CAM firm must require compliance with those requirements as directed by the board.
- Requires the local enforcement agency to review and determine if a building is safe for human occupancy if an association fails to submit proof that repairs for substantial deterioration have been scheduled or begun within at least 365 days after the local enforcement agency receives a phase two inspection report.

Within 45 days after receiving a milestone inspection report, the condominium or cooperative association must distribute a copy of an inspector-prepared summary of the inspection report to each condominium unit owner or cooperative unit owner. The inspector-prepared summary must be provided to unit owners, regardless of the findings or recommendations in the report, by United States mail or personal delivery to the mailing address, property address, or any other address of the owner provided to fulfill the association's notice requirements under ch. 718, F.S., or ch. 719, F.S., as applicable, and by electronic transmission to the e-mail address or facsimile number provided to fulfill the association's notice requirements to unit owners who previously consented to receive notice by electronic transmission. The association must also post a copy of the inspector-prepared summary in a conspicuous place on the condominium or cooperative property and must publish the full report and inspector-prepared summary on the association's website, if the association is required to have a website.

---

[6] *Id.*
[7] *Id.*
[8] Section 533.899(2)(b), defines "substantial structural deterioration" to mean "substantial structural distress or substantial structural weakness that negatively affects a building's general structural condition and integrity. The term does not include surface imperfections such as cracks, distortion, sagging, deflections, misalignment, signs of leakage, or peeling of finishes unless the licensed engineer or architect performing the phase one or phase two inspection determines that such surface imperfections are a sign of substantial structural deterioration."

Condominium and Cooperative Associations

Chapters 718 and 719, F.S.

Chapter 718, F.S., relating to condominiums, and ch. 719, F.S., relating to cooperatives, provide for the governance of these community associations. The chapters delineate requirements for notices of meetings,[9] recordkeeping requirements, including which records are accessible to the members of the association,[10] and financial reporting.[11] Timeshare condominiums are generally governed by ch. 721, F.S., the "Florida Vacation Plan and Timesharing Act."

The Division of Florida Condominiums, Timeshares, and Mobile Homes (division) within the Department of Business and Professional Regulation (DBPR) administers the provisions of chs. 718 and 719, F.S., for condominium and cooperative associations, respectively.

Condominiums

A condominium is a "form of ownership of real property created under ch. 718, F.S,"[12] the "Condominium Act." Condominium unit owners are in a unique legal position because they are exclusive owners of property within a community, joint owners of community common elements, and members of the condominium association.[13] For unit owners, membership in the association is an unalienable right and required condition of unit ownership.[14]

A condominium association is administered by a board of directors referred to as a "board of administration."[15] The board of administration is comprised of individual unit owners elected by the members of a community to manage community affairs and represent the interests of the association. Association board members must enforce a community's governing documents and are responsible for maintaining a condominium's common elements which are owned in undivided shares by unit owners.[16]

Cooperatives

Section 719.103(12), F.S., defines a "cooperative" to mean:

> [T]hat form of ownership of real property wherein legal title is vested in a corporation or other entity and the beneficial use is evidenced by an ownership interest in the association and a lease or other muniment of title or possession granted by the association as the owner of all the cooperative property.

[9] *See* ss. 718.112(2) and 719.106(2)(c), F.S., for condominium and cooperative associations, respectively.
[10] *See* ss. 718.111(12) and 719.104(2), F.S., for condominium and cooperative associations, respectively.
[11] *See* ss. 718.111(13) and 719.104(4), F.S., for condominium and cooperative associations, respectively.
[12] Section 718.103(11), F.S.
[13] *See* s. 718.103, F.S., for the terms used in the Condominium Act.
[14] *Id.*
[15] Section 718.103(4), F.S.
[16] Section 718.103(2), F.S.

A cooperative differs from a condominium because, in a cooperative, no unit is individually owned. Instead, a cooperative owner receives an exclusive right to occupy the unit based on their ownership interest in the cooperative entity as a whole. A cooperative owner is either a stockholder or member of a cooperative apartment corporation who is entitled, solely by reason of ownership of stock or membership in the corporation, to occupy an apartment in a building owned by the corporation.[17] The cooperative holds the legal title to the unit and all common elements. The cooperative association may assess costs for the maintenance of common expenses.[18]

Additional Issues

For ease of reference to each of the topics addressed in the bill, the Present Situation for each topic will be described in Section III of this analysis, followed immediately by an associated section detailing the Effect of Proposed Changes.

III. Effect of Proposed Changes:

Milestone Inspections

Present Situation

Section 553.899(11), F.S., provides that boards of county commissioners or municipal governing bodies may adopt an ordinance requiring that a condominium or cooperative association and any other owner that is subject to the milestone inspection requirement schedule or commence repairs for substantial structural deterioration within a specified timeframe after the local enforcement agency receives a phase two inspection report; however, such repairs must be commenced within 365 days after receiving such report. The local enforcement agency must review and determine if the building is unsafe for human occupancy in the event an owner of the building fails to submit proof that repairs have been scheduled or have commenced within the required timeframe.

Current law does not require local enforcement agencies to submit a report to the Department of Business and Professional Regulation (DBPR or department) with information about the milestone inspections conducted within their jurisdiction.

Effect of Proposed Changes

The bill creates s. 553.899(3)(e), F.S., to require local enforcement agencies to report, on or before October 1, 2025, and on or before each December 31 thereafter, to the local enforcement agency, in an electronic format determined by the department, information that may include, but is not limited to:

- The number of buildings required to have a milestone inspection within the agency's jurisdiction.

[17] *See Walters v. Agency for Health Care Administration*, 288 So.3d 1215 (Fla. 3d DCA 2019), *review dismissed* 2020 WL 3442763 (Fla. 2020).
[18] *See* ss. 719.106(1)(g) and 719.107, F.S.

- The number of buildings for which a phase one milestone inspection has been completed.
- The number of buildings granted an extension under s. 553.899(3)(c), F.S.
- The number of buildings required to perform a phase two milestone inspection.
- The number of buildings for which a phase two milestone inspection has been completed.
- The number, type, and value of permits applied for to complete repairs pursuant to a phase two milestone inspection.
- A list of buildings deemed to be unsafe or uninhabitable due to a milestone inspection.
- The license number of the building code administrator responsible for milestone inspections for the local enforcement agency.

The bill creates s. 553.899(3)(f), F.S., to require, if funds are appropriated, the Florida Building Commission (commission) to contract with the University of Florida (UF) for the purpose of creating a report that provides comprehensive data, evaluation, and analysis on the milestone inspections performed throughout this state during each calendar year or other time period approved by the commission.

Under the bill, all local enforcement agencies that are responsible for milestone inspections must provide UF with a copy of any phase one or phase two milestone inspection report by the date specified by the commission in a manner prescribed by UF, which may request any additional information from a local enforcement agency which the university requires to complete this report.

The bill requires UF to compile the report and the department to transmit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

The bill amends s. 553.899(11), F.S., to require the boards of county commissioners to adopt an ordinance requiring that a condominium or cooperative association and any other owner that is subject to a milestone inspection requirement to commence repairs within 365 days after a phase two report is received.

Community Association Managers

Present Situation

Community association managers (CAMs) are licensed and regulated by the Regulatory Council of Community Association Managers within the department pursuant to part VIII of ch. 468, F.S.

Section 468.431(2), F.S., defines "community association management" to mean:

> any of the following practices requiring substantial specialized knowledge, judgment, and managerial skill when done for remuneration and when the association or associations served contain more than 10 units or have an annual budget or budgets in excess of $100,000: controlling or disbursing funds of a community association, preparing budgets or other financial documents for a community association, assisting in the noticing or conduct of community association meetings, and coordinating maintenance for the residential

development and other day-to-day services involved with the operation of a community association.

A license is not required for persons who perform clerical or ministerial functions under the direct supervision and control of a licensed manager or who only perform the maintenance of a community association and do not assist in any of the management services.[19]

Sections 468.436 and 455.227(1), F.S., provide the grounds for suspending, revoking, or denying a CAM license, which include violations of part VIII of ch. 468, F.S, ch, 718, F.S., relating to condominium associations, ch. 719, F.S., relating to cooperative associations, and ch. 720, F.S., relating to homeowners' associations. An applicant for a CAM license may also have a license denied because of a previous license revocation.[20]

Section 468.4334(1)(a), F.S., requires CAMs and CAM firms under a contract with a community association that is subject to the milestone inspection requirements in s. 553.899, F.S., to comply with that section as directed by the board of the association.

CAM's are not required to maintain an online licensure account with the Division of Condominiums, Timeshares, and Mobile Homes (division) within the department.

Effect of Proposed Changes

The bill amends s. 468.432(2), F.S., to provide that a person who has had his or her CAM license revoked may not have an indirect or direct ownership interest in, or be an employee, partner, officer, director, or trustee of, a community association management firm during the 10-year period after the effective date of the revocation. In addition, such person is ineligible to reapply for certification or registration for a period of 10 years after the effective date of a revocation.

The bill creates s. 468.432(3), F.S., to require CAM licensees to identify on their online licensure account each community association for which the CAM provides community association management services and whether the community association is a condominium association under ch. 718, F.S., a cooperative association under ch. 719, F.S., or a homeowners' association under ch. 720, F.S. A CAM licensee must update his or her online licensure account within 30 days after any change to the required information.

Under the bill, if a CAM has his or her license suspended or revoked, the division is required to give written notice of a suspension or revocation to the CAM firm and the community association for which the manager performs community management services.

The bill amends s. 468.4334(1)(a), F.S., to prohibit a CAM or a CAM firm from performing any act directed by the community association if such act violates any state or federal law.

[19] Section 468.431(2), F.S.
[20] Section 455.227(1)(f), F.S.

The bill amends s. 468.4334(1)(b), F.S., to require CAMs and CAM firms under a contract with a community association that is subject to the structural integrity reserve study requirements in ss. 718.112(2)(g) and 719.106(1)(k), F.S., to comply with those sections as directed by the board of the association.

The bill creates s. 468.4334(1)(c), F.S., to require that each contract between a community association and a CAM or CAM firm for community association management services must include the following written statement in at least 12-point type:

> The community association manager shall abide by all professional standards and record keeping requirements imposed pursuant to part VIII of chapter 468, Florida Statutes.

The bill creates s. 468.4334(1)(d), F.S., to require that a contract between a CAM or CAM firm and a community association may not waive or limit the professional practice standards required pursuant to part VIII of ch. 468, F.S.

The bill amends s. 468.4334(3), F.S., to change the term "homeowners' association" to "community association."

The bill also limits the requirement that a community association must include its contract with the CAM or CAM firm on its website or mobile application to associations that are required to maintain official records on a website or application.

The bill creates s. 718.111(3)(g), F.S., to provide that, if an association contracts with a CAM or CAM firm, the CAM or CAM firm must possess all applicable licenses required by part VIII of ch. 468, F.S. The bill provides that board members or officers of an association that contracts with a CAM or CAM firm have a duty to ensure that the CAM or CAM firm is properly licensed before entering into a contract.

The bill creates s. 718.111(3)(h), F.S., to provide that, if a CAM or CAM firm has a license suspended or revoked during the term of a contract with the association, the association has no further contractual obligations to the CAM or CAM firm whose license has been revoked or suspended effective on the date which the community association manager or community association management firm became unlicensed.

Official Records – Condominiums

Present Situation

Section 718.111(12)(a), F.S., requires a condominium association to maintain various records, including but not limited to, the association's recorded bylaws and amendments to those bylaws, articles of incorporation and amendments to those articles, bills of sale or transfer for association-owned property, accounting records, voting ballots, contracts for work to be performed, and bids.

Section 718.112(12)(a)7., F.S., provides, in pertinent part, that email addresses and facsimile numbers are not accessible to unit owners if consent to receive notice by electronic transmission is not provided in accordance with s. 718.112(12)(c)5.e., F.S., which provides for unit owners to consent in writing to the disclosure of contact information.

An association is not liable for an inadvertent disclosure of the e-mail address or facsimile number for receiving electronic transmission of notices.[21]

Section 718.111(12)(b), F.S., requires that some of these records (e.g., bylaws and articles of incorporation) must be permanently maintained from the inception of the association. All other official records must be maintained within the state for at least seven years, unless otherwise provided by general law.[22] The records must be made available to a unit owner within 45 miles of the condominium property or within the county in which the condominium property is located within 10 working days after receipt of a written request by the board or its designee. An association may comply with this requirement by having a copy of the records available for inspection or copying by a unit owner on the condominium property or association property or offering the option of making the records available electronically via the Internet or allowing the records to be viewed in electronic format on a computer screen and printed upon request.

Section 718.111(12)(c)1., F.S., provides that official records of the association are open to inspection by any association member or the authorized representative of such member at all reasonable times.[23] A renter of a unit has a right to inspect and copy the association's bylaws and rules. The failure of an association to provide the records within 10 working days after receipt of a written request creates a rebuttable presumption that the association willfully failed to comply with these requirements. A unit owner who is denied access to official records is entitled to the actual damages or minimum damages of $50 per calendar day for up to 10 days for the association's willful failure to comply. The failure to permit inspection entitles any person prevailing in an enforcement action to recover reasonable attorney fees from the person in control of the records who, directly or indirectly, knowingly denied access to the records.

Making the records available on the association's website or for download via an application on a mobile device satisfies these access requirements.

Section 718.111(12)(g), F.S., provides that by January 1, 2019, an association managing a condominium with 150 or more units which does not contain timeshare units must post digital copies of specified records on its website or by an application on a mobile device. However, effective January 1, 2026, the threshold number of units for the website requirement decreases to 25 units.[24]

---

[21] Section 718.112(12)(a)7., F.S.
[22] Section 718.111(12)(b), F.S.
[23] The right to inspect the records includes the right to make or obtain copies, at the reasonable expense, if any, of the member or authorized representative of such member. The association may adopt reasonable rules regarding the frequency, time, location, notice, and manner of record inspections and copying.
[24] Section 8, ch. 2024-244, Laws of Fla.

The documents that must be posted include, but are not limited to: the recorded declaration of condominium of each condominium operated by the association and each amendment to each declaration, the recorded association bylaws and amendments to those bylaws, articles of incorporation of the association and amendments to those articles, the annual and proposed budget, and various contracts, including any contract or document regarding a conflict of interest or possible conflict of interest. The failure of the association to post required information is not in and of itself sufficient to invalidate any action or decision of the association's board or its committees.

Current law requires an association to maintain as official records the book or books that contain the minutes of meeting of the board of administration, but that requirement does not specify electronic records that contain the minutes.

Effect of Proposed Changes

Effective January 1, 2026, the bill amends the official records provision in s. 718.111(12)(a), F.S., to include the following additional items that an association must maintain as an official record:

- Electronic records that contain the minutes of meetings, including minutes of the board of administration and any committee; and
- Recordings of meetings that are conducted by videoconference;
- All bank statements and ledgers; and
- All the affidavits required under ch. 718, F.S.

The bill amends s. 718.111(12)(g), F.S., to require that the association's website or mobile application must be updated within 30 days of any change, unless a shorter period is otherwise required, and include the:

- Affidavits required under ch. 718, F.S.; and
- Approved minutes of all meetings of the board of administration over the preceding 12 months

The bill also amends section 8, ch. 2024-244, Laws of Fla., which amends s. 718.111(12)(g), F.S., reducing the threshold for the website requirement to associations with 25 or more units effective January 1, 2026, to conform to the changes made by the bill to s. 718.111(12)(g), F.S.

Delivery of Financial Reporting

Present Situation

Section 718.111(13), F.S., provides the financial reporting requirements for condominium associations. Within 90 days following the end of the fiscal year, or annually on such date as provided in the association's bylaws, the governing board of the association must complete, or contract with a third party to complete, the financial report. Within 21 days after the financial report is completed by the board or received from the third party, but no later than 120 days after the end of the fiscal year, the board must provide each member of the association a copy of the financial report or a notice that it is available at no charge upon a written request.

The association must deliver the financial report to each unit owner, by United States mail or personal delivery to the mailing address, property address, e-mail address, or facsimile number provided to fulfill the association's notice requirements. In addition, the association must also provide a notice that a copy of the most recent financial report will be mailed or hand delivered to the unit owner, without charge, within 5 business days after receipt of a written request from the unit owner.

Effect of Proposed Changes

The bill amends s. 718.111(13), F.S., to:

- Provide that the notice advising that a unit owner may request a copy of the financial statement may be delivered by the means requested by the unit owner, which may be by United States mail, hand delivery, or electronic delivery via the Internet; and
- Require an officer or director of the association to sign an affidavit evidencing compliance with the notice delivery requirements in this subsection.

Investing Funds – Condominiums and Cooperatives

Present Situation

Reserve Funds

In addition to annual operating expenses, the budget must include reserve accounts for capital expenditures and deferred maintenance.[25]

Commingling of Funds and Investing

Section 718.111(14), F.S., requires all funds collected by an association to be maintained separately in the association's name. Operating funds and reserve funds must be accounted for separately, and a commingled account cannot, at any time, be less than the amount identified as reserve funds. However, reserve funds may be commingled with operating funds of the association for investment purposes only.

Section 719.104(8), F.S., provides that reserve and operating funds of the association shall not be commingled unless combined for investment purposes, and this provision is not meant to prohibit prudent investment of association funds even if combined with operating or other reserve funds of the same association. However, such funds must be accounted for separately, and the combined account balance may not, at any time, be less than the amount identified as reserve funds in the combined account.

Investment Advisers

Investment advisers are defined as "a person, other than an associated person of an investment adviser or a federal covered adviser, that receives compensation, directly or indirectly, and

[25] Section 718. 112(2)(f)2., F.S.

engages for all or part of the person's time, directly or indirectly, or through publications or writings, in the business of advising others as to the value of securities or as to the advisability of investments in, purchasing of, or selling of securities"[26]

The term "investment adviser" does not include:

- Any licensed practicing attorney whose performance of such services is solely incidental to the practice of her or his profession;
- Any licensed certified public accountant whose performance of such services is solely incidental to the practice of her or his profession;
- Any bank authorized to do business in this state;
- Any bank holding company as defined in the Bank Holding Company Act of 1956, as amended, authorized to do business in this state;
- Any trust company having trust powers which it is authorized to exercise in the state, which trust company renders or performs services in a fiduciary capacity incidental to the exercise of its trust powers;
- Any person who renders investment advice exclusively to insurance or investment companies;
- Any person who does not hold herself or himself out to the general public as an investment adviser and has no more than 15 clients within 12 consecutive months in this state;
- Any person whose transactions in this state are limited to those transactions described in s. 222(d) of the Investment Advisers Act of 1940; or
- A federal covered adviser.[27]

An investment adviser must be registered with the Office of Financial Regulation (OFR) within the Financial Services Commission[28] to "sell or offer for sale any securities in or from offices in this state, or sell securities to persons in this state from offices outside this state, by mail or otherwise, unless the person has been registered with the [OFR] pursuant to the provisions of this section. The [OFR] shall not register any person as an associated person of a dealer unless the dealer with which the applicant seeks registration is lawfully registered with the [OFR] pursuant to [ch. 517, F.S.]"[29]

Effect of Proposed Changes

The bill creates ss. 718.111(16) and 719.104(13), F.S., to authorize condominium and cooperative associations, respectively, including multicondominium associations, to invest reserve funds. The bill provides procedures and requirements an association must follow when investing reserve funds, including limits on the types of permissible investments, recordkeeping requirements, and requiring the use of an independent investment adviser. The bill:

- Requires the board to use its best efforts to make prudent investment decisions that carefully consider risk and return in an effort to maximize returns on invested funds;

[26] Section 517.021(16)(a), F.S.
[27] Section 517.021(16)(b), F.S.
[28] Section 517.021(8), F.S.
[29] Section 517.12(1), F.S.

- Permits reserve funds to be invested in one or any combination of certificates of deposit and depository accounts at a community bank, savings bank, commercial bank, savings and loan association, or credit union;
- Requires a majority vote of the voting interests before funds can be invested in investments other than in certificates of deposit and depository accounts at a community bank, savings bank, commercial bank, savings and loan association, or credit union; and
- Permits only reserve funds identified as reserve funds may be invested even if the declaration permits operating funds to be invested.

If an association elects to invest reserve funds in an investment other than certificates of deposit and depository accounts at a community bank, savings bank, commercial bank, savings and loan association, or credit union, the bill:

- Requires the board to create an investment committee composed of at least two board members and two unit owners who are not board members, to adopt rules for invested funds, including, but not limited to, rules requiring periodic reviews of any investment manager's performance, the development of an investment policy statement, and that all meetings of the investment committee be recorded and made part of the official records of the association;
- Specifies the issues that the investment policy must address, including requiring that projected reserve expenditures within, at minimum, the next 24 months be held in cash or cash equivalents, requiring projected expenditures relating to the milestone inspection, and protocols for proxy response;
- Requires the investment committee to recommend investment advisers to the board;
- Requires such investment advisers to be registered or have a notice filed under s. 517.12, F.S, with the OFR. The investment advisor, representative, or association of the investment adviser may not be related by affinity or consanguinity to, or under common ownership with, any board member, community management company, reserve study provider, or unit owner;
- Requires the investment adviser to comply with the prudent investor rule in s. 518.11, F.S.,[30] and to act as a fiduciary to the association in compliance with the standards set forth in the Employee Retirement Income Security Act of 1974;
- Requires that the association, at least once each calendar year, or sooner if a substantial financial obligation of the association becomes known to the board, provide the investment adviser with the association's investment policy statement, the most recent reserve study report, the association's structural integrity report, if available, and the financial reports prepared pursuant to subsection s. 718.111(13), F.S.;
- Requires the investment adviser to:
  - Annually review these documents and provide the association with a portfolio allocation model that is suitably structured and prudently designed to match projected annual reserve fund requirements and liability, assets, and liquidity requirements;
  - Prepare a funding projection for each reserve component, including any of the component's redundancies;

[30] Section 518.11, F.S., sets forth the prudent investor rule. Generally, a fiduciary has a duty to invest and manage investment assets as a prudent investor would considering the purposes, terms, distribution requirements, and other circumstances of the trust.

    - Annually provide the association with a written certification of compliance with this section and a list of stocks, securities, and other obligations that are prohibited from being in an association portfolio; and
    - Submit monthly, quarterly, and annual reports to the association which are prepared in accordance with established financial industry standards and in accordance with ch. 517, F.S, relating to the regulation of investment advisers;
- Requires that there be a minimum of 24 months of projected reserves in cash or cash equivalents available to the association at all times;
- Prohibits investment in stocks, securities, or other obligations that the State Board of Administration or state agencies are prohibited from investing in under ss. 215.471, 215.4725, 215.472, and 215.473, F.S., as determined by the investment adviser;[31]
- Permits the investment adviser to withdraw investment fees, expenses, and commissions from invested funds;
- Requires that any principal, earnings, or interest must be available at no cost or charge to the association within 15 business days after delivery of the association's written or electronic request; and
- Requires unallocated income earned on reserve fund investments to be spent only on capital expenditures, planned maintenance, structural repairs, or other items for which the reserve accounts have been established. Any surplus must be managed as common expenses and surpluses under s. 718.115, F.S.

Videoconferences and Condominium Association Meetings

Present Situation

Section 718.112, F.S., provides for the conduct of meetings of the board of administration, committee meetings, meetings of the unit owners, and budget meetings. Section 718.112(2)(b)5., F.S., provides that a board or committee member's participation in a meeting via telephone, real-time videoconferencing, or similar real-time electronic or video communication counts toward a quorum, and such member may vote as if physically present. Associations must use a speaker so that the conversation of members may be heard by the board or committee members attending in person as well as by any unit owners present at a meeting.

Section 718.112(c)2., F.S., allows broadcast notice to be used in lieu of a notice physically posted on condominium property. If the notice is made by broadcast, the notice and agenda must be broadcast at least four times every broadcast hour of each day that a posted notice is otherwise required under this section. If broadcast notice is provided, the notice and agenda must be broadcast in a manner and for a sufficient continuous length of time so as to allow an average reader to observe the notice and read and comprehend the entire content of the notice and the agenda.

[31] These provisions deal with investments in stocks, securities, or other obligations of companies doing business with Cuba or Venezuela, that boycott Israel or engage in a boycott of Israel, or that conduct certain business operations with [North] Sudan and Iran.

Effect of Proposed Changes

The bill creates s. 718.103(33), F.S., to define the term "videoconference" to mean a real-time audio and video-based meeting between two or more people in different locations using video-enabled and audio-enabled devices.

Under the bill any notice for any meeting that will be conducted by videoconference must have a hyperlink and call-in phone conference telephone number for unit owners to attend the meeting. In addition, the meeting must have a physical location where unit owners can attend the meeting in-person. The bill requires all meetings conducted by videoconference to be recorded and the recording must be maintained as an official record of the association.

The bill amends s. 718.112(2)(b), F.S., relating to meeting quorums and voting, to:
- Provide that a board meeting may be conducted in-person or by videoconference; and
- Limit board member participation in meetings by videoconference to no more than two times in a calendar year.

The bill amends s. 718.112(2)(c), F.S., relating to meetings of the board of administration, and s. 718.112(2)(d), F.S., relating to unit owner meetings, to require, if the meeting is to be conducted via videoconference, the notice of the meeting to:
- State that such meeting will be via videoconference;
- Include a hyperlink and a conference telephone number for unit owners to attend the meeting via videoconference, as well as the address of the physical location where the unit owners can attend the meeting in-person.

The bill also provides that, if the meeting is conducted via videoconference, it must be recorded and the recording must be maintained as an official record.

The bill amends s. 718.112(c)2., F.S., to delete the requirements for broadcasting notices.

For meetings of the unit owners, the bill amends s. 718.112(2)(d), F.S., to provide that, if a unit owner meeting is conducted via videoconference:
- A unit owner may vote electronically in the manner provided in s. 718.128, F.S.;
- A quorum of the members of the board of administration must be physically present at the physical location where unit owners can attend the meeting; and
- The location of the meeting must be provided in the association bylaws and, if the bylaws are silent as to the location, the meeting must be held within 10 miles of the condominium property.

The bill amends s. 718.112(2)(e), F.S., relating to budget meetings, to:
- Provide that budget meetings may be conducted by videoconference; and
- Require a sound transmitting device must be used so that the conversation of the members may be heard by the board or committee members attending in-person, as well as any unit owners present at the meeting.

The bill amends ss. 718.112(2)(b), (c), (d), and (e), F.S., to require the division to adopt rules for the conduct of board and committee meetings, board of administration meetings, unit owner meetings, and budget meetings, respectively.

Substitute Budget Process – Condominiums

Present Situation

Section 718.112(2)(e)1., F.S., provides for the adoption of a condominium association's annual budget. Any meeting at which a proposed annual budget of an association will be considered by the board or unit owners is required to be open to all unit owners. Unit owners must be given notice of the meeting at least 14 days before the meeting.

If a board adopts an annual budget which requires assessments against unit owners exceeding 115 percent of assessments for the preceding fiscal year, the unit owners may petition the board for a special meeting to consider a substitute budget. The unit owners' petition for a special meeting to consider a substitute budget must come from at least 10 percent of all voting interests of the association and must be received by the board within 15 days of the board's adoption of the annual budget.[32]

The special meeting must be conducted within 60 days after adoption of the annual budget. The board must give unit owners a notice of the special meeting at least 14 days before the meeting. The board must deliver a notice of the special meeting to each unit owner by hand delivery or mail to each unit owner at the address last furnished to the association.[33]

Unit owners may consider and adopt a substitute budget at the special meeting by the approval of a majority of all voting interests unless the bylaws require adoption by a greater percentage of voting interests. If there is not a quorum at the special meeting or a substitute budget is not adopted, the annual budget previously adopted by the board takes effect as scheduled.

The determination of whether assessments exceed 115 percent of assessments for the prior fiscal year must be determined by excluding: [34]

- Any authorized provision for reasonable reserves for repair or replacement of the condominium property;
- Anticipated expenses of the association which the board does not expect to be incurred on a regular or annual basis;
- Insurance premiums; or
- Assessments for betterments to the condominium property.

If the board is controlled by a developer, assessments may not exceed 115 percent of assessments for the prior fiscal year unless approved by a majority of all voting interests.[35]

---

[32] Section 718.112(2)(e)2.a., F.S.
[33] *Id.*
[34] Section 718.112(2)(e)2.b., F.S.
[35] Section 718.112(2)(e)2.c., F.S.

Effect of Proposed Changes

The bill amends s. 718.112(e), F.S., relating to the requirements for adoption of annual budgets in a condominium association when the assessments against unit owners exceed 115 percent of assessments for the preceding fiscal year, to:

- Require the board to simultaneously propose a substitute budget that excludes any discretionary spending if the proposed budget exceeds 115 percent of the assessments of the preceding year.
- Require that the substitute budget must be presented to the unit owners for approval before a budget can be adopted.
- Remove "assessments for the betterment of the community" as an expense that can be excluded when determining whether assessments exceed 115 percent of the assessments of the preceding year.

Reserves and Structural Integrity Reserve Studies – Condominiums and Cooperatives

Present Situation

Alternative Funding Method

Section 718.103(1), F.S., defines the term "alternative funding method" to mean:

> a method approved by the division for funding the capital expenditures and deferred maintenance obligations for a multicondominium association operating at least 25 condominiums which may reasonably be expected to fully satisfy the association's reserve funding obligations by the allocation of funds in the annual operating budget.

Budgets and Reserves

In addition to annual operating expenses, the budget must include reserve accounts for capital expenditures and deferred maintenance. Reserve accounts must include, but not be limited to, roof replacement, building painting, and pavement resurfacing, regardless of the amount of deferred maintenance expense or replacement cost, and any other item that has a deferred maintenance expense or replacement cost that exceeds $10,000.[36]

The amount to be reserved must be computed using a formula based upon the estimated remaining useful life and estimated replacement cost or deferred maintenance expense of each reserve item. Replacement reserve assessments may be adjusted annually to take into account any changes in estimates or extension of the useful life of a reserve item caused by deferred maintenance.[37]

---

[36] *See* s. 718.112(2)(f) and 719.106(1)(j), F.S., relating to reserves requirements for condominium and cooperative associations, respectively.
[37] *Id.*

Members of unit-owner-controlled associations may waive reserves upon a majority vote of the total voting interests of the association. However, for a budget adopted on or after December 31, 2024, unit-owner-controlled condominium and cooperative associations that must obtain a structural integrity reserve study (SIRS) may not waive reserves. Associations that are required to obtain a SIRS also may not opt to provide less reserves or no reserves than are required for the structural integrity items. Nor may those reserves be used for any other purpose than their intended purpose.[38]

A SIRS is a study of the reserve funds required for future major repairs and replacement of the common elements based on a visual inspection. A SIRS is required for condominium buildings that are three or more stories in height.[39]

Before turnover of control to the unit owners, ss. 718.301(4)(p) and 719.301(4)(p), F.S., require the developer to perform a turnover inspection performed by a licensed professional engineer or architect, or a reserve specialist or professional reserve analyst certified by the Community Associations Institute or the Association of Professional Reserve Analysts. However, this provision does not require that the inspection comply with the SIRS requirements in ss. 718.112(2)(g) and 719.106(1)(k), F.S., relating to condominium and cooperative associations, respectively.

A condominium association may temporarily pause reserve funding or reduce reserve funding if the entire condominium building is uninhabitable, as determined by the local building official, due to a natural emergency, as defined in s. 252.34, F.S., upon the approval of a majority of the members. Any reserve account funds held by the association may be expended, pursuant to the board's determination, to make the condominium building and its structures habitable. Upon the determination by the local building official that the condominium building and its structures are habitable, the association must immediately resume contributing funds to its reserves.[40] Cooperative associations do not have a comparable provision for pausing or reducing reserve funding if a building is uninhabitable.

Structural Integrity Reserve Studies

Regarding the funding of reserves for the continued maintenance and repair of condominium and cooperative buildings, ss. 718.112(2)(f) and 719.106(1)(j), F.S., relating to condominium and cooperative associations, respectively, associations that are required to have a SIRS may not waive reserves for the SIRS items or use such reserves for other purposes.

Sections 718.112(2)(g) and 719.106(1)(k), F.S., relating to condominium and cooperative associations, respectively:

[38] Sections 718.112(2)(f) and 719.106(1)(j), F.S., relating to condominium and cooperative associations, respectively.
[39] *See* ss. 718.112(2)(g) and 719.106(1)(k), F.S., relating to SIRS requirements for condominium and cooperative associations, respectively
[40] Section 718.112(2)(f)2.a., F.S.

- Require condominium associations and cooperative associations to complete a structural integrity reserve study every 10 years for each building in an association that is three stories or higher in height, as determined by the Florida building code.
- Require associations existing on or before July 1, 2022, that are controlled by non-developer unit owners, to have a SIRS completed by December 31, 2024. An association that completes a milestone inspection by December 31, 2026, may complete the SIRS at the same time.
- Require that the study include a visual inspection, and state the estimated remaining useful life and the estimated replacement cost of the following items (structural integrity items): roof, structure, fireproofing and fire protection systems, plumbing, electrical systems, waterproofing, windows and exterior doors, and any item with a deferred maintenance or replacement cost that exceeds $10,000.
- Require the visual inspection be performed or verified by a person licensed as an engineer, an architect, reserve specialist, or professional reserve analyst certified by the Community Associations Institute or the Association of Professional Reserve Analysts. However, any qualified person or entity may perform the other components of a SIRS.
- Provide that the SIRS may recommend that reserves do not need to be maintained for any item for which an estimate of useful life and an estimate of replacement cost or deferred maintenance expense cannot be determined or for which the estimate of useful life is greater than 25 years, but the study may recommend a deferred maintenance amount for such items.
- Exempt from the SIRS requirement are:
  - Buildings less than three stories in height;
  - Single-family, two-family, or three-family dwellings with three or fewer habitable stories above ground; and
  - Any portion or component of a building that has not been submitted to the condominium or cooperative form of ownership; or any portion or component of a building that is maintained by a party other than the condominium or cooperative association.

Within 45 days of completion of a SIRS, condominium and cooperative associations must provide unit owners with a notice that the study is available for inspection and copying. The notice may be provided electronically.[41]

Effect of Proposed Changes

Alternative Funding Methods

The bill amends s. 718.103(1), F.S., revising the term "alternative funding method" to mean a method for funding the capital expenditures and deferred maintenance obligations of the association, including:

- The allocation of funds in the annual operating budget of a multicondominium; or
- Any other method defined by rule of the division which may reasonably be expected to fully satisfy the association's reserve funding obligations or fund its capital expenditure and deferred maintenance obligations.

[41] Sections 718.112(2)(g)10. and 719.106(1)(k)10., F.S., relating to condominium and cooperative associations, respectively.

Budgets and Reserves

The bill amends ss. 718.112(2)(f)2.c., and 719.106(1)(j)2.e., F.S., relating to budgets in condominium and cooperative associations, respectively, and ss. 718.112(2)(g), and 719.106(1)(k), F.S., relating to SIRS requirements for condominium and cooperative associations, respectively, to increase the minimum threshold amount from $10,000 to $25,000 for items whose deferred maintenance and replacements requires these associations to have reserves for such items.

The bill amends s. 718.112(2)2.a., F.S., to provide that, if an association votes to terminate the condominium in accordance with s. 718.117, F.S., the members may vote to waive the maintenance of reserves recommended by the association's most recent structural integrity reserve study.

The bill creates ss. 718.112(2)(f)2.c., and 719.106(1)(j)2.e., F.S., to authorize condominium and cooperative associations, respectively, to secure a line of credit in lieu of maintaining reserves for all or a portion of the required reserves upon a majority vote of the total voting interests of the association. This authorization can be used for a budget adopted on or before December 31, 2028, and the authorization is limited to unit-owner-controlled associations that must have a structural reserve study. The line of credit must be sufficient to meet the association's deferred maintenance obligation not funded in the association's reserve account for each budget. Funding from the line of credit must be immediately available for access by the board to fund the required repair, maintenance, or replacement expenses without further approval by the members of the association. A line of credit that is used in lieu of reserves must be included in the association's annual financial report.

The bill amends s. 718.112(2)(f)2.d., F.S., to remove the requirement for the approval of a majority of the members of a condominium association before that association may temporarily pause the funding of reserves or reduce the amount of reserve funding if the entire condominium building is uninhabitable due to a natural emergency, as defined in s. 252.34, F.S., as determined by the local enforcement agency.

The bill creates s. 719.106(1)(j)2.d., F.S., to allow cooperative associations to temporarily pause the funding of reserves or reduce the amount of reserve funding in an manner that is identical to that provided for condominium associations in s. 718.112(2)(f)2.d., F.S.

The bill creates ss. 718.112(2)(f)2.e., and 719.106(1)(j)2.f., F.S., to allow the boards of condominium or cooperative associations that have completed a milestone inspection pursuant to s. 553.899, F.S., within the previous two calendar years to temporarily pause reserve fund contributions or reduce the amount of reserve funding for the purpose of funding repairs recommended by the milestone inspection if approved by a majority of the total voting interests of the association. The temporary pause must be for a period of no more than two consecutive annual budgets immediately following completion of a milestone inspection. Associations may only temporarily pause reserve funding under this provision for budgets adopted on or before December 31, 2028. In addition, a developer-controlled association and an association in which the non-developer unit owners have been in control for less than 1 year, may not pause reserve

funding under this provision. An association that has paused reserve contributions must have a SIRS performed before the continuation of reserve contributions in order to determine the association's reserve funding needs and to recommend a reserve funding plan.

The bill amends ss. 718.112(2)(f)3., and 719.106(1)(j)3., F.S., to allow the boards of condominium or cooperative associations to change the accounting method for reserves to a pooling accounting method or a straight-line accounting method without a vote of the members.

Structural Integrity Reserve Studies

The bill amends ss. 718.112(2)(g), and 719.106(1)(k), F.S., to extend the deadline by which associations must complete a required SIRS from December 31, 2024, to December 31, 2025.

