

Bill Number

<b>Tab 1</b>	<b>SB 100 by Garcia (CO-INTRODUCERS) Calatayud, Avila;</b> (Identical to H 00561) Mangrove Replanting and Restoration					
525582	A	S	RCS	AEG, Garcia	btw L.33 - 34:	04/13 04:19 PM
<b>Tab 2</b>	<b>CS/SB 136 by CM, Gruters (CO-INTRODUCERS) Stewart, Perry;</b> (Compare to CS/H 00179) Florida Kratom Consumer Protection Act					
137842	A	S	RCS	AEG, Gruters	Delete L.96 - 99:	04/13 04:19 PM
<b>Tab 3</b>	<b>CS/SB 194 by RI, Hooper;</b> (Similar to CS/H 00125) Utility System Rate Base Values					
<b>Tab 4</b>	<b>CS/SB 536 by CF, Garcia;</b> (Similar to H 01087) Child Support					
<b>Tab 5</b>	<b>SB 546 by Avila;</b> (Identical to H 00641) Restoration of Osborne Reef					
<b>Tab 6</b>	<b>SB 658 by Burgess;</b> (Identical to H 01459) Registration Fees for Malt Beverage Brands and Labels					
<b>Tab 7</b>	<b>SB 702 by Simon (CO-INTRODUCERS) Trumbull;</b> (Identical to H 00407) Apalachicola Bay Area of Critical State Concern					
<b>Tab 8</b>	<b>CS/SB 724 by EN, Boyd (CO-INTRODUCERS) Stewart, Garcia;</b> (Similar to CS/H 01181) Seagrass Restoration Technology Development Initiative					
544822	A	S	RCS	AEG, Boyd	Delete L.39:	04/13 04:19 PM
431188	A	S	RCS	AEG, Grall	Delete L.46 - 110:	04/13 04:19 PM
131862	A	S	RCS	AEG, Boyd	btw L.110 - 111:	04/13 04:19 PM
<b>Tab 9</b>	<b>CS/SB 748 by BI, Boyd;</b> (Similar to CS/H 00881) My Safe Florida Home Program					
<b>Tab 10</b>	<b>CS/SB 880 by EN, Brodeur (CO-INTRODUCERS) Stewart;</b> (Similar to CS/H 01405) Biosolids					
<b>Tab 11</b>	<b>SB 1150 by Ingoglia (CO-INTRODUCERS) Hutson;</b> (Similar to CS/H 01307) Department of Agriculture and Consumer Services					
599600	A	S	RCS	AEG, Ingoglia	Delete L.259 - 333:	04/13 04:19 PM
<b>Tab 12</b>	<b>CS/SB 1158 by BI, DiCeglie;</b> (Similar to CS/H 00487) Department of Financial Services					
688170	D	S	RCS	AEG, DiCeglie	Delete everything after	04/13 04:19 PM
<b>Tab 13</b>	<b>SB 1164 by Collins;</b> (Similar to CS/H 01279) Department of Agriculture and Consumer Services					
169752	A	S	RCS	AEG, Collins	Delete L.121 - 345:	04/13 04:19 PM
937820	AA	S	RCS	AEG, Collins	Delete L.77 - 97:	04/13 04:19 PM
591224	A	S	RCS	AEG, Collins	btw L.748 - 749:	04/13 04:19 PM
759608	A	S	RCS	AEG, Collins	btw L.1166 - 1167:	04/13 04:19 PM
<b>Tab 14</b>	<b>SB 1170 by Calatayud (CO-INTRODUCERS) Garcia;</b> (Similar to CS/H 00111) Flooding and Sea Level Rise Vulnerability Studies					
<b>Tab 15</b>	<b>SB 1608 by Rodriguez;</b> (Identical to H 00809) Retail Fresh Market Farm Stand Signage					

Bill Number

<b>Tab 16</b>	<b>CS/SB 1610</b> by <b>AG, Rodriguez</b> ; (Identical to H 00811) Fees/Fresh From Florida Retail Fresh Market Farm Stand Signage Program
---------------	---

**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**APPROPRIATIONS COMMITTEE ON AGRICULTURE,  
ENVIRONMENT, AND GENERAL GOVERNMENT**

**Senator Brodeur, Chair**  
**Senator Berman, Vice Chair**

**MEETING DATE:** Wednesday, April 12, 2023  
**TIME:** 11:30 a.m.—2:00 p.m.  
**PLACE:** *Toni Jennings Committee Room, 110 Senate Building*

**MEMBERS:** Senator Brodeur, Chair; Senator Berman, Vice Chair; Senators Albritton, Boyd, DiCeglie, Garcia, Grall, Gruters, Mayfield, Osgood, Polsky, Rodriguez, Stewart, and Trumbull

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>SB 100</b> Garcia (Identical H 561)	Mangrove Replanting and Restoration; Requiring the Department of Environmental Protection to adopt rules for mangrove replanting and restoration; providing requirements for the rules, etc.  EN 03/06/2023 Favorable AEG 04/12/2023 Fav/CS RC	Fav/CS Yeas 14 Nays 0
2	<b>CS/SB 136</b> Commerce and Tourism / Gruters (Compare CS/H 179)	Florida Kratom Consumer Protection Act; Creating the "Florida Kratom Consumer Protection Act"; prohibiting processors from selling, preparing, distributing, or exposing for sale certain kratom products; prohibiting processors from distributing, selling, or exposing for sale a kratom product to an individual under 21 years of age; requiring processors to annually register kratom products with the Department of Agriculture and Consumer Services, etc.  CM 03/06/2023 Fav/CS AEG 04/12/2023 Fav/CS FP	Fav/CS Yeas 12 Nays 1
3	<b>CS/SB 194</b> Regulated Industries / Hooper (Similar CS/H 125)	Utility System Rate Base Values; Establishing an alternative procedure by which the Florida Public Service Commission may establish a rate base value for certain acquired utility systems; requiring that the approved rate base value be reflected in the acquiring utility's next general rate case for ratemaking purposes; establishing a procedure for appraisal of the acquired utility system; providing the contents required for a petition to the commission for approval of the rate base value of the acquired utility system, etc.  RI 03/21/2023 Fav/CS AEG 04/12/2023 Favorable FP	Favorable Yeas 14 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**Appropriations Committee on Agriculture, Environment, and General Government  
Wednesday, April 12, 2023, 11:30 a.m.—2:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	<b>CS/SB 536</b> Children, Families, and Elder Affairs / Garcia (Similar H 1087)	Child Support; Revising requirements for the deferment of payment agreements for child support; revising the procedures for collection and distribution of court depository fees; removing exceptions to the prohibition on treating incarceration as voluntary employment; revising requirements for the Department of Revenue to commence proceedings regarding paternity and child support, etc.  CF 03/06/2023 Fav/CS AEG 04/12/2023 Favorable FP	Favorable Yeas 14 Nays 0
5	<b>SB 546</b> Avila (Identical H 641)	Restoration of Osborne Reef; Requiring the Department of Environmental Protection to submit a status report on the Osborne Reef cleanup and tire removal project to the Legislature by a specified date; requiring the department to develop a restoration plan for the reef by a specified date; providing requirements for the restoration plan; requiring the department to submit a report to the Legislature upon completion of the plan; providing requirements for the report, etc.  EN 03/06/2023 Favorable AEG 04/12/2023 Favorable AP	Favorable Yeas 14 Nays 0
6	<b>SB 658</b> Burgess (Identical H 1459)	Registration Fees for Malt Beverage Brands and Labels; Providing that the annual registration fee is required only if labels or brands are sold to a distributor; specifying that no other registration fee is authorized, etc.  RI 03/14/2023 Favorable AEG 04/12/2023 Favorable FP	Favorable Yeas 14 Nays 0
7	<b>SB 702</b> Simon (Identical H 407)	Apalachicola Bay Area of Critical State Concern; Authorizing the Department of Environmental Protection to expend certain funds for the purpose of entering into financial assistance agreements with the City of Apalachicola for specified surface water and groundwater quality improvement projects within the Apalachicola Bay Area of Critical State Concern; providing for expiration of the authorization, etc.  EN 03/27/2023 Favorable AEG 04/12/2023 Favorable FP	Favorable Yeas 14 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Appropriations Committee on Agriculture, Environment, and General Government  
 Wednesday, April 12, 2023, 11:30 a.m.—2:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
8	<b>CS/SB 724</b> Environment and Natural Resources / Boyd (Similar CS/H 1181)	Seagrass Restoration Technology Development Initiative; Establishing the Seagrass Restoration Technology Development Initiative within the Department of Environmental Protection; providing for funding; requiring the creation of a 10-year Florida Seagrass Restoration Plan; requiring the initiative to submit an annual report by a specified date to the Governor, the Legislature, the Secretary of Environmental Protection, and the executive director of the Fish and Wildlife Conservation Commission; establishing the Initiative Technology Advisory Council as part of the initiative, etc.  EN 03/14/2023 Fav/CS AEG 04/12/2023 Fav/CS AP	Fav/CS Yeas 14 Nays 0
9	<b>CS/SB 748</b> Banking and Insurance / Boyd (Similar CS/H 881)	My Safe Florida Home Program; Providing that licensed, rather than certified, inspectors are to provide hurricane mitigation inspections on site-built, single-family, residential properties that have been granted a homestead exemption; revising the hurricane mitigation inspectors that may be selected by the Department of Financial Services to provide hurricane mitigation inspections; revising the criteria for mitigation grant eligibility for homeowners; revising the improvements for which mitigation grants may be used; deleting a provision authorizing low-income homeowners to use grant funds for specified purposes, etc.  BI 03/15/2023 Fav/CS AEG 04/12/2023 Favorable FP	Favorable Yeas 14 Nays 0
10	<b>CS/SB 880</b> Environment and Natural Resources / Brodeur (Similar CS/H 1405)	Biosolids; Establishing a biosolids grant program within the Department of Environmental Protection; authorizing the department, subject to appropriation, to provide biosolid grants for certain projects that convert wastewater residuals to Class AA biosolids; prohibiting the department from authorizing land application site permits for Class B biosolids unless a certain demonstration can be made; requiring land application site permits to meet certain requirements by specified dates, etc.  EN 03/14/2023 Fav/CS AEG 04/12/2023 Favorable AP	Favorable Yeas 13 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Appropriations Committee on Agriculture, Environment, and General Government  
 Wednesday, April 12, 2023, 11:30 a.m.—2:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
11	<b>SB 1150</b> Ingoglia (Similar CS/H 1307)	Department of Agriculture and Consumer Services; Revising requirements for applicants for a Class "K" license; revising the circumstances under which the Department of Agriculture and Consumer Affairs may waive firearms training requirements; revising requirements relating to registration fees for certain charitable organizations, sponsors, and parent organizations; revising the definitions of the terms "Category I liquefied petroleum gas dealer" and "Category V LP gas installer"; providing criminal penalties for certain actions relating to retail fuel theft, etc.  CM 03/13/2023 Favorable AEG 04/12/2023 Fav/CS FP	Fav/CS Yeas 13 Nays 0
12	<b>CS/SB 1158</b> Banking and Insurance / DiCeglie (Similar CS/H 487)	Department of Financial Services; Revising powers and duties of the department's Division of Investigative and Forensic Services; deleting a requirement for the Department of Children and Families and the community-based care lead agency to provide certain financial literacy curriculum information to certain youth; authorizing, rather than requiring, a judge of compensation claims to order an injured employee's evaluation by an expert medical advisor under certain circumstances; revising conditions for a nonprofit religious organization to be exempt from requirements of the Florida Insurance Code, etc.  BI 03/22/2023 Fav/CS AEG 04/12/2023 Fav/CS FP	Fav/CS Yeas 13 Nays 0
13	<b>SB 1164</b> Collins (Similar CS/H 1279)	Department of Agriculture and Consumer Services; Authorizing farmers whose property meets certain requirements to apply to the Department of Revenue for a Florida farm tax exempt agricultural materials (TEAM) card; requiring by a specified date all food commodities purchased by certain state entities to be grown or produced in this state under certain circumstances; revising the types of entities required to obtain food permits from the department; revising the authority of the department to permit and collect samples of products for testing at certain facilities; repealing provisions relating to the State Agricultural Advisory Council and the Florida Young Farmer and Rancher Advisory Council, respectively, etc.  AG 03/13/2023 Favorable AEG 04/12/2023 Fav/CS FP	Fav/CS Yeas 13 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Appropriations Committee on Agriculture, Environment, and General Government  
 Wednesday, April 12, 2023, 11:30 a.m.—2:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
14	<b>SB 1170</b> Calatayud (Similar CS/H 111)	Flooding and Sea Level Rise Vulnerability Studies; Revising the purposes for which the Department of Environmental Protection may provide grants under the Resilient Florida Grant Program to counties or municipalities; authorizing the department to provide such grants to water management districts for a specified purpose; requiring state-financed constructors to take specified actions before commencing construction of potentially at-risk structures or infrastructure beginning on a specified date, etc.  EN 03/14/2023 Favorable AEG 04/12/2023 Favorable FP	Favorable Yeas 13 Nays 0
15	<b>SB 1608</b> Rodriguez (Identical H 809, Compare H 811, Linked CS/S 1610)	Retail Fresh Market Farm Stand Signage; Defining the term "retail fresh market farm stand"; establishing the Fresh From Florida Retail Fresh Market Farm Stand Signage Program within the Department of Agriculture and Consumer Services to provide directional signage for certified retail fresh market farm stands; authorizing the Commissioner of Agriculture to designate certified retail fresh market farm stands as state tourist attractions; requiring owners and operators of certified retail fresh market farm stands to pay specified fees; establishing the Fresh From Florida Retail Fresh Market Farm Stand Advisory Council within the department, etc.  AG 03/20/2023 Favorable AEG 04/12/2023 Favorable FP	Favorable Yeas 13 Nays 0
16	<b>CS/SB 1610</b> Agriculture / Rodriguez (Identical H 811, Compare H 809, Linked S 1608)	Fees/Fresh From Florida Retail Fresh Market Farm Stand Signage Program; Requiring the Department of Agriculture and Consumer Services to include specified application, permit, placement, and removal fees in rules implementing the Fresh From Florida Retail Fresh Market Farm Stand Signage Program, etc.  AG 03/20/2023 Fav/CS AEG 04/12/2023 Favorable FP	Favorable Yeas 13 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 Appropriations Committee on Agriculture, Environment, and General Government

---

BILL: CS/SB 100

INTRODUCER: Appropriations Committee on Agriculture, Environment and General Government; and Senator Garcia and others

SUBJECT: Mangrove Replanting and Restoration

DATE: April 14, 2023

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Barriero</u>	<u>Rogers</u>	<u>EN</u>	<b>Favorable</b>
2.	<u>Reagan</u>	<u>Betta</u>	<u>AEG</u>	<b>Favorable</b>
3.	_____	_____	<u>RC</u>	_____

---

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

---

**I. Summary:**

CS/SB 100 requires the Florida Department of Environmental Protection (DEP) to adopt rules for mangrove replanting and restoration. The bill requires the rules to address significant erosion in areas of critical state concern, protect barrier and spoil islands, assist Everglades restoration and Biscayne Bay revitalization efforts, promote public awareness, and identify vulnerable properties along the coastline and encourage partnerships with local governmental entities to create mangrove protection and restoration zone programs. The rules must also protect and maintain access to the navigation of the marked channel and the right-of-way of the Florida Intracoastal Waterway.

The bill will have an indeterminate fiscal impact on the DEP related to the costs associated with the rulemaking requirements of the bill that can be handled within existing resources.

The effective date of the bill is July 1, 2023.

**II. Present Situation:**

**Mangroves**

Mangrove forests are a distinct saltwater woodland that thrive in tidal estuaries and low-energy shorelines throughout the tropics and sub-tropics. Florida is home to three types of native



mangrove species—red (*Rhizophora mangle*), black (*Avicennia germinans*), and white (*Laguncularia racemosa*)—and has an estimated 600,000 acres of mangrove forests, the majority of which is found south of Cedar Key on the Gulf Coast and south of Cape Canaveral on the Atlantic Coast.<sup>1</sup>

Mangroves play an important ecological role as a habitat for various species of marine and estuarine vertebrates, invertebrates, and other wildlife,<sup>2</sup> including endangered and threatened species such as the manatee, hawksbill sea turtle, American crocodile, Key deer, and Florida panther—all of which rely on this habitat during some stage of their life cycle.<sup>3</sup> Mangrove branches act as bird rookeries and nesting areas for coastal wading birds, including egrets, herons, brown pelicans, and roseate spoonbills.<sup>4</sup> Their intricate root systems provide critical nursery habitats for fish, crustaceans, shellfish, and other marine life, allowing them to forage and grow while remaining protected from predators.<sup>5</sup> The roots also make ideal underwater perches for barnacles, oysters, crabs, and other marine organisms.<sup>6</sup> These organisms, in turn, provide food for juvenile fish, birds, reptiles, and other wildlife both above and below the water's surface.<sup>7</sup> Florida's important recreational and commercial fisheries would drastically decline without healthy mangrove forests.<sup>8</sup>

Mangroves also help maintain water quality and clarity by trapping sediments, absorbing nutrients, and removing pollutants that would otherwise end up in estuaries and coastal waters.<sup>9</sup> Their roots provide attachment surfaces for various marine organisms that filter water through their bodies and, in turn, trap and cycle nutrients.<sup>10</sup> Without natural filters like mangroves, dangerous conditions like red tide, sargassum, and algal blooms can proliferate.<sup>11</sup>

In addition, mangroves capture massive amounts of carbon dioxide emissions and other greenhouse gases from the atmosphere.<sup>12</sup> Wetlands primarily store carbon in the soils, where it

---

<sup>1</sup> Florida Department of Environmental Protection (DEP), *Florida's Mangroves*, <https://floridadep.gov/rcp/rcp/content/floridas-mangroves> (last visited Feb. 15, 2023). However, mangroves are gaining ground along their northern Florida habitat limits, and as winter cold snaps decrease, mangroves are expected to expand further north into new territory. Kristen Minogue & Heather Dewar, Smithsonian Environmental Research Center, *With Fewer Hard Frosts, Tropical Mangroves Push North*, 1 (2013), available at <https://sercblog.si.edu/with-fewer-hard-frosts-tropical-mangroves-push-north/>.

<sup>2</sup> Section 403.9322(2), F.S.

<sup>3</sup> Florida Museum, University of Florida, *South Florida Aquatic Environments: Mangrove Life*, <https://www.floridamuseum.ufl.edu/southflorida/habitats/mangroves/mangrove-life/> (last visited Feb. 23, 2023). See also Teresa O'Reilly, University of Florida Institute of Food and Agricultural Sciences, *Mangroves in Florida*, <https://blogs.ifas.ufl.edu/flaglerco/2018/02/09/mangroves-in-florida/> (last visited Feb. 23, 2023).

<sup>4</sup> Florida Museum, *South Florida Aquatic Environments: Mangrove Life*; DEP, *Florida's Mangroves*.

<sup>5</sup> Tiffany Duong, World Economic Forum, *Why planting mangroves can help save the planet* (2021), available at <https://www.weforum.org/agenda/2021/08/planting-mangroves-helps-the-planet/>.

<sup>6</sup> Hannah Waters, Smithsonian Institution, *Mangrove Restoration: Letting Mother Nature Do the Work* (2016), available at <https://ocean.si.edu/ocean-life/plants-algae/mangrove-restoration-letting-mother-nature-do-work>.

<sup>7</sup> *Id.*

<sup>8</sup> DEP, *Florida's Mangroves*.

<sup>9</sup> Florida Fish and Wildlife Conservation Commission (FWC), *Mangrove Forests*, <https://myfwc.com/research/habitat/coastal-wetlands/mangroves/> (last visited Feb. 23, 2023).

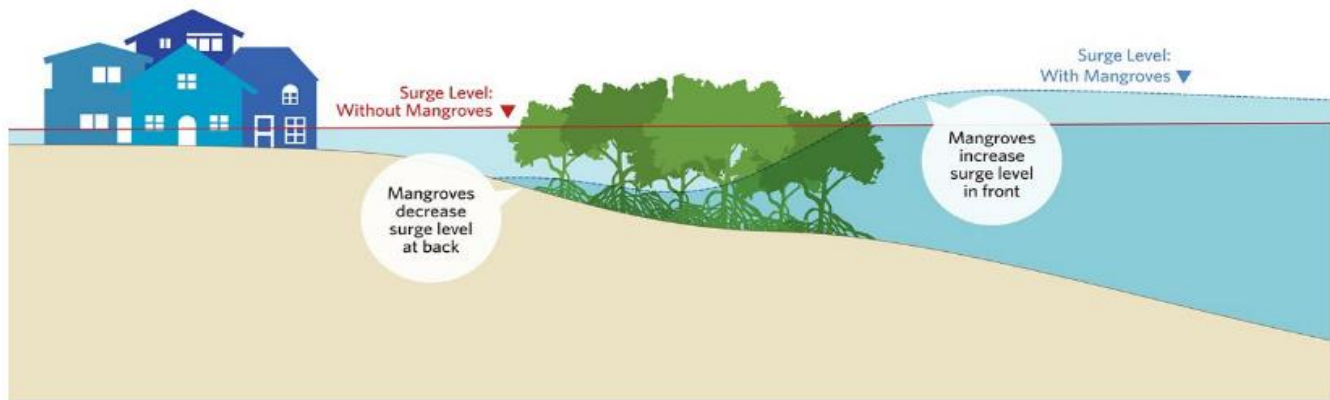
<sup>10</sup> DEP, *Florida's Mangroves*.

<sup>11</sup> Duong, *Why planting mangroves can help save the planet*.

<sup>12</sup> See Jean Brodeur et al., National Oceanic and Atmospheric Administration (NOAA), *NOAA Blue Carbon White Paper*, 1 (2022), available at <https://repository.library.noaa.gov/view/noaa/40456>; NOAA, *Coastal Blue Carbon*,

can remain for centuries. This buried carbon is known as “blue carbon” because it is sequestered via photosynthesis and stored underwater in coastal ecosystems like mangrove forests, seagrass beds, and salt marshes.<sup>13</sup> Current studies suggest that mangroves and coastal wetlands annually sequester carbon at a rate 10 times greater than mature tropical forests, making them some of the most efficient natural carbon sinks in the world.<sup>14</sup>

Mangroves’ specialized root system can help prevent erosion by stabilizing shorelines.<sup>15</sup> They also protect against damage from storm surge by reducing wind and wave energy<sup>16</sup> in shallow shoreline areas.<sup>17</sup> According to one study by the Nature Conservancy, in Florida, mangroves prevented \$1.5 billion in direct flood damages and protected over half a million people during Hurricane Irma in 2017, reducing damages by nearly 25 percent in counties with mangroves.<sup>18</sup> In Collier County, some regions immediately behind the county’s mangroves receive annual risk reduction benefits of over \$1 million.<sup>19</sup> Another study suggests that without the mangroves on Florida’s coast, the storm surge of Hurricane Wilma would have extended up to 70 percent further inland.<sup>20</sup>



**MANGROVE BENEFITS** Surge is reduced behind mangroves, helping ease flooding to land and properties. © The Nature Conservancy

<https://oceanservice.noaa.gov/ecosystems/coastal-blue-carbon/> (last visited Feb. 21, 2023); Jessica Merzdorf, National Aeronautics and Space Administration (NASA), *NASA Study Maps the Roots of Global Mangrove Loss* (2020), available at <https://www.nasa.gov/feature/goddard/2020/nasa-study-maps-the-roots-of-global-mangrove-loss>.

<sup>13</sup> NOAA, *NOAA Blue Carbon White Paper* at 1.

<sup>14</sup> *Id.*

<sup>15</sup> DEP, *Florida’s Mangroves*; NASA, *NASA Study Maps the Roots of Global Mangrove Loss*.

<sup>16</sup> On average, mangroves reduce wave heights by 31 percent. Siddharth Narayan et al., *The Effectiveness, Costs and Coastal Protection Benefits of Natural and Nature-Based Defenses*, 4 (2016), available at <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0154735>.

<sup>17</sup> United States Army Corp of Engineers, *Engineering with Nature: An Atlas*, 110 (2018), available at <https://erdc-library.erdc.dren.mil/jspui/handle/11681/27929>; DEP, *What is a Mangrove?*, <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/what-mangrove> (last visited Feb. 15, 2023); NASA, *NASA Study Maps the Roots of Global Mangrove Loss*.

<sup>18</sup> Siddharth Narayan et al., *The Nature Conservancy, Valuing the Flood Risk Reduction Benefits of Florida’s Mangroves*, 2, available at [https://www.nature.org/content/dam/tnc/nature/en/documents/Mangrove\\_Report\\_digital\\_FINAL.pdf](https://www.nature.org/content/dam/tnc/nature/en/documents/Mangrove_Report_digital_FINAL.pdf).

<sup>19</sup> *Id.* at 10. Worldwide, mangroves reduce risk to more than 15 million people and prevent more than \$65 billion in property damages each year. Duong, *Why planting mangroves can help save the planet*.

<sup>20</sup> Jodie Berezin et al., University of Massachusetts Amherst, *Using Mangroves to Mitigate Hurricane Damage to the Southern US Coast*, (2018), available at <https://blogs.umass.edu/natsci397a-eross/using-mangroves-to-mitigate-hurricane-damage-to-the-southern-us-coast/>.

The amount of protection afforded by mangroves depends on the width of the forest. A narrow fringe of mangroves offers limited protection, while a wide fringe can considerably reduce wave and flood damage to landward areas by enabling overflowing water to be absorbed into the expanse of forest.<sup>21</sup> Notably, the Legislature has found that in Florida, many areas of mangroves occur as narrow riparian fringes that do not provide all the functions of mangrove forests or provide such functions to a lesser degree.<sup>22</sup>

Human activities such as coastal development are responsible for destroying more mangrove forests worldwide than any other type of coastal habitat.<sup>23</sup> The Florida Marine Research Institute has reported up to 86 percent loss of mangroves in some areas of Florida since the 1940s.<sup>24</sup> Climate change, which results in higher sea levels and more intense droughts and storms, is also increasing the rate of mangrove loss.<sup>25</sup> In Florida, mangrove loss is compounded by the regional water management system that was built in south Florida between the late 19th and mid-20th centuries, which has reduced the natural flow of water through the Everglades to Florida Bay and other coastal bays.<sup>26</sup> Drier conditions can slow or stop the natural buildup of organic peat soils like those in the Everglades and cause the peat soils to collapse.<sup>27</sup>

### State Regulation of Mangroves

In 1996, the Florida Legislature passed the Mangrove Trimming and Preservation Act (the Act) in ss. 403.9321 - 403.9333, F.S., to protect mangroves from unregulated removal, defoliation, and destruction.<sup>28</sup> The Act is implemented by the DEP as well as several delegated local governments, including Broward, Hillsborough, Miami-Dade, and Pinellas Counties, the City of Sanibel, and the Town of Jupiter Island.<sup>29</sup>

Under the Act, a permit is generally required to alter or trim mangroves,<sup>30</sup> though certain statutory exemptions exist.<sup>31</sup> Property owners do not need a permit to trim their mangroves when the mangroves are in a riparian mangrove fringe (RMF)<sup>32</sup> and are no more than 10 feet in height, so long as the homeowner does not trim the mangroves below six feet in height and does not defoliate any mangrove. If the mangroves are more than 10 feet in height, the homeowner will

---

<sup>21</sup> DEP, *Florida's Mangroves*.

<sup>22</sup> Section 403.9322, F.S.

<sup>23</sup> FWC, *Mangrove Forests*.

<sup>24</sup> DEP, *Mangrove Trimming Guidelines for Homeowners*, 4, available at [https://floridadep.gov/sites/default/files/Mangrove-Homeowner-Guide-sm\\_0.pdf](https://floridadep.gov/sites/default/files/Mangrove-Homeowner-Guide-sm_0.pdf).

<sup>25</sup> Miriam C. Jones et al., *Rapid inundation of southern Florida coastline despite low relative sea-level rise rates during the late-Holocene*, 1, 10 (2019), available at <https://www.nature.com/articles/s41467-019-11138-4>.

<sup>26</sup> United States Geological Survey, *Rising Sea Levels Could Accelerate Florida Bay Mangrove Loss* (2019), available at <https://www.usgs.gov/news/national-news-release/rising-sea-levels-could-accelerate-florida-bay-mangrove-loss#:~:text=Florida%20has%20lost%20much%20of%20the%20mangrove%20forests,USGS%20research%20published%20in%20the%20journal%20Nature%20Communications>.

<sup>27</sup> *Id.*

<sup>28</sup> Section 403.9322(1), F.S.

<sup>29</sup> See DEP, *Mangrove Trimming – Delegated Local Governments*, <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/mangrove-trimming-delegated-local> (last visited Feb. 21, 2023).

<sup>30</sup> Section 403.9328(1), F.S.

<sup>31</sup> Section 403.9326, F.S.

<sup>32</sup> RMF is defined as mangroves growing along the shoreline on private property, property owned by a governmental entity, or sovereign submerged land, the depth of which does not exceed 50 feet. Section 403.9324(7), F.S.

need to hire a professional mangrove trimmer,<sup>33</sup> but they still may be exempt from permit requirements. However, if the mangroves are not in an RMF, the property owner will need to get a permit and a professional mangrove trimmer.<sup>34</sup>

Riparian property owners can obtain a permit from the DEP to trim mangroves if:

- The trimming is conducted in an area where the DEP has not delegated the authority to regulate mangroves to a local government;
- The trimming is supervised or conducted exclusively by a professional mangrove trimmer;
- The mangroves subject to trimming under the permit do not extend more than 500 feet waterward;
- No more than 65 percent of the mangroves along the shoreline which exceed six feet in pretrimmed height will be trimmed, and no mangrove will be trimmed so that the overall height of any mangrove is reduced to less than six feet; and
- No herbicide or other chemical will be used to remove the leaves of a mangrove.<sup>35</sup>

A general permit can also be obtained for the limited trimming of mangroves within existing navigational channels, basins, or canals to provide clearance for the navigation of watercraft if certain conditions are met.<sup>36</sup>

The DEP may require mitigation if mangroves are to be trimmed or altered under a permit issued pursuant to s. 403.9238, F.S.<sup>37</sup> In such cases, the DEP must establish reasonable mitigation requirements that allow the use of mitigation banks as an option, where appropriate.<sup>38</sup>

Restoration or mitigation is required for any area in which five percent or more of the mangrove trees have been trimmed below six feet in height.<sup>39</sup> Restoration must be accomplished by replanting mangroves to achieve within five years a canopy area equivalent to the area destroyed.<sup>40</sup> Any replanting for restoration and mitigation must result in at least 80 percent survival of the planted mangroves one year after planting, otherwise additional mangroves must be planted and maintained until 80 percent survival is achieved.<sup>41</sup>

Where restoration or mitigation is not practicable, the impacts resulting from the destruction, defoliation, removal, or trimming of mangroves must be offset by donating an amount equivalent to the cost of creating mangrove wetlands at a two-to-one created versus affected ratio based on canopy area. The donation may not be less than \$4 per square foot of created wetland area. Payments received as mitigation must be sufficient to offset impacts and be used for mangrove creation, preservation, protection, or enhancement.<sup>42</sup>

---

<sup>33</sup> Section 403.9329, F.S., delineates the criteria for which persons may be considered a professional mangrove trimmer.

<sup>34</sup> DEP, *Mangrove Frequently Asked Questions*, no. 8, <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/mangrove-frequently-asked#whyimportant> (last visited Feb. 21, 2023).

<sup>35</sup> Section 403.9327(1)(a), F.S.

<sup>36</sup> Section 403.9327(1)(b), F.S.

<sup>37</sup> Section 403.9332(1)(c), F.S.

<sup>38</sup> *Id.*

<sup>39</sup> Section 403.9332(1)(a), F.S.

<sup>40</sup> *Id.*

<sup>41</sup> Section 403.9332(1)(d), F.S.

<sup>42</sup> Section 403.9332(1)(c), F.S.

Any person who fails to obtain a permit before trimming or altering mangroves commits a first degree misdemeanor (or a second degree misdemeanor if the violation is due to reckless indifference or gross careless disregard), punishable by a fine of not more than \$10,000 and/or 60 days in jail for each offense.<sup>43</sup> For second and subsequent violations, additional monetary penalties for each illegally trimmed mangrove are imposed as follows:

- Up to \$100 for each mangrove illegally trimmed; or
- Up to \$250 for each mangrove illegally altered.<sup>44</sup>

### **Areas of Critical State Concern**

The Areas of Critical State Concern Program was created by the Florida Environmental Land and Water Management Act of 1972.<sup>45</sup> The program is intended to protect resources and public facilities of major statewide significance within designated geographic areas from uncontrolled development that would cause substantial deterioration of such resources.<sup>46</sup>

Designated areas of critical state concern include:

- Big Cypress Area (portions of Collier, Miami-Dade, and Monroe Counties);<sup>47</sup>
- Green Swamp Area (portions of Polk and Lake Counties);<sup>48</sup>
- City of Key West and the Florida Keys (Monroe County);<sup>49</sup>
- Apalachicola Bay Area (Franklin County).<sup>50</sup>

### **Biscayne Bay Aquatic Preserve**

Biscayne Bay is the largest estuary in Florida, and the only large, subtropical, protected bay within the continental United States. Biscayne Bay is home to two state aquatic preserves, collectively known as Biscayne Bay Aquatic Preserves. The first, Biscayne Bay Aquatic Preserve, was established in 1974 and runs the length of Biscayne Bay proper, from the headwaters of the Oleta River down to Card Sound near Key Largo. Biscayne Bay Aquatic Preserve is about 64,607 submerged acres. This aquatic preserve is split in half by what is now called Biscayne National Park.<sup>51</sup> The second aquatic preserve within the Biscayne Bay area—Biscayne Bay-Cape Florida to Monroe County Line Aquatic Preserve—was established in 1975.<sup>52</sup>

Biscayne Bay provides habitat for a variety of juvenile and adult marine species, as well as several of Florida's imperiled species, including the Florida manatee, the smalltooth sawfish, the

<sup>43</sup> Section 403.9332(2), F.S.

<sup>44</sup> Section 403.9332(3), F.S.

<sup>45</sup> See section 380.05, F.S.

<sup>46</sup> Florida Department of Economic Opportunity, *Area of Critical State Concern Program*, <https://www.floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/areas-of-critical-state-concern> (last visited Feb. 22, 2023).

<sup>47</sup> Section 380.055, F.S.

<sup>48</sup> Section 380.0551, F.S.

<sup>49</sup> Section 380.0552, F.S.

<sup>50</sup> Section 380.0555

<sup>51</sup> DEP, *Biscayne Bay Aquatic Preserves*, <https://floridadep.gov/rcp/aquatic-preserve/BiscayneBayAquaticPreserves> (last visited Feb. 22, 2023).

<sup>52</sup> *Id.*; section 258.397, F.S.

American crocodile, and Johnson’s seagrass. Johnson’s seagrass is the first and only marine plant to be listed as threatened on the Endangered Species List and lives in northern Biscayne Bay Aquatic Preserve.<sup>53</sup>

### Living Shorelines

“Living shoreline” is a broad term that encompasses a range of shoreline stabilization techniques along estuarine coasts, bays, sheltered coastlines, and tributaries. A living shoreline has a footprint made up mostly of native material. It incorporates vegetation or other living, natural “soft” elements alone or in combination with some type of harder shoreline structure (e.g. oyster reefs or rock sills) for added stability.<sup>54</sup>

There is evidence that living shorelines with intact natural coastal habitats (e.g., wetlands, dunes, mangroves, and coral reefs) experience less damage from severe storms and are more resilient than hardened shorelines. Areas with natural coastal habitats also have higher populations of fish and other living organisms important for shorebirds and for recreation and commercial purposes.<sup>55</sup>

Living shorelines provide several benefits:

- Cost efficiency for structural stabilization in low-energy environments;
- Increased wildlife access in critical habitat areas;
- A natural buffer that reduces coastal erosion by absorbing wave energy;
- Decrease in harmful nutrients/pollutants entering coastal waters; and
- Increased aesthetic value and privacy.<sup>56</sup>

### III. Effect of Proposed Changes:

**Section 1** amends s. 403.9324, F.S., to require the DEP to adopt rules for mangrove replanting and restoration. The rules must:

- Address significant erosion in areas of critical state concern;
- Protect barrier and spoil islands;
- Assist Everglades restoration and Biscayne Bay revitalization efforts, including the development of living shoreline design options for the Biscayne Bay Aquatic Preserve that are ecologically acceptable and consistent with s. 258.397, F.S., which establishes the Biscayne Bay Aquatic Preserve and sets requirements for its maintenance;
- Promote public awareness of the value of mangroves statewide and support mangrove education campaigns conducted by local governmental entities;

---

<sup>53</sup> DEP, *Biscayne Bay Aquatic Preserves*.

<sup>54</sup> NOAA, *Guidance for Considering the Use of Living Shorelines*, 5 (2015), available at [https://www.habitatblueprint.noaa.gov/wp-content/uploads/2018/01/NOAA-Guidance-for-Considering-the-Use-of-Living-Shorelines\\_2015.pdf](https://www.habitatblueprint.noaa.gov/wp-content/uploads/2018/01/NOAA-Guidance-for-Considering-the-Use-of-Living-Shorelines_2015.pdf).

<sup>55</sup> *Id.*

<sup>56</sup> DEP, *Resilient Florida Program – Living Shorelines*, <https://floridadep.gov/rcp/resilient-florida-program/content/resilient-florida-program-living-shorelines> (last visited Feb. 22, 2023).

- Identify vulnerable public and private properties along the coastline and encourage partnerships with local governmental entities to create local mangrove protection and restoration zone programs for implementing the rules developed by the DEP; and
- Protect and maintain access to the navigation of the marked channel and the right-of-way of the Florida Intracoastal Waterway.

**Section 2** provides an effective date of July 1, 2023.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill may have an indeterminate fiscal impact on the Department of Environmental Protection related to the costs associated with the rulemaking requirements of the bill that can be handled within existing resources.

#### **VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 403.9324 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 Appropriations Committee on Agriculture, Environment, and General Government on April 12, 2023:**

The committee substitute provides that the rules must also protect and maintain access to the navigation of the marked channel and the right-of-way of the Florida Intracoastal Waterway.

**B. Amendments:**

None.





525582

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/13/2023	.	
	.	
	.	
	.	

---

The Appropriations Committee on Agriculture, Environment, and General Government (Garcia) recommended the following:

**Senate Amendment**

Between lines 33 and 34

insert:

(f) Protect and maintain access to and navigation of the marked channel and the right-of-way of the Florida Intracoastal Waterway as defined in s. 327.02(15).

By Senator Garcia

36-00289A-23

2023100\_\_

1 A bill to be entitled  
 2 An act relating to mangrove replanting and  
 3 restoration; amending s. 403.9324, F.S.; requiring the  
 4 Department of Environmental Protection to adopt rules  
 5 for mangrove replanting and restoration; providing  
 6 requirements for the rules; providing an effective  
 7 date.

8  
 9 Be It Enacted by the Legislature of the State of Florida:

10  
 11 Section 1. Subsection (7) is added to section 403.9324,  
 12 Florida Statutes, to read:

13 403.9324 Mangrove protection rule; delegation of mangrove  
 14 protection to local governments.—

15 (7) The department shall adopt rules for mangrove  
 16 replanting and restoration. The rules must do all of the  
 17 following:

18 (a) Address significant erosion in areas of critical state  
 19 concern.

20 (b) Protect barrier and spoil islands.

21 (c) Assist Everglades restoration and Biscayne Bay  
 22 revitalization efforts, including the development of living  
 23 shoreline design options for the Biscayne Bay Aquatic Preserve  
 24 which are ecologically acceptable and consistent with s.  
 25 258.397.

26 (d) Promote public awareness of the value of mangroves  
 27 statewide and support mangrove education campaigns conducted by  
 28 local governmental entities.

29 (e) Identify vulnerable public and private properties along

Page 1 of 2

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

36-00289A-23

2023100\_\_

30 the coastline and encourage partnerships with local governmental  
 31 entities to create local mangrove protection and restoration  
 32 zone programs for implementing the rules developed by the  
 33 department pursuant to this subsection.

34 Section 2. This act shall take effect July 1, 2023.

Page 2 of 2

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



The Florida Senate

## Committee Agenda Request

**To:** Senator Jason Brodeur, Chair  
Appropriations Committee on Agriculture, Environment, and General  
Government

**Subject:** Committee Agenda Request

**Date:** March 7, 2023

---

I respectfully request that **Senate Bill #100**, relating to Mangrove Replanting and Restoration, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in black ink, appearing to read "Ileana Garcia", written over a horizontal line.

Senator Ileana Garcia  
Florida Senate, District 36

The Florida Senate

APPEARANCE RECORD

SB 100

4-12-23

Meeting Date

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

Bill Number or Topic

Ag + ENVIR Approp

Amendment 525582

Committee

Amendment Barcode (if applicable)

Name

Don Moyle

Phone

850-681-3828

Address

118 N. Gadsden St

Email

jmoyle@moylelaw.com

Street

Tallahassee FL 32301

City

State

Zip

Amendment

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:

FLA. INLAND NAVIGATION DISTRICT

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. 2020-2022 Joint Rules.pdf (flsenate.gov)

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

The Florida Senate  
**APPEARANCE RECORD**

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

4/12/2023

Meeting Date

100

Bill Number or Topic

AEG Approps

Committee

Amendment Barcode (if applicable)

Name

Pepper Uchino

Phone

(850) 906-9227

Address

~~216~~ P.O. Box 13146

Email

pepper@fsbpa.com

Street

Tallahassee

City

FL

State

32317

Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without  
compensation or sponsorship.

I am a registered lobbyist,  
representing:

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

FL Shore & Beach Preservation Assoc. (FSBPA)

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. 2020-2022 Joint Rules. [df.flisenate.gov](http://df.flisenate.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 Appropriations Committee on Agriculture, Environment, and General Government

---

BILL: CS/CS/SB 136

INTRODUCER: Appropriations Committee on Agriculture, Environment, and General Government: and Commerce and Tourism Committee and Senator Gruters and others

SUBJECT: Florida Kratom Consumer Protection Act

DATE: April 14, 2023

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McMillan	McKay	CM	<b>Fav/CS</b>
2.	Blizzard	Betta	AEG	<b>Favorable</b>
3.			FP	

---

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

---

**I. Summary:**

CS/CS/SB 136 creates the Florida Kratom Consumer Protection Act, and provides that a processor, which is a person who sells, prepares, manufactures, distributes, or maintains kratom products, may not sell, prepare, or distribute a kratom product that:

- Is adulterated to such a degree that it may injure a consumer;
- Contains a poisonous or otherwise harmful non-kratom ingredient;
- Contains a level of 7-hydroxymitragynine in the alkaloid fraction which is greater than one percent of the alkaloid composition of the product;
- Contains a synthetic alkaloid;
- Does not include directions for the safe and effective use of the product; or
- Has a label that contains any claim that the product is intended to diagnose, treat, cure, or prevent any medical condition or disease.

The bill establishes that a processor may not sell, prepare, or distribute kratom extract that contains levels of residual solvents higher than the standards set forth in United States Pharmacopeia and the National Formulary (USP-NF) ch. 467. Additionally, a processor may not distribute, sell, or expose for sale a kratom product to an individual under 21 years of age.

The bill requires a processor to annually register any kratom product it intends to sell with the Department of Agriculture and Consumer Services (department), and keep its registration up to date. Additionally, a processor who receives notice of an adverse event related to its kratom

product, must submit a copy of the adverse event to the department. A processor who violates requirements related to product standards, registration, or reporting is subject to a second degree misdemeanor.

The department may revoke the product registration of a processor who fails to timely provide an updated product registration, or fails to report an adverse event, and the department is required to adopt rules to administer the provisions of the Act.

The bill has a significant fiscal impact. See Section V. Fiscal Impact Statement.

The bill takes effect July 1, 2023.

## II. Present Situation:

### Kratom

Kratom is a tropical tree native to Southeast Asia that contains mitragynine and 7-hydroxymitragynine in its leaves, which are two major psychoactive ingredients.<sup>1</sup> The leaves are crushed and then smoked, brewed with tea, or placed into gel capsules.<sup>2</sup> Consumption of kratom leaves can produce stimulant and sedative effects, and may also lead to psychotic symptoms.<sup>3</sup>

Some research finds that kratom can be used as a substitute for opiate users to combat withdrawal symptoms, as well as to treat muscle ache, fatigue, and other conditions.<sup>4</sup> Low doses of kratom are said to produce a stimulant effect, while higher doses may produce an opioid-like effect.<sup>5</sup> Additionally, research points to the potential for further development of mitragynine and the use of kratom as a harm reduction agent.<sup>6</sup> Even so, the toxicity of kratom remains a topic of discussion, as well as its potential to cause herb-drug interactions and even be involved in fatalities.<sup>7</sup>

Currently, kratom is not listed as a controlled substance under federal law or Florida law. However, in 2014, Sarasota County banned kratom, labeling it as a designer drug.<sup>8</sup> With the

---

<sup>1</sup> Drug Enforcement Administration, *Kratom* (April 2020), available at [https://www.dea.gov/sites/default/files/2020-06/Kratom-2020\\_0.pdf](https://www.dea.gov/sites/default/files/2020-06/Kratom-2020_0.pdf) (last visited March 7, 2023).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> See Dimy Fluyau and Neelambika Revedigar, *Biochemical Benefits, Diagnosis, and Clinical Risks Evaluation of Kratom*, *Frontiers in Psychiatry Journal* Volume 8 (April 24, 2017) available at <https://www.frontiersin.org/articles/10.3389/fpsy.2017.00062/full> (last visited March 7, 2023).

<sup>5</sup> *Id.*

<sup>6</sup> See Charles Veltri and Oliver Grundmann, *Current Perspectives on the Impact of Kratom Use*. *Substance Abuse and Rehabilitation Journal* Volume 10 23-31 (July 1, 2019) available at <https://pubmed.ncbi.nlm.nih.gov/31308789/> (last visited March 7, 2023).

<sup>7</sup> *Id.* See also *Drugs Identified in Deceased Persons by Florida Medical Examiners, FDLE* (May 2022), available at <https://www.fdle.state.fl.us/MEC/Publications-and-Forms/Documents/Drugs-in-Deceased-Persons/2021-Interim-Drug-Report-FINAL.aspx> (last visited March 7, 2023). In May of 2022 the Florida Department of Law Enforcement published its 2021 Interim Report, which found a 36% rise in kratom-involved deaths over the first half of 2021.

<sup>8</sup> See Sarasota, FL., Code of Ordinances, Sec. 62-351 (2014).

exception of Sarasota County, in Florida, all parts of the plant and its extracts are legal to cultivate, buy, possess, and distribute without a license or prescription. Kratom is illegal in Alabama,<sup>9</sup> Arkansas,<sup>10</sup> Indiana,<sup>11</sup> Rhode Island,<sup>12</sup> Vermont,<sup>13</sup> and Wisconsin.<sup>14</sup> In 12 other states the possession, sale, manufacture, and distribution of kratom products is regulated.<sup>15</sup>

Following an updated import alert that provides information to U.S. Food and Drug Administration (FDA) field staff about detaining without physical examination imported dietary supplements and bulk dietary ingredients that are or contain kratom,<sup>16</sup> in May of 2021, the FDA announced the seizure of around 37,500 tons of adulterated kratom in Florida, worth an estimated \$1.3 million.<sup>17</sup> The FDA's Associate Commissioner for Regulatory Affairs stated that there is substantial concern regarding the safety of kratom and the risk it may pose to public health, and indicated that there are currently no FDA-approved uses for kratom.<sup>18</sup>

The U.S. Department of Justice, on behalf of the FDA, filed a complaint in the U.S. District Court for the Middle District of Florida alleging that kratom is a new dietary ingredient for which there is inadequate information to provide reasonable assurance that it does not present a significant or unreasonable risk of illness or injury.<sup>19</sup> Additionally, the FDA stated that dietary supplements and bulk dietary ingredients that are or contain kratom are adulterated under the Federal Food, Drug, and Cosmetic Act.<sup>20</sup> On October 26, 2021, a consent decree of condemnation and destruction against the articles seized by the FDA in May of 2021 was entered, which requires the claimants to pay a penal bond and destroy all seized articles.<sup>21</sup>

---

<sup>9</sup> See Alabama Public Health, *Controlled Substance List* (Jan. 20, 2021), available at

<https://www.alabamapublichealth.gov/blog/assets/controlledsubstanceslist.pdf> (last visited March 7, 2023).

<sup>10</sup> See Arkansas Department of Health, *List of Controlled Substances*, available at

<http://secureservercdn.net/166.62.109.105/e17.085.myftpupload.com/wp-content/uploads/2016/02/arkansas-controlled-substances-list.pdf> (last visited March 7, 2023).

<sup>11</sup> See IC 35-31.5-2-321.

<sup>12</sup> See Rhode Island Dept. of Health, Notice of Designation of Controlled Substance (May 31, 2017), available at [https://docs.wixstatic.com/ugd/9ba5da\\_9836aee2b9f04a30b55fe480fe3c6ff4.pdf](https://docs.wixstatic.com/ugd/9ba5da_9836aee2b9f04a30b55fe480fe3c6ff4.pdf). (last visited March 7, 2023).

<sup>13</sup> See Vt. Admin. Code 12-5-23:4.0.

<sup>14</sup> See W.S.A. 961.14.

<sup>15</sup> See Regulation of Kratom in America: Update (September 2022), available at [Kratom Fact Sheet \(legislativeanalysis.org\)](https://www.legislativeanalysis.org/kratom-fact-sheet) (last visited March 7, 2023).

<sup>16</sup> The import alert labels kratom as an adulterating ingredient. See Food and Drug Administration, Import Alert 54-15, Import Alert 54-15 (fda.gov) (last visited March 3, 2023) The FDA labeled kratom as adulterating based on the absence of a history of use or other evidence of safety establishing that kratom will reasonably be expected to be safe as a dietary ingredient, kratom and kratom-containing dietary supplements and bulk dietary ingredients are adulterated because they contain a new dietary ingredient for which there is inadequate information to provide reasonable assurance that such ingredient does not present a significant or unreasonable risk of illness or injury.