The bill creates ss. 718.112(2)(g)3.b., and 719.106(1)(k)3.b., F.S., to provide conflict of interest provisions for persons performing the SIRS and the persons performing maintenance, repair, and replacement services recommended by SIRS for condominium and cooperative associations, respectively. Under the bill, any design professional, as defined in s. 558.002(7), F.S.,[42] or contractor licensed under ch. 489, F.S., who bids to perform a SIRS must disclose in writing to the association his or her intent to bid on any services related to any maintenance, repair, or replacement that may be recommended by the SIRS.

Additionally, any design professional or licensed contractor who submits a bid to the association for performing any services recommended by the SIRS may not have an interest, directly or indirectly, in the firm or entity providing the association's SIRS or be a relative of any person having a direct or indirect interest in such firm, unless such relationship is disclosed to the association in writing. The bill defines the term "relative" to means a relative within the third degree of consanguinity by blood or marriage.

The bill provides that a contract for services is voidable and terminates upon the association filing a written notice terminating the contract if the design professional or licensed contractor failed to provide the required written disclosure of the relationship. It also provides that a design professional or licensed contractor may be subject to discipline under the applicable practice act for his or her profession for failure to provide the required written disclosure of the relationship.

The bill amends ss. 718.112(2)(g)4.a., and 719.106(1)(k)4.a., F.S., to require that the SIRS for condominium and cooperative associations, at a minimum, must include a recommendation for a reserve funding schedule based on a baseline funding plan that provides a reserve funding goal in which the reserve funding for each budget year for deferred maintenance, repair, and replacement of reserve items are sufficient to maintain the reserve cash balance above zero. Under the bill, the study may recommend other types of reserve funding schedules if the recommended schedules are sufficient to meet the association's maintenance obligation.

[42] Section 558.002(7), F.S., defines the term "design professional" to mean a person, as defined in s. 1.01, F.S., who is licensed in this state as an architect, a landscape architect, an engineer, a surveyor, or a geologist or who is a registered interior designer, as defined in s. 481.203, F.S.

The bill amends ss. 718.112(2)(g)4.b., and 719.106(1)(k)4.b., F.S., to provide that if a SIRS for a condominium or cooperative association recommends reserves for any item for which reserves are not required, the amount of the recommended reserves for such item must be separately identified in the SIRS as an item for which reserves are not required.

The bill creates ss. 718.112(2)(g)9., and 719.106(1)(k)9., F.S., to allow condominium and cooperative associations that have completed a milestone inspection required by s. 553.899, F.S., or an inspection completed for a similar local requirement, to delay performance of a required SIRS for no more than two budget years to permit the association to focus its financial resources on completing the repair and maintenance recommendations of the milestone inspection.

The bill amends ss. 718.112(2)(g)10., and 719.106(1)(k)10., F.S., to require that an officer or director of a condominium or cooperative association, respectively, must sign an affidavit acknowledging receipt of a completed SIRS.

The bill creates ss. 718.112(2)(g)13., and 719.106(1)(k)13., F.S., to require the Division of Condominiums, Timeshares, and Mobile Homes (division) to adopt by rule the form for the SIRS in coordination with the Florida Building Commission.

Jurisdiction of the Division – Condominiums

Present Situation

Section 718.501, F.S., provides the investigative and enforcement authority of the division. The division may enforce and ensure compliance with ch. 718, F.S., and rules relating to the development, construction, sale, lease, ownership, operation, and management of residential condominium units and complaints related to the procedural completion of milestone inspections under s. 553.899, F.S. The division may investigate complaints and enforce compliance with ch. 718, F.S., for associations that are still under developer control, including investigating complaints against developers involving improper turnover or failure to transfer control to the association.[43] After control of the condominium is transferred from the developer to the unit owners, the division only has jurisdiction to investigate complaints related to:[44]

- Procedures and records related to financial issues, including annual financial reporting under s. 718.111(13), F.S., assessments for common expenses, fines, and commingling of reserve and operating funds under s. 718.111(14), F.S., use of debit cards for other than intended purposes under s. 718.111(15), F.S., the annual operating budget and the allocation of reserve funds under s. 718.112(2)(f), F.S., financial records under s. 718.111(12)(a)11, F.S., and any other record necessary to determine the revenues and expenses of the association;
- Elections, including election and voting requirements under s. 718.112(2)(b) and (d), F.S., recall of board members under s.718.112(2)(l), F.S., electronic voting under s. 718.128, F.S., and elections that occur during an emergency under s. 718.1265(1)(a), F.S.;
- The maintenance of and unit owner access to association records under s. 718.111(12), F.S.;

[43] Section 718.501(1), F.S.
[44] Section 718.501(1)(a), F.S.

- Allegations of criminal violations under ch. 718, F.S.;
- The procedural aspects of meetings, such as unit owner meetings, quorums, voting requirements, proxies, board of administration meetings, and budget meetings under s. 718.112(2), F.S.;
- Disclosure of conflicts of interest under s. 718.111(1)(a), F.S., and s. 718.3027, F.S., including limitations contained in s. 718.111(3)(f), F.S.;
- Removal of a board director or officer under s. 718.111(1)(a) and (15), F.S., and s. 718.112(2)(p) and (q), F.S.;
- The procedural completion of SIRS under s. 718.112(2)(g), F.S.; and
- Any written inquiries by unit owners to the association relating to such matters, including written inquiries under s. 718.112(2)(a)2., F.S.

Effect of Proposed Changes

The bill amends s. 718.501(1)(a), F.S., to expand the jurisdiction of the division to review records and investigate complaints to include:

- Completion of milestone inspections;
- Procedural compliance with the milestone inspection requirements in s. 533.899, F.S.;
- Requirements to maintain insurance and fidelity bonding for all persons who disperse funds under s. 718.111(11)(h), F.S.;
- Board member education requirements under s. 718.112(2)(d)5.b., F.S.; and
- Reporting requirements for SIRS.

Reporting Requirement for Condominiums and Cooperatives

Present Situation

Sections 718.501(3)(a) and 719.501(3)(a), F.S., require condominium and cooperative associations, respectively, existing on or before July 1, 2022, to provide specified information to the division on or before January 1, 2023. The associations may provide the information in writing, by e-mail, United States Postal Service, commercial delivery service, or hand delivery, at a physical address or e-mail address provided by the division and on a form posted on the division's website. The following information must be provided:

- The number of buildings on the condominium property that are three stories or higher in height;
- The total number of units in all such buildings;
- The addresses of all such buildings; and
- The counties in which all such buildings are located.

Sections 718.501(3)(b) and 719.501(3)(b), F.S., require the division to compile a list of the number of buildings on condominium and cooperative property, respectively, that are three stories or higher in height, which is searchable by county, and must post the list on the division's website. The list compiled by the division must include the following information:

- The name of each association with buildings on the condominium property that are three stories or higher in height;
- The number of such buildings on each association's property;

- The addresses of all such buildings; and
- The counties in which all such buildings are located.

Associations must provide an update in writing to the division if there are any changes to the information required for the list compiled by the division within 6 months after the change.[45]

Effect of Proposed Changes

The bill creates ss. 718.501(2)(d) and 719.501(2)(c), F.S., to require condominium and cooperative associations, respectively, to create an online account with the division.
The bill amends ss. 718.501(3) and 719.501(3), F.S., to require condominium and cooperative associations, respectively, to provide specified information to the division on or before October 1, 2025. The information must be provided in an electronic format as determined by the division. The information must be updated within 15 days after any change. The information that must be provided to the division may include, but not be limited to:

- The contact information for the association that includes all of the following:
  - The name of the association;
  - The mailing address and county of the association;
  - The e-mail address and telephone number for the association;
  - The name, board title, and e-mail address for each member of the association's board;
  - The name and contact information of the association's community association manager or community association management firm, if applicable;
  - The name and contact information of every individual or community association management company responsible for remitting any payment to the division; and
  - The hyperlink or website address to the association's website, if applicable.
- The total number of buildings and for each building within the association:
  - The physical address of the association;
  - The total number of stories of each building, including both habitable and uninhabitable stories;
  - The total number of units;
  - The age of each building based on the certificate of occupancy; and
  - Any construction commenced within the common elements within the previous calendar year.
- The association's assessments, including the:
  - Amount of assessment or special assessment by unit type, including reserves;
  - Purpose of the assessment or special assessment; and
  - Name of the financial institution or institutions with which the association maintains accounts.

In addition, the associations must provide a copy of any SIRS and any associated materials requested by the department within five business days after a request in a manner prescribed by the department.

[45] Sections 718.501(3)(c) and 719.501(3)(c), F.S., relating to condominium and cooperative associations, respectively.

Pre-sale Disclosures - Condominium and Cooperative Associations

Present Situation

Developers and nondeveloper owners of condominium or cooperative units must give certain documents to a prospective buyer or lessee before the execution of a contract for the sale of a residential unit, including a copy of the inspector-prepared summary of the milestone inspection report as described in ss. 553.899 and 718.301(4), F.S., and a copy of the most recent SIRS, or a statement that the association has not completed a SIRS or that a SIRS is not required.[46]

The developer may not close for 15 days following the execution of a purchase contract, or execution of a lease of a residential unit for an unexpired term of more than five years, and the delivery of the required documents to the buyer, including the documents creating the association, the bylaws, and the estimated operating budget of the association. A prospective purchaser may void the contract within 15 days of his or her receipt of all the required documents.[47]

A nondeveloper unit owner must provide the prospective buyer or lessee certain information, including the articles of incorporation, bylaws and rules, a copy of the most recent financial information, and a "Frequently Asked Questions and Answers" document.[48] These documents must be provided more than three days, excluding Saturdays, Sundays, and legal holidays, before the execution of the contract, or the sales contract is voidable by the prospective purchaser. These disclosures do not apply to the leasing of a residential unit by a nondeveloper owner.[49]

Each contract for sale of a residential unit by a developer or nondeveloper must contain in conspicuous type a statement acknowledging that the purchaser has received the document and his or her right to void the contract if the required documents are not provided more than three days in the case of a nondeveloper sale or 15 days in the case of a developer sale, excluding Saturdays, Sundays, and legal holidays, before the execution of the contract.

These disclosures for developers and the nondevelopers also require that the prospective purchaser must be given a copy of the most recent financial statement and annual budget. However, the term "recent financial statement and annual budget" is not uniformly used throughout these requirements and instead uses the broader term "financial information."

Effect of Proposed Changes

The bill amends ss.718.503(1) and (2) and 719.503(1) and (2), F.S., to replace the term "financial information" with the terms "recent financial statement and annual budget."

---

[46] Sections 718.503(1) and 719.503(1), F.S.
[47] Sections 718.503(1) and 719.503(1), F.S., providing the developer disclosures before the sale or lease of a residential condominium or cooperative unit, respectively.
[48] *See* ss. 718.503(2) and 719.503(2), F.S., providing the nondeveloper disclosures before the sale of a residential condominium or cooperative unit, respectively.
[49] *Id.*

The bill also extends a 3-day recission period for condominium sales by nondeveloper unit owners to 15 days.

Condominiums within a Portion of a Building or within a Multiple Parcel Building

Present Situation

In a recent decision by the Florida Third District Court of Appeals (3rd DCA), the court held that the declaration of condominium had impermissibly divested a unit of its undivided share of the common elements by designating certain portions of the condominium property as "shared facilities."[50]

In *IconBrickell*, the condominium is a mixed-use condominium consisting of residential condominium units and a luxury hotel. The declaration of condominium designated a wide variety of specific portions of the common elements as "shared facilities" under the exclusive ownership and control of the hotel unit owner. The "shared facilities" include the balconies, lobby, elevators, and the infrastructure for utilities, such as wires and pipes. The term "shared facilities" is not defined in ch. 718, F.S.

Even though the residential unit owners did not have a common ownership interest in the "shared facilities," the declaration burdened the residential unit owners, and not the owner of the hotel, with expenses incurred by the owner of the hotel for the maintenance, repair, replacement, improvement, management, and operation of the shared facilities. The court held that the "recharacterization, and the resultant expropriation of undivided common ownership, indubitably contravenes the edict of the [Condominium] Act."[51]

Revised by s. 5, ch. 2024-244, Laws of Fla., the term "condominium property" in s. 718.103(14), F.S., means "the lands, leaseholds, improvements, any personal property, and all easements and rights appurtenant thereto, regardless of whether contiguous, which are subjected to condominium ownership."

Section 718.104(4)(b), F.S., relating to the creation of condominiums, was revised by s. 6, ch. 2024-244, Laws of Fla., to provide that condominiums created within a portion of a building or within a multiple parcel building shall include the name by which the condominium is to be identified and be followed by "a condominium within a portion of a building or within a multiple parcel building."

Effective October 1, 2024, s. 718.407, F.S., which was created by s. 20, ch. 2024-244, Laws of Fla., provides conditions, including disclosure requirements in sales contracts, for the creation of condominiums within a portion of a building or within a multiple parcel building. The bill provides that the declaration of condominium that creates a condominium within a portion of a building or within a multiple parcel building, the recorded instrument that creates the multiple

[50] *IconBrickell Condominium No. three Association, Inc. v. New Media Consulting*, L.L.C., 310 So.3rd 477 (Fla. 3rd DCA 2020).
[51] *IconBrickell* at 481.

parcel building, or any other recorded instrument applicable (creating document) must specify all of the following:

- The portions of the building which are included in the condominium and the portions of the building that are excluded.
- The party responsible for maintaining and operating those portions of the building which are shared facilities, and which may include, among other things, the roof, the exterior of the building, windows, balconies, elevators, the building lobby, corridors, recreational amenities, and utilities.
- The manner in which the expenses for the maintenance and operation of the shared facilities will be apportioned:
  - An owner of a portion of a building which is not submitted to the condominium form of ownership or the condominium association for the portion of the building submitted to the condominium form of ownership, must approve any increase in the apportionment of expenses to such portion of the building.
  - The apportionment of expenses for the maintenance and operation of the shared facilities may be based on any of the specified criteria or any combination thereof.
  - An alternative method of apportionment of expenses may be provided if the apportionment method is stated in the creating document.
- The party responsible for collecting shared expenses.
- The rights and remedies available to enforce payment of shared expenses.

The association of a condominium created within a portion of a building or within a multiple parcel building has the right to inspect and copy the books and records upon which the costs for maintaining and operating the shared facilities are based and to receive an annual budget with respect to such costs.

A disclosure summary must be included, in conspicuous type, in every contract for the sale of any condominium created under s. 718.407, F.S. The disclosure summary informs the prospective purchaser of a condominium unit that:

- The condominium is created within a portion of a building or within a multiple parcel building.
- The common elements of the condominium consist only of the portions of the building submitted to the condominium.

The disclosure summary also includes the buyer's acknowledgment that:

- The condominium may have minimal or no common elements.
- Portions of the building that are not included in the condominium are (or will be) governed by a separate recorded instrument that contains important provisions and rights.
- The party that controls the maintenance and operation of the portions of the building that are not included in the condominium determines the budget for the operation and maintenance of such portions; however, the association and unit owners are still responsible for their share of such expenses.
- The allocation between the owners of the costs to maintain and operate the building can be found in the declaration of condominium or other recorded instruments.

Section 718.407(6), F.S., provides that the creation of a multiple parcel building is not a subdivision of the land upon which such building is situated, provided the land itself is not subdivided.

Section 31 of ch. 2024-244, Laws of Fla., provided that the amendments made to ss. 718.103(14) and 718.202(3) and s. 718.407(1), (2), and (6), F.S., are intended to clarify existing law and shall apply retroactively. However, such amendments do not revive or reinstate any right or interest that has been fully and finally adjudicated as invalid before October 1, 2024.

Effect of Proposed Changes

The bill revises the provision in section 31 of ch. 2024-244, Laws of Florida, to provide that those provisions do not apply retroactively and only apply to condominiums for which declarations were initially recorded on or after July 1, 2025.

Law Enforcement

Present Situation

Section 914.21(3), F.S., defines the term "official investigation," as the term is used in ss. 914.22 to 914.24, F.S., to mean any investigation instituted by a law enforcement agency or prosecuting officer of the state or a political subdivision of the state or the Commission on Ethics.

Section 914.22, F.S., prohibits tampering with or harassing a witness, victim, or informant and provides criminal penalties. Section 914.23, F.S., prohibits retaliation against a witness, victim, or informant and provides criminal penalties. Section 914.24, F.S., provides requirements for civil actions to restrain harassment of a victim or witness.

Effect of Proposed Changes

The bill amends s. 914.21(3), F.S., revising the definition of the term "official investigation"; providing appropriations to include official investigations by the division in the prohibitions in ss. 914.22 and 914.23, F.S., relating to the criminal prohibitions against tampering with, harassing, or retaliation against a witness, victim, or informant.

Appropriation

For the 2025-2026 fiscal year, the bill appropriates the recurring sum of $150,000 and the nonrecurring sum of $100,000 from the Professional Regulation Trust Fund to the Florida Building Commission to contract with the University of Florida to implement the study required under s. 553.899(3)(f), F.S., as provided by this bill. Under the bill, the unexpended balance of nonrecurring funds shall revert and are appropriated for the same purpose for the 2026-2027 fiscal year.

Additional Provisions

The bill reenacts the following provisions:

- Section 721.13(3)(e), F.S., relating to timeshare management, to incorporate the amendment made to s. 718.111, F.S.;
- Sections 718.504(7)(a) and (21)(c), and 718.618(1)(d), F.S., relating to prospectus or offering circulars; and converter reserve accounts and warranties, respectively, to incorporate the amendment made to s. 718.112, F.S.;
- Section 718.706(1) and (3), F.S., relating to specific provisions pertaining to the offering of units by bulk assignees or bulk buyers, to incorporate the amendments made to ss. 718.111, 718.112, and 718.503, F.S.; and
- Sections 719.103(24) and 719.504(7)(a) and (20)(c), F.S., relating to definitions and prospectus or offering circulars, respectively, to incorporate the amendment made to s. 719.106, F.S.

Effective Date

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:

The bill may reduce the impact of assessments against unit owners that are related to reserve requirements arising from structural integrity reserve studies (SIRS), such as, by

authorizing the increase of the reserve threshold for reserve items from $10,000 to $25,000, authorizing the use of lines of credit in lieu of reserves, authorizing the temporary stay of reserve funding under the limited conditions in the bill, and requiring that a SIRS must, at minimum, recommend a baseline funding plan.

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: 468.432, 468.4334, 553.899, 718.103, 718.111, 718.112, 718.501, 718.503, 719.104, 719.106, 719.501, 719.503, and 914.21.

This bill substantially amends the following sections of the Laws of Florida: sections 8 and 31 of chapter 2024-244.

This bill reenacts the following sections of the Florida Statutes: 721.13, 718.504, 718.618, 718.706, 719.103, 719.504, 719.504, and 721.13.

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 Regulated Industries on March 25, 2025:
The committee substitute:

- Amends s. 468.432, F.S., to:
  - Prohibit a person whose community association manager (CAM) license is revoked from having an indirect or direct ownership interest in, or be an employee, partner, officer, director, or trustee of, a community association management firm for 10 years after the revocation or reapply for 10 years; and
  - Require a licensee to provide specific information on his or her licensure account, and that such information be updated.
- Amends s. 468.4334, F.S., to:
  - Revise the requirements for contracts between an association and CAMs or CAM firms;

  - Require a community association to include specified information on its website or mobile application, if such association is required to maintain official records on a website or application;
  - Change the term "homeowners' association" to "community association;" and
  - Limit the requirement that a community association must include its contract with the CAM or CAM firm on its website or mobile application to associations that are required to maintain official records on a website or application.
- Amends s. 553.899, F.S., to:
  - Require local enforcement agencies, on or before October 1, 2025, to report to the Department of Business and Professional Regulation specified information regarding the inspections;
  - Require the Florida Building Commission to contract with the University of Florida to create a report related to milestone inspections;
  - Require submission of the report to the Governor and the presiding officers of the Legislature;
  - Require the boards of county commissioners to adopt an ordinance requiring that a condominium or cooperative association and any other owner that is subject to a milestone inspection requirement to commence repairs within 365 days after a phase two report is received.
- Amends s. 718.103(1), F.S., to revise the term "alternative funding method."
- Creates s. 718.103(33), F.S., to define the term "videoconference."
- Amends s. 718.111(3), F.S., to revise the requirements for contracts between CAM and CAM firms and associations.
- Amends s. 718.111(12), F.S., and section 8, ch. 2024-244, Laws of Fla., to revise the requirements for the official records that an association must maintain on its website or make available for download by an application on a mobile device.
- Amends s. 718.111(13), F.S., to require an officer or director of the association to sign an affidavit evidencing compliance with the notice delivery requirements in this subsection.
- Revises ss. 718.111(16) and 719.104(13), F.S., relating to the investing of reserves, to remove the requirement that deposited funds must be insured by the federal government, and to limit the procedures in these subsections to investments other than certificates of deposit and depository accounts at specified financial institutions.
- Amends s. 718.112(2)(b)-(d), F.S., to revise the requirements for the conduct of meetings by videoconference, and delete the requirements for broadcasting notice.
- Amends s. 718.112(2)(e), F.S., to revise the requirements for substitute budgets in circumstances in which assessments against unit owners exceed 115 percent of assessments for the preceding fiscal year.
- Amends ss. 718.112(2)(f)2.c. and (g) and 719.106(1)(j)2.e. and (k), F.S. to increase the threshold amount for reserves from $10,000 to $25,000 in condominium and cooperative associations, respectively.
- Amends ss. 718.112(2)(f) and (g), and 719.106(1)(j) and (k), F.S., to limit the temporary pause of reserve funding for the purpose of making repairs required by a milestone inspection to the two consecutive annual budgets immediately following completion of a milestone inspection; and require that an officer or director of a

condominium or cooperative association, respectively, must sign an affidavit acknowledging receipt of a completed SIRS; and revise the meaning of baseline reserve funding.

- Amends s. 718.112(2)(f), F.S., to also allow the members of a condominium to waive reserves recommended by the SIRS if an association votes to terminate the condominium in accordance with s. 718.117, F.S.
- Amends s. 718.501(1), F.S., to revise the jurisdiction of the division.
- Amends ss. 718.501(2)(d) and 719.501(2)(c), F.S., to require condominium and cooperative associations, respectively, to maintain an online account with the division,
- Amends ss. 718.501(3) and 719.501(3), F.S., to require condominium and cooperative associations, respectively, to report specified information to the division, and amends those provisions to repeal the requirement for the division to compile a list with specified information.
- Amends s. 914.21(3), F.S., revising the definition of the term "official investigation" to include official investigations by the division in the prohibitions in ss. 914.22 and 914.23, F.S.
- Appropriates from the Professional Regulation Trust Fund to the Florida Building Commission to contract with the University of Florida for the purpose of implementing s. 553.899(3)(f), F.S., as provided by this 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.

707000

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2025	.	
	.	
	.	
	.	

The Committee on Regulated Industries (Bradley) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Paragraph (h) of subsection (2) of section 468.432, Florida Statutes, is amended, and subsection (3) is added to that section, to read:

468.432 Licensure of community association managers and community association management firms; exceptions.—

(2) A community association management firm or other

707000

similar organization responsible for the management of more than 10 units or a budget of $100,000 or greater shall not engage or hold itself out to the public as being able to engage in the business of community association management in this state unless it is licensed by the department as a community association management firm in accordance with the provisions of this part.

(h) A person who has had his or her community association manager license revoked may not have an indirect or direct ownership interest in, or be an employee, partner, officer, director, or trustee of, a community association management firm during the 10-year period after the effective date of the revocation. Such person is ineligible to reapply for certification or registration under this part for a period of 10 years after the effective date of a revocation.

(3) A licensee must provide on his or her online licensure account each community association for which the licensee provides community association management services and whether the community association is a condominium association under chapter 718, a cooperative association under chapter 719, or a homeowners' association under chapter 720. A licensee must update his or her online licensure account with this information within 30 days after any change to the required information. If a community association manager has his or her license suspended or revoked, the division must give written notice of such suspension or revocation to the community association management firm and the community association for which the manager performs community management services.

Section 2. Subsections (1) and (3) of section 468.4334,



Florida Statutes, are amended to read:

468.4334 Professional practice standards; liability; community association manager requirements; return of records after termination of contract.—

(1)(a) A community association manager or a community association management firm is deemed to act as agent on behalf of a community association as principal within the scope of authority authorized by a written contract or under this chapter. A community association manager or a community association management firm may not perform any act directed by the community association if such an act violates any state or federal law. A community association manager and a community association management firm shall discharge duties performed on behalf of the association as authorized by this chapter loyally, skillfully, and diligently; dealing honestly and fairly; in good faith; with care and full disclosure to the community association; accounting for all funds; and not charging unreasonable or excessive fees.

(b) If a community association manager or a community association management firm has a contract with a community association that is subject to the milestone inspection requirements in s. 553.899, or the structural integrity reserve study requirements in s. 718.112(2)(g) and 719.106(1)(k), the community association manager or the community association management firm must comply with those sections ~~that section~~ as directed by the board.

(c) Each contract between a community association and a community association manager or community association management firm for community association management services

707000

must include the following written statement in at least 12-point type:

The community association manager shall abide by all professional standards and record keeping requirements imposed pursuant to part VIII of chapter 468, Florida Statutes.

(d) A contract between a community association manager or community association management firm and a community association may not waive or limit the professional practice standards required pursuant to this part.

(3) A community association manager or community association management firm that is authorized by contract to provide community association management services to a community ~~homeowners'~~ association shall do all of the following:

(a) Attend in person at least one member meeting or board meeting of the homeowners' association annually.

(b) Provide to the members of the community ~~homeowners'~~ association the name and contact information for each community association manager or representative of a community association management firm assigned to the community ~~homeowners'~~ association, the manager's or representative's hours of availability, and a summary of the duties for which the manager or representative is responsible. The community ~~homeowners'~~ association shall also post this information on the association's website or mobile application, if the association is required to maintain official records on a website or application ~~required under s. 720.303(4)(b)~~. The community



707000

association manager or community association management firm shall update the community ~~homeowners'~~ association and its members within 14 business days after any change to such information.

(c) Provide to any member upon request a copy of the contract between the community association manager or community association management firm and the community ~~homeowners'~~ association and include such contract with association's official records.

Section 3. Subsection (11) of section 553.899, Florida Statutes, is amended, and paragraphs (e) and (f) are added to subsection (3) of that section, to read:

553.899 Mandatory structural inspections for condominium and cooperative buildings.—

(3)

(e) On or before October 1, 2025, and on or before each December 31 thereafter, the local enforcement agency responsible for milestone inspections must provide the department, in an electronic format determined by the department, information that may include, but is not limited to:

1. The number of buildings required to have a milestone inspection within the agency's jurisdiction.

2. The number of buildings for which a phase one milestone inspection has been completed.

3. The number of buildings granted an extension under paragraph (3)(c).

4. The number of buildings required to perform a phase two milestone inspection.

5. The number of buildings for which a phase two milestone



inspection has been completed.

6. The number, type, and value of permits applied for to complete repairs pursuant to a phase two milestone inspection.

7. A list of buildings deemed to be unsafe or uninhabitable due to a milestone inspection.

8. The license number of the building code administrator responsible for milestone inspections for the local enforcement agency.

(f) Subject to appropriation, the commission shall contract with the University of Florida for the purpose of creating a report that provides comprehensive data, evaluation, and analysis on the milestone inspections performed throughout this state during each calendar year or other time period approved by the commission. Every local enforcement agency responsible for milestone inspections must provide the university with a copy of any phase one or phase two milestone inspection report by the date specified by the commission in a manner prescribed by the university. The university may request any additional information from a local enforcement agency which the university requires to complete this report. The university shall compile the report, and the department shall transmit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(11) A board of county commissioners or municipal governing body shall ~~may~~ adopt an ordinance requiring that a condominium or cooperative association and any other owner that is subject to this section schedule or commence repairs for substantial structural deterioration within a specified timeframe after the local enforcement agency receives a phase two inspection report;

707000

however, such repairs must be commenced within 365 days after receiving such report. If an owner of the building fails to submit proof to the local enforcement agency that repairs have been scheduled or have commenced for substantial structural deterioration identified in a phase two inspection report within the required timeframe, the local enforcement agency must review and determine if the building is unsafe for human occupancy.

Section 4. Present subsections (33) and (34) of section 718.103, Florida Statutes, are redesignated as subsections (34) and (35), respectively, a new subsection (33) is added to that subsection, and subsection (1) of that section is amended, to read:

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

(1) "Alternative funding method" means a method ~~approved by the division~~ for funding the capital expenditures and deferred maintenance obligations of the association ~~for a multicondominium association operating at least 25 condominiums which may reasonably be expected to fully satisfy the association's reserve funding obligations by the~~, including:

(a) The allocation of funds in the annual operating budget of a multicondominium; or

(b) Any other method defined by rule of the division which may reasonably be expected to fully satisfy the association's reserve funding obligations or fund its capital expenditure and deferred maintenance obligations.

(33) "Videoconference" means a real-time audio and video-based meeting between two or more people in different locations using video-enabled and audio-enabled devices. The notice for any meeting that will be conducted by videoconference must have

707000

a hyperlink and call-in phone conference telephone number for unit owners to attend the meeting and must have a physical location where unit owners can also attend the meeting in-person. All meetings conducted by videoconference must be recorded and such recording must be maintained as an official record of the association.

Section 5. Paragraphs (a) and (g) of subsection (12) and subsection (13) of section 718.111, Florida Statutes, are amended, and paragraphs (g) and (h) are added to subsection (3) of that section, and subsection (16) is added to that section, to read:

718.111 The association.—

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

(g) If an association contracts with a community association manager or a community association management firm, such community association manager or community association management firm must possess all applicable licenses required by part VIII of chapter 468. All board members or officers of an association that contracts with a community association manager or a community association management firm have a duty to ensure that the community association manager or community association management firm is properly licensed before entering into a contract.

(h) If a community association manager or a community association management firm has its license suspended or revoked during the term of a contract with the association, the association shall have no further contractual obligations to the community association manager or community association

707000

management firm whose license has been revoked or suspended effective on the date which the community association manager or community association management firm became unlicensed.

(12) OFFICIAL RECORDS.—

(a) From the inception of the association, the association shall maintain each of the following items, if applicable, which constitutes the official records of the association:

1. A copy of the plans, permits, warranties, and other items provided by the developer under s. 718.301(4).

2. A copy ~~photocopy~~ of the recorded declaration of condominium of each condominium operated by the association and each amendment to each declaration.

3. A copy ~~photocopy~~ of the recorded bylaws of the association and each amendment to the bylaws.

4. A certified copy of the articles of incorporation of the association, or other documents creating the association, and each amendment thereto.

5. A copy of the current rules of the association.

6. A book or books or electronic records that contain the minutes of all meetings of the association, the board of administration, any committee, and the unit owners, and a recording of all such meetings that are conducted by videoconference.

7. A current roster of all unit owners and their mailing addresses, unit identifications, voting certifications, and, if known, telephone numbers. The association shall also maintain the e-mail addresses and facsimile numbers of unit owners consenting to receive notice by electronic transmission. In accordance with sub-subparagraph (c)5.e., the e-mail addresses



and facsimile numbers are only accessible to unit owners if consent to receive notice by electronic transmission is provided, or if the unit owner has expressly indicated that such personal information can be shared with other unit owners and the unit owner has not provided the association with a request to opt out of such dissemination with other unit owners. An association must ensure that the e-mail addresses and facsimile numbers are only used for the business operation of the association and may not be sold or shared with outside third parties. If such personal information is included in documents that are released to third parties, other than unit owners, the association must redact such personal information before the document is disseminated. However, the association is not liable for an inadvertent disclosure of the e-mail address or facsimile number for receiving electronic transmission of notices unless such disclosure was made with a knowing or intentional disregard of the protected nature of such information.

8. All current insurance policies of the association and condominiums operated by the association.

9. A current copy of any management agreement, lease, or other contract to which the association is a party or under which the association or the unit owners have an obligation or responsibility.

10. Bills of sale or transfer for all property owned by the association.

11. Accounting records for the association and separate accounting records for each condominium that the association operates. Any person who knowingly or intentionally defaces or destroys such records, or who knowingly or intentionally fails

707000

to create or maintain such records, with the intent of causing harm to the association or one or more of its members, is personally subject to a civil penalty pursuant to s. 718.501(1)(e). The accounting records must include, but are not limited to:

a. Accurate, itemized, and detailed records of all receipts and expenditures, including all bank statements and ledgers.

b. All invoices, transaction receipts, or deposit slips that substantiate any receipt or expenditure of funds by the association.

c. A current account and a monthly, bimonthly, or quarterly statement of the account for each unit designating the name of the unit owner, the due date and amount of each assessment, the amount paid on the account, and the balance due.

d. All audits, reviews, accounting statements, structural integrity reserve studies, and financial reports of the association or condominium. Structural integrity reserve studies must be maintained for at least 15 years after the study is completed.

e. All contracts for work to be performed. Bids for work to be performed are also considered official records and must be maintained by the association for at least 1 year after receipt of the bid.

12. Ballots, sign-in sheets, voting proxies, and all other papers and electronic records relating to voting by unit owners, which must be maintained for 1 year from the date of the election, vote, or meeting to which the document relates, notwithstanding paragraph (b).

13. All rental records if the association is acting as



agent for the rental of condominium units.

14. A copy of the current question and answer sheet as described in s. 718.504.

15. A copy of the inspection reports described in ss. 553.899 and 718.301(4)(p) and any other inspection report relating to a structural or life safety inspection of condominium property. Such record must be maintained by the association for 15 years after receipt of the report.

16. Bids for materials, equipment, or services.

17. All affirmative acknowledgments made pursuant to s. 718.121(4)(c).

18. A copy of all building permits.

19. A copy of all satisfactorily completed board member educational certificates.

20. A copy of all affidavits required by this chapter.

21.~~20.~~ All other written records of the association not specifically included in the foregoing which are related to the operation of the association.

(g)1. By January 1, 2019, an association managing a condominium with 150 or more units which does not contain timeshare units shall post digital copies of the documents specified in subparagraph 2. on its website or make such documents available through an application that can be downloaded on a mobile device. Unless a shorter period is otherwise required, a document must be made available on the association's website or made available for download through an application on a mobile device within 30 days after the association receives or creates an official record specified in subparagraph 2.



a. The association's website or application must be:

(I) An independent website, application, or web portal wholly owned and operated by the association; or

(II) A website, application, or web portal operated by a third-party provider with whom the association owns, leases, rents, or otherwise obtains the right to operate a web page, subpage, web portal, collection of subpages or web portals, or an application which is dedicated to the association's activities and on which required notices, records, and documents may be posted or made available by the association.

b. The association's website or application must be accessible through the Internet and must contain a subpage, web portal, or other protected electronic location that is inaccessible to the general public and accessible only to unit owners and employees of the association.

c. Upon a unit owner's written request, the association must provide the unit owner with a username and password and access to the protected sections of the association's website or application which contain any notices, records, or documents that must be electronically provided.

2. A current copy of the following documents must be posted in digital format on the association's website or application:

a. The recorded declaration of condominium of each condominium operated by the association and each amendment to each declaration.

b. The recorded bylaws of the association and each amendment to the bylaws.

c. The articles of incorporation of the association, or other documents creating the association, and each amendment to

707000

the articles of incorporation or other documents. The copy posted pursuant to this sub-subparagraph must be a copy of the articles of incorporation filed with the Department of State.

d. The rules of the association.

e. The approved minutes of all board of administration meetings over the preceding 12 months.

f.~~e.~~ A list of all executory contracts or documents to which the association is a party or under which the association or the unit owners have an obligation or responsibility and, after bidding for the related materials, equipment, or services has closed, a list of bids received by the association within the past year. Summaries of bids for materials, equipment, or services which exceed $500 must be maintained on the website or application for 1 year. In lieu of summaries, complete copies of the bids may be posted.

g.~~f.~~ The annual budget required by s. 718.112(2)(f) and any proposed budget to be considered at the annual meeting.

h.~~g.~~ The financial report required by subsection (13) and any monthly income or expense statement to be considered at a meeting.

i.~~h.~~ The certification of each director required by s. 718.112(2)(d)4.b.

j.~~i.~~ All contracts or transactions between the association and any director, officer, corporation, firm, or association that is not an affiliated condominium association or any other entity in which an association director is also a director or officer and financially interested.

k.~~j.~~ Any contract or document regarding a conflict of interest or possible conflict of interest as provided in ss.



468.4335, 468.436(2)(b)6., and 718.3027(3).

l.~~k.~~ The notice of any unit owner meeting and the agenda for the meeting, as required by s. 718.112(2)(d)3., no later than 14 days before the meeting. The notice must be posted in plain view on the front page of the website or application, or on a separate subpage of the website or application labeled "Notices" which is conspicuously visible and linked from the front page. The association must also post on its website or application any document to be considered and voted on by the owners during the meeting or any document listed on the agenda at least 7 days before the meeting at which the document or the information within the document will be considered.

m.~~l.~~ Notice of any board meeting, the agenda, and any other document required for the meeting as required by s. 718.112(2)(c), which must be posted no later than the date required for notice under s. 718.112(2)(c).

n.~~m.~~ The inspection reports described in ss. 553.899 and 718.301(4)(p) and any other inspection report relating to a structural or life safety inspection of condominium property.

o.~~n.~~ The association's most recent structural integrity reserve study, if applicable.

p.~~o.~~ Copies of all building permits issued for ongoing or planned construction.

q. A copy of all affidavits required by this chapter.

3. The association shall ensure that the information and records described in paragraph (c), which are not allowed to be accessible to unit owners, are not posted on the association's website or application. If protected information or information restricted from being accessible to unit owners is included in



documents that are required to be posted on the association's website or application, the association shall ensure the information is redacted before posting the documents. Notwithstanding the foregoing, the association or its agent is not liable for disclosing information that is protected or restricted under this paragraph unless such disclosure was made with a knowing or intentional disregard of the protected or restricted nature of such information.

4. The failure of the association to post information required under subparagraph 2. is not in and of itself sufficient to invalidate any action or decision of the association's board or its committees.

(13) FINANCIAL REPORTING.—Within 90 days after the end of the fiscal year, or annually on a date provided in the bylaws, the association shall prepare and complete, or contract for the preparation and completion of, a financial report for the preceding fiscal year. Within 21 days after the final financial report is completed by the association or received from the third party, but not later than 120 days after the end of the fiscal year or other date as provided in the bylaws, the association shall deliver to each unit owner by United States mail or personal delivery at the mailing address, property address, e-mail address, or facsimile number provided to fulfill the association's notice requirements, a copy of the most recent financial report, and a notice that a copy of the most recent financial report will be, as requested by the owner, mailed, ~~or~~ hand delivered, or electronically delivered via the Internet to the unit owner, without charge, within 5 business days after receipt of a written request from the unit owner. Evidence of



compliance with this delivery requirement must be made by an affidavit executed by an officer or director of the association. The division shall adopt rules setting forth uniform accounting principles and standards to be used by all associations and addressing the financial reporting requirements for multicondominium associations. The rules must include, but not be limited to, standards for presenting a summary of association reserves, including a good faith estimate disclosing the annual amount of reserve funds that would be necessary for the association to fully fund reserves for each reserve item based on the straight-line accounting method. This disclosure is not applicable to reserves funded via the pooling method. In adopting such rules, the division shall consider the number of members and annual revenues of an association. Financial reports shall be prepared as follows:

(a) An association that meets the criteria of this paragraph shall prepare a complete set of financial statements in accordance with generally accepted accounting principles. The financial statements must be based upon the association's total annual revenues, as follows:

1. An association with total annual revenues of $150,000 or more, but less than $300,000, shall prepare compiled financial statements.

2. An association with total annual revenues of at least $300,000, but less than $500,000, shall prepare reviewed financial statements.

3. An association with total annual revenues of $500,000 or more shall prepare audited financial statements.

(b)1. An association with total annual revenues of less



than $150,000 shall prepare a report of cash receipts and expenditures.

2. A report of cash receipts and disbursements must disclose the amount of receipts by accounts and receipt classifications and the amount of expenses by accounts and expense classifications, including, but not limited to, the following, as applicable: costs for security, professional and management fees and expenses, taxes, costs for recreation facilities, expenses for refuse collection and utility services, expenses for lawn care, costs for building maintenance and repair, insurance costs, administration and salary expenses, and reserves accumulated and expended for capital expenditures, deferred maintenance, and any other category for which the association maintains reserves.

(c) An association may prepare, without a meeting of or approval by the unit owners:

1. Compiled, reviewed, or audited financial statements, if the association is required to prepare a report of cash receipts and expenditures;

2. Reviewed or audited financial statements, if the association is required to prepare compiled financial statements; or

3. Audited financial statements if the association is required to prepare reviewed financial statements.

(d) If approved by a majority of the voting interests present at a properly called meeting of the association, an association may prepare:

1. A report of cash receipts and expenditures in lieu of a compiled, reviewed, or audited financial statement;



2. A report of cash receipts and expenditures or a compiled financial statement in lieu of a reviewed or audited financial statement; or

3. A report of cash receipts and expenditures, a compiled financial statement, or a reviewed financial statement in lieu of an audited financial statement.

Such meeting and approval must occur before the end of the fiscal year and is effective only for the fiscal year in which the vote is taken. An association may not prepare a financial report pursuant to this paragraph for consecutive fiscal years. If the developer has not turned over control of the association, all unit owners, including the developer, may vote on issues related to the preparation of the association's financial reports, from the date of incorporation of the association through the end of the second fiscal year after the fiscal year in which the certificate of a surveyor and mapper is recorded pursuant to s. 718.104(4)(e) or an instrument that transfers title to a unit in the condominium which is not accompanied by a recorded assignment of developer rights in favor of the grantee of such unit is recorded, whichever occurs first. Thereafter, all unit owners except the developer may vote on such issues until control is turned over to the association by the developer. Any audit or review prepared under this section shall be paid for by the developer if done before turnover of control of the association.

(e) A unit owner may provide written notice to the division of the association's failure to mail or hand deliver him or her a copy of the most recent financial report within 5 business



707000

days after he or she submitted a written request to the association for a copy of such report. If the division determines that the association failed to mail or hand deliver a copy of the most recent financial report to the unit owner, the division shall provide written notice to the association that the association must mail or hand deliver a copy of the most recent financial report to the unit owner and the division within 5 business days after it receives such notice from the division. An association that fails to comply with the division's request may not waive the financial reporting requirement provided in paragraph (d) for the fiscal year in which the unit owner's request was made and the following fiscal year. A financial report received by the division pursuant to this paragraph shall be maintained, and the division shall provide a copy of such report to an association member upon his or her request.

(16) INVESTMENT OF ASSOCIATION FUNDS.—

(a) A board shall, in fulfilling its duty to manage operating and reserve funds of an association, use best efforts to make prudent investment decisions that carefully consider risk and return in an effort to maximize returns on invested funds.

(b) An association, including a multicondominium association, may invest reserve funds in one or any combination of certificates of deposit or in depository accounts at a community bank, savings bank, commercial bank, savings and loan association, or credit union. Upon a majority vote of the voting interests, an association may invest reserve funds in investments other than certificates of deposit or in depository



accounts at a community bank, savings bank, commercial bank, savings and loan association, or credit union, provided the association complies with paragraphs (c)-(g). Notwithstanding any declaration, only funds identified as reserve funds may be invested pursuant to paragraphs (c)-(g). Paragraphs (c)-(g) do not apply to funds invested in one or any combination of certificates of deposit or in depository accounts at a community bank, savings bank, commercial bank, savings and loan association, or credit union.

(c) The board shall create an investment committee composed of at least two board members and two-unit unit owners who are not board members. The board shall also adopt rules for invested funds, including, but not limited to, rules requiring periodic reviews of any investment manager's performance, the development of an investment policy statement, and that all meetings of the investment committee be recorded and made part of the official records of the association. The investment policy statement developed pursuant to this paragraph must, at a minimum, address risk, liquidity, and benchmark measurements; authorized classes of investments; authorized investment mixes; limitations on authority relating to investment transactions; requirements for projected reserve expenditures within, at minimum, the next 24 months to be held in cash or cash equivalents; projected expenditures relating to a mandatory structural inspection performed pursuant to s. 553.899; and protocols for proxy response.

(d) The investment committee shall recommend investment advisers to the board, and the board shall select one of the recommended investment advisers to provide services to the



707000

association. Such investment advisers must be registered or have notice filed under s. 517.12. The selected investment adviser and any representative or association of the investment adviser may not be related by affinity or consanguinity to, or under common ownership with, any board member, community management company, reserve study provider, or unit owner. The investment adviser shall comply with the prudent investor rule in s. 518.11. The investment adviser shall act as a fiduciary to the association in compliance with the standards set forth in the Employee Retirement Income Security Act of 1974 at 29 U.S.C. s. 1104(a)(1)(A)-(C). In case of conflict with other laws authorizing investments, the investment and fiduciary standards set forth in this subsection must prevail. If at any time the investment committee determines that an investment adviser does not meet the requirements of this section, the investment committee must recommend a replacement investment adviser to the board.

(e) At least once each calendar year, or sooner if a substantial financial obligation of the association becomes known to the board, the association must provide the investment adviser with the association's investment policy statement, the most recent reserve study report, the association's structural integrity report, and the financial reports prepared pursuant to subsection (13). If there is no recent reserve study report, the association must provide the investment adviser with a good faith estimate disclosing the annual amount of reserve funds necessary for the association to fund reserves fully for the life of each reserve component and each component's redundancies. The investment adviser shall annually review these


707000

documents and provide the association with a portfolio allocation model that is suitably structured and prudently designed to match projected annual reserve fund requirements and liability, assets, and liquidity requirements. The investment adviser shall prepare a funding projection for each reserve component, including any of the component's redundancies. The association must have available at all times a minimum of 24 months of projected reserves in cash or cash equivalents.

(f) Portfolios managed by the investment adviser may contain any type of investment necessary to meet the objectives in the investment policy statement; however, portfolios may not contain stocks, securities, or other obligations that the State Board of Administration is prohibited from investing in under s. 215.471, s. 215.4725, or s. 215.473 or that state agencies are prohibited from investing in under s. 215.472, as determined by the investment adviser. Any funds invested by the investment adviser must be held in third-party custodial accounts that are subject to insurance coverage by the Securities Investor Protection Corporation in an amount equal to or greater than the invested amount. The investment adviser may withdraw investment fees, expenses, and commissions from invested funds.

(g) The investment adviser shall:

1. Annually provide the association with a written certification of compliance with this section and a list of stocks, securities, and other obligations that are prohibited from being in association portfolios under paragraph (f); and

2. Submit monthly, quarterly, and annual reports to the association which are prepared in accordance with established financial industry standards and in accordance with chapter 517.



(h) Any principal, earnings, or interest managed under this subsection must be available at no cost or charge to the association within 15 business days after delivery of the association's written or electronic request.

(i) Unallocated income earned on reserve fund investments must be spent only on capital expenditures, planned maintenance, structural repairs, or other items for which the reserve accounts have been established. Any surplus of funds which exceeds the amount required to maintain reasonably funded reserves must be managed pursuant to s. 718.115.

Section 6. Paragraphs (b) through (g) of subsection (2) of section 718.112, Florida Statutes, are amended, to read:

718.112 Bylaws.—

(2) REQUIRED PROVISIONS.—The bylaws shall provide for the following and, if they do not do so, shall be deemed to include the following:

(b) *Quorum; voting requirements; proxies.*—

1. Unless a lower number is provided in the bylaws, the percentage of voting interests required to constitute a quorum at a meeting of the members is a majority of the voting interests. Unless otherwise provided in this chapter or in the declaration, articles of incorporation, or bylaws, and except as provided in subparagraph (d)4., decisions shall be made by a majority of the voting interests represented at a meeting at which a quorum is present.

2. Except as specifically otherwise provided herein, unit owners in a residential condominium may not vote by general proxy, but may vote by limited proxies substantially conforming to a limited proxy form adopted by the division. A voting



interest or consent right allocated to a unit owned by the association may not be exercised or considered for any purpose, whether for a quorum, an election, or otherwise. Limited proxies and general proxies may be used to establish a quorum. Limited proxies shall be used for votes taken to waive or reduce reserves in accordance with subparagraph (f)2.; for votes taken to waive the financial reporting requirements of s. 718.111(13); for votes taken to amend the declaration pursuant to s. 718.110; for votes taken to amend the articles of incorporation or bylaws pursuant to this section; and for any other matter for which this chapter requires or permits a vote of the unit owners. Except as provided in paragraph (d), a proxy, limited or general, may not be used in the election of board members in a residential condominium. General proxies may be used for other matters for which limited proxies are not required, and may be used in voting for nonsubstantive changes to items for which a limited proxy is required and given. Notwithstanding this subparagraph, unit owners may vote in person at unit owner meetings. This subparagraph does not limit the use of general proxies or require the use of limited proxies for any agenda item or election at any meeting of a timeshare condominium association or a nonresidential condominium association.

3. A proxy given is effective only for the specific meeting for which originally given and any lawfully adjourned meetings thereof. A proxy is not valid longer than 90 days after the date of the first meeting for which it was given. Each proxy is revocable at any time at the pleasure of the unit owner executing it.

4. A member of the board of administration or a committee



may submit in writing his or her agreement or disagreement with any action taken at a meeting that the member did not attend. This agreement or disagreement may not be used as a vote for or against the action taken or to create a quorum.

5. A board meeting may be conducted in-person or by videoconference. A board or committee member's participation in a meeting via telephone, real-time videoconferencing, or similar real-time electronic or video communication counts toward a quorum, and such member may vote as if physically present. A board member may not participate in any meeting of the association, including unit owner meetings, videoconference more than two times in a calendar year. A speaker must be used so that the conversation of such members may be heard by the board or committee members attending in person as well as by any unit owners present at a meeting. The division shall adopt rules pursuant to ss. 120.536 and 120.54 governing the requirements for meetings.

(c) *Board of administration meetings.*—In a residential condominium association of more than 10 units, the board of administration shall meet at least once each quarter. At least four times each year, the meeting agenda must include an opportunity for members to ask questions of the board. Meetings of the board of administration at which a quorum of the members is present are open to all unit owners. Members of the board of administration may use e-mail as a means of communication but may not cast a vote on an association matter via e-mail. A unit owner may tape record or videotape the meetings. The right to attend such meetings includes the right to speak at such meetings with reference to all designated agenda items and the



right to ask questions relating to reports on the status of construction or repair projects, the status of revenues and expenditures during the current fiscal year, and other issues affecting the condominium. The division shall adopt reasonable rules governing the tape recording and videotaping of the meeting. The association may adopt written reasonable rules governing the frequency, duration, and manner of unit owner statements.

1. Adequate notice of all board meetings, which must specifically identify all agenda items, must be posted conspicuously on the condominium property at least 48 continuous hours before the meeting except in an emergency. If the board meeting is to be conducted via videoconference, the notice must state that such meeting will be via videoconference and must include a hyperlink and a conference telephone number for unit owners to attend the meeting via videoconference, as well as the address of the physical location where the unit owners can attend the meeting in person. If the meeting is conducted via videoconference, it must be recorded and such recording must be maintained as an official record of the association. If 20 percent of the voting interests petition the board to address an item of business, the board, within 60 days after receipt of the petition, shall place the item on the agenda at its next regular board meeting or at a special meeting called for that purpose. An item not included on the notice may be taken up on an emergency basis by a vote of at least a majority plus one of the board members. Such emergency action must be noticed and ratified at the next regular board meeting. Written notice of a meeting at which a nonemergency special assessment or an



amendment to rules regarding unit use will be considered must be mailed, delivered, or electronically transmitted to the unit owners and posted conspicuously on the condominium property at least 14 days before the meeting. Evidence of compliance with this 14-day notice requirement must be made by an affidavit executed by the person providing the notice and filed with the official records of the association.

2. Upon notice to the unit owners, the board shall, by duly adopted rule, designate a specific location on the condominium property at which all notices of board meetings must be posted. ~~If there is no condominium property at which notices can be posted,~~ Notices shall be mailed, delivered, or electronically transmitted to each unit owner who has consented to receive electronic notifications at least 14 days before the meeting. In ~~lieu of or in~~ addition to the physical posting of the notice on the condominium property and mailing, delivering, or electronically transmitting the notice, the association may, by reasonable rule, adopt a procedure for conspicuously posting and repeatedly broadcasting the notice and the agenda on a closed-circuit cable television system serving the condominium association. ~~However, if broadcast notice is used in lieu of a notice physically posted on condominium property, the notice and agenda must be broadcast at least four times every broadcast hour of each day that a posted notice is otherwise required under this section. If broadcast notice is provided, the notice and agenda must be broadcast in a manner and for a sufficient continuous length of time so as to allow an average reader to observe the notice and read and comprehend the entire content of the notice and the agenda.~~ In addition to any of the authorized



means of providing notice of a meeting of the board, the association may, by rule, adopt a procedure for conspicuously posting the meeting notice and the agenda on a website serving the condominium association for at least the minimum period of time for which a notice of a meeting is also required to be physically posted on the condominium property. Any rule adopted shall, in addition to other matters, include a requirement that the association send an electronic notice in the same manner as a notice for a meeting of the members, which must include a hyperlink to the website at which the notice is posted, to unit owners whose e-mail addresses are included in the association's official records.

3. Notice of any meeting in which regular or special assessments against unit owners are to be considered must specifically state that assessments will be considered and provide the estimated cost and description of the purposes for such assessments. If an agenda item relates to the approval of a contract for goods or services, a copy of the contract must be provided with the notice and be made available for inspection and copying upon a written request from a unit owner or made available on the association's website or through an application that can be downloaded on a mobile device.

4. Meetings of a committee to take final action on behalf of the board or make recommendations to the board regarding the association budget are subject to this paragraph. Meetings of a committee that does not take final action on behalf of the board or make recommendations to the board regarding the association budget are subject to this section, unless those meetings are exempted from this section by the bylaws of the association.



5. Notwithstanding any other law, the requirement that board meetings and committee meetings be open to the unit owners does not apply to:

a. Meetings between the board or a committee and the association's attorney, with respect to proposed or pending litigation, if the meeting is held for the purpose of seeking or rendering legal advice; or

b. Board meetings held for the purpose of discussing personnel matters.

(d) *Unit owner meetings.*—

1. An annual meeting of the unit owners must be held at the location provided in the association bylaws and, if the bylaws are silent as to the location, the meeting must be held within 10 miles ~~45 miles~~ of the condominium property. However, such distance requirement does not apply to an association governing a timeshare condominium. If a unit owner meeting is conducted via videoconference, a unit owner may vote electronically in the manner provided in s. 718.128.

2. Unit owner meetings, including the annual meeting of the unit owners, may be conducted in person or via videoconference. If the annual meeting of the unit owners is conducted via videoconference, a quorum of the members of the board of administration must be physically present at the physical location where unit owners can attend the meeting. The location must be provided in the association bylaws and, if the bylaws are silent as to the location, the meeting must be held within 10 miles of the condominium property. If the unit owner meeting is conducted via videoconference, the videoconference must be recorded and such recording must be maintained as an official

707000

record of the association. The division shall adopt rules pursuant to ss. 120.536 and 120.54 governing the requirements for meeting.

3.~~2.~~ Unless the bylaws provide otherwise, a vacancy on the board caused by the expiration of a director's term must be filled by electing a new board member, and the election must be by secret ballot. An election is not required if the number of vacancies equals or exceeds the number of candidates. For purposes of this paragraph, the term "candidate" means an eligible person who has timely submitted the written notice, as described in sub-subparagraph 4.a., of his or her intention to become a candidate. Except in a timeshare or nonresidential condominium, or if the staggered term of a board member does not expire until a later annual meeting, or if all members' terms would otherwise expire but there are no candidates, the terms of all board members expire at the annual meeting, and such members may stand for reelection unless prohibited by the bylaws. Board members may serve terms longer than 1 year if permitted by the bylaws or articles of incorporation. A board member may not serve more than 8 consecutive years unless approved by an affirmative vote of unit owners representing two-thirds of all votes cast in the election or unless there are not enough eligible candidates to fill the vacancies on the board at the time of the vacancy. Only board service that occurs on or after July 1, 2018, may be used when calculating a board member's term limit. If the number of board members whose terms expire at the annual meeting equals or exceeds the number of candidates, the candidates become members of the board effective upon the adjournment of the annual meeting. Unless the bylaws provide



otherwise, any remaining vacancies shall be filled by the affirmative vote of the majority of the directors making up the newly constituted board even if the directors constitute less than a quorum or there is only one director. In a residential condominium association of more than 10 units or in a residential condominium association that does not include timeshare units or timeshare interests, co-owners of a unit may not serve as members of the board of directors at the same time unless they own more than one unit or unless there are not enough eligible candidates to fill the vacancies on the board at the time of the vacancy. A unit owner in a residential condominium desiring to be a candidate for board membership must comply with sub-subparagraph 4.a. and must be eligible to be a candidate to serve on the board of directors at the time of the deadline for submitting a notice of intent to run in order to have his or her name listed as a proper candidate on the ballot or to serve on the board. A person who has been suspended or removed by the division under this chapter, or who is delinquent in the payment of any assessment due to the association, is not eligible to be a candidate for board membership and may not be listed on the ballot. For purposes of this paragraph, a person is delinquent if a payment is not made by the due date as specifically identified in the declaration of condominium, bylaws, or articles of incorporation. If a due date is not specifically identified in the declaration of condominium, bylaws, or articles of incorporation, the due date is the first day of the assessment period. A person who has been convicted of any felony in this state or in a United States District or Territorial Court, or who has been convicted of any offense in



another jurisdiction which would be considered a felony if committed in this state, is not eligible for board membership unless such felon's civil rights have been restored for at least 5 years as of the date such person seeks election to the board. The validity of an action by the board is not affected if it is later determined that a board member is ineligible for board membership due to having been convicted of a felony. This subparagraph does not limit the term of a member of the board of a nonresidential or timeshare condominium.

4.~~3.~~ The bylaws must provide the method of calling meetings of unit owners, including annual meetings. Written notice of an annual meeting must include an agenda; be mailed, hand delivered, or electronically transmitted to each unit owner at least 14 days before the annual meeting; and be posted in a conspicuous place on the condominium property or association property at least 14 continuous days before the annual meeting. Written notice of a meeting other than an annual meeting must include an agenda; be mailed, hand delivered, or electronically transmitted to each unit owner; and be posted in a conspicuous place on the condominium property or association property within the timeframe specified in the bylaws. If the bylaws do not specify a timeframe for written notice of a meeting other than an annual meeting, notice must be provided at least 14 continuous days before the meeting. Upon notice to the unit owners, the board shall, by duly adopted rule, designate a specific location on the condominium property or association property at which all notices of unit owner meetings must be posted. This requirement does not apply if there is no condominium property for posting notices. ~~In lieu of, or in~~ In



addition to, the physical posting of meeting notices, the association may, by reasonable rule, adopt a procedure for conspicuously posting and repeatedly broadcasting the notice and the agenda on a closed-circuit cable television system serving the condominium association. ~~However, if broadcast notice is used in lieu of a notice posted physically on the condominium property, the notice and agenda must be broadcast at least four times every broadcast hour of each day that a posted notice is otherwise required under this section.~~ If broadcast notice is provided, the notice and agenda must be broadcast in a manner and for a sufficient continuous length of time so as to allow an average reader to observe the notice and read and comprehend the entire content of the notice and the agenda. In addition to any of the authorized means of providing notice of a meeting of the board, the association may, by rule, adopt a procedure for conspicuously posting the meeting notice and the agenda on a website serving the condominium association for at least the minimum period of time for which a notice of a meeting is also required to be physically posted on the condominium property. Any rule adopted shall, in addition to other matters, include a requirement that the association send an electronic notice in the same manner as a notice for a meeting of the members, which must include a hyperlink to the website at which the notice is posted, to unit owners whose e-mail addresses are included in the association’s official records. Unless a unit owner waives in writing the right to receive notice of the annual meeting, such notice must be hand delivered, mailed, or electronically transmitted to each unit owner. Notice for meetings and notice for all other purposes must be mailed to each unit owner at the



address last furnished to the association by the unit owner, or hand delivered to each unit owner. However, if a unit is owned by more than one person, the association must provide notice to the address that the developer identifies for that purpose and thereafter as one or more of the owners of the unit advise the association in writing, or if no address is given or the owners of the unit do not agree, to the address provided on the deed of record. An officer of the association, or the manager or other person providing notice of the association meeting, must provide an affidavit or United States Postal Service certificate of mailing, to be included in the official records of the association affirming that the notice was mailed or hand delivered in accordance with this provision.

5.~~4.~~ The members of the board of a residential condominium shall be elected by written ballot or voting machine. Proxies may not be used in electing the board in general elections or elections to fill vacancies caused by recall, resignation, or otherwise, unless otherwise provided in this chapter. This subparagraph does not apply to an association governing a timeshare condominium.

a. At least 60 days before a scheduled election, the association shall mail, deliver, or electronically transmit, by separate association mailing or included in another association mailing, delivery, or transmission, including regularly published newsletters, to each unit owner entitled to a vote, a first notice of the date of the election. A unit owner or other eligible person desiring to be a candidate for the board must give written notice of his or her intent to be a candidate to the association at least 40 days before a scheduled election.


707000

Together with the written notice and agenda as set forth in subparagraph 3., the association shall mail, deliver, or electronically transmit a second notice of the election to all unit owners entitled to vote, together with a ballot that lists all candidates not less than 14 days or more than 34 days before the date of the election. Upon request of a candidate, an information sheet, no larger than 8 1/2 inches by 11 inches, which must be furnished by the candidate at least 35 days before the election, must be included with the mailing, delivery, or transmission of the ballot, with the costs of mailing, delivery, or electronic transmission and copying to be borne by the association. The association is not liable for the contents of the information sheets prepared by the candidates. In order to reduce costs, the association may print or duplicate the information sheets on both sides of the paper. The division shall by rule establish voting procedures consistent with this sub-subparagraph, including rules establishing procedures for giving notice by electronic transmission and rules providing for the secrecy of ballots. Elections shall be decided by a plurality of ballots cast. There is no quorum requirement; however, at least 20 percent of the eligible voters must cast a ballot in order to have a valid election. A unit owner may not authorize any other person to vote his or her ballot, and any ballots improperly cast are invalid. A unit owner who violates this provision may be fined by the association in accordance with s. 718.303. A unit owner who needs assistance in casting the ballot for the reasons stated in s. 101.051 may obtain such assistance. The regular election must occur on the date of the annual meeting. Notwithstanding this sub-subparagraph, an



election is not required unless more candidates file notices of intent to run or are nominated than board vacancies exist.

b. A director of a board of an association of a residential condominium shall:

(I) Certify in writing to the secretary of the association that he or she has read the association's declaration of condominium, articles of incorporation, bylaws, and current written policies; that he or she will work to uphold such documents and policies to the best of his or her ability; and that he or she will faithfully discharge his or her fiduciary responsibility to the association's members.

(II) Submit to the secretary of the association a certificate of having satisfactorily completed the educational curriculum administered by the division or a division-approved condominium education provider. The educational curriculum must be at least 4 hours long and include instruction on milestone inspections, structural integrity reserve studies, elections, recordkeeping, financial literacy and transparency, levying of fines, and notice and meeting requirements.

Each newly elected or appointed director must submit to the secretary of the association the written certification and educational certificate within 1 year before being elected or appointed or 90 days after the date of election or appointment. A director of an association of a residential condominium who was elected or appointed before July 1, 2024, must comply with the written certification and educational certificate requirements in this sub-subparagraph by June 30, 2025. The written certification and educational certificate is valid for 7



years after the date of issuance and does not have to be resubmitted as long as the director serves on the board without interruption during the 7-year period. A director who is appointed by the developer may satisfy the educational certificate requirement in sub-sub-subparagraph (II) for any subsequent appointment to a board by a developer within 7 years after the date of issuance of the most recent educational certificate, including any interruption of service on a board or appointment to a board in another association within that 7-year period. One year after submission of the most recent written certification and educational certificate, and annually thereafter, a director of an association of a residential condominium must submit to the secretary of the association a certificate of having satisfactorily completed at least 1 hour of continuing education administered by the division, or a division-approved condominium education provider, relating to any recent changes to this chapter and the related administrative rules during the past year. A director of an association of a residential condominium who fails to timely file the written certification and educational certificate is suspended from service on the board until he or she complies with this sub-subparagraph. The board may temporarily fill the vacancy during the period of suspension. The secretary shall cause the association to retain a director’s written certification and educational certificate for inspection by the members for 7 years after a director’s election or the duration of the director’s uninterrupted tenure, whichever is longer. Failure to have such written certification and educational certificate on file does not affect the validity of any board



action.

c. Any challenge to the election process must be commenced within 60 days after the election results are announced.

6.~~5.~~ Any approval by unit owners called for by this chapter or the applicable declaration or bylaws, including, but not limited to, the approval requirement in s. 718.111(8), must be made at a duly noticed meeting of unit owners and is subject to all requirements of this chapter or the applicable condominium documents relating to unit owner decisionmaking, except that unit owners may take action by written agreement, without meetings, on matters for which action by written agreement without meetings is expressly allowed by the applicable bylaws or declaration or any law that provides for such action.

7.~~6.~~ Unit owners may waive notice of specific meetings if allowed by the applicable bylaws or declaration or any law. Notice of meetings of the board of administration; unit owner meetings, except unit owner meetings called to recall board members under paragraph (l); and committee meetings may be given by electronic transmission to unit owners who consent to receive notice by electronic transmission. A unit owner who consents to receiving notices by electronic transmission is solely responsible for removing or bypassing filters that block receipt of mass e-mails sent to members on behalf of the association in the course of giving electronic notices.

8.~~7.~~ Unit owners have the right to participate in meetings of unit owners with reference to all designated agenda items. However, the association may adopt reasonable rules governing the frequency, duration, and manner of unit owner participation.

9.~~8.~~ A unit owner may tape record or videotape a meeting of



the unit owners subject to reasonable rules adopted by the division.

10.~~9.~~ Unless otherwise provided in the bylaws, any vacancy occurring on the board before the expiration of a term may be filled by the affirmative vote of the majority of the remaining directors, even if the remaining directors constitute less than a quorum, or by the sole remaining director. In the alternative, a board may hold an election to fill the vacancy, in which case the election procedures must conform to sub-subparagraph 4.a. unless the association governs 10 units or fewer and has opted out of the statutory election process, in which case the bylaws of the association control. Unless otherwise provided in the bylaws, a board member appointed or elected under this section shall fill the vacancy for the unexpired term of the seat being filled. Filling vacancies created by recall is governed by paragraph (l) and rules adopted by the division.

11.~~10.~~ This chapter does not limit the use of general or limited proxies, require the use of general or limited proxies, or require the use of a written ballot or voting machine for any agenda item or election at any meeting of a timeshare condominium association or nonresidential condominium association.

Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an association of 10 or fewer units may, by affirmative vote of a majority of the total voting interests, provide for different voting and election procedures in its bylaws, which may be by a proxy specifically delineating the different voting and election procedures. The different voting and election procedures may

707000

provide for elections to be conducted by limited or general proxy.

(e) *Budget meeting.*—

1. Any meeting at which a proposed annual budget of an association will be considered by the board or unit owners shall be open to all unit owners. A meeting of the board or unit owners at which a proposed annual association budget will be considered may be conducted by videoconference. The division shall adopt rules pursuant to ss. 120.536 and 120.54 governing the requirements for such meetings. A sound transmitting device must be used so that the conversation of such members may be heard by the board or committee members attending in person, as well as any unit owners present at the meeting. At least 14 days before ~~prior to~~ such a meeting, the board shall hand deliver to each unit owner, mail to each unit owner at the address last furnished to the association by the unit owner, or electronically transmit to the location furnished by the unit owner for that purpose a notice of such meeting and a copy of the proposed annual budget. An officer or manager of the association, or other person providing notice of such meeting, shall execute an affidavit evidencing compliance with such notice requirement, and such affidavit shall be filed among the official records of the association.

2.a. If a board proposes ~~adopts~~ in any fiscal year an annual budget which requires assessments against unit owners which exceed 115 percent of assessments for the preceding fiscal year, the board shall simultaneously propose a substitute budget that does not include any discretionary expenditures that are not required to be in the budget~~ conduct a special meeting of~~



~~the unit owners to consider a substitute budget if the board receives, within 21 days after adoption of the annual budget, a written request for a special meeting from at least 10 percent of all voting interests~~. The substitute budget must be proposed at the budget meeting before the adoption of the annual budget. ~~The special meeting shall be conducted within 60 days after adoption of the annual budget.~~ At least 14 days before such budget meeting in which a substitute budget will be proposed ~~prior to such special~~ ~~meeting~~, the board shall hand deliver to each unit owner, or mail to each unit owner at the address last furnished to the association, a notice of the meeting. An officer or manager of the association, or other person providing notice of such meeting shall execute an affidavit evidencing compliance with this notice requirement, and such affidavit shall be filed among the official records of the association. Unit owners must ~~may~~ consider and may adopt a substitute budget at the ~~special~~ meeting. A substitute budget is adopted if approved by a majority of all voting interests unless the bylaws require adoption by a greater percentage of voting interests. If ~~there is not a quorum at the special meeting or~~ a substitute budget is not adopted, the annual budget previously initially proposed ~~adopted~~ by the board may be adopted ~~shall take effect as scheduled~~.

b. Any determination of whether assessments exceed 115 percent of assessments for the prior fiscal year shall exclude any authorized provision for reasonable reserves for repair or replacement of the condominium property, anticipated expenses of the association which the board does not expect to be incurred on a regular or annual basis, and insurance premiums~~, or~~



~~assessments for betterments to the condominium property~~.

c. If the developer controls the board, assessments may ~~shall~~ not exceed 115 percent of assessments for the prior fiscal year unless approved by a majority of all voting interests.

(f) *Annual budget.*—

1. The proposed annual budget of estimated revenues and expenses must be detailed and must show the amounts budgeted by accounts and expense classifications, including, at a minimum, any applicable expenses listed in s. 718.504(21). The board shall adopt the annual budget at least 14 days before the start of the association's fiscal year. In the event that the board fails to timely adopt the annual budget a second time, it is deemed a minor violation and the prior year's budget shall continue in effect until a new budget is adopted. A multicondominium association must adopt a separate budget of common expenses for each condominium the association operates and must adopt a separate budget of common expenses for the association. In addition, if the association maintains limited common elements with the cost to be shared only by those entitled to use the limited common elements as provided for in s. 718.113(1), the budget or a schedule attached to it must show the amount budgeted for this maintenance. If, after turnover of control of the association to the unit owners, any of the expenses listed in s. 718.504(21) are not applicable, they do not need to be listed.

2.a. In addition to annual operating expenses, the budget must include reserve accounts for capital expenditures and deferred maintenance. These accounts must include, but are not limited to, roof replacement, building painting, and pavement



resurfacing, regardless of the amount of deferred maintenance expense or replacement cost, and any other item that has a deferred maintenance expense or replacement cost that exceeds $25,000 ~~$10,000~~. The amount to be reserved must be computed using a formula based upon estimated remaining useful life and estimated replacement cost or deferred maintenance expense of the reserve item. In a budget adopted by an association that is required to obtain a structural integrity reserve study, reserves must be maintained for the items identified in paragraph (g) for which the association is responsible pursuant to the declaration of condominium, and the reserve amount for such items must be based on the findings and recommendations of the association's most recent structural integrity reserve study. If an association votes to terminate the condominium in accordance with s. 718.117, the members may vote to waive the maintenance of reserves recommended by the association's most recent structural integrity reserve study. With respect to items for which an estimate of useful life is not readily ascertainable or with an estimated remaining useful life of greater than 25 years, an association is not required to reserve replacement costs for such items, but an association must reserve the amount of deferred maintenance expense, if any, which is recommended by the structural integrity reserve study for such items. The association may adjust replacement reserve assessments annually to take into account an inflation adjustment and any changes in estimates or extension of the useful life of a reserve item caused by deferred maintenance.

b. The members of a unit-owner-controlled association may determine, by a majority vote of the total voting interests of

707000

the association, to provide no reserves or less reserves than required by this subsection. For a budget adopted on or after December 31, 2024, the members of a unit-owner-controlled association that must obtain a structural integrity reserve study may not determine to provide no reserves or less reserves than required by this subsection for items listed in paragraph (g), except that members of an association ~~operating a multicondominium~~ may determine to provide no reserves or less reserves than required by this subsection if an alternative funding method is used by the association ~~has been approved by the division~~.

c. For a budget adopted on or before December 31, 2028, a unit-owner-controlled association that must have a structural reserve study may secure a line of credit in lieu of maintaining reserves for all or a portion of the reserves required under this paragraph upon a majority vote of the total voting interests of the association. The line of credit must be sufficient to meet the association's deferred maintenance obligation not funded in the association's reserve account for each budget. Funding from the line of credit must be immediately available for access by the board to fund required repair, maintenance, or replacement expenses without further approval by the members of the association. A line of credit secured under this sub-subparagraph must be included in the financial report required under s. 718.111(13).

d. If the local building official, as defined in s. 468.603, determines that the entire condominium building is uninhabitable due to a natural emergency, as defined in s. 252.34, the board~~, upon the approval of a majority of its~~



707000

~~members,~~ may pause the contribution to its reserves or reduce reserve funding until the local building official determines that the condominium building is habitable. Any reserve account funds held by the association may be expended, pursuant to the board's determination, to make the condominium building and its structures habitable. Upon the determination by the local building official that the condominium building is habitable, the association must immediately resume contributing funds to its reserves.

e. For a budget adopted on or before December 31, 2028, if the association has completed a milestone inspection pursuant to s. 553.899 within the previous 2 calendar years, the board, upon the approval of a majority of the total voting interests of the association, may temporarily pause, for a period of no more than 2 consecutive annual budgets, reserve fund contributions or reduce the amount of reserve funding for the purpose of funding repairs recommended by the milestone inspection. This sub-subparagraph does not apply to a developer-controlled association and an association in which the non-developer unit owners have been in control for less than 1 year. An association that has paused reserve contributions under this subparagraph must have a structural integrity reserve study performed before the continuation of reserve contributions in order to determine the association's reserve funding needs and to recommend a reserve funding plan.

f.~~b.~~ Before turnover of control of an association by a developer to unit owners other than a developer under s. 718.301, the developer-controlled association may not vote to waive the reserves or reduce funding of the reserves. If a



meeting of the unit owners has been called to determine whether to waive or reduce the funding of reserves and no such result is achieved or a quorum is not attained, the reserves included in the budget shall go into effect. After the turnover, the developer may vote its voting interest to waive or reduce the funding of reserves.

3. Reserve funds and any interest accruing thereon shall remain in the reserve account or accounts, and may be used only for authorized reserve expenditures unless their use for other purposes is approved in advance by a majority vote of all the total voting interests of the association. Before turnover of control of an association by a developer to unit owners other than the developer pursuant to s. 718.301, the developer-controlled association may not vote to use reserves for purposes other than those for which they were intended. For a budget adopted on or after December 31, 2024, members of a unit-owner-controlled association that must obtain a structural integrity reserve study may not vote to use reserve funds, or any interest accruing thereon, for any other purpose other than the replacement or deferred maintenance costs of the components listed in paragraph (g). A vote of the members is not required for the board to change the accounting method for reserves to a pooling accounting method or a straight-line accounting method.

4. The only voting interests that are eligible to vote on questions that involve waiving or reducing the funding of reserves, or using existing reserve funds for purposes other than purposes for which the reserves were intended, are the voting interests of the units subject to assessment to fund the reserves in question. Proxy questions relating to waiving or



reducing the funding of reserves or using existing reserve funds for purposes other than purposes for which the reserves were intended must contain the following statement in capitalized, bold letters in a font size larger than any other used on the face of the proxy ballot: WAIVING OF RESERVES, IN WHOLE OR IN PART, OR ALLOWING ALTERNATIVE USES OF EXISTING RESERVES MAY RESULT IN UNIT OWNER LIABILITY FOR PAYMENT OF UNANTICIPATED SPECIAL ASSESSMENTS REGARDING THOSE ITEMS.