<sup>17</sup> U.S. Food and Drug Administration, *FDA Announces Seizure of Adulterated Dietary Supplements Containing Kratom* (May 21, 2021), available at <https://www.fda.gov/news-events/press-announcements/fda-announces-seizure-adulterated-dietary-supplements-containing-kratom> (last visited March 7, 2023).

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*



## The Department of Agriculture and Consumer Services

The Department of Agriculture and Consumer Services (department) safeguards the public and supports Florida's agricultural economy by ensuring the safety and wholesomeness of food and other consumer products through inspection and testing programs.<sup>22</sup> In particular, the Division of Food Safety (division) is responsible for assuring Floridians have a safe and properly represented food supply.<sup>23</sup>

### *Florida Food Safety Act*

The division regulates food products under the Florida Food Safety Act (FFSA), which includes articles used for food or drink for human consumption, as well as dietary supplements.<sup>24</sup> Under the FFSA, individuals may not sell food that is adulterated, adulterate food, or receive food in commerce that is adulterated or misbranded.<sup>25</sup>

The following are examples of when food is deemed adulterated:

- Food that bears or contains any poisonous or deleterious substance which may render it injurious to health;
- Food that bears or contains any added poisonous or added deleterious substance; a food additive; or a color additive, which is unsafe;
- Food that is or bears or contains any food additive which is unsafe;
- Food whose container is composed, in whole or in part, of any poisonous or deleterious substance;
- Food where any substance has been substituted wholly or in part therefor;
- Food where damage or inferiority has been concealed in any manner; and
- A dietary supplement or its ingredients that present a significant risk of illness or injury due to certain labeling and ingredient requirements.<sup>26</sup>

If a food is offered for sale and its label or labeling does not comply with the requirements of 21 U.S.C. s. 343(r) pertaining to nutritional content claims and health claims, it is considered to be misbranded. Labels for supplements may not claim to diagnose, mitigate, treat, cure, or prevent a specific disease or class of diseases.<sup>27</sup>

The department may take the following actions:

- Inspect food that may be adulterated or misbranded;<sup>28</sup>
- Seize food that is adulterated or misbranded;<sup>29</sup>

---

<sup>22</sup> See The Florida Department of Agriculture and Consumer Services, *About Us*, available at [About Us / Home - Florida Department of Agriculture & Consumer Services \(fdacs.gov\)](https://www.fdacs.gov/About-Us/Home) (last visited March 7, 2023).

<sup>23</sup> See The Florida Department of Agriculture and Consumer Services, *Division of Food Safety*, available at [Food Safety / Divisions & Offices / Home - Florida Department of Agriculture & Consumer Services \(fdacs.gov\)](https://www.fdacs.gov/Food-Safety/Divisions-Offices/Home) (last visited March 7, 2023).

<sup>24</sup> See ch. 500, F.S.

<sup>25</sup> Section 500.04, F.S. These prohibitions are similar to Federal law. See also 21 U.S.C. 331.

<sup>26</sup> Section 500.10, F.S.

<sup>27</sup> Section 500.11(1)(n), F.S.; See also 21 U.S.C. s. 343 (r)(6)(C).

<sup>28</sup> Section 500.147(1), F.S.

<sup>29</sup> Section 500.173, F.S.

- Suspend permits of those who sell food that is adulterated or misbranded, adulterate or misbrand food, or receive food in commerce that is adulterated or misbranded;<sup>30</sup> and
- Impose a fine for adulterated or misbranded food, not to exceed \$5,000<sup>31</sup> per violation.<sup>32</sup>

### III. Effect of Proposed Changes:

The bill creates the Florida Kratom Consumer Protection Act in s. 501.9745, F.S., and establishes the following definitions:

- “Kratom extract” means a food product or dietary ingredient that contains any part of the leaf of the plant *Mitragyna speciosa* which has been extracted and concentrated to provide more standardized dosing;
- “Kratom product” means a food product, food ingredient, dietary ingredient, dietary supplement, or beverage intended for human consumption which contains any part of the leaf of the plant *Mitragyna speciosa* or an extract of such plant and is manufactured as a powder, capsule, pill, beverage, or other edible form; and
- “Processor” means a person who sells, prepares, manufactures, distributes, or maintains kratom products.

The bill provides that a processor may not sell, prepare, distribute, or expose for sale a kratom product that:

- Is adulterated with a dangerous non-kratom substance that affects the quality or strength of the kratom product to such a degree that it may injure a consumer;
- Contains a poisonous or otherwise harmful non-kratom ingredient, including, but not limited to, any substance listed in s. 893.03, F.S.;
- Contains a level of 7-hydroxymitragynine in the alkaloid fraction which is greater than one percent of the alkaloid composition of the product;
- Contains a synthetic alkaloid, including, but not limited to, synthetic mitragynine, synthetic 7-hydroxymitragynine, or any other synthetically derived compound of the plant *Mitragyna speciosa*;
- Does not include directions for the safe and effective use of the product, including, but not limited to, a suggested serving size, on the product’s packaging or label; or
- Has a label that contains any claim that the product is intended to diagnose, treat, cure, or prevent any medical condition or disease.

The bill establishes that a processor may not sell, prepare, distribute, or expose for sale kratom extract that contains levels of residual solvents higher than the standards set forth in USP-NF<sup>33</sup>

---

<sup>30</sup> Section 500.12(4), F.S.

<sup>31</sup> Section 570.971(1)(b), F.S.

<sup>32</sup> Section 500.121, F.S.

<sup>33</sup> The United States Pharmacopeia (USP) and the National Formulary (NF) contains standards for medicines, dosage forms, drug substances, excipients, biologics, compounded preparations, medical devices, dietary supplements, and other therapeutics. The current version of USP-NF standards deemed official by USP are enforceable by the U.S. Food and Drug Administration for medicines manufactured and marketed in the United States.

ch. 467.<sup>34</sup> Additionally, a processor may not distribute, sell, or expose for sale a kratom product to an individual under 21 years of age.

The bill requires a processor to annually register with the Department of Agriculture and Consumer Services (department) any kratom product it intends to sell, which must include a certificate of analysis from an independent certified third-party laboratory.

The bill requires the department to have a processor produce an updated certificate of analysis if the department receives a report that any kratom product offered for sale in Florida is not in compliance with the requirements in the Florida Kratom Consumer Protection Act. Additionally, if a processor receives notice of an adverse event related to its kratom product, the processor must submit a copy of the adverse event to the department.<sup>35</sup>

The bill authorizes the department to revoke a processor's kratom product registration if the processor fails to keep their registration up to date within the specified timeframe or fails to report an adverse event.

The bill provides that a processor who violates the kratom product standards provisions is subject to a second degree misdemeanor punishable as provided in s. 775.082, F.S., or s. 775.083, F.S. However, a processor selling kratom products at retail does not violate the kratom product standards provisions if it is shown by a preponderance of the evidence that the processor relied in good faith upon the representations of a manufacturer, processor, packer, or distributor of the kratom product.

The department is required to adopt rules to administer s. 501.9745, F.S.

The bill takes effect July 1, 2023.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

None.

##### **B. Public Records/Open Meetings Issues:**

None.

---

<sup>34</sup> Residual solvents in pharmaceuticals are defined as organic volatile chemicals that are used or produced in the manufacture of drug substances or excipients, or in the preparation of drug products. The residual solvents are not completely removed by practical manufacturing techniques. Drug products should contain no higher levels of residual solvents than can be supported by safety data. Solvents that are known to cause unacceptable toxicities, "Class 1," should be avoided in the production of drug substances, excipients, or drug products unless their use can be strongly justified in a risk-benefit assessment. Solvents associated with less severe toxicity, "Class 2," should be limited in order to protect patients from potential adverse effects. Less toxic solvents, "Class 3," should be used where practical. *See* The United States Pharmacopeia and the National Formulary, *Residual Solvents*, available at [https://www.uspnf.com/sites/default/files/usp\\_pdf/EN/USPNF/generalChapter467Current.pdf](https://www.uspnf.com/sites/default/files/usp_pdf/EN/USPNF/generalChapter467Current.pdf) (last visited March 7, 2023).

<sup>35</sup> The bill provides that the copy of the adverse event must be sent via certified mail and follow the reporting requirements under the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. s. 379aa-1 (b)(1).

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:

Processors of kratom products will be required to adhere to the regulations set forth in the Florida Kratom Consumer Protection Act, which may benefit consumers.

C. Government Sector Impact:

The department estimates the provisions in the bill will require 19 positions and \$2,320,244 in general revenue for Fiscal Year 2023-2024, to facilitate additional product registration and inspections.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

The bill does not provide enforcement authority relating to the age restriction.

**VIII. Statutes Affected:**

This bill creates section 501.9745 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 Appropriations Committee on Agriculture, Environment, and General Government on April 12, 2023:**

The committee substitute states that any violation of the requirements related to product standards, registration, or reporting is subject to a second degree misdemeanor.

**CS by Commerce and Tourism on March 6, 2023:**

The committee substitute makes the following changes:

- Provides that a processor may not sell, prepare, or distribute, a kratom product that contains a level 7-hydroxymitragynine in the alkaloid fraction which is greater than 1 percent of the alkaloid composition of the product;
- Requires a processor to annually register any kratom product it intends to offer for sale with the Department of Agriculture and Consumer Services (department), which must include a certificate of analysis from an independent certified third-party laboratory;
- Provides that a processor must update its registration if the department receives a report that any kratom product is not in compliance with the registration requirement;
- Establishes that a processor who receives notice of an adverse event related to its kratom product, must submit a copy of the adverse event to the department;
- Provides that the department may revoke a processor's kratom product registration under certain circumstances; and
- Requires the department to adopt rules.

**B. Amendments:**

None.



137842

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/13/2023	.	
	.	
	.	
	.	

---

The Appropriations Committee on Agriculture, Environment, and General Government (Gruters) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 96 - 99

and insert:

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

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

And the title is amended as follows:



137842

11           Delete line 16  
12 and insert:  
13           providing criminal penalties; providing an exception;

By the Committee on Commerce and Tourism; and Senators Gruters  
and Stewart

577-02319-23

2023136c1

1 A bill to be entitled  
2 An act relating to the Florida Kratom Consumer  
3 Protection Act; creating s. 501.9745, F.S.; providing  
4 a short title; defining terms; prohibiting processors  
5 from selling, preparing, distributing, or exposing for  
6 sale certain kratom products; prohibiting processors  
7 from distributing, selling, or exposing for sale a  
8 kratom product to an individual under 21 years of age;  
9 requiring processors to annually register kratom  
10 products with the Department of Agriculture and  
11 Consumer Services; providing requirements for such  
12 registration; requiring processors to report certain  
13 violations and adverse events to the department;  
14 providing for the revocation of a processor's kratom  
15 product registration under certain circumstances;  
16 providing civil penalties; providing an exception;  
17 requiring the department to adopt rules; providing an  
18 effective date.  
19  
20 Be It Enacted by the Legislature of the State of Florida:  
21  
22 Section 1. Section 501.9745, Florida Statutes, is created  
23 to read:  
24 501.9745 Kratom products; processor prohibitions;  
25 registration; fines.—  
26 (1) SHORT TITLE.—This section may be cited as the "Florida  
27 Kratom Consumer Protection Act."  
28 (2) DEFINITIONS.—As used in this section, the term:  
29 (a) "Kratom extract" means a food product or dietary

Page 1 of 4

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

577-02319-23

2023136c1

30 ingredient that contains any part of the leaf of the plant  
31 Mitragyna speciosa which has been extracted and concentrated to  
32 provide more standardized dosing.  
33 (b) "Kratom product" means a food product, food ingredient,  
34 dietary ingredient, dietary supplement, or beverage intended for  
35 human consumption which contains any part of the leaf of the  
36 plant Mitragyna speciosa or an extract of such plant and is  
37 manufactured as a powder, capsule, pill, or beverage or any  
38 other edible form.  
39 (c) "Processor" means a person who sells, prepares,  
40 manufactures, distributes, or maintains kratom products.  
41 (3) PROHIBITIONS.—  
42 (a) A processor may not sell, prepare, distribute, or  
43 expose for sale:  
44 1. A kratom product that:  
45 a. Is adulterated with a dangerous non-kratom substance  
46 that affects the quality or strength of the kratom product to  
47 such a degree that it may injure a consumer.  
48 b. Contains a poisonous or otherwise harmful non-kratom  
49 ingredient, including, but not limited to, any substance listed  
50 in s. 893.03.  
51 c. Contains a level of 7-hydroxymitragynine in the alkaloid  
52 fraction which is greater than 1 percent of the alkaloid  
53 composition of the product.  
54 d. Contains a synthetic alkaloid, including, but not  
55 limited to, synthetic mitragynine, synthetic 7-  
56 hydroxymitragynine, or any other synthetically derived compound  
57 of the plant Mitragyna speciosa.  
58 e. Does not include directions for the safe and effective

Page 2 of 4

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



577-02319-23

2023136c1

59 use of the product, including, but not limited to, a suggested  
 60 servicing size, on the product's packaging or label.

61 f. Has a label that contains any claim that the product is  
 62 intended to diagnose, treat, cure, or prevent any medical  
 63 condition or disease.

64 2. Kratom extract that contains levels of residual solvents  
 65 higher than the standards set forth in USP-NF chapter 467.

66 (b) A processor may not sell, distribute, or expose for  
 67 sale a kratom product to an individual under 21 years of age.

68 (4) REGISTRATION.—A processor shall annually register with  
 69 the department any kratom product it intends to offer for sale  
 70 to an end consumer in this state which is in an approved kratom  
 71 delivery form. The registration must include a certificate of  
 72 analysis from an independent certified third-party laboratory  
 73 which shows that the kratom product is in compliance with the  
 74 requirements of this section for safe kratom products.

75 (5) REPORTING REQUIREMENTS.—

76 (a) If the department receives a report that any kratom  
 77 product offered for sale in this state is not in compliance with  
 78 the requirements of this section for safe kratom products, the  
 79 department must require the processor to produce an updated  
 80 certificate of analysis in a reasonable timeframe from an  
 81 independent certified third-party laboratory which shows that  
 82 the kratom product is in compliance with the requirements of  
 83 this section for safe kratom products.

84 (b) If a processor receives notice of an adverse event  
 85 related to its kratom product, the processor must submit via  
 86 certified mail to the department a copy of the adverse event  
 87 report required to be submitted to the United States Food and

577-02319-23

2023136c1

88 Drug Administration under the Federal Food, Drug, and Cosmetic  
 89 Act, 21 U.S.C. s. 379aa-1(b)(1).

90 (c) If a processor fails to provide the department with an  
 91 updated certificate of analysis within the specified timeframe  
 92 or fails to report an adverse event to the department as  
 93 required by this subsection, the department may revoke the  
 94 processor's kratom product registration.

95 (6) VIOLATIONS.—

96 (a) A processor who violates paragraph (3)(a), subsection  
 97 (4), or subsection (5) is subject to an administrative fine of  
 98 not more than \$500 for the first offense and not more than  
 99 \$1,000 for the second or subsequent offense.

100 (b) A processor that sells kratom products at retail does  
 101 not violate this section if it is shown by a preponderance of  
 102 the evidence that the processor relied in good faith upon the  
 103 representations of a manufacturer, processor, packer, or  
 104 distributor of food represented to be a kratom product.

105 (7) RULES.—The department shall adopt rules to administer  
 106 this section.

107 Section 2. This act shall take effect July 1, 2023.



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

**SENATOR JOE GRUTERS**

22nd District

**COMMITTEES:**

Regulated Industries, *Chair*  
Appropriations  
Appropriations Committee on Agriculture,  
Environment, and General Government  
Appropriations Committee on Health  
and Human Services  
Commerce and Tourism  
Community Affairs  
Transportation

**SELECT COMMITTEE:**

Select Committee on Resiliency

**JOINT COMMITTEE:**

Joint Committee on Public Counsel Oversight,  
*Alternating Chair*

March 14, 2023

The Honorable Jason Brodeur, Chair  
Appropriations Committee on Agriculture, Environment, and General Government  
201 The Capitol  
404 South Monroe Street  
Tallahassee, FL 32399-1100

Dear Chair Brodeur:

I am writing to request that Senate Bill 136, Florida Kratom Consumer Protection Act to be placed on the agenda of the next Appropriations Committee on Agriculture, Environment, and General Government committee meeting.

Should you have any questions regarding this bill, please do not hesitate to reach out to me. Thank you for your time and consideration.

Warm regards,

A handwritten signature in black ink that reads "Joe Gruters".

Joe Gruters

Cc: Giovanni Betta, Staff Director  
Julie Brass, Committee Administrative Assistant

REPLY TO:

- 381 Interstate Boulevard, Sarasota, Florida 34240 (941) 378-6309
- 316 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5022

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**KATHLEEN PASSIDOMO**  
President of the Senate

**DENNIS BAXLEY**  
President Pro Tempore

April 12, 2023

Meeting Date

Ag Approps

Committee

Name Barney Bishop III

Address 1454 Vieux Carre Drive

Street

Tallahassee

City

FL

State

32308

Zip

The Florida Senate

APPEARANCE RECORD

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

136

Bill Number or Topic

Amendment Barcode (if applicable)

Phone 850-510-9922

Email Barney@BarneyBishop.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:

Fla. Smart Justice

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. 2020-2022 Joint Rules. pdf (flsenate.gov)

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

The Florida Senate

APPEARANCE RECORD

SB 136-KRATOM

4/12/2023

Meeting Date

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

Bill Number or Topic

APPROPS ON AGRICULTURE

Committee

Amendment Barcode (if applicable)

Name MAC HADDOW

Phone 571-294-5978

Address 5733 IRWING WAY, GAINESVILLE, VA 20155

Email MHADDOW@AMERICANKRATOM.ORG

Street

GAINESVILLE

VA

20155

City

State

Zip

Speaking: [X] For [ ] Against [ ] Information OR Waive Speaking: [ ] In Support [ ] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[X] 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. 2020-2022 Joint Rules.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

CS/SB 136  
Bill Number or Topic

4/12/23  
Meeting Date

Sen Ag Approp's  
Committee

Amendment Barcode (if applicable)

Name RAMON MAURY

Phone 850 222 1568

Address P.O. Box 10275

Email RML@RAMONMAURY.COM

Street

TALL FL 32502

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:

INFORMED FAMILIES

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. [2020-2022 Joint Rules.pdf](#) ([flsenate.gov](#))

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

**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 Appropriations Committee on Agriculture, Environment, and General Government

---

BILL: CS/SB 194

INTRODUCER: Regulated Industries Committee and Senator Hooper

SUBJECT: Utility System Rate Base Values

DATE: April 11, 2023

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Schrader</u>	<u>Imhof</u>	<u>RI</u>	<u>Fav/CS</u>
2.	<u>Sanders</u>	<u>Betta</u>	<u>AEG</u>	<u>Favorable</u>
3.	_____	_____	<u>FP</u>	_____

---

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

---

**I. Summary:**

CS/SB 194 creates s. 367.0811, F.S., to authorize public water and wastewater utilities to utilize an alternative fair market valuation methodology to establish the rate base for an acquired water or wastewater utility system<sup>1</sup> using the lesser of either:

- The purchase price paid for the acquired utility; or
- The average of three appraisals of the value of the acquired utility (appraised by three licensed appraisers chosen from a list established by the Florida Public Service Commission (PSC)).

The impact to state revenues and expenditures is indeterminate at this time as the impact to state agencies is not known at this time nor is clear how the change to the PSC's cost for transfer and rate proceedings will be affected.

The effective date of the bill is July 1, 2023.

---

<sup>1</sup> Under the bill, the acquired system may be an investor-owned water or wastewater utility, a municipal water or wastewater utility as described in s. 367.022(2).

## II. Present Situation:

### Challenges for Small Water Utilities

The water and wastewater industry is one of the most capital intensive industries in the United States.<sup>2</sup> As of 2018, the United States Environmental Protection Agency (EPA) estimated \$473 billion was needed to maintain and improve water infrastructure over the next 20 years and thousands of treatment plants, storage tanks, and other key infrastructure need to be improved or replaced.<sup>3</sup> According to the American Society of Engineers (AASE) there is a water main break in the United States every two minutes and six million gallons of treated water is lost, on average, each day to such breaks.<sup>4</sup> AASE also states funding for water infrastructure has not kept up with the need to address aging systems and, in many places, water infrastructure is aging and deteriorating.<sup>5</sup>

Small water systems can especially struggle to make these needed investments. This happens for a number of reasons:

- Lack of expertise, these systems may simply lack the staff or managerial expertise necessary to identify systems in need of maintenance, repair, or replacement.
- Lack of capital, or at least the inability to access to lower-cost capital, to invest in system infrastructure.
- Lack of economies of scale inherent in larger systems.
- System abandonment due to disinterest of owners or management in running a system, death of the owner or operator of the system with no clear plan of succession, or frustration with an inability to meet water standards and other regulatory requirements.<sup>6</sup>

These challenges show up in system violations. Of the 38,853 Safe Drinking Water Act (SDWA)<sup>7</sup> violations in the United States in 2021, 30,153 (77 percent) were in very small systems. For Florida, of the 1,382 SDWA violations, 1,017 (73 percent) were in very small systems.

### Fair Market Value Statutes in General

Given the potential issues with small water systems, states have looked into ways to encourage system consolidation. One tool that has been used in other states is a concept called fair market valuation. Fair market valuation (FMV) is a regulatory tool that seeks to incentivize larger water utilities that may be better positioned to make investments in the system and may have better

---

<sup>2</sup> National Regulatory Research Institute, *A Review of State Fair Market Value Acquisitions Policies for Water and Wastewater Systems*, Sep. 2021 (available at <https://pubs.naruc.org/pub/ED8E5710-1866-DAAC-99FB-B70190F3D64A>).

<sup>3</sup> Environmental Protection Agency, *Infographic: EPA's 6<sup>th</sup> Drinking Water Infrastructure Needs Survey and Assessment*, Aug. 2018, [https://www.epa.gov/sites/default/files/2018-08/documents/dwinsa\\_infographic\\_august\\_2018\\_final.pdf](https://www.epa.gov/sites/default/files/2018-08/documents/dwinsa_infographic_august_2018_final.pdf).

<sup>4</sup> American Society of Engineers, *2021 Report Card for America's Future*, <https://infrastructurereportcard.org/> (last visited March 18, 2023).

<sup>5</sup> American Society of Engineers, *The Economic Benefits of Investing in Water Infrastructure*, pg. 9-12, 2020 [https://www.uswateralliance.org/sites/uswateralliance.org/files/publications/VOW%20Economic%20Paper\\_0.pdf](https://www.uswateralliance.org/sites/uswateralliance.org/files/publications/VOW%20Economic%20Paper_0.pdf)

<sup>6</sup> National Regulatory Research Institute, *supra* note 2, at 8-11.

<sup>7</sup> The Safe Drinking Water Act, Pub. L. 93-523, is intended to ensure the quality drinking water by regulating public water systems in the United States. Under this Act, the EPA sets standards for drinking water quality and oversees the states, federally-recognized tribes, and territories that implement the United States' drinking water program.

access to economies of scale, lower cost capital, and water and wastewater system expertise.<sup>8</sup> To date, 14 states have passed some sort of FMV legislation: California, Illinois, Indiana, Iowa, Kentucky, Maryland, Missouri, New Jersey, North Carolina, Ohio, Pennsylvania, Texas, West Virginia, and Virginia.<sup>9</sup>

### ***Valuation of a Water Utility***

The traditional basis for determining the rate base of a utility is the original cost minus depreciation (also known as net book value).<sup>10</sup> This type of valuation is typically called “original cost valuation.”<sup>11</sup> Two other types of valuation are fair value—which attempts to value at a rate more closely reflecting actual market value—and reproduction cost—which attempts to value at a rate that would permit the reproduction of the property in question.<sup>12</sup> The theory behind original cost valuation is that by applying a required rate of return (i.e. a return on investment) of the depreciated original cost of the investment in utility property devoted to public service, and then accounting for utility operating costs and taxes, the investors in the utility are given reasonable return on their capital put at risk in operating the utility.<sup>13</sup>

Stemming from this original cost methodology, the traditional method for valuing a utility is to use the original rate base value of the utility and deduct any depreciation. The presumption with this methodology is the value of the system is based on the value of the presumed life left in the system, based off of the original investment.<sup>14</sup> Proponents of FMV state this methodology can sometimes undervalue a system and make it difficult to acquire as sellers can feel as though they are not getting a fair value for their system.<sup>15</sup> Thus, what FMV statutes attempt to do, is set a rate that attempts to match the “market rate” for the system. This is typically done by requiring multiple appraisals of the system to be acquired and comparing that with the price paid for the system.<sup>16</sup>

### ***Potential Issues with Fair Market Valuation***

Generally, the purpose of FMV statutes is to encourage larger utilities (that generally have improved economies of scale and better access to capital) to acquire smaller or distressed systems, with the intent of improving water and wastewater system infrastructure for the acquired utility. However, FMV statutes can present some risks to ratepayers:

---

<sup>8</sup> National Regulatory Research Institute, *supra* note 2, at 1-11, and United States Government Accountability Office, *Private Water Utilities: Actions Needed to Enhance Ownership Data*, pgs 38-39, March 2021 (available at <https://www.gao.gov/assets/gao-21-291.pdf>).

<sup>9</sup> National Association of Water Companies: Truth from the Tap, *The Many Benefits of Utility Valuation Reform*, <https://truthfromthetap.com/the-many-benefits-of-utility-valuation-reform/> (last visited: March 28, 2023).