(g) *Structural integrity reserve study.*—

1. A residential condominium association must have a structural integrity reserve study completed at least every 10 years after the condominium's creation for each building on the condominium property that is three stories or higher in height, as determined by the Florida Building Code, which includes, at a minimum, a study of the following items as related to the structural integrity and safety of the building:

a. Roof.

b. Structure, including load-bearing walls and other primary structural members and primary structural systems as those terms are defined in s. 627.706.

c. Fireproofing and fire protection systems.

d. Plumbing.

e. Electrical systems.

f. Waterproofing and exterior painting.

g. Windows and exterior doors.

h. Any other item that has a deferred maintenance expense or replacement cost that exceeds $25,000 ~~$10,000~~ and the failure to replace or maintain such item negatively affects the items listed in sub-subparagraphs a.-g., as determined by the visual



inspection portion of the structural integrity reserve study.

2. A structural integrity reserve study is based on a visual inspection of the condominium property.

3.a. A structural integrity reserve study may be performed by any person qualified to perform such study. However, the visual inspection portion of the structural integrity reserve study must be performed or verified by an engineer licensed under chapter 471, an architect licensed under chapter 481, or a person certified as a reserve specialist or professional reserve analyst by the Community Associations Institute or the Association of Professional Reserve Analysts.

b. Any design professional as defined in s. 558.002 or any contractor licensed under chapter 489 who bids to perform a structural integrity reserve study must disclose in writing to the association his or her intent to bid on any services related to any maintenance, repair, or replacement that may be recommended by the structural integrity reserve study. Any design professional as defined in s. 558.002 or contractor licensed under chapter 489 who submits a bid to the association for performing any services recommended by the structural integrity reserve study may not have an interest, directly or indirectly, in the firm or entity providing the association's structural integrity reserve study or be a relative of any person having a direct or indirect interest in such firm, unless such relationship is disclosed to the association in writing. As used in this section, the term "relative" means a relative within the third degree of consanguinity by blood or marriage. A contract for services is voidable and terminates upon the association filing a written notice terminating the contract if



707000

the design professional or licensed contractor failed to provide the written disclosure of the interests or relationships required under this paragraph. A design professional or licensed contractor may be subject to discipline under the applicable practice act for his or her profession for failure to provide the written disclosure of the interests or relationships required under this paragraph.

4.a.~~3.~~ At a minimum, a structural integrity reserve study must identify each item of the condominium property being visually inspected, state the estimated remaining useful life and the estimated replacement cost or deferred maintenance expense of each item of the condominium property being visually inspected, and provide a reserve funding plan or schedule with a recommended annual reserve amount that achieves the estimated replacement cost or deferred maintenance expense of each item of condominium property being visually inspected by the end of the estimated remaining useful life of the item. At a minimum, the structural integrity reserve study must include a recommendation for a reserve funding schedule based on a baseline funding plan that provides a reserve funding goal in which the reserve funding for each budget year is sufficient to maintain the reserve cash balance above zero. The study may recommend other types of reserve funding schedules, provided that each recommended schedule is sufficient to meet the association's maintenance obligation.

b. The structural integrity reserve study may recommend that reserves do not need to be maintained for any item for which an estimate of useful life and an estimate of replacement cost cannot be determined, or the study may recommend a deferred



maintenance expense amount for such item. The structural integrity reserve study may recommend that reserves for replacement costs do not need to be maintained for any item with an estimated remaining useful life of greater than 25 years, but the study may recommend a deferred maintenance expense amount for such item. If the structural integrity reserve study recommends reserves for any item for which reserves are not required under this paragraph, the amount of the recommended reserves for such item must be separately identified in the structural integrity reserve study as an item for which reserves are not required under this paragraph.

5.~~4.~~ This paragraph does not apply to buildings less than three stories in height; single-family, two-family, or three-family dwellings with three or fewer habitable stories above ground; any portion or component of a building that has not been submitted to the condominium form of ownership; or any portion or component of a building that is maintained by a party other than the association.

6.~~5.~~ Before a developer turns over control of an association to unit owners other than the developer, the developer must have a turnover inspection report in compliance with s. 718.301(4)(p) and (q) for each building on the condominium property that is three stories or higher in height.

7.~~6.~~ Associations existing on or before July 1, 2022, which are controlled by unit owners other than the developer, must have a structural integrity reserve study completed by December 31, 2025 ~~2024~~, for each building on the condominium property that is three stories or higher in height. An association that is required to complete a milestone inspection in accordance



with s. 553.899 on or before December 31, 2026, may complete the structural integrity reserve study simultaneously with the milestone inspection. In no event may the structural integrity reserve study be completed after December 31, 2026.

8.~~7.~~ If the milestone inspection required by s. 553.899, or an inspection completed for a similar local requirement, was performed within the past 5 years and meets the requirements of this paragraph, such inspection may be used in place of the visual inspection portion of the structural integrity reserve study.

9. If the association completes a milestone inspection required by s. 553.899, or an inspection completed for a similar local requirement, the association may delay performance of a required structural integrity reserve study for no more than the 2 consecutive budget years immediately following the milestone inspection in order to permit the association to focus its financial resources towards completing the repair and maintenance recommendations of the milestone inspection.

10.~~8.~~ If the officers or directors of an association willfully and knowingly fail to complete a structural integrity reserve study pursuant to this paragraph, such failure is a breach of an officer’s and director’s fiduciary relationship to the unit owners under s. 718.111(1). An officer or director of an association must sign an affidavit acknowledging receipt of the completed structural integrity reserve study.

11.~~9.~~ Within 45 days after receiving the structural integrity reserve study, the association must distribute a copy of the study to each unit owner or deliver to each unit owner a notice that the completed study is available for inspection and



copying upon a written request. Distribution of a copy of the study or notice must be made by United States mail or personal delivery to the mailing address, property address, or any other address of the owner provided to fulfill the association's notice requirements under this chapter, or by electronic transmission to the e-mail address or facsimile number provided to fulfill the association's notice requirements to unit owners who previously consented to receive notice by electronic transmission.

12.~~10.~~ Within 45 days after receiving the structural integrity reserve study, the association must provide the division with a statement indicating that the study was completed and that the association provided or made available such study to each unit owner in accordance with this section. The statement must be provided to the division in the manner established by the division using a form posted on the division's website.

13. The division shall adopt by rule the form for the structural integrity reserve study in coordination with the Florida Building Commission.

Section 7. Subsections (1) and (3) of section 718.501, Florida Statutes, are amended, and paragraph (d) is added to subsection (2) of that section, to read:

718.501 Authority, responsibility, and duties of Division of Florida Condominiums, Timeshares, and Mobile Homes.—

(1) The division may enforce and ensure compliance with this chapter and rules relating to the development, construction, sale, lease, ownership, operation, and management of residential condominium units and complaints ~~related to the~~


707000

~~procedural completion of milestone inspections under s. 553.899~~. In performing its duties, the division has complete jurisdiction to investigate complaints and enforce compliance with respect to associations that are still under developer control or the control of a bulk assignee or bulk buyer pursuant to part VII of this chapter and complaints against developers, bulk assignees, or bulk buyers involving improper turnover or failure to turnover, pursuant to s. 718.301. However, after turnover has occurred, the division has jurisdiction to review records and investigate complaints related only to:

(a)1. Procedural aspects and records relating to financial issues, including annual financial reporting under s. 718.111(13); assessments for common expenses, fines, and commingling of reserve and operating funds under s. 718.111(14); use of debit cards for unintended purposes under s. 718.111(15); the annual operating budget and the allocation of reserve funds under s. 718.112(2)(f); financial records under s. 718.111(12)(a)11.; and any other record necessary to determine the revenues and expenses of the association.

2. Elections, including election and voting requirements under s. 718.112(2)(b) and (d), recall of board members under s. 718.112(2)(l), electronic voting under s. 718.128, and elections that occur during an emergency under s. 718.1265(1)(a).

3. The maintenance of and unit owner access to association records under s. 718.111(12).

4. The procedural aspects of meetings, including unit owner meetings, quorums, voting requirements, proxies, board of administration meetings, and budget meetings under s. 718.112(2).

707000

5. The disclosure of conflicts of interest under ss. 718.111(1)(a) and 718.3027, including limitations contained in s. 718.111(3)(f).

6. The removal of a board director or officer under ss. 718.111(1)(a) and (15) and 718.112(2)(p) and (q).

7. The procedural completion of structural integrity reserve studies under s. 718.112(2)(g) and the milestone inspections under s. 553.899.

8. Completion of repairs required by a milestone inspection under s. 553.899.

9.~~8.~~ Any written inquiries by unit owners to the association relating to such matters, including written inquiries under s. 718.112(2)(a)2.

10. The requirement for associations to maintain an insurance policy or fidelity bonding for all persons who control or disperse funds of the association under s. 718.111(11)(h).

11. Board member education requirements under s. 718.112(2)(d)5.b.

12. Reporting requirements for structural integrity reserve studies in paragraph (3) and under s 718.112(2)(g)12.

(b)1. The division may make necessary public or private investigations within or outside this state to determine whether any person has violated this chapter or any rule or order hereunder, to aid in the enforcement of this chapter, or to aid in the adoption of rules or forms.

2. The division may submit any official written report, worksheet, or other related paper, or a duly certified copy thereof, compiled, prepared, drafted, or otherwise made by and duly authenticated by a financial examiner or analyst to be



admitted as competent evidence in any hearing in which the financial examiner or analyst is available for cross-examination and attests under oath that such documents were prepared as a result of an examination or inspection conducted pursuant to this chapter.

(c) The division may require or permit any person to file a statement in writing, under oath or otherwise, as the division determines, as to the facts and circumstances concerning a matter to be investigated.

(d) For the purpose of any investigation under this chapter, the division director or any officer or employee designated by the division director may administer oaths or affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of any matter which is relevant to the investigation, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts or any other matter reasonably calculated to lead to the discovery of material evidence. Upon the failure by a person to obey a subpoena or to answer questions propounded by the investigating officer and upon reasonable notice to all affected persons, the division may apply to the circuit court for an order compelling compliance.

(e) Notwithstanding any remedies available to unit owners and associations, if the division has reasonable cause to believe that a violation of any provision of this chapter or related rule has occurred, the division may institute enforcement proceedings in its own name against any developer,

707000

bulk assignee, bulk buyer, association, officer, or member of the board of administration, or its assignees or agents, as follows:

1. The division may permit a person whose conduct or actions may be under investigation to waive formal proceedings and enter into a consent proceeding whereby orders, rules, or letters of censure or warning, whether formal or informal, may be entered against the person.

2. The division may issue an order requiring the developer, bulk assignee, bulk buyer, association, developer-designated officer, or developer-designated member of the board of administration, developer-designated assignees or agents, bulk assignee-designated assignees or agents, bulk buyer-designated assignees or agents, community association manager, or community association management firm to cease and desist from the unlawful practice and take such affirmative action as in the judgment of the division carry out the purposes of this chapter. If the division finds that a developer, bulk assignee, bulk buyer, association, officer, or member of the board of administration, or its assignees or agents, is violating or is about to violate any provision of this chapter, any rule adopted or order issued by the division, or any written agreement entered into with the division, and presents an immediate danger to the public requiring an immediate final order, it may issue an emergency cease and desist order reciting with particularity the facts underlying such findings. The emergency cease and desist order is effective for 90 days. If the division begins nonemergency cease and desist proceedings, the emergency cease and desist order remains effective until the conclusion of the



proceedings under ss. 120.569 and 120.57.

3. If a developer, bulk assignee, or bulk buyer fails to pay any restitution determined by the division to be owed, plus any accrued interest at the highest rate permitted by law, within 30 days after expiration of any appellate time period of a final order requiring payment of restitution or the conclusion of any appeal thereof, whichever is later, the division must bring an action in circuit or county court on behalf of any association, class of unit owners, lessees, or purchasers for restitution, declaratory relief, injunctive relief, or any other available remedy. The division may also temporarily revoke its acceptance of the filing for the developer to which the restitution relates until payment of restitution is made.

4. The division may petition the court for appointment of a receiver or conservator. If appointed, the receiver or conservator may take action to implement the court order to ensure the performance of the order and to remedy any breach thereof. In addition to all other means provided by law for the enforcement of an injunction or temporary restraining order, the circuit court may impound or sequester the property of a party defendant, including books, papers, documents, and related records, and allow the examination and use of the property by the division and a court-appointed receiver or conservator.

5. The division may apply to the circuit court for an order of restitution whereby the defendant in an action brought under subparagraph 4. is ordered to make restitution of those sums shown by the division to have been obtained by the defendant in violation of this chapter. At the option of the court, such restitution is payable to the conservator or receiver appointed



under subparagraph 4. or directly to the persons whose funds or assets were obtained in violation of this chapter.

6. The division may impose a civil penalty against a developer, bulk assignee, or bulk buyer, or association, or its assignee or agent, for any violation of this chapter or related rule. The division may impose a civil penalty individually against an officer or board member who willfully and knowingly violates this chapter, an adopted rule, or a final order of the division; may order the removal of such individual as an officer or from the board of administration or as an officer of the association; and may prohibit such individual from serving as an officer or on the board of a community association for a period of time. The term "willfully and knowingly" means that the division informed the officer or board member that his or her action or intended action violates this chapter, a rule adopted under this chapter, or a final order of the division and that the officer or board member refused to comply with the requirements of this chapter, a rule adopted under this chapter, or a final order of the division. The division, before initiating formal agency action under chapter 120, must afford the officer or board member an opportunity to voluntarily comply, and an officer or board member who complies within 10 days is not subject to a civil penalty. A penalty may be imposed on the basis of each day of continuing violation, but the penalty for any offense may not exceed $5,000. The division shall adopt, by rule, penalty guidelines applicable to possible violations or to categories of violations of this chapter or rules adopted by the division. The guidelines must specify a meaningful range of civil penalties for each such violation of



the statute and rules and must be based upon the harm caused by the violation, upon the repetition of the violation, and upon such other factors deemed relevant by the division. For example, the division may consider whether the violations were committed by a developer, bulk assignee, or bulk buyer, or owner-controlled association, the size of the association, and other factors. The guidelines must designate the possible mitigating or aggravating circumstances that justify a departure from the range of penalties provided by the rules. It is the legislative intent that minor violations be distinguished from those which endanger the health, safety, or welfare of the condominium residents or other persons and that such guidelines provide reasonable and meaningful notice to the public of likely penalties that may be imposed for proscribed conduct. This subsection does not limit the ability of the division to informally dispose of administrative actions or complaints by stipulation, agreed settlement, or consent order. All amounts collected shall be deposited with the Chief Financial Officer to the credit of the Division of Florida Condominiums, Timeshares, and Mobile Homes Trust Fund. If a developer, bulk assignee, or bulk buyer fails to pay the civil penalty and the amount deemed to be owed to the association, the division shall issue an order directing that such developer, bulk assignee, or bulk buyer cease and desist from further operation until such time as the civil penalty is paid or may pursue enforcement of the penalty in a court of competent jurisdiction. If an association fails to pay the civil penalty, the division shall pursue enforcement in a court of competent jurisdiction, and the order imposing the civil penalty or the cease and desist order is not effective

707000

until 20 days after the date of such order. Any action commenced by the division shall be brought in the county in which the division has its executive offices or in the county in which the violation occurred.

7. If a unit owner presents the division with proof that the unit owner has requested access to official records in writing by certified mail, and that after 10 days the unit owner again made the same request for access to official records in writing by certified mail, and that more than 10 days has elapsed since the second request and the association has still failed or refused to provide access to official records as required by this chapter, the division shall issue a subpoena requiring production of the requested records at the location in which the records are kept pursuant to s. 718.112. Upon receipt of the records, the division must provide to the unit owner who was denied access to such records the produced official records without charge.

8. In addition to subparagraph 6., the division may seek the imposition of a civil penalty through the circuit court for any violation for which the division may issue a notice to show cause under paragraph (t). The civil penalty shall be at least $500 but no more than $5,000 for each violation. The court may also award to the prevailing party court costs and reasonable attorney fees and, if the division prevails, may also award reasonable costs of investigation.

9. The division may issue citations and promulgate rules to provide for citation bases and citation procedures in accordance with this paragraph.

(f) The division may prepare and disseminate a prospectus



and other information to assist prospective owners, purchasers, lessees, and developers of residential condominiums in assessing the rights, privileges, and duties pertaining thereto.

(g) The division may adopt rules to administer and enforce this chapter.

(h) The division shall establish procedures for providing notice to an association and the developer, bulk assignee, or bulk buyer during the period in which the developer, bulk assignee, or bulk buyer controls the association if the division is considering the issuance of a declaratory statement with respect to the declaration of condominium or any related document governing such condominium community.

(i) The division shall furnish each association that pays the fees required by paragraph (2)(a) a copy of this chapter, as amended, and the rules adopted thereto on an annual basis.

(j) The division shall annually provide each association with a summary of declaratory statements and formal legal opinions relating to the operations of condominiums which were rendered by the division during the previous year.

(k) The division shall provide training and educational programs for condominium association board members and unit owners. The training may, in the division’s discretion, include web-based electronic media and live training and seminars in various locations throughout the state. The division may review and approve education and training programs for board members and unit owners offered by providers and shall maintain a current list of approved programs and providers and make such list available to board members and unit owners in a reasonable and cost-effective manner. The division shall provide the



division-approved provider with the template certificate for issuance directly to the association's board of directors who have satisfactorily completed the requirements under s. 718.112(2)(d). The division shall adopt rules to implement this section.

(l) The division shall maintain a toll-free telephone number accessible to condominium unit owners.

(m) The division shall develop a program to certify both volunteer and paid mediators to provide mediation of condominium disputes. The division shall provide, upon request, a list of such mediators to any association, unit owner, or other participant in alternative dispute resolution proceedings under s. 718.1255 requesting a copy of the list. The division shall include on the list of volunteer mediators only the names of persons who have received at least 20 hours of training in mediation techniques or who have mediated at least 20 disputes. In order to become initially certified by the division, paid mediators must be certified by the Supreme Court to mediate court cases in county or circuit courts. However, the division may adopt, by rule, additional factors for the certification of paid mediators, which must be related to experience, education, or background. Any person initially certified as a paid mediator by the division must, in order to continue to be certified, comply with the factors or requirements adopted by rule.

(n) If a complaint is made, the division must conduct its inquiry with due regard for the interests of the affected parties. Within 30 days after receipt of a complaint, the division shall acknowledge the complaint in writing and notify the complainant whether the complaint is within the jurisdiction



of the division and whether additional information is needed by the division from the complainant. The division shall conduct its investigation and, within 90 days after receipt of the original complaint or of timely requested additional information, take action upon the complaint. However, the failure to complete the investigation within 90 days does not prevent the division from continuing the investigation, accepting or considering evidence obtained or received after 90 days, or taking administrative action if reasonable cause exists to believe that a violation of this chapter or a rule has occurred. If an investigation is not completed within the time limits established in this paragraph, the division shall, on a monthly basis, notify the complainant in writing of the status of the investigation. When reporting its action to the complainant, the division shall inform the complainant of any right to a hearing under ss. 120.569 and 120.57. The division may adopt rules regarding the submission of a complaint against an association.

(o) Condominium association directors, officers, and employees; condominium developers; bulk assignees, bulk buyers, and community association managers; and community association management firms have an ongoing duty to reasonably cooperate with the division in any investigation under this section. The division shall refer to local law enforcement authorities any person whom the division believes has altered, destroyed, concealed, or removed any record, document, or thing required to be kept or maintained by this chapter with the purpose to impair its verity or availability in the department’s investigation. The division shall refer to local law enforcement authorities

707000

any person whom the division believes has engaged in fraud, theft, embezzlement, or other criminal activity or when the division has cause to believe that fraud, theft, embezzlement, or other criminal activity has occurred.

(p) The division director or any officer or employee of the division and the condominium ombudsman or any employee of the Office of the Condominium Ombudsman may attend and observe any meeting of the board of administration or any unit owner meeting, including any meeting of a subcommittee or special committee, which is open to members of the association for the purpose of performing the duties of the division or the Office of the Condominium Ombudsman under this chapter.

(q) The division may:

1. Contract with agencies in this state or other jurisdictions to perform investigative functions; or

2. Accept grants-in-aid from any source.

(r) The division shall cooperate with similar agencies in other jurisdictions to establish uniform filing procedures and forms, public offering statements, advertising standards, and rules and common administrative practices.

(s) The division shall consider notice to a developer, bulk assignee, or bulk buyer to be complete when it is delivered to the address of the developer, bulk assignee, or bulk buyer currently on file with the division.

(t) In addition to its enforcement authority, the division may issue a notice to show cause, which must provide for a hearing, upon written request, in accordance with chapter 120.

(u) If the division receives a complaint regarding access to official records on the association’s website or through an

707000

application that can be downloaded on a mobile device under s. 718.111(12)(g), the division may request access to the association's website or application and investigate. The division may adopt rules to carry out this paragraph.

(v) The division shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of the legislative appropriations committees an annual report that includes, but need not be limited to, the number of training programs provided for condominium association board members and unit owners, the number of complaints received by type, the number and percent of complaints acknowledged in writing within 30 days and the number and percent of investigations acted upon within 90 days in accordance with paragraph (n), and the number of investigations exceeding the 90-day requirement. The annual report must also include an evaluation of the division's core business processes and make recommendations for improvements, including statutory changes. After December 31, 2024, the division must include a list of the associations that have completed the structural integrity reserve study required under s. 718.112(2)(g). The report shall be submitted by September 30 following the end of the fiscal year.

(2)

(d) Each condominium association must create and maintain an online account with the division. Board members shall maintain accurate contact information on file with the division. The division shall adopt rules to implement this paragraph.

(3) On or before October 1, 2025, all associations must provide information as specified by the division in an

707000

electronic format determined by the division. The information in paragraphs (a), (b), and (c) must be updated within 15 days after any change. The information that must be provided to the division may include, but is not limited to:

(a) Contact information for the association that includes:

1. Name of the association.

2. Mailing address and county of the association.

3. E-mail address and telephone number for the association.

4. Name, board title, and e-mail address for each member of the association's board.

5. Name and contact information of the association's community association manager or community association management firm, if applicable.

6. Name and contact information of every individual or community association management company responsible for remitting any payment to the division.

7. The hyperlink or website address to the association's website, if applicable.

(b) Total number of buildings and for each building within the association:

1. Physical address of the association.

2. Total number of stories, including both habitable and uninhabitable stories.

3. Total number of units.

4. Age of each building based on the certificate of occupancy.

5. Any construction commenced within the common elements within the calendar year.

(c) The association's assessments, including the:



1. Amount of assessment or special assessment by unit type, including reserves.

2. Purpose of the assessment or special assessment.

3. Name of the financial institution or institutions with which the association maintains accounts.

(d) An association must provide the division with a copy of any structural integrity reserve study and any associated materials requested by the department within 5 business days after such request in a manner prescribed by the department.

~~(a) On or before January 1, 2023, condominium associations existing on or before July 1, 2022, must provide the following information to the division in writing, by e-mail, United States Postal Service, commercial delivery service, or hand delivery, at a physical address or e-mail address provided by the division and on a form posted on the division's website:~~

~~1. The number of buildings on the condominium property that are three stories or higher in height.~~

~~2. The total number of units in all such buildings.~~

~~3. The addresses of all such buildings.~~

~~4. The counties in which all such buildings are located.~~

~~(b) The division must compile a list of the number of buildings on condominium property that are three stories or higher in height, which is searchable by county, and must post the list on the division's website. This list must include all of the following information:~~

~~1. The name of each association with buildings on the condominium property that are three stories or higher in height.~~

~~2. The number of such buildings on each association's property.~~


707000

~~3. The addresses of all such buildings.~~

~~4. The counties in which all such buildings are located.~~

~~(c) An association must provide an update in writing to the division if there are any changes to the information in the list under paragraph (b) within 6 months after the change.~~

Section 8. Paragraphs (d) and (e) of subsection (2) of section 718.503, Florida Statutes, are amended, and paragraph (d) of subsection (1) of that section is reenacted, to read:

718.503 Developer disclosure prior to sale; nondeveloper unit owner disclosure prior to sale; voidability.—

(1) DEVELOPER DISCLOSURE.—

(d) *Milestone inspection, turnover inspection report, or structural integrity reserve study.*—If the association is required to have completed a milestone inspection as described in s. 553.899, a turnover inspection report for a turnover inspection performed on or after July 1, 2023, or a structural integrity reserve study, and the association has not completed the milestone inspection, the turnover inspection report, or the structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type a statement indicating that the association is required to have a milestone inspection, a turnover inspection report, or a structural integrity reserve study and has not completed such inspection, report, or study, as appropriate. If the association is not required to have a milestone inspection as described in s. 553.899 or a structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type a statement indicating that the



association is not required to have a milestone inspection or a structural integrity reserve study, as appropriate. If the association has completed a milestone inspection as described in s. 553.899, a turnover inspection report for a turnover inspection performed on or after July 1, 2023, or a structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type:

1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 718.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND 718.112(2)(g), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE ~~PRIOR TO~~ EXECUTION OF THIS CONTRACT; and

2. A clause which states: THIS AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 718.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY

707000

RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND 718.112(2)(g), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 718.301(4)(p) AND (q), FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND 718.112(2)(g), FLORIDA STATUTES, IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.

A contract that does not conform to the requirements of this paragraph is voidable at the option of the purchaser before ~~prior to~~ closing.

(2) NONDEVELOPER DISCLOSURE.—

(d) Each contract entered into after July 1, 1992, for the resale of a residential unit must ~~shall~~ contain in conspicuous type either:

1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE DECLARATION OF CONDOMINIUM, ARTICLES OF INCORPORATION OF THE ASSOCIATION, BYLAWS AND RULES OF THE ASSOCIATION, A COPY OF THE MOST RECENT ANNUAL FINANCIAL STATEMENT AND ANNUAL BUDGET, AND FREQUENTLY ASKED QUESTIONS AND ANSWERS DOCUMENT MORE THAN 15 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE ~~PRIOR~~



~~TO~~ EXECUTION OF THIS CONTRACT; or

2. A clause which states: THIS AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 15 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE DECLARATION OF CONDOMINIUM, ARTICLES OF INCORPORATION, BYLAWS AND RULES OF THE ASSOCIATION, A COPY OF THE MOST RECENT ANNUAL FINANCIAL STATEMENT AND ANNUAL BUDGET, AND FREQUENTLY ASKED QUESTIONS AND ANSWERS DOCUMENT IF SO REQUESTED IN WRITING. ANY PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 15 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE BUYER RECEIVES THE DECLARATION, ARTICLES OF INCORPORATION, BYLAWS AND RULES OF THE ASSOCIATION, AND A COPY OF THE MOST RECENT YEAR-END FINANCIAL STATEMENT AND ANNUAL BUDGET ~~INFORMATION~~ AND FREQUENTLY ASKED QUESTIONS AND ANSWERS DOCUMENT IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.

A contract that does not conform to the requirements of this paragraph is voidable at the option of the purchaser before ~~prior to~~ closing.

(e) If the association is required to have completed a milestone inspection as described in s. 553.899, a turnover inspection report for a turnover inspection performed on or after July 1, 2023, or a structural integrity reserve study, and the association has not completed the milestone inspection, the turnover inspection report, or the structural integrity reserve



707000

study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type a statement indicating that the association is required to have a milestone inspection, a turnover inspection report, or a structural integrity reserve study and has not completed such inspection, report, or study, as appropriate. If the association is not required to have a milestone inspection as described in s. 553.899 or a structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type a statement indicating that the association is not required to have a milestone inspection or a structural integrity reserve study, as appropriate. If the association has completed a milestone inspection as described in s. 553.899, a turnover inspection report for a turnover inspection performed on or after July 1, 2023, or a structural integrity reserve study, each contract entered into after December 31, 2024, for the resale of a residential unit shall contain in conspicuous type:

1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 718.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND 718.112(2)(g), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 15 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE ~~PRIOR TO~~ EXECUTION OF THIS CONTRACT; and



2. A clause which states: THIS AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 15 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 718.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND 718.112(2)(g), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 15 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 718.301(4)(p) AND (q), FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND 718.112(2)(g), FLORIDA STATUTES, IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.

A contract that does not conform to the requirements of this paragraph is voidable at the option of the purchaser before ~~prior to~~ closing.

Section 9. Section 8 of chapter 2024-244, Laws of Florida,



is amended to read:

Section 8. Effective January 1, 2026, paragraph (g) of subsection (12) of section 718.111, Florida Statutes, as amended by this act, is amended to read:

718.111 The association.—

(12) OFFICIAL RECORDS.—

(g)1. An association managing a condominium with 25 or more units which does not contain timeshare units shall post digital copies of the documents specified in subparagraph 2. on its website or make such documents available through an application that can be downloaded on a mobile device. Unless a shorter period is otherwise required, a document must be made available on the association's website or made available for download through an application on a mobile device within 30 days of the association receiving or creating an official record specified in subparagraph 2.

a. The association's website or application must be:

(I) An independent website, application, or web portal wholly owned and operated by the association; or

(II) A website, application, or web portal operated by a third-party provider with whom the association owns, leases, rents, or otherwise obtains the right to operate a web page, subpage, web portal, collection of subpages or web portals, or an application which is dedicated to the association's activities and on which required notices, records, and documents may be posted or made available by the association.

b. The association's website or application must be accessible through the Internet and must contain a subpage, web portal, or other protected electronic location that is



inaccessible to the general public and accessible only to unit owners and employees of the association.

c. Upon a unit owner's written request, the association must provide the unit owner with a username and password and access to the protected sections of the association's website or application which contain any notices, records, or documents that must be electronically provided.

2. A current copy of the following documents must be posted in digital format on the association's website or application:

a. The recorded declaration of condominium of each condominium operated by the association and each amendment to each declaration.

b. The recorded bylaws of the association and each amendment to the bylaws.

c. The articles of incorporation of the association, or other documents creating the association, and each amendment to the articles of incorporation or other documents. The copy posted pursuant to this sub-subparagraph must be a copy of the articles of incorporation filed with the Department of State.

d. The rules of the association.

e. The approved minutes of all board of administration meetings over the preceding 12 months.

f. A list of all executory contracts or documents to which the association is a party or under which the association or the unit owners have an obligation or responsibility and, after bidding for the related materials, equipment, or services has closed, a list of bids received by the association within the past year. Summaries of bids for materials, equipment, or services which exceed $500 must be maintained on the website or



application for 1 year. In lieu of summaries, complete copies of the bids may be posted.

g.~~f.~~ The annual budget required by s. 718.112(2)(f) and any proposed budget to be considered at the annual meeting.

h.~~g.~~ The financial report required by subsection (13) and any monthly income or expense statement to be considered at a meeting.

i.~~h.~~ The certification of each director required by s. 718.112(2)(d)4.b.

j.~~i.~~ All contracts or transactions between the association and any director, officer, corporation, firm, or association that is not an affiliated condominium association or any other entity in which an association director is also a director or officer and financially interested.

k.~~j.~~ Any contract or document regarding a conflict of interest or possible conflict of interest as provided in ss. 468.4335, 468.436(2)(b)6., and 718.3027(3).

l.~~k.~~ The notice of any unit owner meeting and the agenda for the meeting, as required by s. 718.112(2)(d)3., no later than 14 days before the meeting. The notice must be posted in plain view on the front page of the website or application, or on a separate subpage of the website or application labeled "Notices" which is conspicuously visible and linked from the front page. The association must also post on its website or application any document to be considered and voted on by the owners during the meeting or any document listed on the agenda at least 7 days before the meeting at which the document or the information within the document will be considered.

m.~~l.~~ Notice of any board meeting, the agenda, and any other

707000

document required for the meeting as required by s. 718.112(2)(c), which must be posted no later than the date required for notice under s. 718.112(2)(c).

n.~~m.~~ The inspection reports described in ss. 553.899 and 718.301(4)(p) and any other inspection report relating to a structural or life safety inspection of condominium property.

o.~~n.~~ The association's most recent structural integrity reserve study, if applicable.

p.~~o.~~ Copies of all building permits issued for ongoing or planned construction.

3. The association shall ensure that the information and records described in paragraph (c), which are not allowed to be accessible to unit owners, are not posted on the association's website or application. If protected information or information restricted from being accessible to unit owners is included in documents that are required to be posted on the association's website or application, the association shall ensure the information is redacted before posting the documents. Notwithstanding the foregoing, the association or its agent is not liable for disclosing information that is protected or restricted under this paragraph unless such disclosure was made with a knowing or intentional disregard of the protected or restricted nature of such information.

q. A copy of all affidavits required by this chapter.

4. The failure of the association to post information required under subparagraph 2. is not in and of itself sufficient to invalidate any action or decision of the association's board or its committees.

Section 10. Section 31 of chapter 2024-244, Laws of

707000

Florida, is amended to read:

Section 31. The amendments made to ss. 718.103(14) and 718.202(3) and 718.407(1), (2), and (6), Florida Statutes, as created by this act, may not ~~are intended to clarify existing law and shall~~ apply retroactively and shall only apply to condominiums for which declarations were initially recorded on or after July 1, 2025. ~~However, such amendments do not revive or reinstate any right or interest that has been fully and finally adjudicated as invalid before October 1, 2024.~~

Section 11. Subsection (13) is added to section 719.104, Florida Statutes, to read:

719.104 Cooperatives; access to units; records; financial reports; assessments; purchase of leases.—

(13) INVESTMENT OF ASSOCIATION FUNDS.—

(a) A board shall, in fulfilling its duty to manage operating and reserve funds of an association, use best efforts to make prudent investment decisions that carefully consider risk and return in an effort to maximize returns on invested funds.

(b) An association may invest reserve funds in one or any combination of certificates of deposit or in depository accounts at a community bank, savings bank, commercial bank, savings and loan association, or credit union. Upon a majority vote of the voting interests, an association may invest reserve funds in investment other than certificates of deposit or in depository accounts at a community bank, savings bank, commercial bank, savings and loan association, or credit union, provided the association complies with paragraphs (c)-(g). Notwithstanding any declaration, only funds identified as reserve funds may be



707000

invested pursuant to paragraphs (c)-(g). Paragraphs (c)-(g) do not apply to funds invested in one or any combination of certificates of deposit or in depository accounts at a community bank, a savings bank, a commercial bank, a savings and loan association, or a credit union.

(c) The board shall create an investment committee composed of at least two board members and two-unit unit members who are unit owners but not board members. The board shall also adopt rules for invested funds, including, but not limited to, rules requiring periodic reviews of any investment manager's performance, the development of an investment policy statement, and that all meetings of the investment committee be recorded and made part of the official records of the association. The investment policy statement developed pursuant to this paragraph must, at a minimum, address risk, liquidity, and benchmark measurements; authorized classes of investments; authorized investment mixes; limitations on authority relating to investment transactions; requirements for projected reserve expenditures within, at minimum, the next 24 months to be held in cash or cash equivalents; projected expenditures relating to an inspection performed pursuant to s. 553.899; and protocols for proxy response.

(d) The investment committee shall recommend investment advisers to the board, and the board shall select one of the recommended investment advisers to provide services to the association. Such investment advisers must be registered or have notice filed under s. 517.12. The investment adviser and any representative or association of the investment adviser may not be related by affinity or consanguinity to, or under common



ownership with, any board member, community management company, reserve study provider, or unit owner. The investment adviser shall comply with the prudent investor rule in s. 518.11. The investment adviser shall act as a fiduciary to the association in compliance with the standards set forth in the Employee Retirement Income Security Act of 1974 at 29 U.S.C. s. 1104(a)(1)(A)-(C). In case of conflict with other provisions of law authorizing investments, the investment and fiduciary standards set forth in this paragraph must prevail. If at any time the investment committee determines that an investment adviser does not meet the requirements of this section, the investment committee must recommend a replacement investment adviser to the board.

(e) At least once each calendar year, or sooner if a substantial financial obligation of the association becomes known to the board, the association must provide the investment adviser with the association's investment policy statement, the most recent reserve study report, the association's structural integrity report, and the financial reports prepared pursuant to subsection (13). If there is no recent reserve study report, the association must provide the investment adviser with a good faith estimate disclosing the annual amount of reserve funds necessary for the association to fully fund reserves for the life of each reserve component and each component's redundancies. The investment adviser shall annually review these documents and provide the association with a portfolio allocation model that is suitably structured and prudently designed to match projected annual reserve fund requirements and liability, assets, and liquidity requirements. The investment



adviser shall prepare a funding projection for each reserve component, including any of the component's redundancies. The association shall have available at all times a minimum of 24 months of projected reserves in cash or cash equivalents.

(f) Portfolios managed by the investment adviser may contain any type of investment necessary to meet the objectives in the investment policy statement; however, portfolios may not contain stocks, securities, or other obligations that the State Board of Administration is prohibited from investing in under s. 215.471, s. 215.4725, or s. 215.473 or that state agencies are prohibited from investing in under s. 215.472, as determined by the investment adviser. Any funds invested by the investment adviser must be held in third-party custodial accounts that are subject to insurance coverage by the Securities Investor Protection Corporation in an amount equal to or greater than the invested amount. The investment adviser may withdraw investment fees, expenses, and commissions from invested funds.

(g) The investment adviser shall:

1. Annually provide the association with a written certification of compliance with this section and a list of stocks, securities, and other obligations that are prohibited from being in association portfolios under paragraph (f); and

2. Submit monthly, quarterly, and annual reports to the association which are prepared in accordance with established financial industry standards and in accordance with chapter 517.

(h) Any principal, earnings, or interest managed under this subsection must be available at no cost or charge to the association within 15 business days after delivery of the association's written or electronic request.