<sup>10</sup> Florida Public Service Commission, *Bill Analysis for SB 194* (Feb. 10, 2023) (on file with the Senate Appropriations Committee on Agriculture, Environment, and General Government).

<sup>11</sup> Walter J. Primeaux, Jr., Edward L. Bubnys, and Robert H. Rasche, *Fair Value Versus Original Cost Rate Base Valuation During Inflation*, *The Energy Journal*, Vol. 5, No. 2 (April 1984) (available at <https://ipu.msu.edu/wp-content/uploads/2018/12/41321682.pdf>).

<sup>12</sup> *Id.*

<sup>13</sup> Florida Public Service Commission, *Bill Analysis for SB 194*, *supra* note 10.

<sup>14</sup> National Regulatory Research Institute, *supra* note 2, at 1.

<sup>15</sup> *Id.* and National Association of Water Companies: Truth from the Tap, *Municipalities and Taxpayers Deserve a Fair Deal for Utility Assets*, <https://truthfromthetap.com/wp-content/uploads/2022/01/FMV-Factsheet.pdf> (last visited March 18, 2023).

<sup>16</sup> National Regulatory Research Institute, *supra* note 2, at 1.



- It can encourage utilities to simply swap assets and increase ratepayer costs without any guarantee of improvement of quality of service or increased cost efficiencies.<sup>17</sup>
- Buyers and sellers both have an incentive to raise the purchase price of the acquired utility as high as possible. Typical market forces controlling acquisition prices (i.e. buyer and seller pressuring the acquisition price in opposing directions) do not work the same for monopoly businesses. Buyers can benefit when a premium is reflected in rate base that they can pass along to customers, plus the additional opportunity to service new customers. Sellers can stand to reap a financial windfall from proceeds from the sale, and these proceeds significantly exceed their investment.<sup>18</sup>
- Monopoly assets can be difficult to value because there are not as many comparable available. There may also be a shortage of experts who can do these types of valuations.<sup>19</sup>
- Acquisitions can result in significant “rate shock” for ratepayers, especially in systems that have been historically underinvested in.<sup>20</sup>
- FMV statutes can encourage “bad behavior” in utility owners considering selling their systems as these owners may calculate that they do not need to invest in/properly maintain their system in order to sell it for a profit.<sup>21</sup>
- The hope with most FMV statutes is that struggling and distressed utilities will be acquired by larger, better run utilities. However, what can happen with FMV statutes is that the most lucrative systems to acquire are the ones that are acquired first (or at all), and, potentially, the ones most in need of investment are not.<sup>22</sup>
- Increases in the underlying value of the land upon which the acquired utility is situated can result in significant rate increases solely based on real estate prices.<sup>23</sup>
- Inflated purchase costs can run counter to two of the typical reasons for FMV statutes: lower costs for the consumer and improved performance.<sup>24</sup>

Given these risks, most states that have enacted FMV statutes have placed restrictions on which, and under what circumstances, a water or wastewater utility may be acquired under an FMV statute. These may include:

- Requiring the acquiring utility be of sufficient size.
- Requiring the acquired utility be municipal, small, or disadvantaged or distressed.
- Requiring acquisition benefit from economies of scale.
- Providing an initial moratorium or a limit on rate increases (i.e. “rate shock protection”). This could be through a rate stabilization plan submitted by the acquiring utility or required by the utility regulator.

<sup>17</sup> Florida Public Service Commission, *Bill Analysis for SB 194*, *supra* note 10.

<sup>18</sup> Janice Beecher, *Water utility consolidation: is fair market value fair?*, Michigan State University Institute of Public Utilities, 5, 2019 (available at <https://ipu.msu.edu/wp-content/uploads/2019/06/Beecher-Fair-Market-Value-Water-June-2019.pdf>), Scott Hempling, *Water Mergers: are they making economic sense?*, June 2019 (available at <https://energiahoy.com/2019/06/02/water-mergers-are-they-making-economic-sense/>), and United States Government Accountability Office, *supra* note 8, at 39-40.

<sup>19</sup> National Regulatory Research Institute, *supra* note 2, at 17.

<sup>20</sup> *Id.*

<sup>21</sup> *Id.* at 18.

<sup>22</sup> *Id.* at 18-19.

<sup>23</sup> Florida Public Service Commission, *Bill Analysis for SB 194*, *supra* note 10.

<sup>24</sup> Scott Hempling, *supra* note 18.

- Requiring disclosure of anticipated rate impacts in an FMV application.<sup>25</sup>

Other proposed ideas for ratepayer protections include limiting or linking rate increases to cost savings or service improvements, or creating competition amongst potential acquirers and the acquirer with the most value offered to the ratepayer “wins” (this would essentially be an auction of the utility once it puts itself up for sale).<sup>26</sup>

### **Florida Public Service Commission**

The Florida Public Service Commission (PSC) is an arm of the legislative branch of government.<sup>27</sup> The role of the PSC is to ensure Florida’s consumers receive utility services, including electric, natural gas, telephone, water, and wastewater, in a safe, affordable, and reliable manner.<sup>28</sup> In order to do so, the PSC exercises authority over public utilities in one or more of the following areas: rate base or economic regulation; competitive market oversight; and monitoring of safety, reliability, and service issues.<sup>29</sup>

#### ***Florida Public Service Commission Regulation of Water and Wastewater Utilities***

Florida’s Water and Wastewater System Regulatory Law, ch. 367, F.S., regulates water and wastewater systems in the state. Section 367.011, F.S., states the PSC has exclusive jurisdiction over each utility with respect to its authority, service, and rates. For the chapter, a “utility” is defined as “a water or wastewater utility and, except as provided in s. 367.022, F.S., includes every person, lessee, trustee, or receiver owning, operating, managing, or controlling a system, or proposing construction of a system, who is providing, or proposes to provide, water or wastewater service to the public for compensation.” Section 367.022, F.S., exempts certain types of water and wastewater operations from the PSC’s jurisdiction and the provisions of ch. 367, F.S. (except as expressly provided). Such exempt operations include: municipal water and wastewater systems, public lodging systems that only provide service to their guests, systems with a 100-person or less capacity, landlords that include service to their tenants without specific compensation for such service, and mobile home parks operating both as a mobile home park and a mobile home subdivision that provide “service within the park and subdivision to a combination of both tenants and lot owners, provided that the service to tenants is without specific compensation.”<sup>30</sup> The PSC also does not regulate utilities that have exempted themselves from regulation pursuant to s. 367.171, F.S.

Currently, the PSC has over 149 water, wastewater, and water and wastewater utilities that are under its regulatory authority.<sup>31</sup> This is in comparison to four investor-owned electric utilities

---

<sup>25</sup> National Regulatory Research Institute, *supra* note 2, at 19-31.

<sup>26</sup> Scott Hempling, *supra* note 18.

<sup>27</sup> Section 350.001, F.S.

<sup>28</sup> See Florida Public Service Commission, *Florida Public Service Commission Homepage*, <http://www.psc.state.fl.us> (last visited Mar. 3, 2023).

<sup>29</sup> Florida Public Service Commission, *About the PSC*, <https://www.psc.state.fl.us/about> (last visited March 28, 2023).

<sup>30</sup> Section 367.022(2), F.S.

<sup>31</sup> Email from Mark Futrell, Deputy Executive Director—Technical, Florida Public Service Commission, to Senate Regulated Industries Staff (March 19, 2023)(on file with the Senate Regulated Industries Committee).

and eight investor-owned gas utilities in the state.<sup>32</sup> Florida’s investor-owned water and wastewater utilities are much less consolidated than the state’s investor-owned electric and gas utilities. Many of these systems are quite small—currently the United States Environmental Protection Agency (EPA) classifies 83.2 percent of Florida’s water systems as very small (meaning the system serves 500 people or less).<sup>33</sup> The PSC data also shows the vast majority of water and wastewater systems are quite small, with 83 water systems and 58 wastewater in Florida having gross annual revenues of \$300,000 or less. This means these utilities qualify (due to their small size) to have PSC staff assistance in their rate cases.<sup>34</sup>

### ***Water and Wastewater Ratemaking in Florida***

Florida is an “original cost” state in terms of rate base value. The PSC sets rates for all water and wastewater utilities within its jurisdiction and the rates must be “just, reasonable, compensatory, and not unfairly discriminatory.”<sup>35</sup> Florida Administrative Code Rule 25-30.115, requires water and wastewater utilities maintain their accounts and records in conformity with the 1996 National Association of Regulatory Utility Commissioners (NARUC) Uniform Systems of Accounts (USOA).<sup>36</sup> The NARUC USOA states “‘original cost’, as applied to a utility plant, means the cost of such property to the person first devoting it to the public service.”<sup>37</sup>

As to the “compensatory” aspect of rates, the PSC is required, in each rate-setting proceeding, to consider “cost of providing the service, which shall include, but not be limited to, debt interest; the requirements of the utility for working capital; maintenance, depreciation, tax, and operating expenses incurred in the operation of all property used and useful in the public service; and a fair return on the investment of the utility in property used and useful in the public service.”<sup>38</sup> However, the PSC is prohibited from allowing “the inclusion of contributions-in-aid-of-construction<sup>39</sup> in the rate base of any utility during a rate proceeding,” nor can the PSC, “impute prospective future contributions-in-aid-of-construction against the utility’s investment in property used and useful in the public service; and accumulated depreciation on such contributions-in-aid-of-construction shall not be used to reduce the rate base, nor shall depreciation on such contributed assets be considered a cost of providing utility service.”

---

<sup>32</sup> Florida Public Service Commission, *2022 Facts and Figures of the Florida Utility Industry*, pg. 5, Apr. 2022 (available at <https://www.floridapsc.com/pscfiles/website-files/PDF/Publications/Reports/General/FactsAndFigures/April%202022.pdf>)

<sup>33</sup> Environmental Protection Agency, *Enforcement Compliance History Online*, <https://echo.epa.gov/trends/comparative-maps-dashboards/drinking-water-dashboard> (last visited March 28, 2023).

<sup>34</sup> Many small water and wastewater utilities struggle with the resources and expertise necessary to properly file for and complete a full rate case. Thus, Fla. Admin. Code R. 25-30.455, authorized pursuant to s. 367.0814, F.S., provides that “water and wastewater utilities whose total gross annual operating revenues are \$300,000 or less for water service or \$300,000 or less for wastewater service, or \$600,000 or less on a combined basis,” may apply with the PSC for staff assistance with rate applications. In staff-assisted rate cases (SARCs),

<sup>35</sup> Section 367.081(2)(a)1., F.S.

<sup>36</sup> NARUC USOA is incorporated by reference into Florida Admin. Code Rule 25-30.115.

<sup>37</sup> Florida Public Service Commission, *Bill Analysis for SB 194*, *supra* note 10.

<sup>38</sup> Section 367.081(2)(a)1., F.S.

<sup>39</sup> Section 367.021(3), F.S., defines “Contribution-in-aid-of-construction” as “any amount or item of money, services, or property received by a utility, from any person or governmental authority, any portion of which is provided at no cost to the utility, which represents a donation or contribution to the capital of the utility, and which is used to offset the acquisition, improvement, or construction costs of the utility property, facilities, or equipment used to provide utility services.”

As to the “a fair return on the investment of the utility in property used and useful in the public service” required under s. 367.081(2)(a)1., F.S., the PSC has consistently interpreted the “investment of the utility” to be the original cost of the property when first dedicated to public service. Florida Administrative Code Rule 25-30.140(1)(r), states, “[i]n the event that an asset is acquired that is already in public service, the original historic cost of the asset should be recorded in plant in service.”

### ***Water and Wastewater Utility Acquisitions in Florida***

Section 367.031, F.S., requires each water and wastewater utility under the PSC’s jurisdiction must obtain a certificate of authorization from the PSC. This certificate grants the utility the authorization to provide water or wastewater service within a defined geographic area. This certificate of authorization, or the corresponding utility’s facilities, may not be sold, assigned, or transferred without authorization from the PSC. Pursuant to s. 367.071(1), F.S., the PSC may approve a sale, assignment, or transfer if such is in the public interest. A sale, transfer, or assignment may occur prior to the PSC’s approval, if the contract executing such transaction is made contingent to the PSC’s approval. Section 367.071(5), F.S., provides the PSC “may establish the rate base for a utility or its facilities or property when the commission approves a sale, assignment, or transfer thereof, except for any sale, assignment, or transfer to a governmental authority.”

### **III. Effect of Proposed Changes:**

**Section 1** of the bill creates s. 367.0811, F.S., to establish an alternative fair market value (FMV) process for establishing the rate base of a purchased water system<sup>40</sup> to be used for ratemaking purposes in the acquiring utility’s next rate case. This method differs, and is an alternative, from the original cost method existing in current statute in s. 367.081, F.S. The bill provides Legislative intent in that it finds it is in the public interest to promote consolidation efforts with water and wastewater utility systems in order to encourage economies of scale, better access to lower material and supply costs, better access to capital, improvement in utility infrastructure, and improvement in the quality of service overall.

The rate base established by the proposed procedure in the bill cannot exceed the lesser of the purchase price negotiated between the parties to the acquisition transaction or the average of three required appraisals. This amount may not be adjusted for contribution-in-aid-of-construction or used and useful in serving the public. The rate base value established may also include reasonable transaction and closing costs incurred by the acquiring utility and reasonable fees paid to the appraisers. The appraisers used in valuing the utility to be acquired must be paid by the acquiring utility (acquirer), chosen from a list provided by the Public Service Commission (PSC), and the appraisal they provide must be consistent with the Uniform Standards of Professional Appraisal Practice.

The acquiring utility and the utility system to be acquired (acquiree) must jointly retain a licensed engineer to assess the tangible assets of the acquiree. This assessment must be provided to the appraisers to assist in valuing the acquiree.

---

<sup>40</sup> Under the bill, the acquired system may be an investor-owned water or wastewater utility, a municipal water or wastewater utility as described in s. 367.022(2).

A petition filed pursuant to s. 367.0811, F.S., to establish an FMV rate base value must include:

- The requested rate base value for the acquiree.
- Copies of the required appraisals, including the average of the valuations produced by each appraisal.
- A copy of the required assessment of tangible assets.
- A three-year plan to address each deficiency identified by the assessment of tangible assets. The plan must address impact on quality of service and any planned improvements to water quality.
- The five-year projected rate impact on the customers of the acquiree, including, but not limited to, the rate impact of all of the following:
  - Any cost efficiencies expected to result from the acquisition transaction.
  - Use of this section, instead of the original cost method pursuant to s. 367.081, F.S., to establish the rate base value.
- The contract of sale.
- The estimated value of fees and transaction and closing costs to be incurred by the acquiring utility.
- A tariff, including rates equal to the rates of the utility system being acquired. The acquirer must also include a rate stabilization plan<sup>41</sup> if the acquisition would result in a significant individual increase in rates during the five-year projected rate period.

If a completed petition meets all of the filing requirements of the bill, the PSC will have eight months from the date of filing to issue a final order on the petition. In its order, the PSC may, in the public interest, grant the petition, in whole or in part, or with modifications, or may deny the petition. However, the PSC may not approve a rate base value higher than that requested in the petition.

In future rate cases, the bill permits the PSC, pursuant to ch. 367, F.S., to set rates for the acquired utility system in future rate cases and may classify the acquired utility system as a separate entity for ratemaking purposes if it is deemed to be in the public interest.

The acquiring utility under s. 366.0811, F.S., must be engaged in an arms-length transaction with the acquiree, and either have 10,000 or more customers or be permitted to produce at least three million gallons per day of drinking water.

In considering a rate base value petition pursuant to the section, the PSC must consider all of the following standards:

- Improvements in quality of service.
- Improvements in compliance with regulatory requirements.
- Rate reductions or rate stability over a long-term period.
- Cost efficiencies.
- A demonstration that the purchase is being made as part of an arms-length transaction.
- Economies of scale to be generated by the transaction.

---

<sup>41</sup> The bill defines a “rate stabilization plan” as an acquirer’s plan to implement rate changes incrementally over a period of time to mitigate rate increases and to predictably achieve consolidated pricing over time.

- A comparison of the acquirer's net book value, to the extent available, and the proposed rate base value of the acquiree.
- A demonstration that the acquirer has greater access to capital than the acquiree.

The PSC may use these standards to set reasonable performance goals and may review performance regarding the standards in a rate proceeding.

The bill also directs the PSC to adopt rules to implement the section.

**Section 2** of the bill provides an effective date of July 1, 2023.

#### **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:

Under CS/SB 194, some acquired utilities will likely see higher valuations than under Florida's current rate base valuation scheme. This would increase the purchase price of those utilities and could lead to higher rates for such utilities' customers, at least in the short term. Customers may also see a rate impact from transaction, closing, and appraiser costs allowed to be included in rate base value under the bill.

**C. Government Sector Impact:**

According to the Public Service Commission's (PSC) analysis, the impact of CS/SB 194 on state agencies is not known at this time. It is unclear how the change to the PSC's cost for transfer and rate proceedings will be affected.<sup>42</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

In its analysis of the bill, the Public Service Commission (PSC) stated it does not have expertise in property appraisers and thus they may be ill-equipped to establish and maintain a list of approved appraisers. The PSC suggested an alternative to have another agency with expertise in the area, such as the Department of Business and Professional Regulation, which regulates appraisers, maintain this list.<sup>43</sup>

CS/SB 194 may generate litigation, as the PSC states all fair market value (FMV) acquisitions may have to be processed exclusively as s. 120.57, F.S., hearings. In addition, the PSC believes there may be litigation from ratepayers and consumer advocates in regards to assessment of potentially excessive rates and evaluation costs. The PSC also anticipates that it may have litigation in regards to establishing and maintaining the list of appraisers.<sup>44</sup>

**VIII. Statutes Affected:**

This bill creates section 367.0811 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 21, 2023:**

The committee substitute amended SB 194 to:

- Add legislative intent;
- Require that the acquiring utility file a rate stabilization plan if the acquisition would result in a significant individual increase in rates;
- Revise the applicability of the bill to water and wastewater utilities that are engaged in an arms-length transaction and either 1) provide water or wastewater service, or both, to more than 10,000 customers; or 2) are permitted to produce at least three million gallons per day of drinking water;
- Provide minimum standards that the Public Service Commission (PSC) must use in considering a rate base value petition pursuant to the bill;

---

<sup>42</sup> *Id.*

<sup>43</sup> *Id.*

<sup>44</sup> *Id.*

- Authorize the PSC to set reasonable performance goals for the acquiring utility based on the standards provided in the bill and review performance regarding these standards in a rate proceeding; and
- Make technical changes.

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 Regulated Industries; and Senator Hooper

580-02869-23

2023194c1

1 A bill to be entitled  
 2 An act relating to utility system rate base values;  
 3 creating s. 367.0811, F.S.; providing legislative  
 4 findings; defining the term "rate stabilization plan";  
 5 establishing an alternative procedure by which the  
 6 Florida Public Service Commission may establish a rate  
 7 base value for certain acquired utility systems;  
 8 requiring that the approved rate base value be  
 9 reflected in the acquiring utility's next general rate  
 10 case for ratemaking purposes; establishing a procedure  
 11 for appraisal of the acquired utility system;  
 12 providing the contents required for a petition to the  
 13 commission for approval of the rate base value of the  
 14 acquired utility system; providing duties of the  
 15 commission regarding petitions; authorizing the  
 16 commission to set rates for and classify certain  
 17 acquired utility systems; providing applicability;  
 18 requiring the commission to take certain factors into  
 19 consideration for certain rate base value petitions;  
 20 requiring the commission to adopt rules; providing an  
 21 effective date.

22  
 23 Be It Enacted by the Legislature of the State of Florida:

24  
 25 Section 1. Section 367.0811, Florida Statutes, is created  
 26 to read:

27 367.0811 Rates; alternative procedure for establishing rate  
 28 base value of acquired utility system.-

29 (1) The Legislature finds that it is in the public interest

Page 1 of 5

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

580-02869-23

2023194c1

30 to promote consolidation efforts with water and wastewater  
 31 utility systems in order to encourage economies of scale, better  
 32 access to lower material and supply costs, better access to  
 33 capital, improvement in utility infrastructure, and improvement  
 34 in the quality of service overall.

35 (2) As used in this section, the term "rate stabilization  
 36 plan" means an acquiring utility's plan to implement rate  
 37 changes incrementally over a period of time to mitigate rate  
 38 increases and to predictably achieve consolidated pricing over  
 39 time.

40 (3) (a) If a utility acquires an existing utility system,  
 41 including a system described in s. 367.022(2), the utility may  
 42 petition the commission to establish a rate base value for the  
 43 utility system being acquired using the valuation process in  
 44 this section instead of the cost method pursuant to s. 367.081.

45 (b) The rate base value established by the commission under  
 46 this section shall be used for ratemaking purposes in the  
 47 acquiring utility's next general rate case. The rate base value  
 48 may not exceed the lesser of the purchase price negotiated  
 49 between the parties to the acquisition transaction or the  
 50 average of the three appraisals conducted under subsection (4)  
 51 and may not be adjusted for contribution-in-aid-of-construction  
 52 or used and useful in serving the public. However, the rate base  
 53 value may include reasonable transaction and closing costs  
 54 incurred by the acquiring utility and reasonable fees paid to  
 55 the appraisers.

56 (4) (a) For purposes of this section, the utility system  
 57 being acquired shall be appraised by three licensed appraisers  
 58 chosen from a list established by the commission. Appraisals

Page 2 of 5

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

580-02869-23

2023194c1

59 shall be paid for by the buyer. Each appraiser shall provide an  
 60 appraisal of the value of the utility system being acquired that  
 61 is consistent with the Uniform Standards of Professional  
 62 Appraisal Practice.

63 (b) The acquiring utility and the utility system being  
 64 acquired shall jointly retain a licensed engineer to conduct an  
 65 assessment of the tangible assets of the utility system being  
 66 acquired, and the assessment shall be provided to the three  
 67 appraisers for use in determining the value of the utility  
 68 system being acquired.

69 (5) A petition filed under this section to establish the  
 70 rate base value for a utility system being acquired must contain  
 71 all of the following:

72 (a) The requested rate base value for the utility system  
 73 being acquired.

74 (b) Copies of the appraisals required by this section,  
 75 including the average of the valuations produced by each  
 76 appraisal.

77 (c) A copy of the assessment of tangible assets required by  
 78 this section.

79 (d) A 3-year plan to address each deficiency identified by  
 80 the assessment of tangible assets required by this section. The  
 81 plan must address impact on quality of service and any planned  
 82 improvements to water quality.

83 (e) The 5-year projected rate impact on the customers of  
 84 the utility system being acquired, including, but not limited  
 85 to, the rate impact of all of the following:

86 1. Any cost efficiencies expected to result from the  
 87 acquisition transaction.

580-02869-23

2023194c1

88 2. Use of this section, instead of the cost method pursuant  
 89 to s. 367.081, to establish the rate base value.

90 (f) The contract of sale.

91 (g) The estimated value of fees and transaction and closing  
 92 costs to be incurred by the acquiring utility.

93 (h) A tariff, including rates equal to the rates of the  
 94 utility system being acquired, and a rate stabilization plan, if  
 95 applicable to the acquisition. A rate stabilization plan must be  
 96 filed if the acquisition would result in a significant  
 97 individual increase in rates during the period identified in  
 98 paragraph (e).

99 (6) (a) If the petition meets the filing requirements of  
 100 subsection (5), the commission, no later than 8 months after the  
 101 date the complete petition is filed, shall issue a final order  
 102 on the petition.

103 (b) The commission may, in the public interest, grant the  
 104 petition, in whole or in part, or with modifications or may deny  
 105 the petition.

106 (c) The commission may not approve a rate base value higher  
 107 than that requested in the petition.

108 (7) Notwithstanding any provision in this section, the  
 109 commission may, pursuant to this chapter, set rates for the  
 110 acquired utility system in future rate cases and may classify  
 111 the acquired utility system as a separate entity for ratemaking  
 112 purposes if it is deemed to be in the public interest.

113 (8) This section applies to acquiring utilities that are  
 114 engaged in an arms-length acquisition of a water or wastewater  
 115 system, or both, and:

116 (a) Provide water or wastewater service, or both, to more

580-02869-23

2023194c1

117 than 10,000 customers; or  
118 (b) Are permitted to produce at least 3 million gallons per  
119 day of drinking water.  
120 (9) At minimum, in considering a rate base value petition  
121 pursuant to this section, the commission must consider all of  
122 the following in serving the public interest and pursuant to the  
123 goals of this section:  
124 (a) Improvements in quality of service.  
125 (b) Improvements in compliance with regulatory  
126 requirements.  
127 (c) Rate reductions or rate stability over a long-term  
128 period.  
129 (d) Cost efficiencies.  
130 (e) A demonstration that the purchase is being made as part  
131 of an arms-length transaction.  
132 (f) Economies of scale to be generated by the transaction.  
133 (g) A comparison of the acquiring utility's net book value,  
134 to the extent available, and the proposed rate base value of the  
135 utility being acquired.  
136 (h) A demonstration that the acquiring utility has greater  
137 access to capital than the utility being acquired.  
138 (10) The commission may set reasonable performance goals  
139 based on the standards specified in subsection (9) and review  
140 utility performance regarding these standards in a rate  
141 proceeding.  
142 (11) The commission shall adopt rules to implement this  
143 section.  
144 Section 2. This act shall take effect July 1, 2023.



The Florida Senate

## Committee Agenda Request

**To:** Senator Jason Brodeur, Chair  
Appropriations Committee on Agriculture, Environment, and General  
Government

**Subject:** Committee Agenda Request

**Date:** March 23, 2023

---

I respectfully request that **Senate Bill # 194**, relating to Utility System Rate Base Values, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in black ink, appearing to read "Ed Hooper", written over a horizontal line.

Senator Ed Hooper  
Florida Senate, District 21

The Florida Senate

# APPEARANCE RECORD

4/12/23

Meeting Date

194

Bill Number or Topic

Approps on Ag, Env. & GG

Committee

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

Amendment Barcode (if applicable)

Name Lance Pierce

Phone

Address 310 W College Ave

Street

Email

lance@afcd.com

Tallahassee FL

City

State

32301

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:

AFCD

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. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

4/12/2023

Meeting Date

Appropriations Committee on Agriculture, Environment, and General Government

The Florida Senate  
**APPEARANCE RECORD**

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

194

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name **Kevin Cleary**

Phone **850-521-1980**

Address **215 South Monroe Street, Suite 601**

Email **kcleary@gunster.com**

Street

**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:

**Sunshine Water Services**

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. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)*

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

S-001 (08/10/2021)

4/12/23

Meeting Date

# The Florida Senate APPEARANCE RECORD

194

Bill Number or Topic

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

Approps Ag, Enviro & GG

Committee

Amendment Barcode (if applicable)

Name Chris Hansen

Phone 850 1577-0444

Address 201 E. Park Ave. 5<sup>th</sup> Fl

Email Chansen@ballardpartners.com

Street

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:

Florida Rural Water Association (FRWA)

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.

CS-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 Appropriations Committee on Agriculture, Environment, and General Government

---

BILL: CS/SB 536

INTRODUCER: Children, Families, and Elder Affairs Committee and Senator Garcia

SUBJECT: Child Support

DATE: April 11, 2023

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Delia</u>	<u>Cox</u>	<u>CF</u>	<u>Fav/CS</u>
2.	<u>Blizzard</u>	<u>Betta</u>	<u>AEG</u>	<u>Favorable</u>
3.	_____	_____	<u>FP</u>	_____

---

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

---

**I. Summary:**

CS/SB 536 makes numerous changes to the Child Support Program, which is administered by the Department of Revenue (DOR), Florida's Title IV-D agency. As the state's Title IV-D agency, the DOR is responsible for collecting and enforcing child support. To receive services from the Child Support Program, families either complete an application for services, or are automatically referred because a parent is receiving cash or food assistance.

The bill makes the following changes to the Child Support Program:

- Amends the definition of 'depository' to clarify that the depository required by statute is established by the clerk of the circuit court;
- Expands the circumstances when a payment agreement with a deferred start date may be used to include when an obligor is making a good faith effort to participate in job training;
- Removes existing exceptions to the federal prohibition on treating involuntary incarceration as voluntary unemployment when establishing or modifying a support order;
- Authorizes the DOR to commence an administrative proceeding to determine paternity or paternity and child support based on an affidavit or written declaration completed by a nonparent caregiver of the child who has knowledge of the child's paternity;
- Requires the clerk of court to credit a depository payment account for collections received by another state while enforcing the Florida administrative support order associated with the account;
- Resolves inconsistency in statute concerning the amount of the allocation for operations and maintenance of the Clerk of Court Child Support Collection System (CLERC) system by



reorganizing statutes to reflect the current, more efficient practice for collecting, retaining, distributing, accounting for and reporting clerk fees in private child support cases; and

- Requires the clerk of court to credit a depository payment account for collections received by another state while enforcing the Florida administrative support order associated with the accounts. The clerk must apply credit in the amount indicated by a record from another state's Title IV-D agency or court that is provided to the clerk by the DOR and that documents collections made or received by the other state.

The bill may have an indeterminate operational impact to DOR, but can be managed within existing resources.

The bill is effective July 1, 2023, with the exception of section 5 of the bill, which is effective upon becoming a law.

## II. Present Situation:

Refer to Section III. Effect of Proposed Changes for discussion of the relevant portions of current law.

## III. Effect of Proposed Changes:

### Depository Service Fees (Sections 3 and 4)

#### *Present Situation*

##### Title IV-D cases

Title IV-D (IV-D) refers to Title IV, Part D of the Social Security Act, which is the federally funded, state administered child support enforcement program.<sup>1</sup> The IV-D program is administered by the federal Office of Child Support Enforcement (OCSE), within the United States Department of Health and Human Services. The OCSE oversees the national child support program and partners with state and local child support agencies to encourage parental responsibility so that children receive financial, emotional, and medical support from both parents, even when they live in separate households.<sup>2</sup> The OCSE does not provide services directly to families, but helps state child support agencies develop, manage, and operate their child support programs effectively and according to federal law.<sup>3</sup>

As Florida's IV-D agency,<sup>4</sup> the DOR is responsible for collecting and enforcing child support.<sup>5</sup> The Child Support Program provides child support services to over one million children and collects over a billion dollars in child support each year. The Child Support Program works with parents, employers, financial institutions, the Internal Revenue Service, state and local agencies, and courts throughout the state to receive timely child support payments and also works with families and partners to:

---

<sup>1</sup> 42 U.S.C. s. 651, et. seq.

<sup>2</sup> *Id.*

<sup>3</sup> U.S. Department of Health & Human Services, Office of Child Support Enforcement (OCSE), *About the Office of Child Support Enforcement*, (February 2, 2021) available at <https://www.acf.hhs.gov/css/about> (last visited February 27, 2023).

<sup>4</sup> Section 409.2557(1), F.S.

<sup>5</sup> *See* s. 61.13, F.S.

- Locate parents, employers, and assets;
- Establish paternity;
- Establish and modify child support orders;
- Collect and disburse child support payments; and
- Monitor and enforce child support orders.<sup>6</sup>

Child support services are available even if a parent lives in another state or country.<sup>7</sup> The DOR offers child support services in all but two Florida counties, partnering with the State Attorney's Office for services in Miami-Dade County and the Manatee County Clerk of Court for services in Manatee County.<sup>8</sup>

#### Depository Role in IV-D Cases

Once a judge orders child support, the obligor may pay the obligee directly or payments can be made through an Income Withholding Order. If an Income Withholding Order is issued, the payments will be processed at the State Disbursement Unit (SDU)<sup>9</sup> administered by the DOR. The clerks of courts act as record keepers for payments processed at the SDU. Obligor must make all child support payments in IV-D cases to the SDU.<sup>10</sup>

Each clerk of the circuit court operates a child support depository.<sup>11</sup> The DOR extends participation in the federal child support cost reimbursement program to the central depository<sup>12</sup> in each county, to the maximum extent possible under existing federal law.<sup>13</sup> The depository receives reimbursement for services provided under a cooperative agreement with the DOR, and each depository is required to participate in the SDU.<sup>14</sup>

Upon request of the parties in a child support case, the court may order that child support payments be made through the depository or directly to the obligee if it is in the child's best interest.<sup>15</sup> If such an order is made, any party or the DOR in an IV-D case may file an affidavit with the depository that alleges the obligor has defaulted on his or her child support payment obligations and request that the payments be made through the depository.<sup>16</sup> The party must

---

<sup>6</sup> The Department of Revenue (DOR), *About the Child Support Program*, available at [https://floridarevenue.com/childsupport/about\\_us/Pages/about\\_us.aspx](https://floridarevenue.com/childsupport/about_us/Pages/about_us.aspx) (last visited February 27, 2023).

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> Section 61.046(20), F.S., provides that the "State Disbursement Unit" means the unit established and operated by the Title IV-D agency to provide one central address for collection and disbursement of child support payments made in cases enforced by the DOR pursuant to Title IV-D of the Social Security Act and in cases not being enforced by the DOR in which the support order was initially issued in this state on or after January 1, 1994, and in which the obligor's child support obligation is being paid through income deduction order.

<sup>10</sup> Sections 61.1824(1)(a), 61.1824(6), and 409.2559, F.S., and 42 U.S.C. s. 654b(a)(1)(A).

<sup>11</sup> Section 61.181(1)(a), F.S.

<sup>12</sup> Section 61.046(4), F.S., provides "depository" means the central governmental depository established pursuant to s. 61.181, F.S., created by special act of the Legislature or other entity established before June 1, 1985, to perform depository functions and to receive, record, report, disburse, monitor, and otherwise handle alimony and child support payments not otherwise required to be processed by the State Disbursement Unit.

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> Section 61.13(1)(d), F.S.

<sup>16</sup> Section 61.13(1)(d)3., F.S.

submit a copy of the affidavit to the court and to all parties.<sup>17</sup> Fifteen days after receipt of the affidavit, the depository must notify all parties that future payments will be paid through the depository, except income deduction payments must be made through the SDU.<sup>18</sup>

The DOR must contract with the Florida Association of Court Clerks (FACC) and the clerk depositories for operation and maintenance of the Clerk of Court Child Support Collection System (CLERC) System.<sup>19</sup> The CLERC System integrates all clerk of court and depositories and transmits payment data and State Case Registry Data to the DOR's automated child support enforcement system.<sup>20</sup> When a private case with a support order payable directly to the parent who is owed support becomes an IV-D case, the depository must create payment accounts on the CLERC System for payments to be disbursed to the parent owed support and for the payment data to be sent to the DOR.<sup>21</sup>

#### Depository Role in Non-IV-D Cases

Two types of depository fees are levied on non-IV-D child support payments. For payments not required to be processed through the SDU, depositories must impose and collect a fee on each payment made for receiving, recording, reporting, disbursing, monitoring, or handling alimony or child support payments.<sup>22</sup>

For non-IV-D cases processed by the SDU, the SDU collects a fee for each payment received and transmits 40 percent of the service charge to the depository in which the case is located for the depository's administration, management, and maintenance of such case.<sup>23</sup> If a payment is made to the SDU which is not accompanied by the required fee, the SDU is not permitted to deduct any moneys from the support payment for payment of the fee.<sup>24</sup> The fee must be a flat fee based, to the extent practicable, upon estimated reasonable costs of operation.<sup>25</sup> The fee is then reduced in any case in which the fixed fee results in a charge to any party of an amount greater than three percent of the amount of any support payment made in satisfaction of the amount which the party is obligated to pay, except that no fee is permitted to be less than \$1 nor more than \$5 per payment made.<sup>26</sup> The fee must be considered by the court in determining the amount of support that the obligor is, or may be, required to pay.<sup>27</sup>

The fee for both payment types is four percent of the support payment and may not exceed \$5.25, and part of the fee must be remitted monthly to the DOR for deposit into the Child Support Enforcement Collection System Trust Fund (Trust Fund).<sup>28</sup>

---

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> Section 61.1826(3), F.S.

<sup>20</sup> Section 61.046(2), F.S.

<sup>21</sup> The DOR, *Senate Bill 536 Agency Analysis*, p. 3, (March 1, 2023) (on file with the Senate Committee on Children, Families, and Elder Affairs) (hereinafter cited as "The DOR SB 536 Analysis").

<sup>22</sup> Section 61.181(2)(a), F.S.

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

<sup>28</sup> Section 61.181(2)(b)1., F.S. The Child Support Enforcement Collection System Trust Fund is established pursuant to s. 61.1811, F.S., and is used to deposit the DOR's share of fees in non-IV-D cases.

Under s. 61.181(2)(b)1., F.S., the CLERC allocation is established to be 75 percent of the additional one percent increase in the fee from three percent to four percent.

Section 61.181(2)(b)2., F.S., provides a different method for determining the CLERC allocation:

- For each support payment of less than \$33, 18.75 cents;
- For each support payment between \$33 and \$140, an amount equal to 18.75 percent of the fee charged; and
- For each support payment in excess of \$140, 18.75 cents.<sup>29</sup>

According to the DOR, the different methods used to determine the portion of the fee which is transmitted to the Trust Fund have resulted in the CLERC system utilizing a hybrid calculation.<sup>30</sup>

Money deposited into the Trust Fund may only be used for the development, implementation and operation of the CLERC system.<sup>31</sup> The DOR's requirement to fund the CLERC System and the automation of depositories is limited to the state share of funds available in the Trust Fund.<sup>32</sup> The DOR and the FACC contract for data processing services as necessary for the operation of the child support program and for the purpose of paying the FACC the state share of the trust fund balances for operation and maintenance of CLERC System.<sup>33</sup>

Pursuant to the DOR's current contract with the FACC (Contract CC700) for income withholding payments in non-IV-D cases, the SDU transmits all payments to the relevant depository for each case.<sup>34</sup> The depository collects the clerk's statutory fee and retains 40 percent for the administration, management and maintenance of the case.<sup>35</sup>

According to the DOR, the current practice for collecting, retaining, distributing, accounting for and reporting clerk fees in non-IV-D cases on payments received directly by the depository and by the SDU has been in place for several years, coincides with programming of the CLERC System, and is reflected in the DOR's contracts with the FACC for services in support of the SDU and the depositories.<sup>36</sup>

### ***Effect of Bill***

The bill amends s. 61.181, F.S., making the following changes:

- Applies the methodology currently utilized by the CLERC system to determine how the amount of the fee allocated to the operation and maintenance of the CLERC system is calculated;
- Removes existing references to unused methodologies specified in s. 61.181(2)(b), F.S.;

---

<sup>29</sup> The DOR SB 536 Analysis, p. 3.

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

<sup>33</sup> *Id.*

<sup>34</sup> The DOR SB 532 Analysis, p. 3.

<sup>35</sup> *Id.*

<sup>36</sup> *Id.*

- Clarifies that the clerk of court maintains its share of the fee for receiving, recording, reporting, disbursing, monitoring, or handling alimony or child support payments which are not processed through the SDU;
- Provides that for payments processed through the SDU, the clerk of court retains 40 percent of the fee for the depository's administration, management, and maintenance of the case for payments processed through the SDU;
- Requires the clerk of court to transmit the balance of the fee to the DOR for handling as program income after retaining 40 percent of the fee and paying the amount due to the Trust Fund;
- Requires the DOR to transfer funds received from the depository at least monthly through the Clerk of the Court Revenue Remittance System operated under s. 28.245, F.S.;<sup>37</sup>
- Provides that depository fees are payable on payments in all non-IV-D cases, not just those that are not required to be processed through the SDU;
- Prohibits depository fees from being imposed on payments on IV-D cases;
- Removes the existing requirement for the SDU to collect and remit fees to the depository on non-IV-D payments;
- Removes the existing requirement for the depository to provide the DOR with a monthly report of IV-D payment accounts;
- Removes a provision which specifies that the depository is not required to provide the IV-D agency with the date provided by a payor of income as required by s. 61.1301, F.S., if the fee increases, expires, or otherwise terminates. As a result, the depository must now provide the DOR with the date provided by a payor;
- Deletes obsolete language relating to prior dates;
- Changes the meaning of "depository" as defined in s. 61.046(4), F.S., to remove references to past dates and obsolete references;
- Clarifies that the depository is established by the clerk of the circuit court;
- Reorganizes current statutory provisions consistent with other changes made by the bill;
- Amends a cross-reference in s. 61.1811, F.S.; and
- Updates a cross-reference to s. 61.181(2)(b), F.S.

The bill also corrects inconsistency in s. 61.181(2)(b), F.S., regarding allocation amounts for operation and maintenance of the CLERC System without altering the existing allocation methodology of the CLERC System.

## **Driver License Suspension (Section 2)**

### ***Present Situation***

If an obligor is 15 days delinquent in making a support payment, notice to the obligor of the delinquency must be provided by the DOR (in IV-D cases) or the clerk of the court (in non-IV-D

---

<sup>37</sup> Section 28.245, F.S., provides that notwithstanding any other provision of law, all moneys collected by the clerks of the court as part of the clerk's court-related functions for subsequent distribution to any state entity must be transmitted electronically, by the 10th day of the month immediately after the month in which the moneys are collected, to the DOR for appropriate distribution. A uniform remittance form provided by the DOR detailing the specific amounts due each fund must accompany such submittal. All moneys collected by the clerks of court for remittance to any entity must be distributed pursuant to the law in effect at the time of collection.

cases).<sup>38</sup> The notice must state that the DOR or the clerk of the court will request the Department of Highway Safety and Motor Vehicles (DHSMV) to suspend the obligor's driver license within 20 days after the date that the notice is mailed.<sup>39</sup> The notice lists several ways for an obligor to stop suspension of his or her license, including:

- Paying the delinquency in full;
- Entering into a written agreement for payment (with the obligee<sup>40</sup> or the DOR);
- Contesting the delinquency notice;
- Demonstrating that he or she is on reemployment assistance (unemployment compensation);
- Demonstrating that he or she is disabled and incapable of self-support;
- Demonstrating that he or she receives temporary cash assistance; or
- Demonstrating that he or she is making bankruptcy payments.<sup>41</sup>

The obligor may enter into a payment agreement, which may include a reasonable period of payment deferral to accommodate the obligor's good faith job-seeking efforts, in order to avoid license suspension.<sup>42</sup> If an obligor in a non-IV-D case enters into a written agreement for payment before the expiration of the 20-day period, the obligor must provide a copy of the signed written agreement to the depository or the clerk of the court.<sup>43</sup>

### ***Effect of Bill***

The bill amends s. 61.13016(1)(c)1.b., F.S., to permit payment agreements which include a deferred start date in instances where the obligor is shown to be participating in job training in good faith.

## **Child Support Guidelines; Incarceration as Voluntary Unemployment (Section 5)**

### ***Present Situation***

As the state's IV-D agency, federal law authorizes the head of the DOR, or its designee, to obtain consumer reports to determine an individual's income, establish that individual's capacity to make support payments, or determine the appropriate amount of child support the individual pays. Additionally, s. 61.1354(3), F.S., specifies that, to obtain the information, the head of the IV-D agency, or its designee, must certify that:

- The consumer report is needed for the purpose of determining an individual's income and establishing an individual's capacity to make support payments or determining the appropriate amount of child support payment to be made by the individual;
- Paternity of the child of the individual whose report is sought, if that individual is the father of the child, has been established or acknowledged pursuant to Florida law;
- The individual whose report is sought was provided with at least 15 days prior notice by certified or registered mail to the individual's last known address that the report was requested; and

<sup>38</sup> Section 61.13016(1), F.S.

<sup>39</sup> Section 61.13016(1)(c), F.S.

<sup>40</sup> Section 61.046, F.S. defines "obligee" as the person to whom payments are made pursuant to an order establishing, enforcing, or modifying an obligation for alimony, for child support, or for alimony and child support.

<sup>41</sup> Section 61.13016(1)(c)1., F.S.

<sup>42</sup> Section 61.13016(1)(c)1.b., F.S.

<sup>43</sup> Section 61.13016(1)(c), F.S.

- The consumer report will be used solely for the purpose specified.<sup>44</sup>

In *DOR v. Jackson*,<sup>45</sup> the Florida Supreme Court held that a parent may not automatically have his or her child support payment obligations modified based solely on a reduction in income resulting from incarceration. The trial court has some discretion, but the child's interest in receiving support must generally supersede the obligor parent's substantial change in circumstances resulting from incarceration.

The District Courts of Appeal are not in agreement on whether income can be imputed when determining *an initial* child support order when the parent is in prison or going to prison.

In *McCall v. Martin*,<sup>46</sup> the Fourth District Court of Appeal reversed the trial court's order refusing to impute income to the father during his incarceration for committing battery on his wife, citing his absence of income. Relying on *Jackson* and *Mascola v. Lusskin*,<sup>47</sup> which was approved by the Supreme Court in *Jackson*, the Fourth District held that the father's child support order may not be modified based on his incarceration due to a conviction for attempting to kill the mother to avoid child support.

However, in *DOR v. Llamas*,<sup>48</sup> the First District Court of Appeal affirmed an order declining to impose a child support obligation upon the father who was going to prison. The First DCA certified conflict with the Fourth DCA's opinion in *McCall*, finding that the administrative law judge reasonably applied the law and did not abuse his discretion in declining to impute income to the father. Subsequently, in *Wilkerson v. Wilkerson*,<sup>49</sup> the Fifth DCA aligned itself with *McCall* and certified conflict with *Llamas*, holding that a court does not abuse its discretion in setting an initial child support obligation by imputing income to an incarcerated parent. The court in *Wilkerson* believed that an individual's actions that lead to incarceration are voluntary for purposes of s. 61.30(2)(b), F.S., and that s. 61.30, F.S., was not intended to operate as a shield to avoid having an initial support obligation established while the parent is incarcerated.

In 2016, Federal law was amended to prohibit state laws from treating incarceration as voluntary unemployment for purposes of establishing or modifying child support orders.<sup>50</sup> On September 17, 2020, the OCSE proposed two optional exceptions to allow incarceration to be treated as voluntary unemployment under child support guidelines, including incarceration which results from:

- Intentional nonpayment of child support resulting from a criminal case or civil contempt action; or
- Any offense of which the individual's dependent child or the child support recipient was the victim.<sup>51</sup>

---

<sup>44</sup> Section 61.1354(3), F.S.

<sup>45</sup> 846 So. 2d 486 (Fla. 2003).

<sup>46</sup> 34 So. 3d 121 (Fla. 4th DCA 2010).

<sup>47</sup> 727 So. 2d 328 (Fla. 4th DCA 1999).

<sup>48</sup> 196 So.3d 1267 (Fla. 1st DCA 2016).

<sup>49</sup> 220 So. 3d 480 (Fla. 5th DCA 2017).

<sup>50</sup> See 45 CFR 302.56(c)(3).

<sup>51</sup> 85 FR 58029 (September 17, 2020).

Since 2021, Florida law has prohibited treating incarceration as voluntary unemployment when a support order is established or modified, unless incarceration is for intentional nonpayment of child support or an offense against a child or person who is owed child support, or the court or administrative tribunal deviates from the guideline amount as provided under current law.<sup>52</sup> The DOR has stated that the OCSE objects to Florida's exceptions to the Federal rule that a state's child support guidelines may not treat incarceration as voluntary unemployment when establishing or modifying support orders.<sup>53</sup> The OCSE has recently informed the DOR that it will not approve Florida's Title IV-D State Plan for compliance with federal child support guidelines requirements unless the exceptions are removed from Florida law.<sup>54</sup>

Florida is ineligible to receive federal IV-D matching funds and performance-based federal incentive payments if the state lacks an approved Title IV-D State Plan.<sup>55</sup> According to the DOR, the Child Support Program's State Fiscal Year 2022-2023 appropriations for these funds are \$174.6 million and \$42.2 million, respectively.<sup>56</sup> The state will also incur a penalty to the Title IV-A TANF (Temporary Assistance for Needy Families) Grant without an approved Title IV-D State Plan.<sup>57</sup> For the first year of noncompliance, the penalty is one to two percent of TANF funds; for the second year, the penalty is two to three percent of TANF funds; and for the third and subsequent years, the penalty is three to five percent of the amounts otherwise payable to the state.<sup>58</sup> Florida's TANF Grant is currently \$560.5 million.<sup>59</sup>

As a condition of the state's IV-D State Plan and in order to continue receiving federal IV-D matching funds, Florida is obligated to comply with Federal IV-D regulations.<sup>60</sup> The "Federal Compliance Date" for Florida to comply with 45 CFR 302.56(c)(3) is approximately June 30, 2023.<sup>61</sup>

### ***Effect of Bill***

The bill makes changes to conform to the requirements of Federal law by deleting existing provisions of state law which prohibit classifying incarceration as voluntary unemployment when establishing or modifying a support order. As a result, incarceration will no longer be treated as voluntary unemployment for the purposes of support orders. The bill removes exceptions in instances where incarceration occurs as a result of intentional nonpayment of child support or an offense against a child or person who is owed child support; however, maintains the court's discretion to deviate from the guideline amount as provided by s. 61.30(1)(a), F.S., if the court makes written findings in its order explaining why ordering payment of the guideline amount would be unjust or inappropriate.

---

<sup>52</sup> Section 61.30(2)(c), F.S.; Ch. 2021-103, s. 4, L.O.F.

<sup>53</sup> The DOR SB 536 Analysis, p. 4-5.

<sup>54</sup> *Id.*

<sup>55</sup> The DOR SB 536 Analysis, p. 5.

<sup>56</sup> *Id.*

<sup>57</sup> *Id.*

<sup>58</sup> *Id.*

<sup>59</sup> *Id.*

<sup>60</sup> See 42 USC 655(a)(1)(A) and 45 CFR 302.56(a).

<sup>61</sup> The DOR SB 536 Analysis, p. 5.



To ensure Florida is in compliance with 45 CFR 302.56(c)(3) by the deadline, this section of the bill is effective upon becoming a law.