(i) Unallocated income earned on reserve fund investments may be spent only on capital expenditures, planned maintenance, structural repairs, or other items for which the reserve accounts have been established. Any surplus of funds which exceeds the amount required to maintain reasonably funded reserves must be managed pursuant to s. 718.115.

Section 12. Paragraphs (j) and (k) of subsection (1) of section 719.106, Florida Statutes, are amended to read:

719.106 Bylaws; cooperative ownership.—

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

(j) *Annual budget.*—

1. The proposed annual budget of common expenses must be detailed and must show the amounts budgeted by accounts and expense classifications, including, if applicable, but not limited to, those expenses listed in s. 719.504(20). The board of administration shall adopt the annual budget at least 14 days before the start of the association's fiscal year. In the event that the board fails to timely adopt the annual budget a second time, it is deemed a minor violation and the prior year's budget shall continue in effect until a new budget is adopted.

2.a. In addition to annual operating expenses, the budget must include reserve accounts for capital expenditures and deferred maintenance. These accounts must include, but not be limited to, roof replacement, building painting, and pavement resurfacing, regardless of the amount of deferred maintenance expense or replacement cost, and for any other items for which the deferred maintenance expense or replacement cost exceeds



$25,000 ~~$10,000~~. The amount to be reserved must be computed by means of a formula which is based upon estimated remaining useful life and estimated replacement cost or deferred maintenance expense of the reserve item. In a budget adopted by an association that is required to obtain a structural integrity reserve study, reserves must be maintained for the items identified in paragraph (k) for which the association is responsible pursuant to the declaration, and the reserve amount for such items must be based on the findings and recommendations of the association's most recent structural integrity reserve study. If an association votes to terminate the condominium in accordance with s. 718.117, the members may vote to waive the maintenance of reserves recommended by the association's most recent structural integrity reserve study. With respect to items for which an estimate of useful life is not readily ascertainable or with an estimated remaining useful life of greater than 25 years, an association is not required to reserve replacement costs for such items, but an association must reserve the amount of deferred maintenance expense, if any, which is recommended by the structural integrity reserve study for such items. The association may adjust replacement reserve assessments annually to take into account an inflation adjustment and any changes in estimates or extension of the useful life of a reserve item caused by deferred maintenance.

b. The members of a unit-owner-controlled association may determine, by a majority vote of the total voting interests of the association, for a fiscal year to provide no reserves or reserves less adequate than required by this subsection. Before turnover of control of an association by a developer to unit



owners other than a developer under s. 719.301, the developer-controlled association may not vote to waive the reserves or reduce funding of the reserves.

c. For a budget adopted on or after December 31, 2024, a unit-owner-controlled association that must obtain a structural integrity reserve study may not determine to provide no reserves or reserves less adequate than required by this paragraph for items listed in paragraph (k). If a meeting of the unit owners has been called to determine to provide no reserves, or reserves less adequate than required, and such result is not attained or a quorum is not attained, the reserves as included in the budget shall go into effect.

d. If the local building official as defined in s. 468.603, determines that the entire condominium building is uninhabitable due to a natural emergency as defined in s. 252.34, the board may pause the contribution to its reserves or reduce reserve funding until the local building official determines that the condominium building is habitable. Any reserve account funds held by the association may be expended, pursuant to the board's determination, to make the condominium building and its structures habitable. Upon the determination by the local building official that the condominium building is habitable, the association must immediately resume contributing funds to its reserves.

e. For a budget adopted on or before December 31, 2028, a unit-owner-controlled association that must have a structural reserve study may secure a line of credit in lieu of maintaining reserves for all or a portion of the reserves required under this paragraph and paragraph (f) upon a majority vote of the



707000

total voting interests of the association. The line of credit must be sufficient to meet the association's deferred maintenance obligation not funded in the association's reserve account for each budget. Funding from the line of credit must be immediately available for access by the board to fund required repair, maintenance, or replacement expenses without further approval by the members of the association.

f. For a budget adopted on or before December 31, 2028, if the association has completed a milestone inspection pursuant to s. 553.899 within the previous 2 calendar years, the board, upon the approval of a majority of the total voting interests of the association, may temporarily pause, for a period of no more than 2 consecutive annual budgets, reserve fund contributions or reduce the amount of reserve funding for the purpose of funding repairs recommended by the milestone inspection. This subparagraph does not apply to a developer-controlled association and an association in which the non-developer unit owners have been in control for less than 1 year. An association that has paused reserve contributions under this sub-subparagraph must have a structural integrity reserve study performed before the continuation of reserve contributions in order to determine the association's reserve funding needs and to recommend a reserve funding plan.

3. Reserve funds and any interest accruing thereon shall remain in the reserve account or accounts, and shall be used only for authorized reserve expenditures unless their use for other purposes is approved in advance by a vote of the majority of the total voting interests of the association. Before turnover of control of an association by a developer to unit



owners other than the developer under s. 719.301, the developer may not vote to use reserves for purposes other than that for which they were intended. For a budget adopted on or after December 31, 2024, members of a unit-owner-controlled association that must obtain a structural integrity reserve study may not vote to use reserve funds, or any interest accruing thereon, for purposes other than the replacement or deferred maintenance costs of the components listed in paragraph (k). A vote of the members is not required for the board to change the accounting method for reserves to a pooling accounting method or a straight-line accounting method.

(k) *Structural integrity reserve study.*—

1. A residential cooperative association must have a structural integrity reserve study completed at least every 10 years for each building on the cooperative property that is three stories or higher in height, as determined by the Florida Building Code, that includes, at a minimum, a study of the following items as related to the structural integrity and safety of the building:

a. Roof.

b. Structure, including load-bearing walls and other primary structural members and primary structural systems as those terms are defined in s. 627.706.

c. Fireproofing and fire protection systems.

d. Plumbing.

e. Electrical systems.

f. Waterproofing and exterior painting.

g. Windows and exterior doors.

h. Any other item that has a deferred maintenance expense



or replacement cost that exceeds $25,000 ~~$10,000~~ and the failure to replace or maintain such item negatively affects the items listed in sub-subparagraphs a.-g., as determined by the visual inspection portion of the structural integrity reserve study.

2. A structural integrity reserve study is based on a visual inspection of the cooperative property.

3.a. A structural integrity reserve study may be performed by any person qualified to perform such study. However, the visual inspection portion of the structural integrity reserve study must be performed or verified by an engineer licensed under chapter 471, an architect licensed under chapter 481, or a person certified as a reserve specialist or professional reserve analyst by the Community Associations Institute or the Association of Professional Reserve Analysts.

b. Any design professional as defined in s. 558.002(7) or contractor licensed under chapter 489 who bids to perform a structural integrity reserve study must disclose in writing to the association his or her intent to bid on any services related to any maintenance, repair, or replacement that may be recommended by the structural integrity reserve study. Any design professional as defined in s. 558.002(7) or contractor licensed under chapter 489 who submits a bid to the association for performing any services recommended by the structural integrity reserve study may not have an interest, directly or indirectly, in the firm or entity providing the association's structural integrity reserve study or be a relative of any person having a direct or indirect interest in such firm, unless such relationship is disclosed to the association in writing. As used in this section, the term "relative" means a relative

707000

within the third degree of consanguinity by blood or marriage. A contract for services is voidable and terminates upon the association filing a written notice terminating the contract if the design professional or licensed contractor failed to provide the written disclosure of the relationship required under this paragraph. A design professional or licensed contractor may be subject to discipline under the applicable practice act for his or her profession for failure to provide the written disclosure of the relationship required under this subparagraph.

4.a. ~~3.~~ At a minimum, a structural integrity reserve study must identify each item of the cooperative property being visually inspected, state the estimated remaining useful life and the estimated replacement cost or deferred maintenance expense of each item of the cooperative property being visually inspected, and provide a reserve funding schedule with a recommended annual reserve amount that achieves the estimated replacement cost or deferred maintenance expense of each item of cooperative property being visually inspected by the end of the estimated remaining useful life of the item. The structural integrity reserve study may recommend that reserves do not need to be maintained for any item for which an estimate of useful life and an estimate of replacement cost cannot be determined, or the study may recommend a deferred maintenance expense amount for such item. At a minimum, the structural integrity reserve study must include a recommendation for a reserve funding schedule based on a baseline funding plan that provides a reserve funding goal in which the reserve funding for each budget year is sufficient to maintain the reserve cash balance above zero. The study may recommend other types of reserve



707000

funding schedules, provided that each recommended schedule is sufficient to meet the association's maintenance obligation.

b. The structural integrity reserve study may recommend that reserves for replacement costs do not need to be maintained for any item with an estimated remaining useful life of greater than 25 years, but the study may recommend a deferred maintenance expense amount for such item. If the structural integrity reserve study recommends reserves for any item for which reserves are not required under this paragraph, the amount of the recommended reserves for such item must be separately identified in the structural integrity reserve study as an item for which reserves are not required under this paragraph.

5.~~4.~~ This paragraph does not apply to buildings less than three stories in height; single-family, two-family, or three-family dwellings with three or fewer habitable stories above ground; any portion or component of a building that has not been submitted to the cooperative form of ownership; or any portion or component of a building that is maintained by a party other than the association.

6.~~5.~~ Before a developer turns over control of an association to unit owners other than the developer, the developer must have a turnover inspection report in compliance with s. 719.301(4)(p) and (q) for each building on the cooperative property that is three stories or higher in height.

7.~~6.~~ Associations existing on or before July 1, 2022, which are controlled by unit owners other than the developer, must have a structural integrity reserve study completed by December 31, 2024, for each building on the cooperative property that is three stories or higher in height. An association that is



707000

required to complete a milestone inspection on or before December 31, 2026, in accordance with s. 553.899 may complete the structural integrity reserve study simultaneously with the milestone inspection. In no event may the structural integrity reserve study be completed after December 31, 2026.

8.~~7.~~ If the milestone inspection required by s. 553.899, or an inspection completed for a similar local requirement, was performed within the past 5 years and meets the requirements of this paragraph, such inspection may be used in place of the visual inspection portion of the structural integrity reserve study.

9. If the association completes a milestone inspection required by s. 553.899, or an inspection completed for a similar local requirement, the association may delay performance of a required structural integrity reserve study for no more than the 2 consecutive budget years immediately following the milestone inspection in order to permit the association to focus its financial resources towards completing the repair and maintenance recommendations of the milestone inspection.

10.~~8.~~ If the officers or directors of an association willfully and knowingly fail to complete a structural integrity reserve study pursuant to this paragraph, such failure is a breach of an officer’s and director’s fiduciary relationship to the unit owners under s. 719.104(9). An officer or a director of the association must sign an affidavit acknowledging receipt of the completed structural integrity reserve study.

11.~~9.~~ Within 45 days after receiving the structural integrity reserve study, the association must distribute a copy of the study to each unit owner or deliver to each unit owner a



notice that the completed study is available for inspection and copying upon a written request. Distribution of a copy of the study or notice must be made by United States mail or personal delivery at the mailing address, property address, or any other address of the owner provided to fulfill the association's notice requirements under this chapter, or by electronic transmission to the e-mail address or facsimile number provided to fulfill the association's notice requirements to unit owners who previously consented to receive notice by electronic transmission.

12.~~10.~~ Within 45 days after receiving the structural integrity reserve study, the association must provide the division with a statement indicating that the study was completed and that the association provided or made available such study to each unit owner in accordance with this section. Such statement must be provided to the division in the manner established by the division using a form posted on the division's website.

13. The division shall adopt by rule the form for the structural integrity reserve study in coordination with the Florida Building Commission.

Section 13. Subsections (1) and (3) of section 719.501, Florida Statutes, are amended, and paragraph (c) is added to subsection (2) of that section, and subsection (1) of that section is reenacted, to read:

719.501 Powers and duties of Division of Florida Condominiums, Timeshares, and Mobile Homes.—

(1) The Division of Florida Condominiums, Timeshares, and Mobile Homes of the Department of Business and Professional



Regulation, referred to as the "division" in this part, in addition to other powers and duties prescribed by chapter 718, has the power to enforce and ensure compliance with this chapter and adopted rules relating to the development, construction, sale, lease, ownership, operation, and management of residential cooperative units; complaints related to the procedural completion of the structural integrity reserve studies under s. 719.106(1)(k); and complaints related to the procedural completion of milestone inspections under s. 553.899. In performing its duties, the division shall have the following powers and duties:

(a) The division may make necessary public or private investigations within or outside this state to determine whether any person has violated this chapter or any rule or order hereunder, to aid in the enforcement of this chapter, or to aid in the adoption of rules or forms hereunder.

(b) The division may require or permit any person to file a statement in writing, under oath or otherwise, as the division determines, as to the facts and circumstances concerning a matter to be investigated.

(c) For the purpose of any investigation under this chapter, the division director or any officer or employee designated by the division director may administer oaths or affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of any matter which is relevant to the investigation, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts or any



other matter reasonably calculated to lead to the discovery of material evidence. Upon failure by a person to obey a subpoena or to answer questions propounded by the investigating officer and upon reasonable notice to all persons affected thereby, the division may apply to the circuit court for an order compelling compliance.

(d) Notwithstanding any remedies available to unit owners and associations, if the division has reasonable cause to believe that a violation of any provision of this chapter or related rule has occurred, the division may institute enforcement proceedings in its own name against a developer, association, officer, or member of the board, or its assignees or agents, as follows:

1. The division may permit a person whose conduct or actions may be under investigation to waive formal proceedings and enter into a consent proceeding whereby orders, rules, or letters of censure or warning, whether formal or informal, may be entered against the person.

2. The division may issue an order requiring the developer, association, officer, or member of the board, or its assignees or agents, to cease and desist from the unlawful practice and take such affirmative action as in the judgment of the division will carry out the purposes of this chapter. Such affirmative action may include, but is not limited to, an order requiring a developer to pay moneys determined to be owed to a condominium association.

3. The division may bring an action in circuit court on behalf of a class of unit owners, lessees, or purchasers for declaratory relief, injunctive relief, or restitution.



4. The division may impose a civil penalty against a developer or association, or its assignees or agents, for any violation of this chapter or related rule. The division may impose a civil penalty individually against any officer or board member who willfully and knowingly violates a provision of this chapter, a rule adopted pursuant to this chapter, or a final order of the division. The term "willfully and knowingly" means that the division informed the officer or board member that his or her action or intended action violates this chapter, a rule adopted under this chapter, or a final order of the division, and that the officer or board member refused to comply with the requirements of this chapter, a rule adopted under this chapter, or a final order of the division. The division, prior to initiating formal agency action under chapter 120, shall afford the officer or board member an opportunity to voluntarily comply with this chapter, a rule adopted under this chapter, or a final order of the division. An officer or board member who complies within 10 days is not subject to a civil penalty. A penalty may be imposed on the basis of each day of continuing violation, but in no event shall the penalty for any offense exceed $5,000. The division shall adopt, by rule, penalty guidelines applicable to possible violations or to categories of violations of this chapter or rules adopted by the division. The guidelines must specify a meaningful range of civil penalties for each such violation of the statute and rules and must be based upon the harm caused by the violation, upon the repetition of the violation, and upon such other factors deemed relevant by the division. For example, the division may consider whether the violations were committed by a developer or owner-controlled



association, the size of the association, and other factors. The guidelines must designate the possible mitigating or aggravating circumstances that justify a departure from the range of penalties provided by the rules. It is the legislative intent that minor violations be distinguished from those which endanger the health, safety, or welfare of the cooperative residents or other persons and that such guidelines provide reasonable and meaningful notice to the public of likely penalties that may be imposed for proscribed conduct. This subsection does not limit the ability of the division to informally dispose of administrative actions or complaints by stipulation, agreed settlement, or consent order. All amounts collected shall be deposited with the Chief Financial Officer to the credit of the Division of Florida Condominiums, Timeshares, and Mobile Homes Trust Fund. If a developer fails to pay the civil penalty, the division shall thereupon issue an order directing that such developer cease and desist from further operation until such time as the civil penalty is paid or may pursue enforcement of the penalty in a court of competent jurisdiction. If an association fails to pay the civil penalty, the division shall thereupon pursue enforcement in a court of competent jurisdiction, and the order imposing the civil penalty or the cease and desist order shall not become effective until 20 days after the date of such order. Any action commenced by the division shall be brought in the county in which the division has its executive offices or in the county where the violation occurred.

(e) The division may prepare and disseminate a prospectus and other information to assist prospective owners, purchasers,



lessees, and developers of residential cooperatives in assessing the rights, privileges, and duties pertaining thereto.

(f) The division has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement and enforce the provisions of this chapter.

(g) The division shall establish procedures for providing notice to an association when the division is considering the issuance of a declaratory statement with respect to the cooperative documents governing such cooperative community.

(h) The division shall furnish each association which pays the fees required by paragraph (2)(a) a copy of this act, subsequent changes to this act on an annual basis, an amended version of this act as it becomes available from the Secretary of State’s office on a biennial basis, and the rules adopted thereto on an annual basis.

(i) The division shall annually provide each association with a summary of declaratory statements and formal legal opinions relating to the operations of cooperatives which were rendered by the division during the previous year.

(j) The division shall adopt uniform accounting principles, policies, and standards to be used by all associations in the preparation and presentation of all financial statements required by this chapter. The principles, policies, and standards shall take into consideration the size of the association and the total revenue collected by the association.

(k) The division shall provide training and educational programs for cooperative association board members and unit owners. The training may, in the division’s discretion, include web-based electronic media and live training and seminars in



707000

various locations throughout the state. The division may review and approve education and training programs for board members and unit owners offered by providers and shall maintain a current list of approved programs and providers and make such list available to board members and unit owners in a reasonable and cost-effective manner.

(l) The division shall maintain a toll-free telephone number accessible to cooperative unit owners.

(m) When a complaint is made to the division, the division shall conduct its inquiry with reasonable dispatch and with due regard to the interests of the affected parties. Within 30 days after receipt of a complaint, the division shall acknowledge the complaint in writing and notify the complainant whether the complaint is within the jurisdiction of the division and whether additional information is needed by the division from the complainant. The division shall conduct its investigation and shall, within 90 days after receipt of the original complaint or timely requested additional information, take action upon the complaint. However, the failure to complete the investigation within 90 days does not prevent the division from continuing the investigation, accepting or considering evidence obtained or received after 90 days, or taking administrative action if reasonable cause exists to believe that a violation of this chapter or a rule of the division has occurred. If an investigation is not completed within the time limits established in this paragraph, the division shall, on a monthly basis, notify the complainant in writing of the status of the investigation. When reporting its action to the complainant, the division shall inform the complainant of any right to a hearing



pursuant to ss. 120.569 and 120.57.

(n) The division shall develop a program to certify both volunteer and paid mediators to provide mediation of cooperative disputes. The division shall provide, upon request, a list of such mediators to any association, unit owner, or other participant in arbitration proceedings under s. 718.1255 requesting a copy of the list. The division shall include on the list of voluntary mediators only persons who have received at least 20 hours of training in mediation techniques or have mediated at least 20 disputes. In order to become initially certified by the division, paid mediators must be certified by the Supreme Court to mediate court cases in county or circuit courts. However, the division may adopt, by rule, additional factors for the certification of paid mediators, which factors must be related to experience, education, or background. Any person initially certified as a paid mediator by the division must, in order to continue to be certified, comply with the factors or requirements imposed by rules adopted by the division.

(2)

(c) A cooperative association shall create and maintain an online account with the division. Board members shall maintain accurate contact information on file with the division. The division shall adopt rules to implement this paragraph.

(3) On or before October 1, 2025, all condominium associations shall provide information as specified by the division in an electronic format determined by the division. The information in paragraphs (a), (b), and (c) must be updated within 15 days after any change. The information that must be

707000

provided to the division may include, but is not limited to:

(a) The contact information for the association that includes all of the following:

1. The name of the association.

2. The mailing address and county of the association.

3. The e-mail address and telephone number for the association.

4. The name, board title, and e-mail address for each member of the association's board.

5. The name and contact information of the association's community association manager or community association management firm, if applicable.

6. The name and contact information of every individual or community association management company responsible for remitting any payment to the division.

7. The hyperlink or website address to the association's website, if applicable.

(b) The total number of buildings and for each building within the association:

1. The physical address of the association.

2. The total number of stories of each building, including both habitable and uninhabitable stories.

3. The total number of units.

4. The age of each building based on the certificate of occupancy.

5. Any construction commenced within the common elements within the previous calendar year.

(c) The association's assessments, including the:

1. Amount of assessment or special assessment by unit type,



707000

including reserves.

2. Purpose of the assessment or special assessment.

3. Name of the financial institution or institutions with which the association maintains accounts.

(d) A copy of any structural integrity reserve study and any associated materials requested by the department. The association must provide such materials within 5 business days after such request in a manner prescribed by the department.

~~(a) On or before January 1, 2023, cooperative associations existing on or before July 1, 2022, must provide the following information to the division in writing, by e-mail, United States Postal Service, commercial delivery service, or hand delivery, at a physical address or e-mail address provided by the division and on a form posted on the division's website:~~

~~1. The number of buildings on the cooperative property that are three stories or higher in height.~~

~~2. The total number of units in all such buildings.~~

~~3. The addresses of all such buildings.~~

~~4. The counties in which all such buildings are located.~~

~~(b) The division must compile a list of the number of buildings on cooperative property that are three stories or higher in height, which is searchable by county, and must post the list on the division's website. This list must include all of the following information:~~

~~1. The name of each association with buildings on the cooperative property that are three stories or higher in height.~~

~~2. The number of such buildings on each association's property.~~

~~3. The addresses of all such buildings.~~



~~4. The counties in which all such buildings are located.~~

~~(c) An association must provide an update in writing to the division if there are any changes to the information in the list under paragraph (b) within 6 months after the change.~~

Section 14. Paragraphs (c) and (d) of subsection (2) of section 719.503, Florida Statutes, are amended, and paragraph (d) of subsection (1) of that section is reenacted, to read:

719.503 Disclosure prior to sale.—

(1) DEVELOPER DISCLOSURE.—

(d) *Milestone inspection, turnover inspection report, or structural integrity reserve study.*—If the association is required to have completed a milestone inspection as described in s. 553.899, a turnover inspection report for a turnover inspection performed on or after July 1, 2023, or a structural integrity reserve study, and the association has not completed the milestone inspection, the turnover inspection report, or the structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type a statement indicating that the association is required to have a milestone inspection, a turnover inspection report, or a structural integrity reserve study and has not completed such inspection, report, or study, as appropriate. If the association is not required to have a milestone inspection as described in s. 553.899 or a structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type a statement indicating that the association is not required to have a milestone inspection or a structural integrity reserve study, as appropriate. If the



association has completed a milestone inspection as described in s. 553.899, a turnover inspection report for a turnover inspection performed on or after July 1, 2023, or a structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type:

1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 719.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND 719.106(1)(k), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE ~~PRIOR TO~~ EXECUTION OF THIS CONTRACT; and

2. A clause which states: THIS AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 719.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND 719.106(1)(k), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED

707000

WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 719.301(4)(p) AND (q), FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND 719.106(1)(k), FLORIDA STATUTES, IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.

A contract that does not conform to the requirements of this paragraph is voidable at the option of the purchaser before ~~prior to~~ closing.

(2) NONDEVELOPER DISCLOSURE.—

(c) Each contract entered into after July 1, 1992, for the resale of an interest in a cooperative shall contain in conspicuous type either:

1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE ARTICLES OF INCORPORATION OF THE ASSOCIATION, BYLAWS, RULES OF THE ASSOCIATION, AND THE QUESTION AND ANSWER SHEET MORE THAN 15 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE ~~PRIOR TO~~ EXECUTION OF THIS CONTRACT; or

2. A clause which states: THIS AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 15 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL


707000

HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE ARTICLES OF INCORPORATION, BYLAWS, AND RULES OF THE ASSOCIATION, AND QUESTION AND ANSWER SHEET, IF SO REQUESTED IN WRITING. ANY PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 15 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE BUYER RECEIVES THE ARTICLES OF INCORPORATION, BYLAWS, RULES, AND QUESTION AND ANSWER SHEET, IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.

A contract that does not conform to the requirements of this paragraph is voidable at the option of the purchaser before ~~prior to~~ closing.

(d) If the association is required to have completed a milestone inspection as described in s. 553.899, a turnover inspection report for a turnover inspection performed on or after July 1, 2023, or a structural integrity reserve study, and the association has not completed the milestone inspection, the turnover inspection report, or the structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type a statement indicating that the association is required to have a milestone inspection, a turnover inspection report, or a structural integrity reserve study and has not completed such inspection, report, or study, as appropriate. If the association is not required to have a milestone inspection as described in s. 553.899 or a structural integrity reserve study, each

707000

contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type a statement indicating that the association is not required to have a milestone inspection or a structural integrity reserve study, as appropriate. If the association has completed a milestone inspection as described in s. 553.899, a turnover inspection report for a turnover inspection performed on or after July 1, 2023, or a structural integrity reserve study, each contract entered into after December 31, 2024, for the resale of a residential unit shall contain in conspicuous type:

1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 719.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND 719.106(1)(k), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 15 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE ~~PRIOR TO~~ EXECUTION OF THIS CONTRACT; and

2. A clause which states: THIS AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 15 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION



719.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND 719.106(1)(k), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 15 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 719.301(4)(p) AND (q), FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND 719.106(1)(k), FLORIDA STATUTES, IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.

A contract that does not conform to the requirements of this paragraph is voidable at the option of the purchaser before ~~prior to~~ closing.

Section 15. Subsection (3) of section 914.21, Florida Statutes, is amended to read:

914.21 Definitions.—As used in ss. 914.22-914.24, the term:

(3) "Official investigation" means any investigation instituted by a law enforcement agency or prosecuting officer of the state or a political subdivision of the state or the Commission on Ethics or the Division of Condominiums, Timeshares, and Mobile Homes of the Department of Business and Professional Regulation.



Section 16. For the 2025-2026 fiscal year, the recurring sum of $150,000 and nonrecurring sum of $100,000 is appropriated from the Professional Regulation Trust Fund to the Florida Building Commission to contract with the University of Florida to implement s. 553.899(3)(f), Florida Statutes, as amended by this act. The unexpended balance of nonrecurring funds provided by this section shall revert and is appropriated for the same purpose for the 2026-2027 fiscal year.

Section 17. For the purpose of incorporating the amendment made by this act to section 718.111, Florida Statutes, in a reference thereto, paragraph (e) of subsection (3) of section 721.13, Florida Statutes, is reenacted to read:

721.13 Management.—

(3) The duties of the managing entity include, but are not limited to:

(e) Arranging for an annual audit of the financial statements of the timeshare plan by a certified public accountant licensed by the Board of Accountancy of the Department of Business and Professional Regulation, in accordance with generally accepted auditing standards as defined by the rules of the Board of Accountancy of the Department of Business and Professional Regulation. The financial statements required by this section must be prepared on an accrual basis using fund accounting, and must be presented in accordance with generally accepted accounting principles. A copy of the audited financial statements must be filed with the division for review and forwarded to the board of directors and officers of the owners' association, if one exists, no later than 5 calendar months after the end of the timeshare plan's fiscal year. If no



owners' association exists, each purchaser must be notified, no later than 5 months after the end of the timeshare plan's fiscal year, that a copy of the audited financial statements is available upon request to the managing entity. Notwithstanding any requirement of s. 718.111(13) or s. 719.104(4), the audited financial statements required by this section are the only annual financial reporting requirements for timeshare condominiums or timeshare cooperatives.

Section 18. For the purpose of incorporating the amendment made by this act to section 718.112, Florida Statutes, in references thereto, paragraph (a) of subsection (7) and paragraph (c) of subsection (21) of section 718.504, Florida Statutes, are reenacted to read:

718.504 Prospectus or offering circular.—Every developer of a residential condominium which contains more than 20 residential units, or which is part of a group of residential condominiums which will be served by property to be used in common by unit owners of more than 20 residential units, shall prepare a prospectus or offering circular and file it with the Division of Florida Condominiums, Timeshares, and Mobile Homes prior to entering into an enforceable contract of purchase and sale of any unit or lease of a unit for more than 5 years and shall furnish a copy of the prospectus or offering circular to each buyer. In addition to the prospectus or offering circular, each buyer shall be furnished a separate page entitled "Frequently Asked Questions and Answers," which shall be in accordance with a format approved by the division and a copy of the financial information required by s. 718.111. This page shall, in readable language, inform prospective purchasers



regarding their voting rights and unit use restrictions, including restrictions on the leasing of a unit; shall indicate whether and in what amount the unit owners or the association is obligated to pay rent or land use fees for recreational or other commonly used facilities; shall contain a statement identifying that amount of assessment which, pursuant to the budget, would be levied upon each unit type, exclusive of any special assessments, and which shall further identify the basis upon which assessments are levied, whether monthly, quarterly, or otherwise; shall state and identify any court cases in which the association is currently a party of record in which the association may face liability in excess of $100,000; shall state whether the condominium is created within a portion of a building or within a multiple parcel building; and which shall further state whether membership in a recreational facilities association is mandatory, and if so, shall identify the fees currently charged per unit type. The division shall by rule require such other disclosure as in its judgment will assist prospective purchasers. The prospectus or offering circular may include more than one condominium, although not all such units are being offered for sale as of the date of the prospectus or offering circular. The prospectus or offering circular must contain the following information:

(7) A description of the recreational and other facilities that will be used in common with other condominiums, community associations, or planned developments which require the payment of the maintenance and expenses of such facilities, directly or indirectly, by the unit owners. The description shall include, but not be limited to, the following:

707000

(a) Each building and facility committed to be built and a summary description of the structural integrity of each building for which reserves are required pursuant to s. 718.112(2)(g).

Descriptions shall include location, areas, capacities, numbers, volumes, or sizes and may be stated as approximations or minimums.

(21) An estimated operating budget for the condominium and the association, and a schedule of the unit owner's expenses shall be attached as an exhibit and shall contain the following information:

(c) The estimated items of expenses of the condominium and the association, except as excluded under paragraph (b), including, but not limited to, the following items, which shall be stated as an association expense collectible by assessments or as unit owners' expenses payable to persons other than the association:

1. Expenses for the association and condominium:

a. Administration of the association.

b. Management fees.

c. Maintenance.

d. Rent for recreational and other commonly used facilities.

e. Taxes upon association property.

f. Taxes upon leased areas.

g. Insurance.

h. Security provisions.

i. Other expenses.

j. Operating capital.



k. Reserves for all applicable items referenced in s. 718.112(2)(g).

l. Fees payable to the division.

2. Expenses for a unit owner:

a. Rent for the unit, if subject to a lease.

b. Rent payable by the unit owner directly to the lessor or agent under any recreational lease or lease for the use of commonly used facilities, which use and payment is a mandatory condition of ownership and is not included in the common expense or assessments for common maintenance paid by the unit owners to the association.

Section 19. For the purpose of incorporating the amendment made by this act to section 718.112, Florida Statutes, in references thereto, paragraph (d) of subsection (1) of section 718.618, Florida Statutes, is reenacted to read:

718.618 Converter reserve accounts; warranties.—

(1) When existing improvements are converted to ownership as a residential condominium, the developer shall establish converter reserve accounts for capital expenditures and deferred maintenance, or give warranties as provided by subsection (6), or post a surety bond as provided by subsection (7). The developer shall fund the converter reserve accounts in amounts calculated as follows:

(d) In addition to establishing the reserve accounts specified above, the developer shall establish those other reserve accounts required by s. 718.112(2)(f), and shall fund those accounts in accordance with the formula provided therein. The vote to waive or reduce the funding or reserves required by s. 718.112(2)(f) does not affect or negate the obligations

707000

arising under this section.

Section 20. For the purpose of incorporating the amendment made by this act to sections 718.111, 718.112, and 718.503, Florida Statutes, in references thereto, subsections (1) and (3) of section 718.706, Florida Statutes, are reenacted to read:

718.706 Specific provisions pertaining to offering of units by a bulk assignee or bulk buyer.—

(1) Before offering more than seven units in a single condominium for sale or for lease for a term exceeding 5 years, a bulk assignee or a bulk buyer must file the following documents with the division and provide such documents to a prospective purchaser or tenant:

(a) An updated prospectus or offering circular, or a supplement to the prospectus or offering circular, filed by the original developer prepared in accordance with s. 718.504, which must include the form of contract for sale and for lease in compliance with s. 718.503(2);

(b) An updated Frequently Asked Questions and Answers sheet;

(c) The executed escrow agreement if required under s. 718.202; and

(d) The financial information required by s. 718.111(13). However, if a financial information report did not exist before the acquisition of title by the bulk assignee or bulk buyer, and if accounting records that permit preparation of the required financial information report for that period cannot be obtained despite good faith efforts by the bulk assignee or the bulk buyer, the bulk assignee or bulk buyer is excused from the requirement of this paragraph. However, the bulk assignee or



bulk buyer must include in the purchase contract the following statement in conspicuous type:

ALL OR A PORTION OF THE FINANCIAL INFORMATION REPORT REQUIRED UNDER S. 718.111(13) FOR THE TIME PERIOD BEFORE THE SELLER'S ACQUISITION OF THE UNIT IS NOT AVAILABLE OR CANNOT BE OBTAINED DESPITE THE GOOD FAITH EFFORTS OF THE SELLER.

(3) A bulk assignee, while in control of the board of administration of the association, may not authorize, on behalf of the association:

(a) The waiver of reserves or the reduction of funding of the reserves pursuant to s. 718.112(2)(f)2., unless approved by a majority of the voting interests not controlled by the developer, bulk assignee, and bulk buyer; or

(b) The use of reserve expenditures for other purposes pursuant to s. 718.112(2)(f)3., unless approved by a majority of the voting interests not controlled by the developer, bulk assignee, and bulk buyer.

Section 21. For the purpose of incorporating the amendment made by this act to section 719.106, Florida Statutes, in a reference thereto, subsection (24) of section 719.103, Florida Statutes, is reenacted to read:

719.103 Definitions.—As used in this chapter:

(24) "Structural integrity reserve study" means a study of the reserve funds required for future major repairs and replacement of the cooperative property performed as required under s. 719.106(1)(k).



Section 22. For the purpose of incorporating the amendment made by this act to section 719.106, Florida Statutes, in references thereto, paragraph (a) of subsection (7) and paragraph (c) of subsection (20) of section 719.504, Florida Statutes, are reenacted to read:

719.504 Prospectus or offering circular.—Every developer of a residential cooperative which contains more than 20 residential units, or which is part of a group of residential cooperatives which will be served by property to be used in common by unit owners of more than 20 residential units, shall prepare a prospectus or offering circular and file it with the Division of Florida Condominiums, Timeshares, and Mobile Homes prior to entering into an enforceable contract of purchase and sale of any unit or lease of a unit for more than 5 years and shall furnish a copy of the prospectus or offering circular to each buyer. In addition to the prospectus or offering circular, each buyer shall be furnished a separate page entitled "Frequently Asked Questions and Answers," which must be in accordance with a format approved by the division. This page must, in readable language: inform prospective purchasers regarding their voting rights and unit use restrictions, including restrictions on the leasing of a unit; indicate whether and in what amount the unit owners or the association is obligated to pay rent or land use fees for recreational or other commonly used facilities; contain a statement identifying that amount of assessment which, pursuant to the budget, would be levied upon each unit type, exclusive of any special assessments, and which identifies the basis upon which assessments are levied, whether monthly, quarterly, or



otherwise; state and identify any court cases in which the association is currently a party of record in which the association may face liability in excess of $100,000; and state whether membership in a recreational facilities association is mandatory and, if so, identify the fees currently charged per unit type. The division shall by rule require such other disclosure as in its judgment will assist prospective purchasers. The prospectus or offering circular may include more than one cooperative, although not all such units are being offered for sale as of the date of the prospectus or offering circular. The prospectus or offering circular must contain the following information:

(7) A description of the recreational and other facilities that will be used in common with other cooperatives, community associations, or planned developments which require the payment of the maintenance and expenses of such facilities, directly or indirectly, by the unit owners. The description shall include, but not be limited to, the following:

(a) Each building and facility committed to be built and a summary description of the structural integrity of each building for which reserves are required pursuant to s. 719.106(1)(k).

Descriptions shall include location, areas, capacities, numbers, volumes, or sizes and may be stated as approximations or minimums.

(20) An estimated operating budget for the cooperative and the association, and a schedule of the unit owner’s expenses shall be attached as an exhibit and shall contain the following information:



(c) The estimated items of expenses of the cooperative and the association, except as excluded under paragraph (b), including, but not limited to, the following items, which shall be stated as an association expense collectible by assessments or as unit owners' expenses payable to persons other than the association:

1. Expenses for the association and cooperative:

a. Administration of the association.

b. Management fees.

c. Maintenance.

d. Rent for recreational and other commonly used areas.

e. Taxes upon association property.

f. Taxes upon leased areas.

g. Insurance.

h. Security provisions.

i. Other expenses.

j. Operating capital.

k. Reserves for all applicable items referenced in s. 719.106(1)(k).

l. Fee payable to the division.

2. Expenses for a unit owner:

a. Rent for the unit, if subject to a lease.

b. Rent payable by the unit owner directly to the lessor or agent under any recreational lease or lease for the use of commonly used areas, which use and payment are a mandatory condition of ownership and are not included in the common expense or assessments for common maintenance paid by the unit owners to the association.