## **Determining Paternity or Paternity and Child Support (Section 6)**

### ***Present Situation***

The DOR is authorized pursuant to s. 409.256(2)(a)5., F.S., to commence administrative proceedings to determine paternity or paternity and child support only in cases where a child's mother or putative father has executed an affidavit or written declaration under penalty of perjury stating that the putative father is, or may be, the child's biological father. The affidavit or written declaration must set forth the factual basis for the allegation of paternity.<sup>62</sup>

In instances where a child lives with their mother or putative father, the DOR can often obtain an affidavit or written declaration of paternity that names the putative father or fathers.<sup>63</sup> The DOR has stated that obtaining proper documented authorization is problematic in cases where a child lives with a nonparent caregiver.<sup>64</sup> The mother and putative father may be unavailable to provide a written declaration or unwilling to cooperate in such instances.<sup>65</sup>

According to the DOR, the most common caregiver relationship involves instances where the caregiver is the child's grandmother and she is receiving public assistance for the child.<sup>66</sup> An administrative proceeding cannot be commenced without an affidavit or written declaration of paternity from the mother or putative father, and the DOR must file the case in circuit court to determine paternity and child support.<sup>67</sup> As of January 13, 2023, the DOR was responsible for establishing paternity for 48,075 children living with a nonparent caregiver of which 45,059 lived with a parent and 3,016 lived with a nonparent caregiver.<sup>68</sup> In nonparent caregiver cases, (87 percent) received some form of public assistance (cash assistance, food assistance, and/or Medicaid).<sup>69</sup>

The DOR uses a "Paternity Statement by Non-Parent" form to serve as the basis for a paternity action in circuit court when a paternity affidavit or written declaration is not available from the mother or putative father.<sup>70</sup> According to the DOR, nonparent caregivers often have knowledge of the child's paternity.<sup>71</sup> The caregiver signs the statement under penalty of perjury and provides the factual basis for the allegation that the putative father named may be the father of the child at issue in the case.<sup>72</sup>

---

<sup>62</sup> Section 409.256(2)(a)5., F.S.

<sup>63</sup> The DOR SB 536 Analysis, p. 5.

<sup>64</sup> *Id.*

<sup>65</sup> *Id.*

<sup>66</sup> *Id.*

<sup>67</sup> *Id.*

<sup>68</sup> *Id.*

<sup>69</sup> *Id.*

<sup>70</sup> Rule 12E-1.039, F.A.C.; the "Paternity Statement by Non-Parent" form is referenced in the Florida Administrative Code as CS-PO34 and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-08655>.

<sup>71</sup> The DOR SB 536 Analysis, p. 6.

<sup>72</sup> *Id.*

### ***Effect of Bill***

The bill amends s. 409.256(2)(a)5., F.S., to permit the DOR to initiate an administrative proceeding to determine paternity, or paternity and child support, where an affidavit or written declaration is executed by a nonparent caregiver of the child who has knowledge of the child's paternity.

### **Credit for Payments Made to Another State (Section 7)**

#### ***Present Situation***

Since enactment of Title IV-D of the Social Security Act in January 1975, states have been required to cooperate with one another in locating absent parents, establishing paternity, and obtaining and enforcing support owed by absent parents to their children.<sup>73</sup> Pursuant to the Full Faith and Credit for Child Support Order Act and the Uniform Interstate Family Support Act (UIFSA), courts of all U.S. territories, states, and tribes must give full faith and credit to a child support order issued by another state or tribe that had jurisdiction over the parties and the subject matter.<sup>74</sup>

In Florida, the DOR may request each depository to establish an account for the receipt and disbursement of support payments for IV-D interstate cases.<sup>75</sup> The DOR is required to provide a copy of the other state's order with the request, and the depository must advise the DOR of the account number in writing within four business days after receipt of the request.<sup>76</sup>

In child support cases where an obligor lives and works in a state other than Florida, a clerk of court may not credit the obligor's account for payments made to another state without prior approval from a Florida court.<sup>77</sup> Florida administrative support orders are not court orders and therefore a circuit court case is typically not available in which a motion for credit can be filed with the court.<sup>78</sup>

In some interstate IV-D cases, the DOR also receives support payments from federal offsets and other one-time collections.<sup>79</sup> The DOR reports such payments to the appropriate depository and the clerk credits the payments to the obligor's account.<sup>80</sup> The absence of a complete accounting of payments at the depository makes it appear that payments were not made, which may result in inappropriate enforcement or collection actions, including judgments by operation of law initiated by the depository under s. 61.14(6), F.S.<sup>81</sup>

---

<sup>73</sup> The OCSE, *Final Rule: Provision of Services in Interstate IV-D Cases*, available at <https://www.acf.hhs.gov/css/policy-guidance/final-rule-provision-services-interstate-iv-d-cases> (last visited February 27, 2023).

<sup>74</sup> The OCSE, *Child Support Handbook Chapter 7: Working Across Borders* at p. 1, available at [https://www.acf.hhs.gov/sites/default/files/documents/ocse/chapter7\\_0.pdf](https://www.acf.hhs.gov/sites/default/files/documents/ocse/chapter7_0.pdf) (last visited February 27, 2023).

<sup>75</sup> Section 61.181(1)(b), F.S.

<sup>76</sup> *Id.*

<sup>77</sup> The DOR SB 536 Analysis, p. 6.

<sup>78</sup> *Id.*

<sup>79</sup> *Id.*

<sup>80</sup> *Id.*

<sup>81</sup> *Id.*

***Effect of Bill***

The bill amends s. 409.2563(8), F.S., to provide that when the DOR receives a record of a payment from a IV-D agency or a court in another state and the record shows the obligor made a payment in that state pursuant to a DOR-issued support order, the DOR is required to file a record of the payment with the appropriate depository. The DOR must request that the clerk review the record and update relevant payment accounts.

The bill requires the DOR to apply credit for payments made in another state if the clerk has not previously done so. If the other state's payment record reflects payments which are not shown in the clerk's payment accounts, the clerk must credit the obligor's account in an amount equal to that of the payment made to the other state. The bill allows parties to the administrative proceeding to dispute the application of credit in subsequent proceedings regarding payment under the support order.

**Updated Definitions and Cross-References (Sections 1 and 4)**

Section 1 of the bill amends the definition of "depository" in s. 61.046(4), F.S., consistent with section 3 of the bill. The bill clarifies that each depository is established by the appropriate clerk of the circuit court. Section 4 of the bill updates a cross-reference consistent with section 3 of the bill.

**Effective Date**

The effective date of the bill is October 1, 2023, with the exception of section 5 of the bill, which is effective upon becoming a law.

**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:**

The Department of Revenue states that the proposed changes in section 3 of the bill relating to depository service fees, will likely not increase net fee collection or individual fee amounts, and therefore are not subject to the requirements of Article VII, Section 19 of the Florida Constitution.<sup>82</sup>

---

<sup>82</sup> The DOR, *Senate Bill 536 Analysis*, p. 8 (January 3, 2023).

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill may have an indeterminate operational impact to the Department of Revenue, but can be managed within existing resources.<sup>83</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 61.046, 61.13016, 61.181, 61.1811, 61.30, 409.256, and 409.2563.

**IX. Additional Information:**

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

The Committee Substitute:

- Changes the effective date of section 5 of the bill from July 1, 2023, to the date on which the bill becomes a law.

B. Amendments:

None.

---

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

---

---

<sup>83</sup> *Id.*

By the Committee on Children, Families, and Elder Affairs; and  
Senator Garcia

586-02299A-23

2023536c1

1 A bill to be entitled  
2 An act relating to child support; amending s. 61.046,  
3 F.S.; conforming a cross-reference; revising the  
4 definition of the term "depository"; amending s.  
5 61.13016, F.S.; revising requirements for the  
6 deferment of payment agreements for child support;  
7 amending s. 61.181, F.S.; revising the procedures for  
8 collection and distribution of court depository fees;  
9 amending s. 61.1811, F.S.; conforming a cross-  
10 reference; amending s. 61.30, F.S.; removing  
11 exceptions to the prohibition on treating  
12 incarceration as voluntary employment; amending s.  
13 409.256, F.S.; revising requirements for the  
14 Department of Revenue to commence proceedings  
15 regarding paternity and child support; amending s.  
16 409.2563, F.S.; requiring and specifying procedures  
17 for the clerk of the court to credit depository  
18 accounts for collections received by another state;  
19 providing effective dates.

20  
21 Be It Enacted by the Legislature of the State of Florida:

22  
23 Section 1. Subsections (2) and (4) of section 61.046,  
24 Florida Statutes, are amended to read:  
25 61.046 Definitions.—As used in this chapter, the term:  
26 (2) "Clerk of Court Child Support Collection System" or  
27 "CLERC System" means the automated system established pursuant  
28 to s. 61.1811 ~~s. 61.181(2)(b)1~~, integrating all clerks of court  
29 and depositories and through which payment data and State Case

Page 1 of 12

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

586-02299A-23

2023536c1

30 Registry data is transmitted to the department's automated child  
31 support enforcement system.  
32 (4) "Depository" means the ~~central governmental~~ depository  
33 established by the clerk of the circuit court pursuant to s.  
34 61.181, ~~created by special act of the Legislature or other~~  
35 ~~entity established before June 1, 1985, to perform depository~~  
36 ~~functions and~~ to receive, record, report, disburse, monitor, and  
37 otherwise handle alimony and child support payments not  
38 otherwise required to be processed by the State Disbursement  
39 Unit.  
40 Section 2. Subsection (1) of section 61.13016, Florida  
41 Statutes, is amended to read:  
42 61.13016 Suspension of driver licenses and motor vehicle  
43 registrations.—  
44 (1) The driver license and motor vehicle registration of a  
45 support obligor who is delinquent in payment or who has failed  
46 to comply with subpoenas or a similar order to appear or show  
47 cause relating to paternity or support proceedings may be  
48 suspended. When an obligor is 15 days delinquent making a  
49 payment in support or failure to comply with a subpoena, order  
50 to appear, order to show cause, or similar order in IV-D cases,  
51 the ~~Title~~ IV-D agency may provide notice to the obligor of the  
52 delinquency or failure to comply with a subpoena, order to  
53 appear, order to show cause, or similar order and the intent to  
54 suspend by regular United States mail that is posted to the  
55 obligor's last address of record with the Department of Highway  
56 Safety and Motor Vehicles. When an obligor is 15 days delinquent  
57 in making a payment in support in non-IV-D cases, and upon the  
58 request of the obligee, the depository or the clerk of the court

Page 2 of 12

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

586-02299A-23

2023536c1

59 must provide notice to the obligor of the delinquency and the  
60 intent to suspend by regular United States mail that is posted  
61 to the obligor's last address of record with the Department of  
62 Highway Safety and Motor Vehicles. In either case, the notice  
63 must state all of the following:

64 (a) The terms of the order creating the support  
65 obligation. ~~+~~

66 (b) The period of the delinquency and the total amount of  
67 the delinquency as of the date of the notice or describe the  
68 subpoena, order to appear, order to show cause, or other similar  
69 order that has not been complied with. ~~+~~

70 (c) That notification will be given to the Department of  
71 Highway Safety and Motor Vehicles to suspend the obligor's  
72 driver license and motor vehicle registration unless, within 20  
73 days after the date that the notice is mailed, the obligor:

74 1.a. Pays the delinquency in full and any other costs and  
75 fees accrued between the date of the notice and the date the  
76 delinquency is paid;

77 b. Enters into a written agreement for payment with the  
78 obligee in non-IV-D cases or with the ~~Title~~ IV-D agency in IV-D  
79 cases; or in IV-D cases, complies with a subpoena or order to  
80 appear, order to show cause, or a similar order, which may  
81 include a reasonable period of payment deferral to accommodate  
82 an obligor's good faith job-seeking or job training efforts;

83 c. Files a petition with the circuit court to contest the  
84 delinquency action;

85 d. Demonstrates that he or she receives reemployment  
86 assistance or unemployment compensation pursuant to chapter 443;

87 e. Demonstrates that he or she is disabled and incapable of

586-02299A-23

2023536c1

88 self-support or that he or she receives benefits under the  
89 federal Supplemental Security Income program or Social Security  
90 Disability Insurance program;

91 f. Demonstrates that he or she receives temporary cash  
92 assistance pursuant to chapter 414; or

93 g. Demonstrates that he or she is making payments in  
94 accordance with a confirmed bankruptcy plan under chapter 11,  
95 chapter 12, or chapter 13 of the United States Bankruptcy Code,  
96 11 U.S.C. ss. 101 et seq.; and

97 2. Pays any applicable delinquency fees.

98  
99 If an obligor in a non-IV-D case enters into a written agreement  
100 for payment before the expiration of the 20-day period, the  
101 obligor must provide a copy of the signed written agreement to  
102 the depository or the clerk of the court. If an obligor seeks to  
103 satisfy sub-subparagraph 1.d., sub-subparagraph 1.e., sub-  
104 subparagraph 1.f., or sub-subparagraph 1.g. before expiration of  
105 the 20-day period, the obligor must provide the applicable  
106 documentation or proof to the depository or the clerk of the  
107 court.

108 Section 3. Paragraph (a) of subsection (1), subsection (2),  
109 paragraph (a) of subsection (3), and subsections (4), (8), and  
110 (9) of section 61.181, Florida Statutes, are amended to read:

111 61.181 Depository for alimony transactions, support,  
112 maintenance, and support payments; fees.—

113 (1)(a) The office of the clerk of the court shall operate a  
114 depository ~~unless the depository is otherwise created by special~~  
115 ~~act of the Legislature or unless, prior to June 1, 1985, a~~  
116 ~~different entity was established to perform such functions.~~ The

586-02299A-23

2023536c1

117 department shall, ~~no later than July 1, 1998,~~ extend  
 118 participation in the federal child support cost reimbursement  
 119 program to the central depository in each county, to the maximum  
 120 extent allowable possible under existing federal law. The  
 121 depository shall receive reimbursement for services provided  
 122 under a cooperative agreement with the department pursuant to s.  
 123 61.1826. Each depository shall participate in the State  
 124 Disbursement Unit and shall implement all statutory and  
 125 contractual duties imposed on the State Disbursement Unit. Each  
 126 depository shall receive from and transmit to the State  
 127 Disbursement Unit required data through the Clerk of Court Child  
 128 Support Enforcement Collection System. Payments on non-IV-D non-  
 129 Title IV-D cases without income deduction orders may not shall  
 130 not be sent to the State Disbursement Unit.

131 (2) (a) The depository shall impose and collect a fee on  
 132 payments on non-IV-D cases. The fee is 4 percent of the payment,  
 133 except no fee may be less than \$1 or more than \$5.25 For  
 134 payments not required to be processed through the State  
 135 Disbursement Unit, the depository shall impose and collect a fee  
 136 on each payment made for receiving, recording, reporting,  
 137 disbursing, monitoring, or handling alimony or child support  
 138 payments as required under this section. For non-Title IV-D  
 139 cases required to be processed by the State Disbursement Unit  
 140 pursuant to this chapter, the State Disbursement Unit shall, on  
 141 each payment received, collect a fee, and shall transmit to the  
 142 depository in which the case is located 40 percent of such  
 143 service charge for the depository's administration, management,  
 144 and maintenance of such case. If a payment is made to the State  
 145 Disbursement Unit which is not accompanied by the required fee,

586-02299A-23

2023536c1

146 the State Disbursement Unit shall not deduct any moneys from the  
 147 support payment for payment of the fee. The fee shall be a flat  
 148 fee based, to the extent practicable, upon estimated reasonable  
 149 costs of operation. The fee shall be reduced in any case in  
 150 which the fixed fee results in a charge to any party of an  
 151 amount greater than 3 percent of the amount of any support  
 152 payment made in satisfaction of the amount which the party is  
 153 obligated to pay, except that no fee shall be less than \$1 nor  
 154 more than \$5 per payment made. The court shall consider the fee  
 155 shall be considered by the court in determining the amount of  
 156 support that the obligor is, or may be, required to pay. A fee  
 157 may not be imposed on payments on IV-D cases.

158 (b)1. The fee imposed in paragraph (a) shall be increased  
 159 to 4 percent of the support payments which the party is  
 160 obligated to pay, except that no fee shall be more than \$5.25.  
 161 The fee shall be considered by the court in determining the  
 162 amount of support that the obligor is, or may be, required to  
 163 pay. Notwithstanding the provisions of s. 145.022, the fee for  
 164 non-IV-D cases must be distributed 75 percent of the additional  
 165 revenues generated by this paragraph shall be remitted monthly  
 166 to the Clerk of the Court Child Support Enforcement Collection  
 167 System Trust Fund administered by the department as provided in  
 168 subparagraph 2., calculated as follows:

169 a. For each support payment of less than \$33, 18.75 cents.  
 170 b. For each support payment between \$33 and \$140 inclusive,  
 171 an amount equal to 75 percent of the difference between 4  
 172 percent of the payment amount not to exceed \$5.25 and 3 percent  
 173 of the payment amount not to exceed \$5.00.  
 174 c. For each support payment in excess of \$140, 18.75 cents.

586-02299A-23

2023536c1

175  
 176 These funds ~~must shall~~ be used exclusively for the development,  
 177 implementation, and operation of the Clerk of the Court Child  
 178 Support Enforcement Collection System to be operated by the  
 179 depositories, including the automation of civil case information  
 180 necessary for the State Case Registry. The department shall  
 181 contract with the Florida Association of Court Clerks and the  
 182 depositories to design, establish, operate, upgrade, and  
 183 maintain the automation of the depositories to include, but not  
 184 be limited to, the provision of online electronic transfer of  
 185 information to the IV-D agency as otherwise required by this  
 186 chapter. The department's obligation to fund the automation of  
 187 the depositories is limited to the state share of funds  
 188 available in the Clerk of the Court Child Support Enforcement  
 189 Collection System Trust Fund. Each depository created under this  
 190 section ~~must shall~~ fully participate in the Clerk of the Court  
 191 Child Support Enforcement Collection System and transmit data in  
 192 a readable format as required by the contract between the  
 193 Florida Association of Court Clerks and the department.

194 2. For payments not processed through the State  
 195 Disbursement Unit, the clerk of the court shall retain the  
 196 balance of the fee for receiving, recording, reporting,  
 197 disbursing, monitoring, or handling alimony or child support  
 198 payments as required under this section.

199 3. For payments processed through the State Disbursement  
 200 Unit, the clerk of the court shall retain 40 percent of the fee  
 201 for the depository's administration, management, and maintenance  
 202 of the case. After retaining 40 percent of the fee and paying  
 203 the amount due to the Clerk of the Court Child Support

586-02299A-23

2023536c1

204 Enforcement Collection System Trust Fund, the clerk of the court  
 205 shall transmit the balance of the fee to the department for  
 206 handling as program income under s. 61.1814.

207 (c) Moneys to be remitted under subparagraphs (b)1. and 3.  
 208 must be remitted no less often than monthly in accordance with  
 209 s. 28.245 to the Clerk of the Court Revenue Remittance System.

210 ~~(d) Moneys to be remitted to the department by the~~  
 211 ~~depository shall be done daily by electronic funds transfer and~~  
 212 ~~calculated as follows:~~

213 ~~a. For each support payment of less than \$33, 18.75 cents.~~  
 214 ~~b. For each support payment between \$33 and \$140, an amount~~  
 215 ~~equal to 18.75 percent of the fee charged.~~

216 ~~c. For each support payment in excess of \$140, 18.75 cents.~~

217 ~~3-~~ The fees established by this section shall be set forth  
 218 and included in every order of support entered by a court of  
 219 this state which requires payment to be made into the  
 220 depository.

221 (3) (a) For payments not required to be processed through  
 222 the State Disbursement Unit, the depository shall collect and  
 223 distribute all support payments paid into the depository to the  
 224 appropriate party. ~~On or after July 1, 1998,~~ If a payment is  
 225 made on a ~~Title~~ IV-D case which is not accompanied by the  
 226 required transaction fee, the depository ~~may shall~~ not deduct  
 227 any moneys from the support payment for payment of the fee.  
 228 Nonpayment of the required fee shall be considered a  
 229 delinquency, and when the total of fees and costs which are due  
 230 but not paid exceeds \$50, the judgment by operation of law  
 231 process set forth in s. 61.14(6) (a) shall become applicable and  
 232 operational. As part of its collection and distribution



586-02299A-23

2023536c1

233 functions, the depository shall maintain records listing:  
 234 1. The obligor's name, address, social security number,  
 235 place of employment, and any other sources of income.  
 236 2. The obligee's name, address, and social security number.  
 237 3. The amount of support due as provided in the court  
 238 order.  
 239 4. The schedule of payment as provided in the court order.  
 240 5. The actual amount of each support payment received, the  
 241 date of receipt, the amount disbursed, and the recipient of the  
 242 disbursement.  
 243 6. The unpaid balance of any arrearage due as provided in  
 244 the court order.  
 245 7. Other records as necessary to comply with federal  
 246 reporting requirements.  
 247 ~~(4) The depository shall provide to the IV-D agency, at~~  
 248 ~~least once a month, a listing of IV-D accounts which identifies~~  
 249 ~~all delinquent accounts, the period of delinquency, and total~~  
 250 ~~amount of delinquency. The list shall be in alphabetical order~~  
 251 ~~by name of obligor, shall include the obligee's name and case~~  
 252 ~~number, and shall be provided at no cost to the IV-D agency.~~  
 253 ~~(7)(8) On or before July 1, 1994, The depository shall~~  
 254 ~~provide information required by this chapter to be transmitted~~  
 255 ~~to the Title IV-D agency by online electronic transmission~~  
 256 ~~pursuant to rules promulgated by the Title IV-D agency.~~  
 257 ~~(9) If the increase in fees as provided by paragraph (2)(b)~~  
 258 ~~expires or is otherwise terminated, the depository shall not be~~  
 259 ~~required to provide the Title IV-D agency the date provided by a~~  
 260 ~~payor as required by s. 61.1301.~~  
 261 Section 4. Section 61.1811, Florida Statutes, is amended to

Page 9 of 12

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

586-02299A-23

2023536c1

262 read:  
 263 61.1811 Clerk of the Court Child Support Enforcement  
 264 Collection System Trust Fund.—There is hereby created the Clerk  
 265 of the Court Child Support Enforcement Collection System Trust  
 266 Fund to be used to deposit the department's share of the fees  
 267 generated in s. 61.181(2)(b)1 ~~s. 61.181(2)(b)~~.  
 268 Section 5. Effective upon becoming a law, paragraph (c) of  
 269 subsection (2) of section 61.30, Florida Statutes, is amended to  
 270 read:  
 271 61.30 Child support guidelines; retroactive child support.—  
 272 (2) Income shall be determined on a monthly basis for each  
 273 parent as follows:  
 274 (c) ~~Except for incarceration for willful nonpayment of~~  
 275 ~~child support or for an offense against a child or person who is~~  
 276 ~~owed child support, Incarceration may not be treated as~~  
 277 ~~voluntary unemployment in establishing or modifying a support~~  
 278 ~~order. However, the court may deviate from the child support~~  
 279 ~~guideline amount as provided in paragraph (1)(a).~~  
 280 Section 6. Paragraph (a) of subsection (2) of section  
 281 409.256, Florida Statutes, is amended to read:  
 282 409.256 Administrative proceeding to establish paternity or  
 283 paternity and child support; order to appear for genetic  
 284 testing.—  
 285 (2) JURISDICTION; LOCATION OF HEARINGS; RIGHT OF ACCESS TO  
 286 THE COURTS.—  
 287 (a) The department may commence a paternity proceeding or a  
 288 paternity and child support proceeding as provided in subsection  
 289 (4) if:  
 290 1. The child's paternity has not been established.

Page 10 of 12

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

586-02299A-23

2023536c1

291 2. No one is named as the father on the child's birth  
 292 certificate or the person named as the father is the putative  
 293 father named in an affidavit or a written declaration as  
 294 provided in subparagraph 5.

295 3. The child's mother was unmarried when the child was  
 296 conceived and born.

297 4. The department is providing services under Title IV-D of  
 298 the Social Security Act.

299 5. The child's mother, caregiver, or a putative father has  
 300 stated in an affidavit, or in a written declaration as provided  
 301 in s. 92.525(2), that the putative father is or may be the  
 302 child's biological father. The affidavit or written declaration  
 303 must set forth the factual basis for the allegation of paternity  
 304 as provided in s. 742.12(2).

305 Section 7. Subsection (8) of section 409.2563, Florida  
 306 Statutes, is amended to read:

307 409.2563 Administrative establishment of child support  
 308 obligations.—

309 (8) FILING WITH THE CLERK OF THE CIRCUIT COURT; OFFICIAL  
 310 PAYMENT RECORD; JUDGMENT BY OPERATION OF LAW.—The department  
 311 shall file with the clerk of the circuit court a copy of an  
 312 administrative support order rendered under this section. The  
 313 depository operated pursuant to s. 61.181 for the county where  
 314 the administrative support order has been filed shall:

315 (a) Act as the official recordkeeper for payments required  
 316 under the administrative support order;

317 (b) Establish and maintain the necessary payment accounts;

318 (c) Upon a delinquency, initiate the judgment by operation  
 319 of law procedure as provided by s. 61.14(6); and

586-02299A-23

2023536c1

320 (d) Perform all other duties required of a depository with  
 321 respect to a support order entered by a court of this state.  
 322

323 When a proceeding to establish an administrative support order  
 324 is commenced under subsection (4), the department shall file a  
 325 copy of the initial notice with the depository. The depository  
 326 shall assign an account number and provide the account number to  
 327 the department within 4 business days after the initial notice  
 328 is filed. When the department receives a payment record from a  
 329 IV-D agency or a court in another state, as the term "state" is  
 330 defined by s. 88.1011, and the payment record shows the obligor  
 331 made a payment in that state pursuant to an administrative  
 332 support order rendered by the department, the department shall  
 333 file the payment record with the clerk of the court depository,  
 334 requesting the clerk to review the record and update the clerk's  
 335 payment accounts, applying credit for payments made to the other  
 336 state for which the clerk has not previously provided credit. If  
 337 the payment record from the other state indicates the obligor  
 338 has made payments that are not reflected in the clerk's payment  
 339 accounts, the clerk must credit the account in the amount of the  
 340 payment made to the other state. A party to the administrative  
 341 proceeding may dispute the application of credit in a subsequent  
 342 proceeding concerning payment under the administrative support  
 343 order.

344 Section 8. Except as otherwise expressly provided in this  
 345 act and except for this section, which shall take effect upon  
 346 becoming a law, this act shall take effect July 1, 2023.



The Florida Senate

## Committee Agenda Request

**To:** Senator Jason Brodeur, Chair  
Appropriations Committee on Agriculture, Environment, and General  
Government

**Subject:** Committee Agenda Request

**Date:** March 7, 2023

---

I respectfully request that **Senate Bill #536**, relating to Child Support, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in black ink, appearing to read "Ileana Garcia", written over a horizontal line.

Senator Ileana Garcia  
Florida Senate, District 36

April 12, 2023

Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

536

Bill Number or Topic

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

**Ag Approps**

Committee

Amendment Barcode (if applicable)

Name **Barney Bishop III**

Phone **850-510-9922**

Address **1454 Vieux Carre Drive**

Email **Barney@BarneyBishop.com**

Street

**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:

**Fla. Smart Justice**

*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. 511.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)*

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

S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

**SB 536**

**04/12/23**

Meeting Date

Approps Comm. on Agriculture, Environment, and General Government

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

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name **Alec Yarger**

Phone **850-717-6153**

Address **2450 Shumard Oak Blvd**

Email **alec.yarger@floridarevenue.com**

Street

**Tallahassee**

**FL**

**32311**

City

State

Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

**FL Dept. of Revenue**

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. 511.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

5-001 (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 Appropriations Committee on Agriculture, Environment, and General Government

---

BILL: SB 546

INTRODUCER: Senator Avila

SUBJECT: Restoration of Osborne Reef

DATE: April 11, 2023

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Barriero</u>	<u>Rogers</u>	<u>EN</u>	<u>Favorable</u>
2.	<u>Reagan</u>	<u>Betta</u>	<u>AEG</u>	<u>Favorable</u>
3.	_____	_____	<u>AP</u>	_____

---

**I. Summary:**

SB 546 requires the Florida Department of Environmental Protection (DEP) to submit a report to the Legislature on the status of the Osborne Reef cleanup and tire removal project. The report must include:

- A description of the condition of the remaining Osborne Reef structure;
- Any restoration efforts undertaken to restore the reef structure;
- The number of tires that have been retrieved and the number that still need to be retrieved; and
- The estimated timeline for the completion of the project.

The bill directs the DEP to develop a comprehensive restoration plan for Osborne Reef by July 1, 2024, upon completion of the cleanup and tire removal project. The restoration plan must include:

- A preliminary plan for the restoration of the existing reef;
- The restoration of any nearby natural reefs that were destroyed by the tire installation;
- The shifting of resources from tire retrieval to reef restoration; and
- Coordination with other coral reef restoration projects and resources.

Upon completion of the plan, the DEP must provide a report to the Legislature. The report must include an update on the status of the restoration plan and any recommendations for statutory changes necessary to achieve the identified restoration goals.

The bill also contains legislative findings regarding the enactment and purposes of the Act.

The DEP estimates a cost of approximately \$500,000 to conduct in-water assessments for the development of the restoration plan.

The effective date of the bill is July 1, 2023.

## II. Present Situation:

### Coral Reefs

Florida is the only state in the continental United States with extensive shallow coral reef formations near its coasts.<sup>1</sup> The state's coral reef extends over 350 nautical miles from the Dry Tortugas to the St. Lucie Inlet in Martin County. Coral reefs create specialized habitats that provide shelter, food and breeding sites for numerous plants and animals. This includes ones important to fishing like spiny lobster, snapper, and grouper. Fish rely on corals to build the reef structure where they can breed and grow. Current medicines that combat cancer, pain, and inflammation have been derived from coral reef organisms. In addition, South Florida's economy is inextricably linked to the coral reef ecosystem: coral reefs are estimated to annually support 71,000 jobs in South Florida, and the total tourism value of Florida's Coral Reef is estimated at \$1.1 billion annually.<sup>2</sup>

Healthy and resilient coral reefs safeguard against extreme weather, shoreline erosion, and coastal flooding.<sup>3</sup> Florida's Coral Reef provides more than \$355 million per year in flood protection benefits to buildings and protects nearly \$320 million in annual economic activity.<sup>4</sup>

### Artificial Reefs

An artificial reef is a manmade structure that mimics some of the characteristics of a natural reef.<sup>5</sup> Submerged shipwrecks are the most common form of artificial reef. Oil and gas platforms, bridges, lighthouses, and other offshore structures also function as artificial reefs. Materials used to construct these reefs have included rocks, cinder blocks, wood, and old tires. Several companies specialize in the design, manufacture, and deployment of long-lasting artificial reefs that are typically constructed of limestone, steel, and concrete.<sup>6</sup>

The Florida Keys National Marine Sanctuary contains several decommissioned vessels that were sunk in specific areas for diving or fishing opportunities prior to the area's designation as a national marine sanctuary.<sup>7</sup> One such ship is the *Thunderbolt*, which was intentionally sunk four

---

<sup>1</sup> Department of Environmental Protection (DEP), *Florida's Coral Reefs*, <https://floridadep.gov/rcp/rcp/content/floridas-coral-reefs> (last visited Feb. 28, 2023); DEP, *Coral Reef Conservation Program*, <https://floridadep.gov/rcp/coral> (last visited Feb. 28, 2023).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> National Oceanic and Atmospheric Administration (NOAA), *What is an artificial reef?*, <https://oceanservice.noaa.gov/facts/artificial-reef.html#:~:text=Oil%20and%20gas%20platforms%2C%20bridges%2C%20lighthouses%2C%20and%20other,the%20fishes%20and%20invertebrates%20that%20live%20among%20them>. (last visited Feb. 27, 2023).

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

miles south of Marathon and Key Colony Beach in 1986. The ship is now home to sponges, corals, and hydroids that provide food and habitat for a variety of sea creatures.<sup>8</sup>

Planned manmade reefs may provide local economic benefits because they attract fish to a known location and are therefore popular attractions for commercial and recreational fishermen, divers, and snorkelers.<sup>9</sup> However, the increase in illegal dumping for the purpose of creating habitat has led to significant poaching in the Florida Keys and subsequent high-profile arrests.<sup>10</sup>

### The Osborne Reef Tire Removal Project

During the 1970s, between one and two million tires were placed in the ocean off Broward County to create an artificial reef.<sup>11</sup> Over the years, many of the tires—which were held together only with nylon rope and steel clips—came loose and were moved by tropical storms and hurricanes, causing damage to existing nearby coral reefs.<sup>12</sup> Several programs have attempted to remove the tires. For example, in 2001, a small tire retrieval program was conducted by Dr. Robin Sherman of Nova Southeastern University with a \$30,000 grant from the National Oceanic and Atmospheric Administration (NOAA).<sup>13</sup> Approximately 1,600 tires were retrieved at a cost of over \$17 per tire.<sup>14</sup> Due to the magnitude and cost of such projects, however, most of the tires have not been removed.<sup>15</sup>



In 2006, the NOAA Marine Debris Program was created to develop a plan for the removal and proper disposal of the tires.<sup>16</sup> The following year, a group of federal, county, and state agencies, including the Department of Environmental Protection (DEP), was convened to explore retrieval techniques, sample retrieved tires for processing suitability, and consider end uses and handling,

staging, and transportation methods. Because there had not previously been a recovery of tires from the ocean of this scale, it was determined that a pilot program was needed to test diver retrieval productivity, loading and transport methods, and tire processing and use. It was also

<sup>8</sup> *Id.* See also Florida Keys National Marine Sanctuary, NOAA, *The Thunderbolt*, <https://floridakeys.noaa.gov/shipwrecktrail/thunderbolt.html#:~:text=The%20Thunderbolt%20was%20intentionally%20sunk%20on%20March%206%2C,Key%20Colony%20Beach.%20History%20Archaeology%20Site%20Map%20History> (last visited Feb. 27, 2023).

<sup>9</sup> NOAA, *What is an artificial reef?*

<sup>10</sup> *Id.*

<sup>11</sup> DEP, *History and Overview of the Osborne Reef Waste Tire Removal Project*, 1 (2016), available at <https://floridadep.gov/waste/permitting-compliance-assistance/content/osborne-reef-waste-tire-removal-project>.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*



determined that complete removal required federal funding for military diver salvage operations and watercraft, as well as state funding for processing and disposing of the recovered tires.<sup>17</sup>

The team designated approximately 30 acres containing 651,565 tires as the highest priority area for tire removal.<sup>18</sup> Based on the results of the pilot program, they estimated that approximately 20,000 tires could be recovered per month based on the conservative assumption that military divers can remove 1,000 tires per day using 40 divers and one Landing Craft Utility.<sup>19</sup>

Between 2008 and 2016, the program conducted dive operations to remove tires from the high priority area.<sup>20</sup> The operations were broken into three phases:

- In April 2008, approximately 66 military personnel worked 27 days to remove 44,000 tires.<sup>21</sup>
- In July 2009, approximately 50 military personnel worked 16 days to remove an estimated 15,000 to 18,000 tires.<sup>22</sup>
- Between May 2015 and August 2016, divers<sup>23</sup> removed an additional 67,000 tires.<sup>24</sup>

As of August 2016, an estimated 207,843 tires had been removed from Osborne Reef.<sup>25</sup> In 2019, the DEP completed a high-level survey map of the area, a process that took six months and cost approximately \$300,000.<sup>26</sup> Additional in-water assessments of the affected habitats are needed to assess any movement of the tires since the 2019 survey and to plan for full restoration of the area.<sup>27</sup> The DEP estimates such a process may take six to nine months and cost approximately \$500,000.<sup>28</sup>

### III. Effect of Proposed Changes:

**Section 1** provides the following legislative findings and intent:

- More than one million tires were deposited in the ocean off the coast of Broward County during the 1970s to create an artificial reef habitat by providing structures to which coral could attach and attract additional marine life; however, many of the tires have corroded, broken loose, and dislodged along the coastline, damaging the existing fragile coral reef system and prompting the Legislature to appropriate millions of dollars to retrieve the tires.
- Coral reefs are an important part of this state's coastal ecosystem, creating habitats that provide shelter, food, and breeding grounds for plants and animals.

---

<sup>17</sup> *Id.*

<sup>18</sup> *Id.* at 2.

<sup>19</sup> Landing Craft Utility is a type of boat used by amphibious forces to transport equipment, troops, and cargo to the shore. They are also used to support civilian humanitarian/maritime operations. *See* America's Navy, Department of Defense, *Landing Craft, Mechanized and Utility – LCM/LCU* (2019), <https://www.navy.mil/Resources/Fact-Files/Display-FactFiles/Article/2171588/landing-craft-mechanized-and-utility-lcmLCU/> (last visited Feb. 27, 2023).

<sup>20</sup> DEP, *History and Overview of the Osborne Reef Waste Tire Removal Project* at 2.

<sup>21</sup> *Id.* at 3.

<sup>22</sup> *Id.*

<sup>23</sup> DEP did not provide the number of days worked or personnel employed during this phase.

<sup>24</sup> DEP, *Osborne Reef Waste Tire Removal Project*, 2 (2016), available at [https://floridadep.gov/sites/default/files/OsborneReefProject\\_09Aug16\\_0.pdf](https://floridadep.gov/sites/default/files/OsborneReefProject_09Aug16_0.pdf).

<sup>25</sup> *Id.*; DEP, *History and Overview of the Osborne Reef Waste Tire Removal Project* at 3.

<sup>26</sup> Email from Alex Kernan, DEP, to Senate Committee on Environment and Natural Resources (Mar. 1, 2023) (on file with the Senate Committee on Environment and Natural Resources).

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

- The Legislature intends to restore Osborne Reef to being capable of creating a habitat for plants and animals and dedicate resources toward restoring the artificial reef and the nearby natural coral reef systems once the cleanup of the site has been completed.

The bill requires the DEP to submit a report to the President of the Senate and the Speaker of the House of Representatives on the status of the Osborne Reef cleanup and tire removal project.

The report, at a minimum, must include:

- A description of the condition of the remaining Osborne Reef structure;
- Any restoration efforts undertaken to restore the reef structure;
- The number of tires retrieved since the project began and number of tires that still need to be retrieved; and
- The estimated timeline for the completion of the project.

The bill directs the DEP, upon completion of the cleanup and tire removal project, to develop a comprehensive restoration plan for Osborne Reef by July 1, 2024. At a minimum, the restoration plan must include:

- A preliminary plan for the restoration of the existing reef;
- The restoration of any nearby natural reefs that were destroyed by the tire installation;
- The shifting of resources from tire retrieval to reef restoration; and
- Coordination with other coral reef restoration projects and resources.

Upon completion of the plan, the DEP must provide a report to the President of the Senate and the Speaker of the House of Representatives. The report must include an update on the status of the restoration plan and any recommendations for statutory changes necessary to achieve the identified restoration goals.

**Section 2** provides an effective date of July 1, 2023.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Department of Environmental Protection (DEP) may incur costs to survey the Osborne Reef area, report on the status of the tire removal project, and develop a comprehensive coral reef restoration plan. The DEP estimates a cost of approximately \$500,000 to conduct additional in-water assessments necessary for the development of the restoration plan.<sup>29</sup> Alternatively, the DEP could develop a restoration plan based on a 2019 survey of the reef; however, the plan would likely not be accurate because the tires have migrated beyond the scope of the 2019 survey.<sup>30</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates an undesignated section of Florida law.

**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.

---

<sup>29</sup> Email from Alex Kernan, DEP, to Senate Committee on Environment and Natural Resources (Mar. 1, 2023) (on file with the Senate Committee on Environment and Natural Resources).

<sup>30</sup> *Id.*

---

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

---

By Senator Avila

39-00227-23

2023546\_\_

A bill to be entitled

An act relating to the restoration of Osborne Reef; providing legislative findings and intent; requiring the Department of Environmental Protection to submit a status report on the Osborne Reef cleanup and tire removal project to the Legislature by a specified date; requiring the department to develop a restoration plan for the reef by a specified date; providing requirements for the restoration plan; requiring the department to submit a report to the Legislature upon completion of the plan; providing requirements for the report; providing an effective date.

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

Section 1. Osborne Reef; restoration plan.—

(1) LEGISLATIVE FINDINGS AND INTENT.—

(a) The Legislature finds that:

1. More than 1 million tires were deposited in the ocean off the coast of Broward County during the 1970s to create an artificial reef habitat by providing structures to which coral could attach and attract additional marine life; however, many of the tires have corroded, broken loose, and dislodged along the coastline, damaging the existing fragile coral reef system and prompting the Legislature to appropriate millions of dollars to retrieve the tires.

2. Coral reefs are an important part of this state's coastal ecosystem, creating habitats that provide shelter, food,

Page 1 of 3

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

39-00227-23

2023546\_\_

and breeding grounds for plants and animals.

(b) The Legislature intends to restore Osborne Reef to being capable of creating a habitat for plants and animals, and to dedicate resources toward restoring the artificial reef and the nearby natural coral reef systems once the cleanup of the site has been completed.

(2) STATUS REPORT.—By December 1, 2023, the Department of Environmental Protection shall submit a report to the President of the Senate and the Speaker of the House of Representatives on the status of the Osborne Reef cleanup and tire removal project. At a minimum, the report must include a description of the condition of the remaining Osborne Reef structure, any restoration efforts undertaken to restore the reef structure, the number of tires retrieved since the project began and the number of tires that still need to be retrieved, and an estimated timeline for the completion of the cleanup and tire removal project.

(3) RESTORATION PLAN.—

(a) By July 1, 2024, the Department of Environmental Protection shall develop a comprehensive coral reef restoration plan for Osborne Reef to be commenced, subject to appropriation by the Legislature, upon the completion of the cleanup and tire removal project. At a minimum, the restoration plan must include a preliminary plan for the restoration of the existing reef, the restoration of any nearby natural reefs that were destroyed by the tire installation, the shifting of resources from tire retrieval to reef restoration, and coordination with other coral reef restoration projects and resources.

(b) Upon completion of the plan, the department shall

Page 2 of 3

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

39-00227-23

2023546\_\_

59 provide a report to the President of the Senate and the Speaker  
60 of the House of Representatives. The report must include an  
61 update on the status of the restoration plan and any  
62 recommendations for statutory changes necessary to achieve the  
63 identified restoration goals.

64 Section 2. This act shall take effect July 1, 2023.



**SENATOR Bryan Avila**  
39th District

## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

**COMMITTEES:**

Government Oversight and Accountability, Chair  
Appropriations  
Appropriations Committee on Education  
Appropriations Committee of Health and Human  
Services  
Education Pre-K 12  
Ethics and Elections  
Health Policy  
Select Committee on Resiliency  
Joint Select Committee on Collective Bargaining

March 6, 2023

Honorable Senator Jason Brodeur,  
Chair  
Committee on Agriculture, Environment and General Government

Honorable Chair Brodeur:

I respectfully request SB 546 Restoration on Osborne Reefs be placed on the next committee agenda.

This bill requires the Department of Environmental Protection to submit a status report on the Osborne Reef cleanup and tire removal project to the Legislature by a specified date. Requires the department to develop a restoration plan for the reef by a specified date; providing requirements for the restoration plan. It also requires the department to submit a report to the Legislature upon completion of the plan; providing requirements for the report.

Sincerely,

A handwritten signature in blue ink that reads "Bryan Avila".

---

Senator Bryan Avila  
Florida Senate, District 39

CC: Giovanni Betta, Staff Director  
Julie Brass, Committee Administrative Assistant

REPLY TO:

- 10001 Northwest 87th Avenue, Hialeah Gardens, Florida 33016 (305) 364-3073
- 326 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5039

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**Kathleen Passidomo**  
President of the Senate

**Dennis Baxley**  
President Pro Tempore

4/12/23

110sb

Meeting Date

# The Florida Senate APPEARANCE RECORD

546

Bill Number or Topic

AEGG

Committee

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

Amendment Barcode (if applicable)

Name **David Cullen**

Phone **941-323-2404**

Address **2838 Little Deal Rd**  
*Street*

Email **cullenasea@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:

**Sierra Club 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. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)*

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

S-001 (08/10/2021)



The Florida Senate

**APPEARANCE RECORD**

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

4/12/23

Meeting Date

SB 546

Bill Number or Topic

Sen Ag App.

Committee

Amendment Barcode (if applicable)

Name

Ramon MAURY

Phone

850 222 1568

Address

P.O. Box 10245

Email

rma@ramonmaury.com

Street

TALL 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:

AANK-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. [2020-2022 Joint Rules.pdf](#) [flsenate.gov](#)

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

The Florida Senate

APPEARANCE RECORD

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

4/12/2023

Meeting Date

546

Bill Number or Topic

AEG Approps

Committee

Amendment Barcode (if applicable)

Name Pepper Uchino

Phone (850) 906-9227

Address P.O. Box 13146

Street

Email pepper@fsbpa.com

Tallahassee

City

FL

State

32317

Zip

Speaking:  For  Against  Information OR Waive Speaking:  In Support  Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

FL Shore & Beach Preservation Assoc. (FSBPA)

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](#) [iflssenate.gov](#)

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

**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 Appropriations Committee on Agriculture, Environment, and General Government

---

BILL: SB 658

INTRODUCER: Senator Burgess

SUBJECT: Registration Fees for Malt Beverage Brands and Labels

DATE: April 11, 2023

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Oxamendi</u>	<u>Imhof</u>	<u>RI</u>	<u>Favorable</u>
2.	<u>Davis</u>	<u>Betta</u>	<u>AEG</u>	<u>Favorable</u>
3.	_____	_____	<u>FP</u>	_____

---

**I. Summary:**

SB 658 limits the application of the annual malt beverage brand and label registration fee of \$30 to brands and labels for malt beverages sold to a distributor. Current law requires manufacturers, brewers, bottlers, distributors, and importers of malt beverages, whether licensed under Florida’s laws or not, to register their name and the brands and labels of their malt beverages with the Division of Alcoholic Beverages and Tobacco (division), within the Department of Business and Professional Regulation before the malt beverages may be sold or offered for sale in Florida, or move or cause to be moved within or into Florida.

Under the bill, the malt beverage manufactures would not be required to register a brand or label for a malt beverage and pay the \$30 registration fee if the malt beverage is not sold to a distributor and is sold directly to the consumer at the manufacturer’s licensed premises.

The bill will have an indeterminate negative fiscal impact on state revenues related to the decrease in brand and label fees collected by the division.

The bill takes effect July 1, 2023.

**II. Present Situation:**

In Florida, alcoholic beverages are regulated by the Beverage Law,<sup>1</sup> which regulates the manufacture, distribution, and sale of wine, beer, and liquor by manufacturers, distributors, and vendors.<sup>2</sup> The Division of Alcoholic Beverages and Tobacco (division) in the Department of Business and Professional Regulation administers and enforces the Beverage Law.<sup>3</sup>

---

<sup>1</sup> Section 561.01(6), F.S., provides that “The Beverage Law” means chs. 561, 562, 563, 564, 565, 567, and 568, F.S.

<sup>2</sup> See s. 561.14, F.S.

<sup>3</sup> Section 561.02, F.S.

“Alcoholic beverages” are defined in s. 561.01, F.S., as “distilled spirits and all beverages containing one-half of one percent or more alcohol by volume.” “Malt beverages” are brewed alcoholic beverages containing malt.<sup>4</sup> The term “beer” means a brewed beverage that meets the federal definition of beer in 27 C.F.R. s. 25.11, and contains less than six percent alcohol by volume. The terms “beer” and “malt beverage” have the same meaning under the Beverage Law. The terms “beer” and “malt beverage” do not include alcoholic beverages that require a certificate of label approval by the federal government as wine or as distilled spirits.

Section 561.14, F.S., specifies the license and registration classifications used in the Beverage Law:

- “Manufacturers” are those “licensed to manufacture alcoholic beverages and distribute the same at wholesale to licensed distributors and to no one else within the state, unless authorized by statute.”<sup>5</sup>
- “Distributors” are those “licensed to sell and distribute alcoholic beverages at wholesale to persons who are licensed to sell alcoholic beverages.”<sup>6</sup>
- “Importers” are those licensed to sell, or to cause to be sold, shipped, and invoiced, alcoholic beverages to licensed manufacturers or licensed distributors, and to no one else in this state, provided that ss. 564.045 and 565.095, F.S., relating to primary American source of supply licensure, are in no way violated by such imports.<sup>7</sup>
- “Vendors” are those “licensed to sell alcoholic beverages at retail only” and who may not “purchase or acquire in any manner for the purpose of resale any alcoholic beverages from any person not licensed as a vendor, manufacturer, bottler, or distributor under the Beverage Law.”<sup>8</sup>

### **Three-Tier System**

In the United States, the regulation of alcohol, since the repeal of Prohibition, has traditionally been based upon a “three-tier system.” The system requires separation of the manufacture, distribution, and retail sale of alcoholic beverages by vendors. The manufacturer creates the beverages, and the distributor obtains the beverages from the manufacturer to deliver to the vendor. The vendor makes the ultimate sale to the consumer.<sup>9</sup> A manufacturer, distributor, or exporter may not be licensed as a vendor to sell directly to consumers.<sup>10</sup>

Generally, in Florida, only licensed vendors are permitted to sell alcoholic beverages directly to consumers at retail.<sup>11</sup> Licensed manufacturers, distributors, and registered exporters are prohibited from also being licensed as vendors.<sup>12</sup> Manufacturers are also generally prohibited from having an interest in a vendor and from distributing directly to a vendor.<sup>13</sup>

---

<sup>4</sup> Section 563.01, F.S.

<sup>5</sup> Section 561.14(1), F.S.

<sup>6</sup> Section 561.14(2), F.S.

<sup>7</sup> Section 561.01(5), F.S.

<sup>8</sup> Section 561.14(3), F.S.

<sup>9</sup> Section 561.14, F.S.

<sup>10</sup> Section 561.22(1), F.S.

<sup>11</sup> Section 561.14(3), F.S. However, see the exceptions provided in ss. 561.221 and 565.03, F.S.

<sup>12</sup> Section 561.22, F.S.

<sup>13</sup> Sections 563.022(14) and 561.14(1), F.S.

### **Three-Tier System Exceptions**

Exceptions to the three-tier regulatory system permit in-state wineries,<sup>14</sup> breweries,<sup>15</sup> and craft distilleries to sell directly to consumers.<sup>16</sup> Restaurants licensed as vendors (brew pubs) may manufacture a limited quantity of malt beverages and sell directly to consumers for consumption on the licensed premises of the restaurant.<sup>17</sup>

A winery, even if licensed as a distributor,<sup>18</sup> may be licensed as a vendor for a licensed premises situated on property contiguous to the manufacturing premises of the winery. A winery may not be issued more than three vendor licenses.<sup>19</sup>

### **Malt Beverage Brand and Label Registration**

Section 563.045(1), F.S., requires manufacturers, brewers, bottlers, distributors, and importers of malt beverages (registrants), whether licensed under Florida's laws or not, to be qualified under Florida's Beverage Law and to register their name and brands or labels with the division before they sell or offer for sale in this state, or move or cause to be moved within this state or into this state, any malt beverage. Registrants must furnish the division with any samples and information as to content, quality, and formula of such malt beverages as the division may require.