Section 23. Except as otherwise provided in this act, this



707000

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 condominium and cooperative associations; amending s. 468.432, F.S.; prohibiting a person whose association manager license is revoked from having an indirect or direct ownership interest in, or be an employee, partner, officer, director, or trustee of, a community association management firm for a specified timeframe; requiring a licensee to provide specific information on his or her licensure account; requiring that such information be updated within a specified timeframe; requiring the division to give written notice to a community association if the community association manager has his or her license suspended; amending s. 468.4334, F.S.; prohibiting a community association manager or a community association management firm from performing any act directed by the community association if such act violates any state or federal law; revising the contractual obligations a community association manager or a community association management firm has with the association board; requiring such that contracts include a certain statement; prohibiting such contracts from waiving or limiting certain



707000

professional practice standards; requiring a community association to include specified information on its website or mobile application, if such association is required to maintain official records on a website or application; conforming provisions to changes made by the act; amending s. 553.899, F.S.; requiring the local enforcement agency responsible for milestone inspections to provide to the department in an electronic format certain information; specifying what information is to be provided to the department; requiring the commission to contract with the University of Florida for the creation of a report that provides certain information on milestone inspections during a specified timeframe; requiring a local enforcement agency to provide the university with certain information; authorizing the university to request any additional information from a local enforcement agency required to complete the report; requiring the university to compile the report and the department to transmit the report to the Governor and the Legislature; requiring, rather than authorizing, the board of county commissioners or a municipal governing body to adopt a specified ordinance; amending s. 718.103, F.S.; revising the definition of the term "alternative funding method"; defining the term "videoconference"; amending s. 718.111, F.S.; requiring a community association manager or a community association management firm that contracts with an association to possess specific licenses;

707000

providing that all board members or officers of an association that contracts with a community association manager or a community association management firm have a duty to ensure that the community association manager or community association management firm is properly licensed before entering into a contract; prohibiting a community association from having any further contractual obligations to a community association manager or community association management firm if the community association manager or the community association management firm has its license suspended or revoked; revising what items constitute the official records of the association; requiring that certain documents be posted on certain associations' websites or made available for download through an application on a mobile device within a specified timeframe; revising what documents must be posted in digital format on the association's website or application; revising the methods of delivery for a copy of the most recent association financial report to include electronic delivery via the Internet; requiring that an officer or a director execute an affidavit as evidence of compliance with the delivery requirement; requiring a board to use best efforts to make prudent investment decisions in fulfilling its duty to manage operating and reserve funds of the association; authorizing an association, including a multicondominium association, to invest reserve funds in specified financial institutions; authorizing such



associations to place reserve funds in other investments upon a majority vote of the voting interests of the association; providing restrictions; prohibiting any funds not identified as reserve funds from being used for investments; requiring a board to create an investment committee composed of a specified minimum number of board members; requiring the board to adopt rules; requiring that all meetings of the investment committee be recorded and made part of the official records of the association; requiring that the investment policy statement developed pursuant to certain provisions address specified issues; requiring the investment committee to recommend investment advisers to the board; requiring the board to select one of the recommended investment advisers to provide services to the association; requiring that such advisers be registered; prohibiting an investment adviser from being related to any board member, community management company, reserve study provider, or unit owner; requiring investment advisers to comply with the prudent investor rule; requiring an adviser to act as a fiduciary to the association; requiring that the investment and fiduciary standards required by the act take precedence over any conflicting law; requiring the investment committee to recommend a replacement adviser if the committee determines that an investment adviser is not meeting requirements; requiring the association to provide the investment adviser with specified financial information at least



once each calendar year, or sooner if a substantial financial obligation of the association becomes known to the board; requiring the investment adviser to annually review such financial information and provide the association with a portfolio allocation model that is suitably structured and prudently designed to match projected annual reserve fund requirements and liability, assets, and liquidity requirements; requiring the investment adviser to prepare a funding projection for each reserve component, including any of the component's redundancies; requiring that a specified minimum timeframe of projected reserves in cash or cash equivalents be available to the association; authorizing a portfolio managed by an investment adviser to contain any type of investment necessary to meet the objectives in the investment policy statement; providing exceptions; requiring that any funds invested by the investment adviser be held in third-party custodial accounts that are subject to insurance coverage by the Securities Investor Protection Corporation in an amount equal to or greater than the invested amount; authorizing the investment adviser to withdraw investment fees, expenses, and commissions from invested funds; requiring the investment adviser to annually provide the association with a written certification of compliance with this section and provide the association with a list of stocks, securities, and other obligations; requiring the investment adviser to



submit monthly, quarterly, and annual reports to the association, prepared in accordance with established financial industry standards; requiring that any principal, earnings, or interest managed be available to the association at no cost within a specified timeframe after the association's written or electronic request; requiring that unallocated income earned on reserve fund investments be spent only on specified expenditures; amending s. 718.112, F.S.; authorizing a board meeting to be conducted in-person or by videoconference; prohibiting a board member from participating in any meeting of the association via videoconference more than a specified time each calendar year; requiring the Division of Florida Condominiums, Timeshares, and Mobile Homes to adopt rules; requiring that notice for board meetings conducted via videoconference contain specific information; requiring that such meetings be recorded and maintained as an official record of the association; revising how notice may be sent to unit owners; revising the distance from the condominium property in which a unit owner meeting may be held; authorizing a unit owner to vote electronically if the unit owner meeting is conducted via videoconference; authorizing unit owner meetings to be conducted in person or via videoconference; specifying what constitutes a quorum for meetings held via videoconference; requiring that the location of the meeting be provided in the association bylaws or



707000

within a specified distance from the condominium property if the bylaws are silent; requiring that meetings held via videoconference be recorded and be maintained as an official record of the association; requiring the division to adopt rules; revising the method of serving notices of unit owner meetings; authorizing budget meetings to be conducted via videoconference; requiring the division to adopt rules; requiring that a sound transmitting device be used at such meetings for a specified purpose; revising a provision that a board proposing a budget that requires a certain special assessment against unit owners to simultaneously propose a substitute budget that meets certain requirements, rather than conduct a special meeting of the unit owners to consider a substitute budget after the adoption of the annual budget; requiring unit owners, rather than authorizing them, to consider a substitute budget; authorizing the annual budget initially proposed to be adopted by the board; revising the criteria in determining whether assessments exceed the specified percentage of assessments of the prior fiscal year; revising the threshold for deferred maintenance expenses or replacements in reserve accounts; authorizing the members to vote to waive the maintenance of reserve studies under certain circumstances; revising that any association, rather than an association operating a multicondominium, may determine to provide no reserves or less reserves than



707000

required if an alternative method is used by the association, rather than approved by the division; authorizing a unit-owner-controlled association to obtain a line of credit in lieu of maintaining reserves for budgets adopted on or before a specified date upon a majority vote of the association; requiring that such line of credit be sufficient to meet the association's deferred maintenance obligations not funded in the association's reserve account for each budget; requiring that funding from the line of credit be immediately available for access by the board for a specified purpose; requiring that such lines of credit be included in the association's financial report; deleting a requirement that the majority of the members must approve of the board pausing contributions to the association's reserves for a specified purpose; authorizing the board to temporarily pause reserve fund contributions or reduce the amount of reserve funding for a specified purpose for a budget adopted on or before a specified date if the association has completed a milestone inspection within a specified timeframe and such inspection recommended certain repairs; requiring that such temporary pause or reduction be approved by a majority of the total voting interests of the association; providing applicability; requiring associations that have paused or reduced their reserve funding to have a structural integrity reserve study performed before the continuation of reserve contributions for



specified purposes; providing that a vote of the members is not required for the board to change the accounting method for reserves to specified accounting methods; revising the items to be included in a structural integrity reserve study; requiring specified design professionals or contractors who bid to perform a structural integrity reserve study to disclose in writing to the association their intent to bid on any services related to the maintenance, repair, or replacement that may be recommended by the structural integrity reserve study; prohibiting such professionals or contractors from having any interest in or being related to any person having any interest in the firm or entity providing the association's structural integrity reserve study unless such relationship is disclosed in writing; defining the term "relative"; providing that a contract for services is voidable and terminates upon the association filing a written notice terminating such a contract if such professional or contractor fails to provide a written disclosure of such relationship with the firm conducting the structural integrity reserve study; providing that such professional or contractor may be subject to discipline for his or her failure to provide such written disclosure; requiring that a structural integrity reserve study include a recommendation for a reserve funding schedule based on specified criteria; authorizing the study to recommend other types of reserve funding schedules, provided



707000

each recommended schedule is sufficient to meet the association's maintenance obligations; requiring that reserves not required for certain items be separately identified in the structural integrity reserve study as such; authorizing an association to delay a required structural integrity reserve study for a specified timeframe if it has completed a milestone inspection or similar inspection, for a specified purpose; requiring an officer or director of an association to sign an affidavit acknowledging receipt of the completed structural integrity reserve study; requiring the division to adopt rules for the form for the structural integrity reserve study in coordination with the Florida Building Commission; making technical changes; amending s. 718.501, F.S.; requiring condominium associations to create and maintain an online account with the division; requiring board members to maintain accurate contact information on file with the division; requiring the division to adopt rules; requiring all condominium associations to provide specified information to the division by a specified date; requiring such information be updated within a specified timeframe; specifying the information to be provided to the division; amending s. 718.503, F.S.; revising the disclosures that must be included in a contract for the sale and resale of a residential unit; amending s. 8 of chapter 2024-244, Laws of Florida, as amended; revising the documents required to be posted on certain associations' website



or be made available through an application which can be downloaded on a mobile device; amending s. 31 of chapter 2024-244, Laws of Florida; revising applicability; amending s. 719.104, F.S.; requiring a board to use best efforts to make prudent investment decisions in fulfilling its duty to manage operating and reserve funds of the association; authorizing an association to invest reserve funds in specified financial institutions; authorizing such associations to place reserve funds in other investments upon a majority vote of the voting interests of the association; providing restrictions; prohibiting any funds not identified as reserve funds from being used for investments; providing applicability; requiring a board to create an investment committee composed of a specified minimum number of board members; requiring the board to adopt rules; requiring that all meetings of the investment committee be recorded and made part of the official records of the association; requiring that the investment policy statement developed pursuant to certain provisions address specified issues; requiring the investment committee to recommend investment advisers to the board; requiring the board to select one of the recommended investment advisers to provide services to the association; requiring such advisers to be registered; prohibiting an investment adviser from being related to any board member, community management company reserve study provider, or unit owner; requiring investment advisers


707000

to comply with the prudent investor rule; requiring an adviser to act as a fiduciary to the association; requiring that the investment and fiduciary standards of this section take precedence over any conflicting law; requiring the investment committee to recommend a replacement adviser if the committee determines that an investment adviser is not meeting requirements; requiring the association to provide the investment adviser with specified financial information at least once each calendar year, or sooner if a substantial financial obligation of the association becomes known to the board; requiring the investment adviser to annually review such financial information and provide the association with a portfolio allocation model that is suitably structured and prudently designed to match projected annual reserve fund requirements and liability, assets, and liquidity requirements; requiring the investment adviser to prepare a funding projection for each reserve component, including any of the component's redundancies; requiring that a minimum timeframe of projected reserves in cash or cash equivalents be available to the association; authorizing a portfolio managed by an investment adviser to contain any type of investment necessary to meet the objectives in the investment policy statement; providing exceptions; requiring that any funds invested by the investment adviser be held in third-party custodial accounts that are subject to insurance coverage by the Securities Investor



Protection Corporation in an amount equal to or greater than the invested amount; authorizing the investment adviser to withdraw investment fees, expenses, and commissions from invested funds; requiring the investment adviser to annually provide the association with a written certification of compliance of this section and provide the association with a list of stocks, securities, and other obligations; requiring the investment adviser to submit monthly, quarterly, and annual reports to the association prepared in accordance with established financial industry standards; requiring that any principal, earnings, or interest managed be available to the association at no cost within a specified timeframe after the association's written or electronic request; requiring that unallocated income earned on reserve fund investments be spent only on specified expenditures; amending s. 719.106, F.S.; revising the deferred maintenance expense or replacement costs threshold that must be in reserve accounts; authorizing the members to vote to waive the maintenance of reserve studies under certain circumstances; authorizing the board to pause contributions to its reserves or reduce reserve funding if a local building official determines the entire condominium building is uninhabitable due to a natural emergency; authorizing any reserve account fund held by the association to be expended to make the condominium building and its structures habitable,



pursuant to the board's determination; requiring the association to immediately resume contributing funds to its reserves once the local building official determines that the condominium building is habitable; authorizing a unit-owner-controlled association to obtain a line of credit in lieu of maintaining reserves for budgets adopted on or before a specified date upon a majority vote of the association; requiring that such line of credit be sufficient to meet the association's deferred maintenance obligations not funded in the association's reserve account for each budget; requiring that funding from the line of credit be immediately available for access by the board for a specified purpose; authorizing the board to temporarily pause reserve fund contributions or reduce the amount of reserve funding for a specified purpose for a budget adopted on or before a specified date if the association has completed a milestone inspection within a specified timeframe; requiring that such temporary pause or reduction be approved by a majority of the total voting interests of the association; providing applicability; requiring associations that have paused or reduced their reserve funding to have a structural integrity reserve study performed before the continuation of reserve contributions for specified purposes; providing that a vote of the members is not required for the board to change the accounting method for reserves to specified accounting methods; requiring specified design



professionals or contractors who bid to perform a structural integrity reserve study to disclose in writing to the association their intent to bid on any services related to the maintenance, repair, or replacement that may be recommended by the structural integrity reserve study; prohibiting such professionals or contractors from having any interest in or being related to any person having any interest in the firm or entity providing the association's structural integrity reserve study unless such relationship is disclosed in writing; defining the term "relative"; providing that a contract for services is voidable and terminates upon the association filing a written notice terminating such a contract if such professional or contractor fails to provide a written disclosure of such relationship with the firm conducting the structural integrity reserve study; providing that such professional or contractor may be subject to discipline for his or her failure to provide such written disclosure; requiring that a structural integrity reserve study include a recommendation for a reserve funding schedule based on specified criteria; authorizing the study to recommend other types of reserve funding schedules, provided each recommended schedule is sufficient to meet the association's maintenance needs; requiring that reserves not required for certain items be separately identified in the structural integrity reserve study as such; authorizing an association to delay a



required structural integrity reserve study for a specified timeframe if it has completed a milestone inspection or similar inspection, for a specified purpose; requiring an officer or a director of the association to sign an affidavit acknowledging receipt of the completed structural integrity reserve study; requiring the division to adopt, by rule, the form for the structural integrity reserve study in coordination with the Florida Building Commission; amending s. 719.501, F.S.; requiring a cooperative association to create and maintain an online account with the division; requiring board members to maintain accurate contact information on file with the division; requiring the division to adopt rules; requiring all condominium associations to provide information specified by the division in an electronic format to be determined by the division; specifying the information that must be updated with the division within a specified timeframe; amending s. 719.503, F.S.; revising the disclosures that must be included in a contract for the sale and resale of an interest in a cooperative; amending s. 914.21, F.S.; revising the definition of the term "official investigation"; providing appropriations; reenacting s. 721.13(3)(e), F.S., relating to management, to incorporate the amendment made to s. 718.111, F.S., in a reference thereto; reenacting ss. 718.504(7)(a) and (21)(c), and 718.618(1)(d), F.S., relating to prospectus or offering circulars; and converter reserve accounts and



warranties, respectively, to incorporate the amendment made to s. 718.112, F.S., in references thereto; reenacting s. 718.706(1) and (3), F.S., relating to specific provisions pertaining to offering of units by bulk assignees or bulk buyers, to incorporate the amendments made to ss. 718.111, 718.112, and 718.503, F.S., in references thereto; reenacting ss. 719.103(24) and 719.504(7)(a) and (20)(c), F.S., relating to definitions and prospectus or offering circulars, respectively, to incorporate the amendment made to s. 719.106, F.S., in references thereto; providing effective dates.

By Senator Bradley

6-01297A-25 20251742__

A bill to be entitled

An act relating to condominium and cooperative associations; amending s. 718.111, F.S.; revising the methods of delivery for a copy of the most recent association financial report to include electronic delivery via the Internet; requiring a board to use best efforts to make prudent investment decisions in fulfilling its duty to manage operating and reserve funds of the association; authorizing an association, including a multicondominium association, to invest reserve funds in specified financial institutions; providing restrictions; prohibiting any funds not identified as reserve funds from being used for investments; requiring a board to create an investment committee composed of a specified minimum number of board members; requiring the board to adopt rules; requiring that all meetings of the investment committee be recorded and made part of the official records of the association; requiring that the investment policy statement developed pursuant to certain provisions address specified issues; requiring the investment committee to recommend investment advisers to the board; requiring the board to select one of the recommended investment advisers to provide services to the association; requiring such advisers to be registered; prohibiting an investment adviser from being related to any board member, community management company reserve study provider, or unit owner; requiring investment advisers to comply with

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

Florida Senate - 2025 **SB 1742**

6-01297A-25 20251742__

the prudent investor rule; requiring an adviser to act as a fiduciary to the association; requiring that the investment and fiduciary standards of this section take precedence over any conflicting law; requiring the investment committee to recommend a replacement adviser if the committee determines that an investment adviser is not meeting requirements; requiring the association to provide the investment adviser with specified financial information at least once each calendar year, or sooner if a substantial financial obligation of the association becomes known to the board; requiring the investment adviser to annually review such financial information and provide the association with a portfolio allocation model that is suitably structured and prudently designed to match projected annual reserve fund requirements and liability, assets, and liquidity requirements; requiring the investment adviser to prepare a funding projection for each reserve component, including any of the component's redundancies; requiring that a specified minimum timeframe of projected reserves in cash or cash equivalents be available to the association; authorizing a portfolio managed by an investment adviser to contain any type of investment necessary to meet the objectives in the investment policy statement; providing exceptions; requiring that any funds invested by the investment adviser be held by third-party custodial accounts that are subject to insurance coverage by the Securities Investor

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

Protection Corporation in an amount equal to or greater than the invested amount; authorizing the investment adviser to withdraw investment fees, expenses, and commissions from invested funds; requiring the investment adviser to annually provide the association with a written certification of compliance of this section and provide the association with a list of stocks, securities, and other obligations; requiring the investment adviser to submit monthly, quarterly, and annual reports to the association prepared in accordance with established financial industry standards; requiring that any principal, earnings, or interest managed be available to the association at no cost within a specified timeframe after the association's written or electronic request; requiring that unallocated income earned on reserve fund investments be spent only on specified expenditures; reenacting and amending s. 718.112, F.S.; authorizing a unit-owner-controlled association to obtain a line of credit in lieu of maintaining reserves for budgets adopted on or before a specified date upon a majority vote of the association; requiring that such line of credit be sufficient to meet the association's deferred maintenance obligations not funded in the association's reserve account for each budget; requiring that funding from the line of credit be immediately available for access by the board for a specified purpose; requiring that such lines of credit

be included in the association's financial report; deleting a requirement that the majority of the members must approve of the board pausing contributions to the association's reserves for a specified purpose; authorizing the board to temporarily pause reserve fund contributions or reduce the amount of reserve funding for a specified purpose for a budget adopted on or before a specified date if the association has completed a milestone inspection within a specified timeframe and such inspection recommended certain repairs; requiring that such temporary pause or reduction be approved by a majority of the total voting interests of the association; providing applicability; requiring associations that have paused or reduced their reserve funding to have a structural integrity reserve study performed before the continuation of reserve contributions for specified purposes; providing that a vote of the members is not required for the board to change the accounting method for reserves to specified accounting methods; requiring specified design professionals or contractors who bid to perform a structural integrity reserve study to disclose in writing to the association their intent to bid on any services related to the maintenance, repair, or replacement that may be recommended by the structural integrity reserve study; prohibiting such professionals or contractors from having any interest in or being related to any person having any interest in the firm

or entity providing the association's structural integrity reserve study unless such relationship is disclosed in writing; defining the term "relative"; providing that a contract for services is voidable and terminates upon the association filing a written notice terminating such a contract if such professional or contractor fails to provide a written disclosure of such relationship with the firm conducting the structural integrity reserve study; providing that such professional or contractor may be subject to discipline for his or her failure to provide such written disclosure; requiring that a structural integrity reserve study include a recommendation for a reserve funding schedule based on specified criteria; authorizing the study to recommend other types of reserve funding schedules, provided each recommended schedule is sufficient to meet the association's maintenance needs; requiring that reserves not required for certain items be separately identified in the structural integrity reserve study as such; authorizing an association to delay a required structural integrity reserve study for a specified timeframe if it has completed a milestone inspection or similar inspection, for a specified purpose; requiring the Division of Florida Condominiums, Timeshares, and Mobile Homes to adopt rules for the form for the structural integrity reserve study in coordination with the Florida Building Commission; making technical changes;

amending s. 718.503, F.S.; revising the disclosures that must be included in a contract for the sale and resale of a residential unit; amending s. 8 of chapter 2024-244, Laws of Florida, as amended; revising the requirement of an association managing 25 or more units, rather than 150 or more units, to post digital copies of specified documents on its website or make such documents available through an application that can be downloaded on a mobile device; revising such documents to include the minutes of all meetings of the association, the board of administration, and the unit owners over the preceding 12 months; deleting obsolete language; amending s. 31 of chapter 2024-244 Laws of Florida; revising applicability; amending s. 719.104, F.S.; requiring a board to use best efforts to make prudent investment decisions in fulfilling its duty to manage operating and reserve funds of the association; authorizing an association to invest reserve funds in specified financial institutions; providing restrictions; prohibiting any funds not identified as reserve funds from being used for investments; requiring a board to create an investment committee composed of a specified minimum number of board members; requiring the board to adopt rules; requiring that all meetings of the investment committee be recorded and made part of the official records of the association; requiring that the investment policy statement developed pursuant to certain provisions address specified issues; requiring

the investment committee to recommend investment advisers to the board; requiring the board to select one of the recommended investment advisers to provide services to the association; requiring such advisers to be registered; prohibiting an investment adviser from being related to any board member, community management company reserve study provider, or unit owner; requiring investment advisers to comply with the prudent investor rule; requiring an adviser to act as a fiduciary to the association; requiring that the investment and fiduciary standards of this section take precedence over any conflicting law; requiring the investment committee to recommend a replacement adviser if the committee determines that an investment adviser is not meeting requirements; requiring the association to provide the investment adviser with specified financial information at least once each calendar year, or sooner if a substantial financial obligation of the association becomes known to the board; requiring the investment adviser to annually review such financial information and provide the association with a portfolio allocation model that is suitably structured and prudently designed to match projected annual reserve fund requirements and liability, assets, and liquidity requirements; requiring the investment adviser to prepare a funding projection for each reserve component, including any of the component's redundancies; requiring that a minimum timeframe of projected reserves in cash or

cash equivalents be available to the association; authorizing a portfolio managed by an investment adviser to contain any type of investment necessary to meet the objectives in the investment policy statement; providing exceptions; requiring that any funds invested by the investment adviser be held in third-party custodial accounts that are subject to insurance coverage by the Securities Investor Protection Corporation in an amount equal to or greater than the invested amount; authorizing the investment adviser to withdraw investment fees, expenses, and commissions from invested funds; requiring the investment adviser to annually provide the association with a written certification of compliance of this section and provide the association with a list of stocks, securities, and other obligations; requiring the investment adviser to submit monthly, quarterly, and annual reports to the association prepared in accordance with established financial industry standards; requiring that any principal, earnings, or interest managed be available to the association at no cost within a specified timeframe after the association's written or electronic request; requiring that unallocated income earned on reserve fund investments be spent only on specified expenditures; amending s. 719.106, F.S.; authorizing the board to pause contributions to its reserves or reduce reserve funding if a local building official determines the entire condominium building is

uninhabitable due to a natural emergency; authorizing any reserve account fund held by the association to be expended to make the condominium building and its structures habitable, pursuant to the board's determination; requiring the association to immediately resume contributing funds to its reserves once the local building official determines that the condominium building is habitable; authorizing a unit-owner-controlled association to obtain a line of credit in lieu of maintaining reserves for budgets adopted on or before a specified date upon a majority vote of the association; requiring that such line of credit be sufficient to meet the association's deferred maintenance obligations not funded in the association's reserve account for each budget; requiring that funding from the line of credit be immediately available for access by the board for a specified purpose; authorizing the board to temporarily pause reserve fund contributions or reduce the amount of reserve funding for a specified purpose for a budget adopted on or before a specified date if the association has completed a milestone inspection within a specified timeframe; requiring that such temporary pause or reduction be approved by a majority of the total voting interests of the association; providing applicability; requiring associations that have paused or reduced their reserve funding to have a structural integrity reserve study performed before the continuation of reserve contributions for

specified purposes; providing that a vote of the members is not required for the board to change the accounting method for reserves to specified accounting methods; requiring specified design professionals or contractors who bid to perform a structural integrity reserve study to disclose in writing to the association their intent to bid on any services related to the maintenance, repair, or replacement that may be recommended by the structural integrity reserve study; prohibiting such professionals or contractors from having any interest in or being related to any person having any interest in the firm or entity providing the association's structural integrity reserve study unless such relationship is disclosed in writing; defining the term "relative"; providing that a contract for services is voidable and terminates upon the association filing a written notice terminating such a contract if such professional or contractor fails to provide a written disclosure of such relationship with the firm conducting the structural integrity reserve study; providing that such professional or contractor may be subject to discipline for his or her failure to provide such written disclosure; requiring that a structural integrity reserve study include a recommendation for a reserve funding schedule based on specified criteria; authorizing the study to recommend other types of reserve funding schedules, provided each recommended schedule is sufficient to meet the

association's maintenance needs; requiring that reserves not required for certain items be separately identified in the structural integrity reserve study as such; authorizing an association to delay a required structural integrity reserve study for a specified timeframe if it has completed a milestone inspection or similar inspection, for a specified purpose; requiring the division to adopt, by rule, the form for the structural integrity reserve study in coordination with the Florida Building Commission; amending s. 719.503, F.S.; revising the disclosures that must be included in a contract for the sale and resale of an interest in a cooperative; reenacting s. 721.13(3)(e), F.S., relating to management, to incorporate the amendment made to s. 718.111, F.S., in a reference thereto; reenacting ss. 718.504(7)(a) and (21)(c), and 718.618(1)(d), F.S., relating to prospectus or offering circulars; and converter reserve accounts and warranties, respectively, to incorporate the amendment made to s. 718.112, F.S., in references thereto; reenacting s. 718.501(1)(a) and (v), F.S., relating to the authority, responsibility, and duties of the Division of Florida Condominiums, Timeshares, and Mobile Homes, to incorporate the amendments made to ss. 718.111 and 718.112, F.S., in references thereto; reenacting s. 718.706(1) and (3), F.S., relating to specific provisions pertaining to offering of units by bulk assignees or bulk buyers, to incorporate the amendments made to ss. 718.111,

718.112, and 718.503, F.S., in references thereto; reenacting ss. 719.103(24), 719.501(1), and 719.504(7)(a) and (20)(c), F.S., relating to definitions; powers and duties of the Division of Florida Condominiums, Timeshares, and Mobile Homes; and prospectus or offering circulars, respectively, to incorporate the amendment made to s. 719.106, F.S., in references thereto; providing an effective date.

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

Section 1. Subsection (13) of section 718.111, Florida Statutes, is amended, subsection (16) is added to that section, and paragraph (g) of subsection (12) of that section is reenacted, to read:

718.111 The association.—

(12) OFFICIAL RECORDS.—

(g)1. By January 1, 2019, an association managing a condominium with 150 or more units which does not contain timeshare units shall post digital copies of the documents specified in subparagraph 2. on its website or make such documents available through an application that can be downloaded on a mobile device.

a. The association's website or application must be:

(I) An independent website, application, or web portal wholly owned and operated by the association; or

(II) A website, application, or web portal operated by a third-party provider with whom the association owns, leases, rents, or otherwise obtains the right to operate a web page,

subpage, web portal, collection of subpages or web portals, or an application which is dedicated to the association's activities and on which required notices, records, and documents may be posted or made available by the association.

b. The association's website or application must be accessible through the Internet and must contain a subpage, web portal, or other protected electronic location that is inaccessible to the general public and accessible only to unit owners and employees of the association.

c. Upon a unit owner's written request, the association must provide the unit owner with a username and password and access to the protected sections of the association's website or application which contain any notices, records, or documents that must be electronically provided.

2. A current copy of the following documents must be posted in digital format on the association's website or application:

a. The recorded declaration of condominium of each condominium operated by the association and each amendment to each declaration.

b. The recorded bylaws of the association and each amendment to the bylaws.

c. The articles of incorporation of the association, or other documents creating the association, and each amendment to the articles of incorporation or other documents. The copy posted pursuant to this sub-subparagraph must be a copy of the articles of incorporation filed with the Department of State.

d. The rules of the association.

e. A list of all executory contracts or documents to which the association is a party or under which the association or the

unit owners have an obligation or responsibility and, after bidding for the related materials, equipment, or services has closed, a list of bids received by the association within the past year. Summaries of bids for materials, equipment, or services which exceed $500 must be maintained on the website or application for 1 year. In lieu of summaries, complete copies of the bids may be posted.

f. The annual budget required by s. 718.112(2)(f) and any proposed budget to be considered at the annual meeting.

g. The financial report required by subsection (13) and any monthly income or expense statement to be considered at a meeting.

h. The certification of each director required by s. 718.112(2)(d)4.b.

i. All contracts or transactions between the association and any director, officer, corporation, firm, or association that is not an affiliated condominium association or any other entity in which an association director is also a director or officer and financially interested.

j. Any contract or document regarding a conflict of interest or possible conflict of interest as provided in ss. 468.4335, 468.436(2)(b)6., and 718.3027(3).

k. The notice of any unit owner meeting and the agenda for the meeting, as required by s. 718.112(2)(d)3., no later than 14 days before the meeting. The notice must be posted in plain view on the front page of the website or application, or on a separate subpage of the website or application labeled "Notices" which is conspicuously visible and linked from the front page. The association must also post on its website or application any

document to be considered and voted on by the owners during the meeting or any document listed on the agenda at least 7 days before the meeting at which the document or the information within the document will be considered.

l. Notice of any board meeting, the agenda, and any other document required for the meeting as required by s. 718.112(2)(c), which must be posted no later than the date required for notice under s. 718.112(2)(c).

m. The inspection reports described in ss. 553.899 and 718.301(4)(p) and any other inspection report relating to a structural or life safety inspection of condominium property.

n. The association's most recent structural integrity reserve study, if applicable.

o. Copies of all building permits issued for ongoing or planned construction.

3. The association shall ensure that the information and records described in paragraph (c), which are not allowed to be accessible to unit owners, are not posted on the association's website or application. If protected information or information restricted from being accessible to unit owners is included in documents that are required to be posted on the association's website or application, the association shall ensure the information is redacted before posting the documents. Notwithstanding the foregoing, the association or its agent is not liable for disclosing information that is protected or restricted under this paragraph unless such disclosure was made with a knowing or intentional disregard of the protected or restricted nature of such information.

4. The failure of the association to post information

required under subparagraph 2. is not in and of itself sufficient to invalidate any action or decision of the association's board or its committees.

(13) FINANCIAL REPORTING.—Within 90 days after the end of the fiscal year, or annually on a date provided in the bylaws, the association shall prepare and complete, or contract for the preparation and completion of, a financial report for the preceding fiscal year. Within 21 days after the final financial report is completed by the association or received from the third party, but not later than 120 days after the end of the fiscal year or other date as provided in the bylaws, the association shall deliver to each unit owner by United States mail or personal delivery at the mailing address, property address, e-mail address, or facsimile number provided to fulfill the association's notice requirements, a copy of the most recent financial report, and a notice that a copy of the most recent financial report will be, as requested by the owner, mailed, ~~or~~ hand delivered, or electronically delivered via the Internet to the unit owner, without charge, within 5 business days after receipt of a written request from the unit owner. The division shall adopt rules setting forth uniform accounting principles and standards to be used by all associations and addressing the financial reporting requirements for multicondominium associations. The rules must include, but not be limited to, standards for presenting a summary of association reserves, including a good faith estimate disclosing the annual amount of reserve funds that would be necessary for the association to fully fund reserves for each reserve item based on the straight-line accounting method. This disclosure is not applicable to

reserves funded via the pooling method. In adopting such rules, the division shall consider the number of members and annual revenues of an association. Financial reports shall be prepared as follows:

(a) An association that meets the criteria of this paragraph shall prepare a complete set of financial statements in accordance with generally accepted accounting principles. The financial statements must be based upon the association's total annual revenues, as follows:

1. An association with total annual revenues of $150,000 or more, but less than $300,000, shall prepare compiled financial statements.

2. An association with total annual revenues of at least $300,000, but less than $500,000, shall prepare reviewed financial statements.

3. An association with total annual revenues of $500,000 or more shall prepare audited financial statements.

(b)1. An association with total annual revenues of less than $150,000 shall prepare a report of cash receipts and expenditures.

2. A report of cash receipts and disbursements must disclose the amount of receipts by accounts and receipt classifications and the amount of expenses by accounts and expense classifications, including, but not limited to, the following, as applicable: costs for security, professional and management fees and expenses, taxes, costs for recreation facilities, expenses for refuse collection and utility services, expenses for lawn care, costs for building maintenance and repair, insurance costs, administration and salary expenses, and

reserves accumulated and expended for capital expenditures, deferred maintenance, and any other category for which the association maintains reserves.

(c) An association may prepare, without a meeting of or approval by the unit owners:

1. Compiled, reviewed, or audited financial statements, if the association is required to prepare a report of cash receipts and expenditures;

2. Reviewed or audited financial statements, if the association is required to prepare compiled financial statements; or

3. Audited financial statements if the association is required to prepare reviewed financial statements.

(d) If approved by a majority of the voting interests present at a properly called meeting of the association, an association may prepare:

1. A report of cash receipts and expenditures in lieu of a compiled, reviewed, or audited financial statement;

2. A report of cash receipts and expenditures or a compiled financial statement in lieu of a reviewed or audited financial statement; or

3. A report of cash receipts and expenditures, a compiled financial statement, or a reviewed financial statement in lieu of an audited financial statement.

Such meeting and approval must occur before the end of the fiscal year and is effective only for the fiscal year in which the vote is taken. An association may not prepare a financial report pursuant to this paragraph for consecutive fiscal years.

If the developer has not turned over control of the association, all unit owners, including the developer, may vote on issues related to the preparation of the association's financial reports, from the date of incorporation of the association through the end of the second fiscal year after the fiscal year in which the certificate of a surveyor and mapper is recorded pursuant to s. 718.104(4)(e) or an instrument that transfers title to a unit in the condominium which is not accompanied by a recorded assignment of developer rights in favor of the grantee of such unit is recorded, whichever occurs first. Thereafter, all unit owners except the developer may vote on such issues until control is turned over to the association by the developer. Any audit or review prepared under this section shall be paid for by the developer if done before turnover of control of the association.

(e) A unit owner may provide written notice to the division of the association's failure to mail or hand deliver him or her a copy of the most recent financial report within 5 business days after he or she submitted a written request to the association for a copy of such report. If the division determines that the association failed to mail or hand deliver a copy of the most recent financial report to the unit owner, the division shall provide written notice to the association that the association must mail or hand deliver a copy of the most recent financial report to the unit owner and the division within 5 business days after it receives such notice from the division. An association that fails to comply with the division's request may not waive the financial reporting requirement provided in paragraph (d) for the fiscal year in

which the unit owner's request was made and the following fiscal year. A financial report received by the division pursuant to this paragraph shall be maintained, and the division shall provide a copy of such report to an association member upon his or her request.

(16) INVESTMENT OF ASSOCIATION FUNDS.—

(a) A board shall, in fulfilling its duty to manage operating and reserve funds of an association, use best efforts to make prudent investment decisions that carefully consider risk and return in an effort to maximize returns on invested funds.

(b) An association, including a multicondominium association, may invest reserve funds in one or any combination of depository accounts at a community bank, savings bank, commercial bank, savings and loan association, or credit union if the respective account balance at any institution does not exceed the amount of deposit insurance per account provided by any agency of the Federal Government or as otherwise available. Notwithstanding any declaration, only funds identified as reserve funds may be invested pursuant to this subsection.

(c) The board shall create an investment committee composed of at least two board members and two-unit unit owners who are not board members. The board shall also adopt rules for invested funds, including, but not limited to, rules requiring periodic reviews of any investment manager's performance, the development of an investment policy statement, and that all meetings of the investment committee be recorded and made part of the official records of the association. The investment policy statement developed pursuant to this paragraph must, at a minimum, address

risk, liquidity, and benchmark measurements; authorized classes of investments; authorized investment mixes; limitations on authority relating to investment transactions; requirements for projected reserve expenditures within, at minimum, the next 24 months to be held in cash or cash equivalents; projected expenditures relating to a mandatory structural inspection performed pursuant to s. 553.899; and protocols for proxy response.

(d) The investment committee shall recommend investment advisers to the board, and the board shall select one of the recommended investment advisers to provide services to the association. Such investment advisers must be registered or have notice filed under s. 517.12. The selected investment adviser and any representative or association of the investment adviser may not be related by affinity or consanguinity to, or under common ownership with, any board member, community management company, reserve study provider, or unit owner. The investment adviser shall comply with the prudent investor rule in s. 518.11. The investment adviser shall act as a fiduciary to the association in compliance with the standards set forth in the Employee Retirement Income Security Act of 1974 at 29 U.S.C. s. 1104(a)(1)(A)-(C). In case of conflict with other laws authorizing investments, the investment and fiduciary standards set forth in this subsection must prevail. If at any time the investment committee determines that an investment adviser does not meet the requirements of this section, the investment committee must recommend a replacement investment adviser to the board.

(e) At least once each calendar year, or sooner if a

substantial financial obligation of the association becomes known to the board, the association must provide the investment adviser with the association's investment policy statement, the most recent reserve study report, the association's structural integrity report, and the financial reports prepared pursuant to subsection (13). If there is no recent reserve study report, the association must provide the investment adviser with a good faith estimate disclosing the annual amount of reserve funds necessary for the association to fund reserves fully for the life of each reserve component and each component's redundancies. The investment adviser shall annually review these documents and provide the association with a portfolio allocation model that is suitably structured and prudently designed to match projected annual reserve fund requirements and liability, assets, and liquidity requirements. The investment adviser shall prepare a funding projection for each reserve component, including any of the component's redundancies. The association must have available at all times a minimum of 24 months of projected reserves in cash or cash equivalents.

(f) Portfolios managed by the investment adviser may contain any type of investment necessary to meet the objectives in the investment policy statement; however, portfolios may not contain stocks, securities, or other obligations that the State Board of Administration is prohibited from investing in under s. 215.471, s. 215.4725, or s. 215.473 or that state agencies are prohibited from investing in under s. 215.472, as determined by the investment adviser. Any funds invested by the investment adviser must be held in third-party custodial accounts that are subject to insurance coverage by the Securities Investor

Protection Corporation in an amount equal to or greater than the invested amount. The investment adviser may withdraw investment fees, expenses, and commissions from invested funds.

(g) The investment adviser shall:

1. Annually provide the association with a written certification of compliance with this section and a list of stocks, securities, and other obligations that are prohibited from being in association portfolios under paragraph (f); and

2. Submit monthly, quarterly, and annual reports to the association which are prepared in accordance with established financial industry standards and in accordance with chapter 517.

(h) Any principal, earnings, or interest managed under this subsection must be available at no cost or charge to the association within 15 business days after delivery of the association's written or electronic request.

(i) Unallocated income earned on reserve fund investments must be spent only on capital expenditures, planned maintenance, structural repairs, or other items for which the reserve accounts have been established. Any surplus of funds which exceeds the amount required to maintain reasonably funded reserves must be managed pursuant to s. 718.115.

Section 2. Paragraphs (f) and (g) of subsection (2) of section 718.112, Florida Statutes, are amended, and paragraph (b) of that subsection is reenacted, to read:

718.112 Bylaws.—

(2) REQUIRED PROVISIONS.—The bylaws shall provide for the following and, if they do not do so, shall be deemed to include the following:

(b) *Quorum; voting requirements; proxies.*—

1. Unless a lower number is provided in the bylaws, the percentage of voting interests required to constitute a quorum at a meeting of the members is a majority of the voting interests. Unless otherwise provided in this chapter or in the declaration, articles of incorporation, or bylaws, and except as provided in subparagraph (d)4., decisions shall be made by a majority of the voting interests represented at a meeting at which a quorum is present.

2. Except as specifically otherwise provided herein, unit owners in a residential condominium may not vote by general proxy, but may vote by limited proxies substantially conforming to a limited proxy form adopted by the division. A voting interest or consent right allocated to a unit owned by the association may not be exercised or considered for any purpose, whether for a quorum, an election, or otherwise. Limited proxies and general proxies may be used to establish a quorum. Limited proxies shall be used for votes taken to waive or reduce reserves in accordance with subparagraph (f)2.; for votes taken to waive the financial reporting requirements of s. 718.111(13); for votes taken to amend the declaration pursuant to s. 718.110; for votes taken to amend the articles of incorporation or bylaws pursuant to this section; and for any other matter for which this chapter requires or permits a vote of the unit owners. Except as provided in paragraph (d), a proxy, limited or general, may not be used in the election of board members in a residential condominium. General proxies may be used for other matters for which limited proxies are not required, and may be used in voting for nonsubstantive changes to items for which a limited proxy is required and given. Notwithstanding this

subparagraph, unit owners may vote in person at unit owner meetings. This subparagraph does not limit the use of general proxies or require the use of limited proxies for any agenda item or election at any meeting of a timeshare condominium association or a nonresidential condominium association.

3. A proxy given is effective only for the specific meeting for which originally given and any lawfully adjourned meetings thereof. A proxy is not valid longer than 90 days after the date of the first meeting for which it was given. Each proxy is revocable at any time at the pleasure of the unit owner executing it.

4. A member of the board of administration or a committee may submit in writing his or her agreement or disagreement with any action taken at a meeting that the member did not attend. This agreement or disagreement may not be used as a vote for or against the action taken or to create a quorum.

5. A board or committee member's participation in a meeting via telephone, real-time videoconferencing, or similar real-time electronic or video communication counts toward a quorum, and such member may vote as if physically present. A speaker must be used so that the conversation of such members may be heard by the board or committee members attending in person as well as by any unit owners present at a meeting.

(f) *Annual budget.*—

1. The proposed annual budget of estimated revenues and expenses must be detailed and must show the amounts budgeted by accounts and expense classifications, including, at a minimum, any applicable expenses listed in s. 718.504(21). The board shall adopt the annual budget at least 14 days before the start

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

of the association's fiscal year. In the event that the board fails to timely adopt the annual budget a second time, it is deemed a minor violation and the prior year's budget shall continue in effect until a new budget is adopted. A multicondominium association must adopt a separate budget of common expenses for each condominium the association operates and must adopt a separate budget of common expenses for the association. In addition, if the association maintains limited common elements with the cost to be shared only by those entitled to use the limited common elements as provided for in s. 718.113(1), the budget or a schedule attached to it must show the amount budgeted for this maintenance. If, after turnover of control of the association to the unit owners, any of the expenses listed in s. 718.504(21) are not applicable, they do not need to be listed.

2.a. In addition to annual operating expenses, the budget must include reserve accounts for capital expenditures and deferred maintenance. These accounts must include, but are not limited to, roof replacement, building painting, and pavement resurfacing, regardless of the amount of deferred maintenance expense or replacement cost, and any other item that has a deferred maintenance expense or replacement cost that exceeds $10,000. The amount to be reserved must be computed using a formula based upon estimated remaining useful life and estimated replacement cost or deferred maintenance expense of the reserve item. In a budget adopted by an association that is required to obtain a structural integrity reserve study, reserves must be maintained for the items identified in paragraph (g) for which the association is responsible pursuant to the declaration of

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

condominium, and the reserve amount for such items must be based on the findings and recommendations of the association's most recent structural integrity reserve study. With respect to items for which an estimate of useful life is not readily ascertainable or with an estimated remaining useful life of greater than 25 years, an association is not required to reserve replacement costs for such items, but an association must reserve the amount of deferred maintenance expense, if any, which is recommended by the structural integrity reserve study for such items. The association may adjust replacement reserve assessments annually to take into account an inflation adjustment and any changes in estimates or extension of the useful life of a reserve item caused by deferred maintenance.

b. The members of a unit-owner-controlled association may determine, by a majority vote of the total voting interests of the association, to provide no reserves or less reserves than required by this subsection. For a budget adopted on or after December 31, 2024, the members of a unit-owner-controlled association that must obtain a structural integrity reserve study may not determine to provide no reserves or less reserves than required by this subsection for items listed in paragraph (g), except that members of an association operating a multicondominium may determine to provide no reserves or less reserves than required by this subsection if an alternative funding method has been approved by the division.

c. For a budget adopted on or before December 31, 2028, a unit-owner-controlled association that must have a structural reserve study may secure a line of credit in lieu of maintaining reserves for all or a portion of the reserves required under

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

this paragraph upon a majority vote of the total voting interests of the association. The line of credit must be sufficient to meet the association's deferred maintenance obligation not funded in the association's reserve account for each budget. Funding from the line of credit must be immediately available for access by the board to fund required repair, maintenance, or replacement expenses without further approval by the members of the association. A line of credit secured under this sub-subparagraph must be included in the financial report required under s. 718.111(13).

d. If the local building official, as defined in s. 468.603, determines that the entire condominium building is uninhabitable due to a natural emergency, as defined in s. 252.34, the board~~, upon the approval of a majority of its members,~~ may pause the contribution to its reserves or reduce reserve funding until the local building official determines that the condominium building is habitable. Any reserve account funds held by the association may be expended, pursuant to the board's determination, to make the condominium building and its structures habitable. Upon the determination by the local building official that the condominium building is habitable, the association must immediately resume contributing funds to its reserves.

e. For a budget adopted on or before December 31, 2028, if the association has completed a milestone inspection pursuant to s. 553.899 within the previous 2 calendar years, the board, upon the approval of a majority of the total voting interests of the association, may temporarily pause reserve fund contributions or reduce the amount of reserve funding for the purpose of funding

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

repairs recommended by the milestone inspection. This sub-subparagraph does not apply to a developer-controlled association and an association in which the non-developer unit owners have been in control for less than 1 year. An association that has paused reserve contributions under this subparagraph must have a structural integrity reserve study performed before the continuation of reserve contributions in order to determine the association's reserve funding needs and to recommend a reserve funding plan.

f.~~b.~~ Before turnover of control of an association by a developer to unit owners other than a developer under s. 718.301, the developer-controlled association may not vote to waive the reserves or reduce funding of the reserves. If a meeting of the unit owners has been called to determine whether to waive or reduce the funding of reserves and no such result is achieved or a quorum is not attained, the reserves included in the budget shall go into effect. After the turnover, the developer may vote its voting interest to waive or reduce the funding of reserves.

3. Reserve funds and any interest accruing thereon shall remain in the reserve account or accounts, and may be used only for authorized reserve expenditures unless their use for other purposes is approved in advance by a majority vote of all the total voting interests of the association. Before turnover of control of an association by a developer to unit owners other than the developer pursuant to s. 718.301, the developer-controlled association may not vote to use reserves for purposes other than those for which they were intended. For a budget adopted on or after December 31, 2024, members of a unit-owner-

controlled association that must obtain a structural integrity reserve study may not vote to use reserve funds, or any interest accruing thereon, for any other purpose other than the replacement or deferred maintenance costs of the components listed in paragraph (g). A vote of the members is not required for the board to change the accounting method for reserves to a pooling accounting method or a straight-line accounting method.

4. The only voting interests that are eligible to vote on questions that involve waiving or reducing the funding of reserves, or using existing reserve funds for purposes other than purposes for which the reserves were intended, are the voting interests of the units subject to assessment to fund the reserves in question. Proxy questions relating to waiving or reducing the funding of reserves or using existing reserve funds for purposes other than purposes for which the reserves were intended must contain the following statement in capitalized, bold letters in a font size larger than any other used on the face of the proxy ballot: WAIVING OF RESERVES, IN WHOLE OR IN PART, OR ALLOWING ALTERNATIVE USES OF EXISTING RESERVES MAY RESULT IN UNIT OWNER LIABILITY FOR PAYMENT OF UNANTICIPATED SPECIAL ASSESSMENTS REGARDING THOSE ITEMS.

(g) *Structural integrity reserve study.*—

1. A residential condominium association must have a structural integrity reserve study completed at least every 10 years after the condominium's creation for each building on the condominium property that is three stories or higher in height, as determined by the Florida Building Code, which includes, at a minimum, a study of the following items as related to the structural integrity and safety of the building:

a. Roof.

b. Structure, including load-bearing walls and other primary structural members and primary structural systems as those terms are defined in s. 627.706.

c. Fireproofing and fire protection systems.

d. Plumbing.

e. Electrical systems.

f. Waterproofing and exterior painting.

g. Windows and exterior doors.

h. Any other item that has a deferred maintenance expense or replacement cost that exceeds $10,000 and the failure to replace or maintain such item negatively affects the items listed in sub-subparagraphs a.-g., as determined by the visual inspection portion of the structural integrity reserve study.

2. A structural integrity reserve study is based on a visual inspection of the condominium property.

3.a. A structural integrity reserve study may be performed by any person qualified to perform such study. However, the visual inspection portion of the structural integrity reserve study must be performed or verified by an engineer licensed under chapter 471, an architect licensed under chapter 481, or a person certified as a reserve specialist or professional reserve analyst by the Community Associations Institute or the Association of Professional Reserve Analysts.

b. Any design professional as defined in s. 558.002 or contractor licensed under chapter 489 who bids to perform a structural integrity reserve study must disclose in writing to the association his or her intent to bid on any services related to any maintenance, repair, or replacement that may be

recommended by the structural integrity reserve study. Any design professional as defined in s. 558.002 or contractor licensed under chapter 489 who submits a bid to the association for performing any services recommended by the structural integrity reserve study may not have an interest, directly or indirectly, in the firm or entity providing the association's structural integrity reserve study or be a relative of any person having a direct or indirect interest in such firm, unless such relationship is disclosed to the association in writing. As used in this section, the term "relative" means a relative within the third degree of consanguinity by blood or marriage. A contract for services is voidable and terminates upon the association filing a written notice terminating the contract if the design professional or licensed contractor failed to provide the written disclosure of the interests or relationships required under this paragraph. A design professional or licensed contractor may be subject to discipline under the applicable practice act for his or her profession for failure to provide the written disclosure of the interests or relationships required under this paragraph.

4.a.~~3.~~ At a minimum, a structural integrity reserve study must identify each item of the condominium property being visually inspected, state the estimated remaining useful life and the estimated replacement cost or deferred maintenance expense of each item of the condominium property being visually inspected, and provide a reserve funding plan or schedule with a recommended annual reserve amount that achieves the estimated replacement cost or deferred maintenance expense of each item of condominium property being visually inspected by the end of the

estimated remaining useful life of the item. At a minimum, the structural integrity reserve study must include a recommendation for a reserve funding schedule based on a baseline funding plan that provides a reserve funding goal in which the expenditures for each budget year for deferred maintenance, repair, and replacement of reserve items are sufficient to maintain the reserve cash balance above zero. The study may recommend other types of reserve funding schedules, provided that each recommended schedule is sufficient to meet the association's maintenance obligation.

b. The structural integrity reserve study may recommend that reserves do not need to be maintained for any item for which an estimate of useful life and an estimate of replacement cost cannot be determined, or the study may recommend a deferred maintenance expense amount for such item. The structural integrity reserve study may recommend that reserves for replacement costs do not need to be maintained for any item with an estimated remaining useful life of greater than 25 years, but the study may recommend a deferred maintenance expense amount for such item. If the structural integrity reserve study recommends reserves for any item for which reserves are not required under this paragraph, the amount of the recommended reserves for such item must be separately identified in the structural integrity reserve study as an item for which reserves are not required under this paragraph.

5.~~4.~~ This paragraph does not apply to buildings less than three stories in height; single-family, two-family, or three-family dwellings with three or fewer habitable stories above ground; any portion or component of a building that has not been

submitted to the condominium form of ownership; or any portion or component of a building that is maintained by a party other than the association.

6.~~5.~~ Before a developer turns over control of an association to unit owners other than the developer, the developer must have a turnover inspection report in compliance with s. 718.301(4)(p) and (q) for each building on the condominium property that is three stories or higher in height.

7.~~6.~~ Associations existing on or before July 1, 2022, which are controlled by unit owners other than the developer, must have a structural integrity reserve study completed by December 31, 2025 ~~2024~~, for each building on the condominium property that is three stories or higher in height. An association that is required to complete a milestone inspection in accordance with s. 553.899 on or before December 31, 2026, may complete the structural integrity reserve study simultaneously with the milestone inspection. In no event may the structural integrity reserve study be completed after December 31, 2026.

8.~~7.~~ If the milestone inspection required by s. 553.899, or an inspection completed for a similar local requirement, was performed within the past 5 years and meets the requirements of this paragraph, such inspection may be used in place of the visual inspection portion of the structural integrity reserve study.

9. If the association completes a milestone inspection required by s. 553.899, or an inspection completed for a similar local requirement, the association may delay performance of a required structural integrity reserve study for no more than 2 budget years to permit the association to focus its financial

resources on the completing the repair and maintenance recommendations of the milestone inspection.

10.~~8.~~ If the officers or directors of an association willfully and knowingly fail to complete a structural integrity reserve study pursuant to this paragraph, such failure is a breach of an officer's and director's fiduciary relationship to the unit owners under s. 718.111(1).

11.~~9.~~ Within 45 days after receiving the structural integrity reserve study, the association must distribute a copy of the study to each unit owner or deliver to each unit owner a notice that the completed study is available for inspection and copying upon a written request. Distribution of a copy of the study or notice must be made by United States mail or personal delivery to the mailing address, property address, or any other address of the owner provided to fulfill the association's notice requirements under this chapter, or by electronic transmission to the e-mail address or facsimile number provided to fulfill the association's notice requirements to unit owners who previously consented to receive notice by electronic transmission.

12.~~10.~~ Within 45 days after receiving the structural integrity reserve study, the association must provide the division with a statement indicating that the study was completed and that the association provided or made available such study to each unit owner in accordance with this section. The statement must be provided to the division in the manner established by the division using a form posted on the division's website.

13. The division shall adopt by rule the form for the

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

structural integrity reserve study in coordination with the Florida Building Commission.

Section 3. Paragraphs (d) and (e) of subsection (2) of section 718.503, Florida Statutes, are amended, and paragraph (d) of subsection (1) of that section is reenacted, to read:

718.503 Developer disclosure prior to sale; nondeveloper unit owner disclosure prior to sale; voidability.—

(1) DEVELOPER DISCLOSURE.—

(d) *Milestone inspection, turnover inspection report, or structural integrity reserve study.*—If the association is required to have completed a milestone inspection as described in s. 553.899, a turnover inspection report for a turnover inspection performed on or after July 1, 2023, or a structural integrity reserve study, and the association has not completed the milestone inspection, the turnover inspection report, or the structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type a statement indicating that the association is required to have a milestone inspection, a turnover inspection report, or a structural integrity reserve study and has not completed such inspection, report, or study, as appropriate. If the association is not required to have a milestone inspection as described in s. 553.899 or a structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type a statement indicating that the association is not required to have a milestone inspection or a structural integrity reserve study, as appropriate. If the association has completed a milestone inspection as described in

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

s. 553.899, a turnover inspection report for a turnover inspection performed on or after July 1, 2023, or a structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type:

1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 718.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND 718.112(2)(g), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, PRIOR TO EXECUTION OF THIS CONTRACT; and

2. A clause which states: THIS AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 718.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND 718.112(2)(g), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER

MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 718.301(4)(p) AND (q), FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND 718.112(2)(g), FLORIDA STATUTES, IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.

A contract that does not conform to the requirements of this paragraph is voidable at the option of the purchaser prior to closing.

(2) NONDEVELOPER DISCLOSURE.—

(d) Each contract entered into after July 1, 1992, for the resale of a residential unit must ~~shall~~ contain in conspicuous type either:

1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE DECLARATION OF CONDOMINIUM, ARTICLES OF INCORPORATION OF THE ASSOCIATION, BYLAWS AND RULES OF THE ASSOCIATION, A COPY OF THE MOST RECENT ANNUAL FINANCIAL STATEMENT AND ANNUAL BUDGET, AND FREQUENTLY ASKED QUESTIONS AND ANSWERS DOCUMENT MORE THAN 15 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, PRIOR TO EXECUTION OF THIS CONTRACT; or

2. A clause which states: THIS AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO

CANCEL WITHIN 15 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE DECLARATION OF CONDOMINIUM, ARTICLES OF INCORPORATION, BYLAWS AND RULES OF THE ASSOCIATION, A COPY OF THE MOST RECENT ANNUAL FINANCIAL STATEMENT AND ANNUAL BUDGET, AND FREQUENTLY ASKED QUESTIONS AND ANSWERS DOCUMENT IF SO REQUESTED IN WRITING. ANY PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 15 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE BUYER RECEIVES THE DECLARATION, ARTICLES OF INCORPORATION, BYLAWS AND RULES OF THE ASSOCIATION, AND A COPY OF THE MOST RECENT YEAR-END FINANCIAL STATEMENT AND ANNUAL BUDGET ~~INFORMATION~~ AND FREQUENTLY ASKED QUESTIONS AND ANSWERS DOCUMENT IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.

A contract that does not conform to the requirements of this paragraph is voidable at the option of the purchaser prior to closing.

(e) If the association is required to have completed a milestone inspection as described in s. 553.899, a turnover inspection report for a turnover inspection performed on or after July 1, 2023, or a structural integrity reserve study, and the association has not completed the milestone inspection, the turnover inspection report, or the structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type a statement indicating that the association is required to have

a milestone inspection, a turnover inspection report, or a structural integrity reserve study and has not completed such inspection, report, or study, as appropriate. If the association is not required to have a milestone inspection as described in s. 553.899 or a structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type a statement indicating that the association is not required to have a milestone inspection or a structural integrity reserve study, as appropriate. If the association has completed a milestone inspection as described in s. 553.899, a turnover inspection report for a turnover inspection performed on or after July 1, 2023, or a structural integrity reserve study, each contract entered into after December 31, 2024, for the resale of a residential unit shall contain in conspicuous type:

1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 718.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND 718.112(2)(g), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 15 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, PRIOR TO EXECUTION OF THIS CONTRACT; and

2. A clause which states: THIS AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 15 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL

HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 718.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND 718.112(2)(g), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 15 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 718.301(4)(p) AND (q), FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND 718.112(2)(g), FLORIDA STATUTES, IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.

A contract that does not conform to the requirements of this paragraph is voidable at the option of the purchaser prior to closing.

Section 4. Section 8 of chapter 2024-244, Laws of Florida, is amended to read:

Section 8. Effective January 1, 2026, paragraph (g) of subsection (12) of section 718.111, Florida Statutes, as amended

by this act, is amended to read:

718.111 The association.—

(12) OFFICIAL RECORDS.—

(g)1. ~~By January 1, 2019,~~ An association managing a condominium with 25 ~~150~~ or more units which does not contain timeshare units shall post digital copies of the documents specified in subparagraph 2. on its website or make such documents available through an application that can be downloaded on a mobile device.

a. The association's website or application must be:

(I) An independent website, application, or web portal wholly owned and operated by the association; or

(II) A website, application, or web portal operated by a third-party provider with whom the association owns, leases, rents, or otherwise obtains the right to operate a web page, subpage, web portal, collection of subpages or web portals, or an application which is dedicated to the association's activities and on which required notices, records, and documents may be posted or made available by the association.

b. The association's website or application must be accessible through the Internet and must contain a subpage, web portal, or other protected electronic location that is inaccessible to the general public and accessible only to unit owners and employees of the association.

c. Upon a unit owner's written request, the association must provide the unit owner with a username and password and access to the protected sections of the association's website or application which contain any notices, records, or documents that must be electronically provided.

2. A current copy of the following documents must be posted in digital format on the association's website or application:

a. The recorded declaration of condominium of each condominium operated by the association and each amendment to each declaration.

b. The recorded bylaws of the association and each amendment to the bylaws.

c. The articles of incorporation of the association, or other documents creating the association, and each amendment to the articles of incorporation or other documents. The copy posted pursuant to this sub-subparagraph must be a copy of the articles of incorporation filed with the Department of State.

d. The rules of the association.

e. The minutes of all meetings of the association, the board of administration, and the unit owners over the preceding 12 months.

f.~~e.~~ A list of all executory contracts or documents to which the association is a party or under which the association or the unit owners have an obligation or responsibility and, after bidding for the related materials, equipment, or services has closed, a list of bids received by the association within the past year. Summaries of bids for materials, equipment, or services which exceed $500 must be maintained on the website or application for 1 year. In lieu of summaries, complete copies of the bids may be posted.

g.~~f.~~ The annual budget required by s. 718.112(2)(f) and any proposed budget to be considered at the annual meeting.

h.~~g.~~ The financial report required by subsection (13) and any monthly income or expense statement to be considered at a

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

meeting.

i.~~h.~~ The certification of each director required by s. 718.112(2)(d)4.b.

j.~~i.~~ All contracts or transactions between the association and any director, officer, corporation, firm, or association that is not an affiliated condominium association or any other entity in which an association director is also a director or officer and financially interested.

k.~~j.~~ Any contract or document regarding a conflict of interest or possible conflict of interest as provided in ss. 468.4335, 468.436(2)(b)6., and 718.3027(3).

l.~~k.~~ The notice of any unit owner meeting and the agenda for the meeting, as required by s. 718.112(2)(d)3., no later than 14 days before the meeting. The notice must be posted in plain view on the front page of the website or application, or on a separate subpage of the website or application labeled "Notices" which is conspicuously visible and linked from the front page. The association must also post on its website or application any document to be considered and voted on by the owners during the meeting or any document listed on the agenda at least 7 days before the meeting at which the document or the information within the document will be considered.

m.~~l.~~ Notice of any board meeting, the agenda, and any other document required for the meeting as required by s. 718.112(2)(c), which must be posted no later than the date required for notice under s. 718.112(2)(c).

n.~~m.~~ The inspection reports described in ss. 553.899 and 718.301(4)(p) and any other inspection report relating to a structural or life safety inspection of condominium property.

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

o.~~n.~~ The association's most recent structural integrity reserve study, if applicable.

p.~~o.~~ Copies of all building permits issued for ongoing or planned construction.

3. The association shall ensure that the information and records described in paragraph (c), which are not allowed to be accessible to unit owners, are not posted on the association's website or application. If protected information or information restricted from being accessible to unit owners is included in documents that are required to be posted on the association's website or application, the association shall ensure the information is redacted before posting the documents. Notwithstanding the foregoing, the association or its agent is not liable for disclosing information that is protected or restricted under this paragraph unless such disclosure was made with a knowing or intentional disregard of the protected or restricted nature of such information.

4. The failure of the association to post information required under subparagraph 2. is not in and of itself sufficient to invalidate any action or decision of the association's board or its committees.

Section 5. Section 31 of chapter 2024-244, Laws of Florida, is amended to read:

Section 31. The amendments made to ss. 718.103(14) and 718.202(3) and 718.407(1), (2), and (6), Florida Statutes, as created by this act, may not ~~are intended to clarify existing law and shall~~ apply retroactively and shall only apply to condominiums for which declarations were initially recorded on or after July 1, 2025. ~~However, Such amendments do not revive or~~

~~reinstate any right or interest that has been fully and finally adjudicated as invalid before October 1, 2024.~~

Section 6. Subsection (13) is added to section 719.104, Florida Statutes, to read:

719.104 Cooperatives; access to units; records; financial reports; assessments; purchase of leases.—

(13) INVESTMENT OF ASSOCIATION FUNDS.—

(a) A board shall, in fulfilling its duty to manage operating and reserve funds of an association, use best efforts to make prudent investment decisions that carefully consider risk and return in an effort to maximize returns on invested funds.

(b) An association may invest reserve funds in one or any combination of depository accounts at a community bank, savings bank, commercial bank, savings and loan association, or credit union if the respective account balance at any institution does not exceed the amount of deposit insurance per account provided by any agency of the Federal Government or as otherwise available. Notwithstanding any declaration, only funds identified as reserve funds may be invested pursuant to this subsection.

(c) The board shall create an investment committee composed of at least two board members and two-unit unit members who are unit owners but not board members. The board shall also adopt rules for invested funds, including, but not limited to, rules requiring periodic reviews of any investment manager's performance, the development of an investment policy statement, and that all meetings of the investment committee be recorded and made part of the official records of the association. The

investment policy statement developed pursuant to this paragraph must, at a minimum, address risk, liquidity, and benchmark measurements; authorized classes of investments; authorized investment mixes; limitations on authority relating to investment transactions; requirements for projected reserve expenditures within, at minimum, the next 24 months to be held in cash or cash equivalents; projected expenditures relating to an inspection performed pursuant to s. 553.899; and protocols for proxy response.

(d) The investment committee shall recommend investment advisers to the board, and the board shall select one of the recommended investment advisers to provide services to the association. Such investment advisers must be registered or have notice filed under s. 517.12. The investment adviser and any representative or association of the investment adviser may not be related by affinity or consanguinity to, or under common ownership with, any board member, community management company, reserve study provider, or unit owner. The investment adviser shall comply with the prudent investor rule in s. 518.11. The investment adviser shall act as a fiduciary to the association in compliance with the standards set forth in the Employee Retirement Income Security Act of 1974 at 29 U.S.C. s. 1104(a)(1)(A)-(C). In case of conflict with other provisions of law authorizing investments, the investment and fiduciary standards set forth in this paragraph must prevail. If at any time the investment committee determines that an investment adviser does not meet the requirements of this section, the investment committee must recommend a replacement investment adviser to the board.

(e) At least once each calendar year, or sooner if a substantial financial obligation of the association becomes known to the board, the association must provide the investment adviser with the association's investment policy statement, the most recent reserve study report, the association's structural integrity report, and the financial reports prepared pursuant to subsection (13). If there is no recent reserve study report, the association must provide the investment adviser with a good faith estimate disclosing the annual amount of reserve funds necessary for the association to fully fund reserves for the life of each reserve component and each component's redundancies. The investment adviser shall annually review these documents and provide the association with a portfolio allocation model that is suitably structured and prudently designed to match projected annual reserve fund requirements and liability, assets, and liquidity requirements. The investment adviser shall prepare a funding projection for each reserve component, including any of the component's redundancies. The association shall have available at all times a minimum of 24 months of projected reserves in cash or cash equivalents.

(f) Portfolios managed by the investment adviser may contain any type of investment necessary to meet the objectives in the investment policy statement; however, portfolios may not contain stocks, securities, or other obligations that the State Board of Administration is prohibited from investing in under s. 215.471, s. 215.4725, or s. 215.473 or that state agencies are prohibited from investing in under s. 215.472, as determined by the investment adviser. Any funds invested by the investment adviser must be held in third-party custodial accounts that are

subject to insurance coverage by the Securities Investor Protection Corporation in an amount equal to or greater than the invested amount. The investment adviser may withdraw investment fees, expenses, and commissions from invested funds.

(g) The investment adviser shall:

1. Annually provide the association with a written certification of compliance with this section and a list of stocks, securities, and other obligations that are prohibited from being in association portfolios under paragraph (f); and

2. Submit monthly, quarterly, and annual reports to the association which are prepared in accordance with established financial industry standards and in accordance with chapter 517.

(h) Any principal, earnings, or interest managed under this subsection must be available at no cost or charge to the association within 15 business days after delivery of the association's written or electronic request.

(i) Unallocated income earned on reserve fund investments may be spent only on capital expenditures, planned maintenance, structural repairs, or other items for which the reserve accounts have been established. Any surplus of funds which exceeds the amount required to maintain reasonably funded reserves must be managed pursuant to s. 718.115.

Section 7. Paragraphs (j) and (k) of subsection (1) of section 719.106, Florida Statutes, are amended to read:

719.106 Bylaws; cooperative ownership.—

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

(j) *Annual budget.*—

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

1. The proposed annual budget of common expenses must be detailed and must show the amounts budgeted by accounts and expense classifications, including, if applicable, but not limited to, those expenses listed in s. 719.504(20). The board of administration shall adopt the annual budget at least 14 days before the start of the association's fiscal year. In the event that the board fails to timely adopt the annual budget a second time, it is deemed a minor violation and the prior year's budget shall continue in effect until a new budget is adopted.

2.a. In addition to annual operating expenses, the budget must include reserve accounts for capital expenditures and deferred maintenance. These accounts must include, but not be limited to, roof replacement, building painting, and pavement resurfacing, regardless of the amount of deferred maintenance expense or replacement cost, and for any other items for which the deferred maintenance expense or replacement cost exceeds $10,000. The amount to be reserved must be computed by means of a formula which is based upon estimated remaining useful life and estimated replacement cost or deferred maintenance expense of the reserve item. In a budget adopted by an association that is required to obtain a structural integrity reserve study, reserves must be maintained for the items identified in paragraph (k) for which the association is responsible pursuant to the declaration, and the reserve amount for such items must be based on the findings and recommendations of the association's most recent structural integrity reserve study. With respect to items for which an estimate of useful life is not readily ascertainable or with an estimated remaining useful life of greater than 25 years, an association is not required to

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

reserve replacement costs for such items, but an association must reserve the amount of deferred maintenance expense, if any, which is recommended by the structural integrity reserve study for such items. The association may adjust replacement reserve assessments annually to take into account an inflation adjustment and any changes in estimates or extension of the useful life of a reserve item caused by deferred maintenance.

b. The members of a unit-owner-controlled association may determine, by a majority vote of the total voting interests of the association, for a fiscal year to provide no reserves or reserves less adequate than required by this subsection. Before turnover of control of an association by a developer to unit owners other than a developer under s. 719.301, the developer-controlled association may not vote to waive the reserves or reduce funding of the reserves.

c. For a budget adopted on or after December 31, 2024, a unit-owner-controlled association that must obtain a structural integrity reserve study may not determine to provide no reserves or reserves less adequate than required by this paragraph for items listed in paragraph (k). If a meeting of the unit owners has been called to determine to provide no reserves, or reserves less adequate than required, and such result is not attained or a quorum is not attained, the reserves as included in the budget shall go into effect.

d. If the local building official, as defined in s. 468.603, determines that the entire condominium building is uninhabitable due to a natural emergency, as defined in s. 252.34, the board may pause the contribution to its reserves or reduce reserve funding until the local building official

determines that the condominium building is habitable. Any reserve account funds held by the association may be expended, pursuant to the board's determination, to make the condominium building and its structures habitable. Upon the determination by the local building official that the condominium building is habitable, the association must immediately resume contributing funds to its reserves.

e. For a budget adopted on or before December 31, 2028, a unit-owner-controlled association that must have a structural reserve study may secure a line of credit in lieu of maintaining reserves for all or a portion of the reserves required under this paragraph and paragraph (f) upon a majority vote of the total voting interests of the association. The line of credit must be sufficient to meet the association's deferred maintenance obligation not funded in the association's reserve account for each budget. Funding from the line of credit must be immediately available for access by the board to fund required repair, maintenance, or replacement expenses without further approval by the members of the association.

f. For a budget adopted on or before December 31, 2028, if the association has completed a milestone inspection pursuant to s. 553.899 within the previous 2 calendar years, the board, upon the approval of a majority of the total voting interests of the association, may temporarily pause reserve fund contributions or reduce the amount of reserve funding for the purpose of funding repairs recommended by the milestone inspection. This subparagraph does not apply to a developer-controlled association and an association in which the non-developer unit owners have been in control for less than 1 year. An association

that has paused reserve contributions under this sub-subparagraph must have a structural integrity reserve study performed before the continuation of reserve contributions in order to determine the association's reserve funding needs and to recommend a reserve funding plan.

3. Reserve funds and any interest accruing thereon shall remain in the reserve account or accounts, and shall be used only for authorized reserve expenditures unless their use for other purposes is approved in advance by a vote of the majority of the total voting interests of the association. Before turnover of control of an association by a developer to unit owners other than the developer under s. 719.301, the developer may not vote to use reserves for purposes other than that for which they were intended. For a budget adopted on or after December 31, 2024, members of a unit-owner-controlled association that must obtain a structural integrity reserve study may not vote to use reserve funds, or any interest accruing thereon, for purposes other than the replacement or deferred maintenance costs of the components listed in paragraph (k). A vote of the members is not required for the board to change the accounting method for reserves to a pooling accounting method or a straight-line accounting method.

(k) *Structural integrity reserve study.*—

1. A residential cooperative association must have a structural integrity reserve study completed at least every 10 years for each building on the cooperative property that is three stories or higher in height, as determined by the Florida Building Code, that includes, at a minimum, a study of the following items as related to the structural integrity and

safety of the building:

a. Roof.

b. Structure, including load-bearing walls and other primary structural members and primary structural systems as those terms are defined in s. 627.706.

c. Fireproofing and fire protection systems.

d. Plumbing.

e. Electrical systems.

f. Waterproofing and exterior painting.

g. Windows and exterior doors.

h. Any other item that has a deferred maintenance expense or replacement cost that exceeds $10,000 and the failure to replace or maintain such item negatively affects the items listed in sub-subparagraphs a.-g., as determined by the visual inspection portion of the structural integrity reserve study.

2. A structural integrity reserve study is based on a visual inspection of the cooperative property.

3.a. A structural integrity reserve study may be performed by any person qualified to perform such study. However, the visual inspection portion of the structural integrity reserve study must be performed or verified by an engineer licensed under chapter 471, an architect licensed under chapter 481, or a person certified as a reserve specialist or professional reserve analyst by the Community Associations Institute or the Association of Professional Reserve Analysts.

b. Any design professional as defined in s. 558.002(7) or contractor licensed under chapter 489 who bids to perform a structural integrity reserve study must disclose in writing to the association his or her intent to bid on any services related

to any maintenance, repair, or replacement that may be recommended by the structural integrity reserve study. Any design professional as defined in s. 558.002(7) or contractor licensed under chapter 489 who submits a bid to the association for performing any services recommended by the structural integrity reserve study may not have an interest, directly or indirectly, in the firm or entity providing the association's structural integrity reserve study or be a relative of any person having a direct or indirect interest in such firm, unless such relationship is disclosed to the association in writing. As used in this section, the term "relative" means a relative within the third degree of consanguinity by blood or marriage. A contract for services is voidable and terminates upon the association filing a written notice terminating the contract if the design professional or licensed contractor failed to provide the written disclosure of the relationship required under this paragraph. A design professional or licensed contractor may be subject to discipline under the applicable practice act for his or her profession for failure to provide the written disclosure of the relationship required under this subparagraph.

4.a ~~3.~~ At a minimum, a structural integrity reserve study must identify each item of the cooperative property being visually inspected, state the estimated remaining useful life and the estimated replacement cost or deferred maintenance expense of each item of the cooperative property being visually inspected, and provide a reserve funding schedule with a recommended annual reserve amount that achieves the estimated replacement cost or deferred maintenance expense of each item of cooperative property being visually inspected by the end of the

estimated remaining useful life of the item. The structural integrity reserve study may recommend that reserves do not need to be maintained for any item for which an estimate of useful life and an estimate of replacement cost cannot be determined, or the study may recommend a deferred maintenance expense amount for such item. At a minimum, the structural integrity reserve study must include a recommendation for a reserve funding schedule based on a baseline funding plan that provides a reserve funding goal in which the expenditures for each budget year for deferred maintenance, repair, and replacement of reserve items are sufficient to maintain the reserve cash balance above zero. The study may recommend other types of reserve funding schedules, provided that each recommended schedule is sufficient to meet the association's maintenance obligation.

b. The structural integrity reserve study may recommend that reserves for replacement costs do not need to be maintained for any item with an estimated remaining useful life of greater than 25 years, but the study may recommend a deferred maintenance expense amount for such item. If the structural integrity reserve study recommends reserves for any item for which reserves are not required under this paragraph, the amount of the recommended reserves for such item must be separately identified in the structural integrity reserve study as an item for which reserves are not required under this paragraph.

5.~~4.~~ This paragraph does not apply to buildings less than three stories in height; single-family, two-family, or three-family dwellings with three or fewer habitable stories above ground; any portion or component of a building that has not been

submitted to the cooperative form of ownership; or any portion or component of a building that is maintained by a party other than the association.

6.~~5.~~ Before a developer turns over control of an association to unit owners other than the developer, the developer must have a turnover inspection report in compliance with s. 719.301(4)(p) and (q) for each building on the cooperative property that is three stories or higher in height.

7.~~6.~~ Associations existing on or before July 1, 2022, which are controlled by unit owners other than the developer, must have a structural integrity reserve study completed by December 31, 2024, for each building on the cooperative property that is three stories or higher in height. An association that is required to complete a milestone inspection on or before December 31, 2026, in accordance with s. 553.899 may complete the structural integrity reserve study simultaneously with the milestone inspection. In no event may the structural integrity reserve study be completed after December 31, 2026.

8.~~7.~~ If the milestone inspection required by s. 553.899, or an inspection completed for a similar local requirement, was performed within the past 5 years and meets the requirements of this paragraph, such inspection may be used in place of the visual inspection portion of the structural integrity reserve study.

9. If the association completes a milestone inspection required by s. 553.899, or an inspection completed for a similar local requirement, the association may delay performance of a required structural integrity reserve study for no more than 2 budget years to permit the association to focus its financial

resources on the completing the repair and maintenance recommendations of the milestone inspection.

10.~~8.~~ If the officers or directors of an association willfully and knowingly fail to complete a structural integrity reserve study pursuant to this paragraph, such failure is a breach of an officer's and director's fiduciary relationship to the unit owners under s. 719.104(9).

11.~~9.~~ Within 45 days after receiving the structural integrity reserve study, the association must distribute a copy of the study to each unit owner or deliver to each unit owner a notice that the completed study is available for inspection and copying upon a written request. Distribution of a copy of the study or notice must be made by United States mail or personal delivery at the mailing address, property address, or any other address of the owner provided to fulfill the association's notice requirements under this chapter, or by electronic transmission to the e-mail address or facsimile number provided to fulfill the association's notice requirements to unit owners who previously consented to receive notice by electronic transmission.

12.~~10.~~ Within 45 days after receiving the structural integrity reserve study, the association must provide the division with a statement indicating that the study was completed and that the association provided or made available such study to each unit owner in accordance with this section. Such statement must be provided to the division in the manner established by the division using a form posted on the division's website.

13. The division shall adopt by rule the form for the

structural integrity reserve study in coordination with the Florida Building Commission.

Section 8. Paragraphs (c) and (d) of subsection (2) of section 719.503, Florida Statutes, are amended, and paragraph (d) of subsection (1) of that section is reenacted, to read:

719.503 Disclosure prior to sale.—

(1) DEVELOPER DISCLOSURE.—

(d) *Milestone inspection, turnover inspection report, or structural integrity reserve study.*—If the association is required to have completed a milestone inspection as described in s. 553.899, a turnover inspection report for a turnover inspection performed on or after July 1, 2023, or a structural integrity reserve study, and the association has not completed the milestone inspection, the turnover inspection report, or the structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type a statement indicating that the association is required to have a milestone inspection, a turnover inspection report, or a structural integrity reserve study and has not completed such inspection, report, or study, as appropriate. If the association is not required to have a milestone inspection as described in s. 553.899 or a structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type a statement indicating that the association is not required to have a milestone inspection or a structural integrity reserve study, as appropriate. If the association has completed a milestone inspection as described in s. 553.899, a turnover inspection report for a turnover

inspection performed on or after July 1, 2023, or a structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type:

1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 719.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND 719.106(1)(k), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, PRIOR TO EXECUTION OF THIS CONTRACT; and

2. A clause which states: THIS AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 719.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND 719.106(1)(k), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 15

DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 719.301(4)(p) AND (q), FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND 719.106(1)(k), FLORIDA STATUTES, IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.

A contract that does not conform to the requirements of this paragraph is voidable at the option of the purchaser prior to closing.

(2) NONDEVELOPER DISCLOSURE.—

(c) Each contract entered into after July 1, 1992, for the resale of an interest in a cooperative shall contain in conspicuous type either:

1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE ARTICLES OF INCORPORATION OF THE ASSOCIATION, BYLAWS, RULES OF THE ASSOCIATION, AND THE QUESTION AND ANSWER SHEET MORE THAN 15 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, PRIOR TO EXECUTION OF THIS CONTRACT; or

2. A clause which states: THIS AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 15 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE ARTICLES OF

INCORPORATION, BYLAWS, AND RULES OF THE ASSOCIATION, AND QUESTION AND ANSWER SHEET, IF SO REQUESTED IN WRITING. ANY PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 15 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE BUYER RECEIVES THE ARTICLES OF INCORPORATION, BYLAWS, RULES, AND QUESTION AND ANSWER SHEET, IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.

A contract that does not conform to the requirements of this paragraph is voidable at the option of the purchaser prior to closing.

(d) If the association is required to have completed a milestone inspection as described in s. 553.899, a turnover inspection report for a turnover inspection performed on or after July 1, 2023, or a structural integrity reserve study, and the association has not completed the milestone inspection, the turnover inspection report, or the structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type a statement indicating that the association is required to have a milestone inspection, a turnover inspection report, or a structural integrity reserve study and has not completed such inspection, report, or study, as appropriate. If the association is not required to have a milestone inspection as described in s. 553.899 or a structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type a statement

indicating that the association is not required to have a milestone inspection or a structural integrity reserve study, as appropriate. If the association has completed a milestone inspection as described in s. 553.899, a turnover inspection report for a turnover inspection performed on or after July 1, 2023, or a structural integrity reserve study, each contract entered into after December 31, 2024, for the resale of a residential unit shall contain in conspicuous type:

1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 719.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND 719.106(1)(k), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 15 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, PRIOR TO EXECUTION OF THIS CONTRACT; and

2. A clause which states: THIS AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 15 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 719.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY

RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND 719.106(1)(k), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 15 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 719.301(4)(p) AND (q), FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND 719.106(1)(k), FLORIDA STATUTES, IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.

A contract that does not conform to the requirements of this paragraph is voidable at the option of the purchaser prior to closing.

Section 9. For the purpose of incorporating the amendment made by this act to section 718.111, Florida Statutes, in a reference thereto, paragraph (e) of subsection (3) of section 721.13, Florida Statutes, is reenacted to read:

721.13 Management.—

(3) The duties of the managing entity include, but are not limited to:

(e) Arranging for an annual audit of the financial statements of the timeshare plan by a certified public accountant licensed by the Board of Accountancy of the Department of Business and Professional Regulation, in

accordance with generally accepted auditing standards as defined by the rules of the Board of Accountancy of the Department of Business and Professional Regulation. The financial statements required by this section must be prepared on an accrual basis using fund accounting, and must be presented in accordance with generally accepted accounting principles. A copy of the audited financial statements must be filed with the division for review and forwarded to the board of directors and officers of the owners' association, if one exists, no later than 5 calendar months after the end of the timeshare plan's fiscal year. If no owners' association exists, each purchaser must be notified, no later than 5 months after the end of the timeshare plan's fiscal year, that a copy of the audited financial statements is available upon request to the managing entity. Notwithstanding any requirement of s. 718.111(13) or s. 719.104(4), the audited financial statements required by this section are the only annual financial reporting requirements for timeshare condominiums or timeshare cooperatives.

Section 10. For the purpose of incorporating the amendment made by this act to section 718.112, Florida Statutes, in references thereto, paragraph (a) of subsection (7) and paragraph (c) of subsection (21) of section 718.504, Florida Statutes, are reenacted to read:

718.504 Prospectus or offering circular.—Every developer of a residential condominium which contains more than 20 residential units, or which is part of a group of residential condominiums which will be served by property to be used in common by unit owners of more than 20 residential units, shall prepare a prospectus or offering circular and file it with the

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

Division of Florida Condominiums, Timeshares, and Mobile Homes prior to entering into an enforceable contract of purchase and sale of any unit or lease of a unit for more than 5 years and shall furnish a copy of the prospectus or offering circular to each buyer. In addition to the prospectus or offering circular, each buyer shall be furnished a separate page entitled "Frequently Asked Questions and Answers," which shall be in accordance with a format approved by the division and a copy of the financial information required by s. 718.111. This page shall, in readable language, inform prospective purchasers regarding their voting rights and unit use restrictions, including restrictions on the leasing of a unit; shall indicate whether and in what amount the unit owners or the association is obligated to pay rent or land use fees for recreational or other commonly used facilities; shall contain a statement identifying that amount of assessment which, pursuant to the budget, would be levied upon each unit type, exclusive of any special assessments, and which shall further identify the basis upon which assessments are levied, whether monthly, quarterly, or otherwise; shall state and identify any court cases in which the association is currently a party of record in which the association may face liability in excess of $100,000; shall state whether the condominium is created within a portion of a building or within a multiple parcel building; and which shall further state whether membership in a recreational facilities association is mandatory, and if so, shall identify the fees currently charged per unit type. The division shall by rule require such other disclosure as in its judgment will assist prospective purchasers. The prospectus or offering circular may

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

include more than one condominium, although not all such units are being offered for sale as of the date of the prospectus or offering circular. The prospectus or offering circular must contain the following information:

(7) A description of the recreational and other facilities that will be used in common with other condominiums, community associations, or planned developments which require the payment of the maintenance and expenses of such facilities, directly or indirectly, by the unit owners. The description shall include, but not be limited to, the following:

(a) Each building and facility committed to be built and a summary description of the structural integrity of each building for which reserves are required pursuant to s. 718.112(2)(g).

Descriptions shall include location, areas, capacities, numbers, volumes, or sizes and may be stated as approximations or minimums.

(21) An estimated operating budget for the condominium and the association, and a schedule of the unit owner's expenses shall be attached as an exhibit and shall contain the following information:

(c) The estimated items of expenses of the condominium and the association, except as excluded under paragraph (b), including, but not limited to, the following items, which shall be stated as an association expense collectible by assessments or as unit owners' expenses payable to persons other than the association:

1. Expenses for the association and condominium:

a. Administration of the association.

b. Management fees.

c. Maintenance.

d. Rent for recreational and other commonly used facilities.

e. Taxes upon association property.

f. Taxes upon leased areas.

g. Insurance.

h. Security provisions.

i. Other expenses.

j. Operating capital.

k. Reserves for all applicable items referenced in s. 718.112(2)(g).

l. Fees payable to the division.

2. Expenses for a unit owner:

a. Rent for the unit, if subject to a lease.

b. Rent payable by the unit owner directly to the lessor or agent under any recreational lease or lease for the use of commonly used facilities, which use and payment is a mandatory condition of ownership and is not included in the common expense or assessments for common maintenance paid by the unit owners to the association.

Section 11. For the purpose of incorporating the amendment made by this act to section 718.112, Florida Statutes, in references thereto, paragraph (d) of subsection (1) of section 718.618, Florida Statutes, is reenacted to read:

718.618 Converter reserve accounts; warranties.—

(1) When existing improvements are converted to ownership as a residential condominium, the developer shall establish converter reserve accounts for capital expenditures and deferred

maintenance, or give warranties as provided by subsection (6), or post a surety bond as provided by subsection (7). The developer shall fund the converter reserve accounts in amounts calculated as follows:

(d) In addition to establishing the reserve accounts specified above, the developer shall establish those other reserve accounts required by s. 718.112(2)(f), and shall fund those accounts in accordance with the formula provided therein. The vote to waive or reduce the funding or reserves required by s. 718.112(2)(f) does not affect or negate the obligations arising under this section.

Section 12. For the purpose of incorporating the amendment made by this act to sections 718.111 and 718.112, Florida Statutes, in references thereto, paragraphs (a) and (v) of subsection (1) of section 718.501, Florida Statutes, are reenacted to read:

718.501 Authority, responsibility, and duties of Division of Florida Condominiums, Timeshares, and Mobile Homes.—

(1) The division may enforce and ensure compliance with this chapter and rules relating to the development, construction, sale, lease, ownership, operation, and management of residential condominium units and complaints related to the procedural completion of milestone inspections under s. 553.899. In performing its duties, the division has complete jurisdiction to investigate complaints and enforce compliance with respect to associations that are still under developer control or the control of a bulk assignee or bulk buyer pursuant to part VII of this chapter and complaints against developers, bulk assignees, or bulk buyers involving improper turnover or failure to

turnover, pursuant to s. 718.301. However, after turnover has occurred, the division has jurisdiction to investigate complaints related only to:

(a)1. Procedural aspects and records relating to financial issues, including annual financial reporting under s. 718.111(13); assessments for common expenses, fines, and commingling of reserve and operating funds under s. 718.111(14); use of debit cards for unintended purposes under s. 718.111(15); the annual operating budget and the allocation of reserve funds under s. 718.112(2)(f); financial records under s. 718.111(12)(a)11.; and any other record necessary to determine the revenues and expenses of the association.

2. Elections, including election and voting requirements under s. 718.112(2)(b) and (d), recall of board members under s. 718.112(2)(l), electronic voting under s. 718.128, and elections that occur during an emergency under s. 718.1265(1)(a).

3. The maintenance of and unit owner access to association records under s. 718.111(12).

4. The procedural aspects of meetings, including unit owner meetings, quorums, voting requirements, proxies, board of administration meetings, and budget meetings under s. 718.112(2).

5. The disclosure of conflicts of interest under ss. 718.111(1)(a) and 718.3027, including limitations contained in s. 718.111(3)(f).

6. The removal of a board director or officer under ss. 718.111(1)(a) and (15) and 718.112(2)(p) and (q).

7. The procedural completion of structural integrity reserve studies under s. 718.112(2)(g).

8. Any written inquiries by unit owners to the association relating to such matters, including written inquiries under s. 718.112(2)(a)2.

(v) The division shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of the legislative appropriations committees an annual report that includes, but need not be limited to, the number of training programs provided for condominium association board members and unit owners, the number of complaints received by type, the number and percent of complaints acknowledged in writing within 30 days and the number and percent of investigations acted upon within 90 days in accordance with paragraph (n), and the number of investigations exceeding the 90-day requirement. The annual report must also include an evaluation of the division's core business processes and make recommendations for improvements, including statutory changes. After December 31, 2024, the division must include a list of the associations that have completed the structural integrity reserve study required under s. 718.112(2)(g). The report shall be submitted by September 30 following the end of the fiscal year.

Section 13. For the purpose of incorporating the amendment made by this act to sections 718.111, 718.112, and 718.503, Florida Statutes, in references thereto, subsections (1) and (3) of section 718.706, Florida Statutes, are reenacted to read:

718.706 Specific provisions pertaining to offering of units by a bulk assignee or bulk buyer.—

(1) Before offering more than seven units in a single condominium for sale or for lease for a term exceeding 5 years,

a bulk assignee or a bulk buyer must file the following documents with the division and provide such documents to a prospective purchaser or tenant:

(a) An updated prospectus or offering circular, or a supplement to the prospectus or offering circular, filed by the original developer prepared in accordance with s. 718.504, which must include the form of contract for sale and for lease in compliance with s. 718.503(2);

(b) An updated Frequently Asked Questions and Answers sheet;

(c) The executed escrow agreement if required under s. 718.202; and

(d) The financial information required by s. 718.111(13). However, if a financial information report did not exist before the acquisition of title by the bulk assignee or bulk buyer, and if accounting records that permit preparation of the required financial information report for that period cannot be obtained despite good faith efforts by the bulk assignee or the bulk buyer, the bulk assignee or bulk buyer is excused from the requirement of this paragraph. However, the bulk assignee or bulk buyer must include in the purchase contract the following statement in conspicuous type:

ALL OR A PORTION OF THE FINANCIAL INFORMATION REPORT REQUIRED UNDER S. 718.111(13) FOR THE TIME PERIOD BEFORE THE SELLER'S ACQUISITION OF THE UNIT IS NOT AVAILABLE OR CANNOT BE OBTAINED DESPITE THE GOOD FAITH EFFORTS OF THE SELLER.

(3) A bulk assignee, while in control of the board of administration of the association, may not authorize, on behalf of the association:

(a) The waiver of reserves or the reduction of funding of the reserves pursuant to s. 718.112(2)(f)2., unless approved by a majority of the voting interests not controlled by the developer, bulk assignee, and bulk buyer; or

(b) The use of reserve expenditures for other purposes pursuant to s. 718.112(2)(f)3., unless approved by a majority of the voting interests not controlled by the developer, bulk assignee, and bulk buyer.

Section 14. For the purpose of incorporating the amendment made by this act to section 719.106, Florida Statutes, in a reference thereto, subsection (24) of section 719.103, Florida Statutes, is reenacted to read:

719.103 Definitions.—As used in this chapter:

(24) "Structural integrity reserve study" means a study of the reserve funds required for future major repairs and replacement of the cooperative property performed as required under s. 719.106(1)(k).

Section 15. For the purpose of incorporating the amendment made by this act to section 719.106, Florida Statutes, in a reference thereto, subsection (1) of section 719.501, Florida Statutes, is reenacted to read:

719.501 Powers and duties of Division of Florida Condominiums, Timeshares, and Mobile Homes.—

(1) The Division of Florida Condominiums, Timeshares, and Mobile Homes of the Department of Business and Professional Regulation, referred to as the "division" in this part, in

addition to other powers and duties prescribed by chapter 718, has the power to enforce and ensure compliance with this chapter and adopted rules relating to the development, construction, sale, lease, ownership, operation, and management of residential cooperative units; complaints related to the procedural completion of the structural integrity reserve studies under s. 719.106(1)(k); and complaints related to the procedural completion of milestone inspections under s. 553.899. In performing its duties, the division shall have the following powers and duties:

(a) The division may make necessary public or private investigations within or outside this state to determine whether any person has violated this chapter or any rule or order hereunder, to aid in the enforcement of this chapter, or to aid in the adoption of rules or forms hereunder.

(b) The division may require or permit any person to file a statement in writing, under oath or otherwise, as the division determines, as to the facts and circumstances concerning a matter to be investigated.

(c) For the purpose of any investigation under this chapter, the division director or any officer or employee designated by the division director may administer oaths or affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of any matter which is relevant to the investigation, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts or any other matter reasonably calculated to lead to the discovery of

material evidence. Upon failure by a person to obey a subpoena or to answer questions propounded by the investigating officer and upon reasonable notice to all persons affected thereby, the division may apply to the circuit court for an order compelling compliance.

(d) Notwithstanding any remedies available to unit owners and associations, if the division has reasonable cause to believe that a violation of any provision of this chapter or related rule has occurred, the division may institute enforcement proceedings in its own name against a developer, association, officer, or member of the board, or its assignees or agents, as follows:

1. The division may permit a person whose conduct or actions may be under investigation to waive formal proceedings and enter into a consent proceeding whereby orders, rules, or letters of censure or warning, whether formal or informal, may be entered against the person.

2. The division may issue an order requiring the developer, association, officer, or member of the board, or its assignees or agents, to cease and desist from the unlawful practice and take such affirmative action as in the judgment of the division will carry out the purposes of this chapter. Such affirmative action may include, but is not limited to, an order requiring a developer to pay moneys determined to be owed to a condominium association.

3. The division may bring an action in circuit court on behalf of a class of unit owners, lessees, or purchasers for declaratory relief, injunctive relief, or restitution.

4. The division may impose a civil penalty against a

developer or association, or its assignees or agents, for any violation of this chapter or related rule. The division may impose a civil penalty individually against any officer or board member who willfully and knowingly violates a provision of this chapter, a rule adopted pursuant to this chapter, or a final order of the division. The term "willfully and knowingly" means that the division informed the officer or board member that his or her action or intended action violates this chapter, a rule adopted under this chapter, or a final order of the division, and that the officer or board member refused to comply with the requirements of this chapter, a rule adopted under this chapter, or a final order of the division. The division, prior to initiating formal agency action under chapter 120, shall afford the officer or board member an opportunity to voluntarily comply with this chapter, a rule adopted under this chapter, or a final order of the division. An officer or board member who complies within 10 days is not subject to a civil penalty. A penalty may be imposed on the basis of each day of continuing violation, but in no event shall the penalty for any offense exceed $5,000. The division shall adopt, by rule, penalty guidelines applicable to possible violations or to categories of violations of this chapter or rules adopted by the division. The guidelines must specify a meaningful range of civil penalties for each such violation of the statute and rules and must be based upon the harm caused by the violation, upon the repetition of the violation, and upon such other factors deemed relevant by the division. For example, the division may consider whether the violations were committed by a developer or owner-controlled association, the size of the association, and other factors. The

guidelines must designate the possible mitigating or aggravating circumstances that justify a departure from the range of penalties provided by the rules. It is the legislative intent that minor violations be distinguished from those which endanger the health, safety, or welfare of the cooperative residents or other persons and that such guidelines provide reasonable and meaningful notice to the public of likely penalties that may be imposed for proscribed conduct. This subsection does not limit the ability of the division to informally dispose of administrative actions or complaints by stipulation, agreed settlement, or consent order. All amounts collected shall be deposited with the Chief Financial Officer to the credit of the Division of Florida Condominiums, Timeshares, and Mobile Homes Trust Fund. If a developer fails to pay the civil penalty, the division shall thereupon issue an order directing that such developer cease and desist from further operation until such time as the civil penalty is paid or may pursue enforcement of the penalty in a court of competent jurisdiction. If an association fails to pay the civil penalty, the division shall thereupon pursue enforcement in a court of competent jurisdiction, and the order imposing the civil penalty or the cease and desist order shall not become effective until 20 days after the date of such order. Any action commenced by the division shall be brought in the county in which the division has its executive offices or in the county where the violation occurred.

(e) The division may prepare and disseminate a prospectus and other information to assist prospective owners, purchasers, lessees, and developers of residential cooperatives in assessing

the rights, privileges, and duties pertaining thereto.

(f) The division has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement and enforce the provisions of this chapter.

(g) The division shall establish procedures for providing notice to an association when the division is considering the issuance of a declaratory statement with respect to the cooperative documents governing such cooperative community.

(h) The division shall furnish each association which pays the fees required by paragraph (2)(a) a copy of this act, subsequent changes to this act on an annual basis, an amended version of this act as it becomes available from the Secretary of State's office on a biennial basis, and the rules adopted thereto on an annual basis.

(i) The division shall annually provide each association with a summary of declaratory statements and formal legal opinions relating to the operations of cooperatives which were rendered by the division during the previous year.

(j) The division shall adopt uniform accounting principles, policies, and standards to be used by all associations in the preparation and presentation of all financial statements required by this chapter. The principles, policies, and standards shall take into consideration the size of the association and the total revenue collected by the association.

(k) The division shall provide training and educational programs for cooperative association board members and unit owners. The training may, in the division's discretion, include web-based electronic media and live training and seminars in various locations throughout the state. The division may review

and approve education and training programs for board members and unit owners offered by providers and shall maintain a current list of approved programs and providers and make such list available to board members and unit owners in a reasonable and cost-effective manner.

(l) The division shall maintain a toll-free telephone number accessible to cooperative unit owners.

(m) When a complaint is made to the division, the division shall conduct its inquiry with reasonable dispatch and with due regard to the interests of the affected parties. Within 30 days after receipt of a complaint, the division shall acknowledge the complaint in writing and notify the complainant whether the complaint is within the jurisdiction of the division and whether additional information is needed by the division from the complainant. The division shall conduct its investigation and shall, within 90 days after receipt of the original complaint or timely requested additional information, take action upon the complaint. However, the failure to complete the investigation within 90 days does not prevent the division from continuing the investigation, accepting or considering evidence obtained or received after 90 days, or taking administrative action if reasonable cause exists to believe that a violation of this chapter or a rule of the division has occurred. If an investigation is not completed within the time limits established in this paragraph, the division shall, on a monthly basis, notify the complainant in writing of the status of the investigation. When reporting its action to the complainant, the division shall inform the complainant of any right to a hearing pursuant to ss. 120.569 and 120.57.

(n) The division shall develop a program to certify both volunteer and paid mediators to provide mediation of cooperative disputes. The division shall provide, upon request, a list of such mediators to any association, unit owner, or other participant in arbitration proceedings under s. 718.1255 requesting a copy of the list. The division shall include on the list of voluntary mediators only persons who have received at least 20 hours of training in mediation techniques or have mediated at least 20 disputes. In order to become initially certified by the division, paid mediators must be certified by the Supreme Court to mediate court cases in county or circuit courts. However, the division may adopt, by rule, additional factors for the certification of paid mediators, which factors must be related to experience, education, or background. Any person initially certified as a paid mediator by the division must, in order to continue to be certified, comply with the factors or requirements imposed by rules adopted by the division.

Section 16. For the purpose of incorporating the amendment made by this act to section 719.106, Florida Statutes, in references thereto, paragraph (a) of subsection (7) and paragraph (c) of subsection (20) of section 719.504, Florida Statutes, are reenacted to read:

719.504 Prospectus or offering circular.—Every developer of a residential cooperative which contains more than 20 residential units, or which is part of a group of residential cooperatives which will be served by property to be used in common by unit owners of more than 20 residential units, shall prepare a prospectus or offering circular and file it with the

Division of Florida Condominiums, Timeshares, and Mobile Homes prior to entering into an enforceable contract of purchase and sale of any unit or lease of a unit for more than 5 years and shall furnish a copy of the prospectus or offering circular to each buyer. In addition to the prospectus or offering circular, each buyer shall be furnished a separate page entitled "Frequently Asked Questions and Answers," which must be in accordance with a format approved by the division. This page must, in readable language: inform prospective purchasers regarding their voting rights and unit use restrictions, including restrictions on the leasing of a unit; indicate whether and in what amount the unit owners or the association is obligated to pay rent or land use fees for recreational or other commonly used facilities; contain a statement identifying that amount of assessment which, pursuant to the budget, would be levied upon each unit type, exclusive of any special assessments, and which identifies the basis upon which assessments are levied, whether monthly, quarterly, or otherwise; state and identify any court cases in which the association is currently a party of record in which the association may face liability in excess of $100,000; and state whether membership in a recreational facilities association is mandatory and, if so, identify the fees currently charged per unit type. The division shall by rule require such other disclosure as in its judgment will assist prospective purchasers. The prospectus or offering circular may include more than one cooperative, although not all such units are being offered for sale as of the date of the prospectus or offering circular. The prospectus or offering circular must contain the

following information:

(7) A description of the recreational and other facilities that will be used in common with other cooperatives, community associations, or planned developments which require the payment of the maintenance and expenses of such facilities, directly or indirectly, by the unit owners. The description shall include, but not be limited to, the following:

(a) Each building and facility committed to be built and a summary description of the structural integrity of each building for which reserves are required pursuant to s. 719.106(1)(k).

Descriptions shall include location, areas, capacities, numbers, volumes, or sizes and may be stated as approximations or minimums.

(20) An estimated operating budget for the cooperative and the association, and a schedule of the unit owner's expenses shall be attached as an exhibit and shall contain the following information:

(c) The estimated items of expenses of the cooperative and the association, except as excluded under paragraph (b), including, but not limited to, the following items, which shall be stated as an association expense collectible by assessments or as unit owners' expenses payable to persons other than the association:

1. Expenses for the association and cooperative:

a. Administration of the association.

b. Management fees.

c. Maintenance.

d. Rent for recreational and other commonly used areas.

e. Taxes upon association property.

f. Taxes upon leased areas.

g. Insurance.

h. Security provisions.

i. Other expenses.

j. Operating capital.

k. Reserves for all applicable items referenced in s. 719.106(1)(k).

l. Fee payable to the division.

2. Expenses for a unit owner:

a. Rent for the unit, if subject to a lease.

b. Rent payable by the unit owner directly to the lessor or agent under any recreational lease or lease for the use of commonly used areas, which use and payment are a mandatory condition of ownership and are not included in the common expense or assessments for common maintenance paid by the unit owners to the association.

Section 17. This act shall take effect July 1, 2025.

The Florida Senate

APPEARANCE RECORD

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

3/25/25
Meeting Date

Regulated Industries
Committee

1742
Bill Number or Topic

707000
Amendment Barcode (if applicable)

Name Travis Moore

Phone 727-421-6902

Address Post Office 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:

Community Associations Institute

☐ 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

March 25, 2025
Meeting Date

Regulated Industries
Committee

SB 1742
Bill Number or Topic

Amendment Barcode (if applicable)

Name Chanté Jones

Phone 850-272-0551

Address 215 N Monroe St Ste 603
Street

Email cejones@aarp.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:
AARP 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

3 25 2025
Meeting Date

REGULATED INDUSTRIES 412 KNOTT BLDG
Committee

S 1742
Bill Number or Topic

Amendment Barcode (if applicable)

Name WILLIAM BRUCE STORY Phone 7863890529

Address 2700 SUNRISE LAKES DR W #106 Email johnrugg1480 hotmail.com
Street

SUNRISE FL 33322
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: SUNRISE LAKES PHASE ONE CONDOS

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)

District Office
1380 Sarno Road
Suite C
Melbourne, FL 32935
(321) 409-2025

District Aide
Nancy Bernier
Bernier.Nancy@flsenate.gov

Legislative Aide
Tommy Unger
Unger.Thomas@flsenate.gov

Tallahassee Office:
302 SOB
404 South Monroe Street
Tallahassee, FL 32399-1300
(850) 487-5019
Fine.Randy@flsenate.gov

Legislative Aide
Anna Budko
Budko.Anna@flsenate.gov

Randy Fine
Florida Senate
Senator, District 19

March 25, 2025

The Honorable Jennifer Bradley
Chairman of the Committee on Regulated Industries,
525 Knott
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chairman Bradley,

I respectfully request an excused absence from the Committee on Regulated Industries meeting on March 25th, 2025.

Thank you in advance for your consideration of this request.

cc:
Staff Director Booter Imhof
Committee Administrative Assistant Susan Datres

Sincerely,

Randy Fine
State Senator, District 19

CourtSmart Tag Report

Room: KB 412 **Case No.:** - **Type:**
Caption: Senate Committee on Regulated Industries **Judge:**

Started: 3/25/2025 4:08:44 PM
Ends: 3/25/2025 5:23:35 PM Length: 01:14:52

4:08:46 PM Chair Bradley calls meeting to order
4:08:51 PM Roll Call
4:09:10 PM Quorum
4:09:11 PM SB 1220 by Senator DiCeglie is Temporarily Postponed
4:09:21 PM Opening remarks by Chair Bradley
4:09:34 PM Tab 1: CS/SB 592 My Safe Florida Condominium Pilot Program by Senator Leek
4:09:43 PM Senator Leek explains bill
4:10:47 PM Questions
4:10:48 PM Senator Pizzo
4:11:00 PM Senator Leek
4:11:11 PM Amendment 347064 by Senator Leek
4:11:32 PM Senator Leek waives close on amendment
4:11:37 PM Chair Bradley reports amendment as favorable
4:11:42 PM Chair Bradley turns chair to Senator Pizzo
4:11:52 PM Amendment 152862 by Senator Bradley
4:12:08 PM Senator Bradley explains amendment
4:12:29 PM Public testimony
4:12:31 PM Chair Pizzo reads waiving (all waived in favor)
4:12:40 PM Debate
4:12:48 PM Senator Gruters
4:13:30 PM Senator Pizzo
4:13:57 PM Senator Leek
4:14:02 PM Senator Bradley closes on amendment
4:14:43 PM Chair Pizzo reports amendment as favorable
4:14:48 PM Chair Pizzo turns chair back to Senator Bradley
4:14:56 PM Amendment 411560 by Senator Pizzo
4:15:02 PM Senator Pizzo explains amendment
4:15:50 PM Senator Leek
4:16:10 PM Senator Pizzo closes on amendment
4:17:19 PM Roll Call at request of amendment sponsor
4:17:53 PM Chair Bradley reports amendment has failed
4:18:03 PM Questions
4:18:05 PM Senator Leek
4:18:27 PM Public testimony
4:18:30 PM Chair Bradley reads waiving
4:18:41 PM Debate
4:18:42 PM Senator Boyd
4:19:16 PM Chair Bradley
4:19:52 PM Senator Leek closes on bill
4:20:00 PM Roll Call - CS/CS/SB 592 shown as favorable
4:20:40 PM Tab 3: SB 622 Jai Alai Permit Holders by Senator Rodriguez
4:20:53 PM Senator Rodriguez explains bill
4:21:25 PM Questions
4:21:26 PM Senator Gruters
4:21:35 PM Senator Rodriguez
4:21:53 PM Amendment 469630 by Senator Rodriguez
4:21:58 PM Senator Rodriguez explains amendment
4:22:41 PM Senator Rodriguez waives close on amendment
4:22:46 PM Chair Bradley reports amendment as favorable
4:23:01 PM Senator Rodriguez closes on bill
4:23:02 PM Roll Call - CS/SB 622 favorable
4:23:27 PM Tab 2: SB 604 Residential Swimming Pool Requirements by Senator Smith

4:23:33 PM Senator Smith explains bill
4:26:56 PM Questions
4:26:57 PM Senator Ingoglia
4:27:20 PM Senator Smith
4:28:15 PM Senator Ingoglia
4:29:20 PM Senator Smith
4:30:27 PM Senator Ingoglia
4:31:59 PM Senator Smith
4:33:22 PM SB 604 by Senator Smith is Temporarily Postponed
4:33:41 PM Tab 7: SB 1404 Gambling by Senator Simon
4:33:48 PM Senator Simon explains bill
4:35:28 PM Chair Bradley turns chair to Senator Pizzo
4:35:46 PM Amendment 914396 by Senator Bradley
4:35:54 PM Senator Bradley explains amendment
4:36:26 PM Senator Simon
4:36:30 PM Senator Bradley closes on amendment
4:36:54 PM Chair Pizzo reports amendment as favorable
4:36:58 PM
4:37:03 PM Amendment 185516 by Senator Gruters
4:37:09 PM Senator Gruters explains amendment
4:37:40 PM Senator Gruters waives close on amendment
4:37:50 PM Chair Pizzo reports amendment as favorable
4:37:59 PM Meeting Paused
4:38:16 PM Meeting Resumed
4:38:19 PM Chair Pizzo returns chair to Senator Bradley
4:38:26 PM Amendment 661106 by Senator Pizzo
4:38:34 PM Senator Pizzo explains amendment
4:39:33 PM Senator Simon
4:39:48 PM Senator Pizzo withdraws amendment
4:40:12 PM Public testimony
4:40:28 PM Allie McNair waives in support
4:40:35 PM Jack Campbell speaks in favor
4:41:38 PM David Roberts, Amusement Machines Operators Assn. of Fla., speaks against
4:43:25 PM Senator Pizzo
4:43:49 PM Ross Marshman, Fla. Gaming Control Cmsn. acting ED, speaks in favor
4:45:31 PM Stuart Scott speaks for info
4:46:36 PM Bill Helmich speaks for info
4:47:37 PM Senator Pizzo
4:47:57 PM Chair Bradley reads waiving
4:48:55 PM Debate
4:48:58 PM Chair Bradley
4:50:15 PM Senator Simon closes on bill
4:51:13 PM Roll Call - CS/SB 1404 reported favorably
4:51:47 PM Tab 8: SB 1682 First Responders by Senator Grall
4:51:55 PM Senator Grall explains bill
4:52:24 PM Public testimony
4:52:44 PM Jennifer Dana w/ PB Co. Sheriff's Office, speaks in favor
4:54:29 PM Richard Pinsky, 911 Emergency Dispatchers waives in favor
4:54:39 PM Debate
4:54:40 PM Senator Burgess
4:55:00 PM Senator Pizzo
4:56:02 PM Senator Grall closes on bill
4:57:01 PM Roll Call - SB 1682 shown as favorable
4:57:24 PM Tab 4: SB 818 Utility Relocation by Senator McClain
4:57:35 PM Senator McClain explains bill
4:58:21 PM Public testimony
4:58:24 PM Chair Bradley reads waiving
4:58:53 PM Jeff Scala, Fla. Assn. of Counties, speaks against
4:59:59 PM Senator McClain waives close on bill
5:00:03 PM Roll Call - SB 818 reported favorably
5:00:27 PM Tab 5: SB 1228 Spring Restoration by Senator McClain
5:00:34 PM Senator McClain explains bill

5:01:12 PM Public testimony
5:01:14 PM David Childs, JEA waives in support
5:01:28 PM Senator McClain waives close on bill
5:01:30 PM Roll Call - SB 1228 reported favorably
5:01:55 PM Chair Bradley turns chair to Senator Pizzo
5:01:57 PM Tab 9: CS/SB 948 Flood Disclosures by Senator Bradley
5:02:01 PM Senator Bradley explains bill
5:02:43 PM Public testimony
5:02:46 PM Chair Pizzo reads waiving
5:03:14 PM Senator Bradley waives close on bill
5:03:17 PM Roll Call - CS/SB 958 shown as favorable
5:03:36 PM Tab 10: SB 1742 Condominium and Cooperative Associations by Senator Bradley
5:03:48 PM Amendment 70700 by Senator Bradley
5:03:55 PM Senator Bradley explains amendment
5:06:48 PM Questions
5:06:49 PM Senator Ingoglia
5:08:10 PM Senator Bradley
5:09:51 PM Senator Ingoglia
5:10:45 PM Senator Bradley
5:11:41 PM Public testimony
5:11:45 PM Travis Moore, Community Association Institute, waives in favor
5:14:09 PM Senator Bradley waives close on amendment
5:14:14 PM Chair Pizzo reports amendment favorably
5:14:22 PM Public testimony
5:14:25 PM Chante Jones, AARP Florida waives in support
5:14:34 PM William Bruce Strom speaks for info
5:19:10 PM Chair Pizzo
5:19:24 PM William Bruce Strom
5:20:18 PM Chair Pizzo
5:21:42 PM Senator Bradley closes on bill
5:22:27 PM Roll Call - CS/SB 1742 reported favorably
5:22:52 PM Chair Pizzo turns chair to Senator Bradley
5:23:06 PM Senator Bernard motions to vote after Roll Call on tabs 1 & 3 (SBs 592 & 622)
5:23:14 PM Senator Gruters motions to vote after Roll Call on tab 3 (SB 622)
5:23:25 PM Senator Boyd moves to adjourn
5:23:29 PM Meeting Adjourned
5:23:34 PM
5:23:35 PM