Section 563.045(2), F.S., requires each registrant to pay an annual registration fee of \$30 for a brand or label. The division may suspend or revoke a registration in same manner as a beverage license for any violation of the Beverage Law.<sup>20</sup> The division provides an electronic form for registering brands and labels.<sup>21</sup>

Section 563.045(3), F.S., prohibits licensed wholesalers from purchasing any malt beverages from any manufacturer, brewer, bottler, distributor, or importer who has not complied with the registration requirement.

Section 563.045(4), F.S., requires the division to promulgate rules to carry out the purpose of this section.<sup>22</sup>

---

<sup>14</sup> See s. 561.221(1), F.S.

<sup>15</sup> See s. 561.221(2), F.S.

<sup>16</sup> See ss. 565.02(12) and 565.03, F.S.

<sup>17</sup> See s. 561.221(3), F.S.

<sup>18</sup> Section 561.14(1), F.S., permits manufacturers to distribute at wholesale to licensed distributors and to no one else within the state, unless authorized by statute.

<sup>19</sup> See s. 561.221(1), F.S.

<sup>20</sup> See s. 561.29, F.S., relating to the suspension or revocation of alcoholic beverages licenses.

<sup>21</sup> See DBPR, *Brand Registrant and Brand/Label*,

<https://www.myfloridalicense.com/intentions2.asp?chBoard=true&SID=&boardid=400&professionid=4011> (last visited Mar. 11, 2023).

<sup>22</sup> The division has not adopted a rule to implement s. 563.045, F.S.

**III. Effect of Proposed Changes:**

The bill amends s. 563.045(2), F.S., to limit the application of the malt beverage annual brand and label registration fee of \$30 to brands and labels for malt beverages sold to a distributor. Under the bill, the malt beverage manufacturers would not be required to register a brand or label for a malt beverage and pay the \$30 registration fee if the malt beverage is not sold to a distributor and is sold directly to the consumer at the manufacturer's licensed premises.

The bill takes effect July 1, 2023.

**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:**

Under the bill, manufacturers of malt beverages would not have to pay the \$30 brand and label registration fee for a malt beverage that is not sold to a distributor.

**C. Government Sector Impact:**

The division anticipates a fiscal impact of \$16,000 to update its online brand registration to conform to the requirements of this bill.<sup>23</sup> The division also anticipates an

---

<sup>23</sup> Department of Business and Professional Regulation, *2023 Agency Legislative Bill Analysis for SB 658* (Feb. 13, 2023) (on file with the Senate Regulated Industries Committee).

indeterminate decrease of revenue attributable to the bill exempting brand and label registration requirements for malt beverages that are not sold to a distributor. Currently, there are 11,846 malt brand licenses.<sup>24</sup> The table below shows the last three fiscal years of revenue collected for brand/label registrations.<sup>25</sup>

	2020	2021	2022
Initial Malt Beverage Licenses	\$206,280	\$239,730	\$255,930
Malt Beverage License Renewals	\$98,580	\$130,020	\$131,820

These revenues include brand and label fees for all beverages. The reduction in revenue will be determined by the number of beverages that are kept in house, which is not currently tracked.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 563.045 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.

---

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

By Senator Burgess

23-00197B-23

2023658\_\_

1                           A bill to be entitled  
2           An act relating to registration fees for malt beverage  
3           brands and labels; amending s. 563.045, F.S.;  
4           providing that the annual registration fee is required  
5           only if labels or brands are sold to a distributor;  
6           specifying that no other registration fee is  
7           authorized; providing an effective date.  
8

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

10                   Section 1. Subsection (2) of section 563.045, Florida  
11 Statutes, is amended to read:

12           563.045 Brands or labels to be registered; qualification to  
13 do business; fee; revocation.-  
14

15           (2) The each registrant shall pay an annual registration  
16 fee for a brand or label sold to a distributor is of \$30 for a  
17 brand or label. No other annual registration fee for a brand or  
18 label is authorized under this section. Any registration may be  
19 suspended or revoked in the same manner as a beverage license  
20 for any violation of the Beverage Law.

21           Section 2. This act shall take effect July 1, 2023.





*The Florida Senate*

## Committee Agenda Request

**To:** Senator Jason Brodeur, Chair  
Appropriations Committee on Agriculture, Environment, and General  
Government

**Subject:** Committee Agenda Request

**Date:** March 21, 2023

---

I respectfully request that **Senate Bill #658**, relating to Registration Fees for Malt Beverage Brands and Labels, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in blue ink that reads "Danny".

---

Senator Danny Burgess  
Florida Senate, District 23

The Florida Senate

APPEARANCE RECORD

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

April 12, 2023

Meeting Date

658

Bill Number or Topic

Approps Committee on Ag, Env.

Committee

Amendment Barcode (if applicable)

Name Josh Ambuchon

Phone 850-583-2400

Address 201 E. Park Ave

Street

Email josh@dadfl.com

Tallahassee

City

FL

State

32301

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 Brewers Guild

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, 2020-2022 Joint Rules.pdf (flsenate.gov)

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

**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 Appropriations Committee on Agriculture, Environment, and General Government

---

BILL: SB 702

INTRODUCER: Senators Simon and Trumbull

SUBJECT: Apalachicola Bay Area of Critical State Concern

DATE: April 11, 2023

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Carroll</u>	<u>Rogers</u>	<u>EN</u>	<u>Favorable</u>
2.	<u>Reagan</u>	<u>Betta</u>	<u>AEG</u>	<u>Favorable</u>
3.	_____	_____	<u>FP</u>	_____

---

**I. Summary:**

SB 702 permits the Department of Environmental Protection (DEP) to expend up to \$5 million each fiscal year, beginning in Fiscal Year 2023-2024 and continuing through Fiscal Year 2027-2028, for the purpose of entering into financial assistance agreements with the City of Apalachicola to implement projects that improve surface water and groundwater quality within the Apalachicola Bay Area of Critical State Concern. The bill provides project examples. The funding will expire on June 30, 2028.

Since the bill permits the DEP to expend up to \$5 million each fiscal year from Fiscal Year 2023-2024 through Fiscal Year 2027-2028 to improve the water quality of Apalachicola Bay, the fiscal impact is dependent on an appropriation by the Legislature.

The effective date of the bill is July 1, 2023.

**II. Present Situation:**

**Areas of Critical State Concern**

The Areas of Critical State Concern Program was created in the Florida Environmental Land and Water Management Act of 1972.<sup>1</sup> The program is intended to protect resources and public facilities of major statewide significance, within designated geographic areas, from uncontrolled development that would cause substantial deterioration of such resources.<sup>2</sup> An area of critical state concern may be designated for:

---

<sup>1</sup> Chapter 72-317, Laws of Fla.; Department of Economic Opportunity (DEO), *Areas of Critical State Concern Program*, <https://www.floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/areas-of-critical-state-concern> (last visited Mar. 21, 2023).

<sup>2</sup> DEO, *Areas of Critical State Concern Program*.

- An area containing, or having a significant impact upon, environmental or natural resources of regional or statewide importance, the uncontrolled private or public development of which would cause substantial deterioration of such resources;
- An area containing, or having a significant impact upon, historical or archaeological resources, sites, or statutorily defined historical or archaeological districts, the private or public development of which would cause substantial deterioration or complete loss of such resources, sites, or districts; or
- An area having a significant impact upon, or being significantly impacted by, an existing or proposed major public facility or other area of major public investment.<sup>3</sup>

Areas of critical state concern currently designated in the state include the Big Cypress,<sup>4</sup> Green Swamp,<sup>5</sup> Florida Keys,<sup>6</sup> and Apalachicola Bay<sup>7</sup> areas of critical state concern.

### *Apalachicola Bay Area of Critical State Concern*

The Apalachicola Bay Area of Critical State Concern was designated in 1985.<sup>8</sup> The original designation included the City of Apalachicola, the City of Carrabelle, and unincorporated Franklin County, excluding Alligator Point. In 1993, all of that designation was repealed except for the City of Apalachicola.<sup>9</sup>

The Apalachicola River is the largest river in Florida and provides 35 percent of the freshwater entering the northeastern Gulf of Mexico.<sup>10</sup> The Apalachicola River and the adjoining Chattahoochee and Flint Rivers comprise a drainage system encompassing more than 19,000 square miles of southern Georgia, eastern Alabama, and northern Florida. The Apalachicola-Chattahoochee-Flint River Basin harbors one of the highest concentrations of threatened and endangered species in the United States. The Apalachicola Bay is an important nursery ground for numerous commercially and recreationally important fish and invertebrate species.<sup>11</sup>

The Apalachicola Bay supported a thriving oyster fishery for decades and at one time supplied approximately 90 percent of the oysters sold in Florida and 10 percent sold nationally.<sup>12</sup> That ended in 2012 with the total collapse of the fishery due to drought, climate change, dams, and other pressures.<sup>13</sup> In response to the devastated oyster population in the Apalachicola Bay, the

---

<sup>3</sup> Section 380.05(2), F.S.

<sup>4</sup> Section 380.055, F.S.

<sup>5</sup> Section 380.0551, F.S.

<sup>6</sup> Section 380.0552, F.S.

<sup>7</sup> Section 380.0555, F.S.

<sup>8</sup> Florida Department of Economic Opportunity (DEO), *Apalachicola Bay Area*, <https://floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/areas-of-critical-state-concern/city-of-apalachicola> (last visited Mar. 22, 2023).

<sup>9</sup> *Id.*

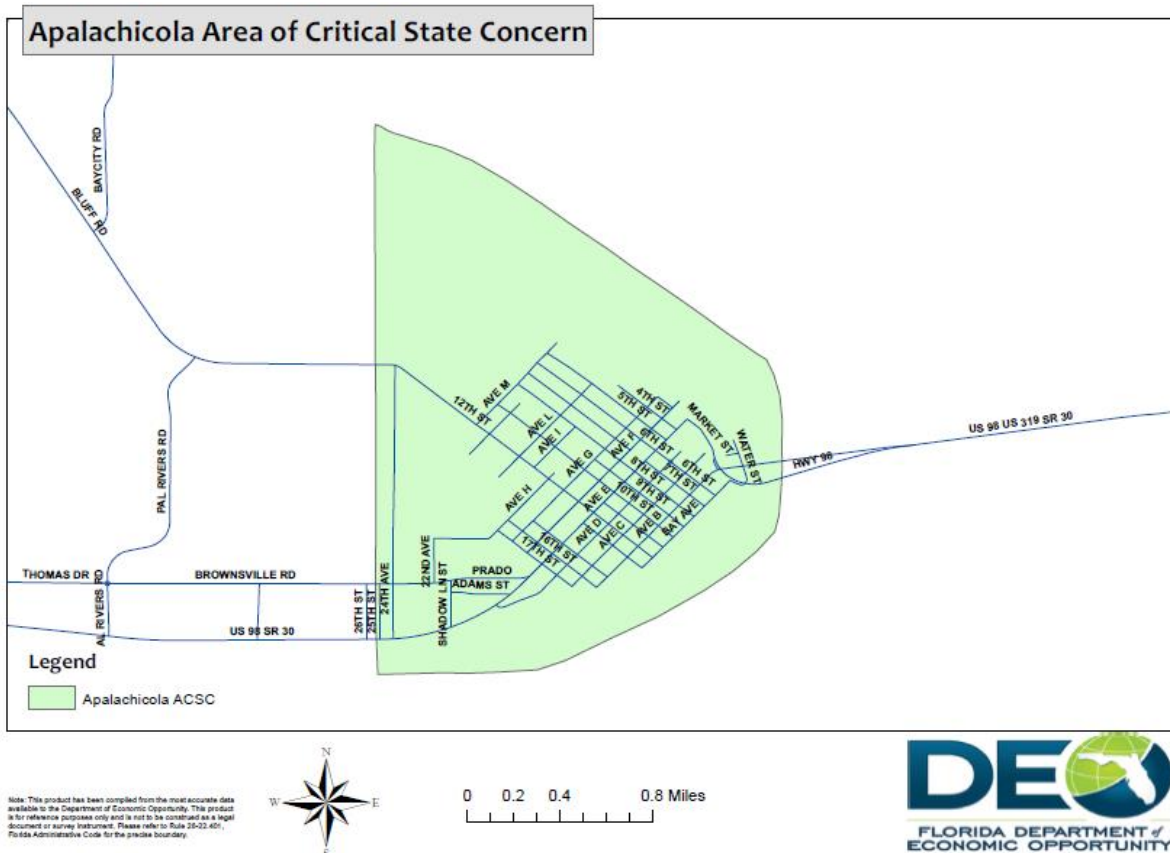
<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> Debbie Elliot, NPR, *Florida Closes Iconic Apalachicola Oyster Fishery*, <https://www.npr.org/2020/07/22/894074674/floridas-oyster-beds-devastated-by-years-of-drought-other-pressures> (last visited Mar. 22, 2023); Kevin Spear, WUSF Public Media, *Crippled Apalachicola River leaves Wetland Forests in Peril, Famous*

Florida Fish and Wildlife Conservation Commission suspended harvest of wild oysters for five years, beginning in 2020.<sup>14</sup>



The legislative intent of the designation is to:

- Protect the water quality of the Apalachicola Bay Area to ensure a healthy environment and thriving economy for area and state residents;
- Financially assist Franklin County and its municipalities in upgrading and expanding their sewerage systems;
- Protect the Apalachicola Bay Area’s natural and economic resources by implementing and enforcing comprehensive plans and land development regulations;
- Assist Franklin County and its municipalities with technical and advisory assistance in formulating land development regulations and modifications to comprehensive plans;
- Monitor activities within the Apalachicola Bay Area to ensure the long-term protection of all the area’s resources;
- Promote a broad base of economic growth that is compatible with the protection and conservation of the natural resources of the Apalachicola Bay Area;

*Oysters Extinct*, <https://wusfnews.wusf.usf.edu/environment/2021-01-01/crippled-apalachicola-river-leaves-wetland-forests-in-peril-famous-oysters-extinct> (last visited Mar. 22, 2023).

<sup>14</sup> Florida Fish and Wildlife Conservation Commission, *FWC approves measures to support recovery and restoration of oysters in Apalachicola Bay*, <https://myfwc.com/news/all-news/oyster-commission-1220/> (last visited Mar. 22, 2023). The map shown on the following page may be found at: <https://floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/areas-of-critical-state-concern/city-of-apalachicola>.

- Educate the residents of the Apalachicola Bay Area in order to protect and preserve its natural resources;
- Provide affordable housing in close proximity to places of employment in the Apalachicola Bay Area; and
- Protect and improve the water quality of the Apalachicola Bay Area through federal, state, and local funding of water quality improvement projects, including the construction and operation of wastewater management facilities that meet state requirements.<sup>15</sup>

State, regional, and local agencies and units of government in the Apalachicola Bay Area are required to coordinate their plans and conduct their programs and regulatory activities consistently using principles for guiding development of the area.<sup>16</sup> These principles require that:

- Land development be guided so that the basic functions and productivity of the Apalachicola Bay Area's natural land and water systems be conserved to reduce or avoid health, safety, and economic problems for present and future residents of the Apalachicola Bay Area;
- Land development be consistent with a safe environment, adequate community facilities, a superior quality of life, and a desire to minimize environmental hazards;
- Growth and diversification of the local economy be fostered only if it is consistent with protecting the natural resources of the Apalachicola Bay Area through appropriate management of the land and water systems;
- Aquatic habitats and wildlife resources of the Apalachicola Bay Area be conserved and protected;
- Water quantity be managed to conserve and protect the natural resources and the scenic beauty of the Apalachicola Bay Area;
- Water quality be protected, maintained, and improved for public water supply, propagation of aquatic life, and recreational and other uses;
- No wastes be discharged into any waters of the Apalachicola Bay Area without first being given the degree of treatment necessary to protect water uses;
- Stormwater discharges be managed in order to minimize impacts on the Bay system and protect its uses;
- Coastal dune systems, specifically the area extending landward from the extreme high-tide line to the beginning of the pinelands of the Apalachicola Bay Area, be protected; and
- Public lands be managed, enhanced, and protected so that the public may continue to enjoy the traditional use of such lands.<sup>17</sup>

### III. Effect of Proposed Changes:

**Section 1** amends s. 380.0555, F.S., to permit the Department of Environmental Protection to expend up to \$5 million each fiscal year, beginning in Fiscal Year 2023-2024 and continuing through Fiscal Year 2027-2028, for the purpose of entering into financial assistance agreements with the City of Apalachicola to implement projects that improve surface water and groundwater quality within the Apalachicola Bay Area of Critical State Concern. These projects may include the construction of stormwater management facilities and central sewage collection facilities,

<sup>15</sup> Section 380.0555(2), F.S.

<sup>16</sup> Section 380.0555(7), F.S.

<sup>17</sup> *Id.*

installation of onsite sewage treatment and disposal systems,<sup>18</sup> direct and indirect potable reuse, and other water quality and water supply projects. This provision expires on June 30, 2028.

**Section 2** provides an effective date of July 1, 2023.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The City of Apalachicola may receive funding from the Department of Environmental Protection from Fiscal Year 2023-2024 to Fiscal Year 2027-2028 through financial assistance agreements for certain projects.

---

<sup>18</sup> Onsite sewage treatment and disposal systems, commonly known as septic systems, consist of a septic tank and drainfield. Waste from toilets, sinks, washing machines, and showers flows into the septic tank where bacteria breaks down solids into liquids. Then, the wastewater flows into the drainfield where it undergoes secondary treatment and filtration. Florida Department of Health (DOH), *Septic System Information and Care*, <http://columbia.floridahealth.gov/programs-and-services/environmental-health/onsite-sewage-disposal/septic-information-and-care.html> (last visited Mar. 22, 2023).

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 380.0555 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.



By Senator Simon

3-01152-23

2023702\_\_

1 A bill to be entitled  
 2 An act relating to the Apalachicola Bay Area of  
 3 Critical State Concern; amending s. 380.0555, F.S.;  
 4 authorizing the Department of Environmental Protection  
 5 to expend certain funds for the purpose of entering  
 6 into financial assistance agreements with the City of  
 7 Apalachicola for specified surface water and  
 8 groundwater quality improvement projects within the  
 9 Apalachicola Bay Area of Critical State Concern;  
 10 providing for expiration of the authorization;  
 11 providing an effective date.

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

15 Section 1. Subsection (11) is added to section 380.0555,  
 16 Florida Statutes, to read:  
 17 380.0555 Apalachicola Bay Area; protection and designation  
 18 as area of critical state concern.—

19 (11) FINANCIAL ASSISTANCE AGREEMENTS.—Beginning in the  
 20 2023-2024 fiscal year and continuing through the 2027-2028  
 21 fiscal year, the Department of Environmental Protection may  
 22 expend up to \$5 million each fiscal year for the purpose of  
 23 entering into financial assistance agreements with the City of  
 24 Apalachicola to implement projects that improve surface water  
 25 and groundwater quality within the Apalachicola Bay Area of  
 26 Critical State Concern, including the construction of stormwater  
 27 management facilities and central sewage collection facilities,  
 28 installation of onsite sewage treatment and disposal systems,  
 29 direct and indirect potable reuse, and other water quality and

Page 1 of 2

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

3-01152-23

2023702\_\_

30 water supply projects. This subsection expires on June 30, 2028.  
 31 Section 2. This act shall take effect July 1, 2023.

Page 2 of 2

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



The Florida Senate

## Committee Agenda Request

**To:** Senator Jason Brodeur, Chair  
Appropriations Committee on Agriculture, Environment, and General  
Government

**Subject:** Committee Agenda Request

**Date:** March 27, 2023

---

I respectfully request that **Senate Bill # 702**, relating to Apalachicola Bay Area of Critical State Concern, be placed on the:

- Committee agenda at your earliest possible convenience.
- Next committee agenda.

*Corey Simon*

---

Senator Corey Simon  
Florida Senate, District 3

The Florida Senate

APPEARANCE RECORD

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

SB 702

Bill Number or Topic

4/12/23

Meeting Date

SEN APP APP

Committee

Amendment Barcode (if applicable)

Name

Ramon Maury

Phone

850 222 1568

Address

PO Box 10245

Email

ram@ramonmaury.com

Street

TALL 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:

AANR-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. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

**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 Appropriations Committee on Agriculture, Environment, and General Government

---

BILL: CS/CS/SB 724

INTRODUCER: Appropriations Committee on Agriculture, Environment, and General Government:  
Environment and Natural Resources Committee: and Senator Boyd

SUBJECT: Seagrass Restoration Technology Development Initiative

DATE: April 14, 2023

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Barriero</u>	<u>Rogers</u>	<u>EN</u>	<u>Fav/CS</u>
2.	<u>Reagan</u>	<u>Betta</u>	<u>AEG</u>	<u>Favorable</u>
3.	_____	_____	<u>AP</u>	_____

---

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

---

**I. Summary:**

CS/CS/SB 724 establishes the Seagrass Restoration Technical Development Initiative within the Department of Environmental Protection (DEP), in partnership with Mote Marine Laboratory (Mote) and the University of Florida (UF), to develop cost-effective innovative and environmentally sustainable technologies needed to restore coastal seagrass ecosystems.

Mote and the UF are required to create a 10-year Florida Seagrass Restoration Plan to implement tools and technologies developed under the initiative.

The bill requires the initiative to submit an annual report with an overview of its accomplishments to date and priorities for subsequent years to the Governor, the Legislature, the Secretary of the DEP, and the executive director of the Fish and Wildlife Conservation Commission (FWC).

The bill also establishes the Initiative Technology Advisory Council (TAC) as part of the initiative and specifies the membership of the council. The TAC must meet at least twice a year.

The bill directs the DEP to award funds specifically appropriated by the Legislature to Mote, which will function as the initiative's lead administrative component. The initiative must leverage state-appropriated funds with additional funds from private and federal sources.

The DEP and the UF will incur indeterminate costs, subject to appropriations, related to the Seagrass Restoration Technology Development Initiative, including conducting research, creating a seagrass restoration plan, and preparing annual status reports.

Pending the completion of research creating a seagrass restoration plan, the DEP shall, subject to legislative appropriation, implement seagrass restoration projects that are procured on a payment-for performance basis to protect the state investment made in seagrass restoration efforts.

Beginning in the 2023-2024 fiscal year, and through the 2027-2028 fiscal year, \$2 million is appropriated from the General Revenue Fund to the DEP for the purposes of implementing this initiative.

The section of law created in the bill expires on June 30, 2028.

The effective date of the bill is July 1, 2023.

## II. Present Situation:

### Seagrass

Seagrass is a grass-like flowering plant that lives completely submerged in marine and estuarine waters.<sup>1</sup> Approximately 52 species of seagrass exist worldwide, seven of which are found in Florida's marine waters.<sup>2</sup> There are more than two million acres of seagrass along the state's coastline and within its estuaries.<sup>3</sup> Seagrass performs many important functions, including maintaining water clarity, stabilizing the bottom of aquatic habitats, and providing habitat for marine life and food for marine animals and water birds.<sup>4</sup> Seagrass meadows also serve as important sinks in the global carbon cycle,<sup>5</sup> prevent erosion by stabilizing sediments, and improve water quality by intercepting nutrients and organic matter carried by land runoff.<sup>6</sup>

Seagrass protects smaller marine animals, including juvenile sea bass, snappers, and grunts, from larger predators.<sup>7</sup> Many marine animals consume seagrass as food, including manatees, urchins, conches, and sea turtles. Other animals derive nutrition from eating the algae and small animals living in seagrass leaves. Bottlenose dolphins and a variety of wading and diving birds also use seagrass beds as feeding grounds. Seagrass-based detritus formed by the microbial breakdown of leaves and roots is also an important food source.<sup>8</sup>

---

<sup>1</sup> Dep't of Environmental Protection (DEP), *Florida Seagrasses*, <https://floridadep.gov/rcp/seagrass> (last visited Mar. 9, 2023).

<sup>2</sup> *Id.* These species include Cuban shoal grass, turtle grass, manatee grass, star grass, paddle grass, Johnson's seagrass, and widgeon grass. Section 253.04(3)(a)1., F.S.

<sup>3</sup> Florida Fish and Wildlife Conservation Commission (FWC), *Seagrass FAQ*, <https://myfwc.com/research/habitat/seagrasses/information/faq/> (last visited Jan. 11, 2022).

<sup>4</sup> *Id.*

<sup>5</sup> Matthew P.J. Oreska, et al., *The greenhouse gas offset potential from seagrass restoration*, 1 (2020), available at <https://link.springer.com/content/pdf/10.1038/s41598-020-64094-1.pdf>.

<sup>6</sup> Nat'l Academy of Sciences, Engineering, and Medicine, *Effective Monitoring to Evaluate Ecological Restoration in the Gulf of Mexico*, 151 (2017), available at <https://doi.org/10.17226/23476>.

<sup>7</sup> DEP, *Florida Seagrasses*.

<sup>8</sup> *Id.*

## Seagrass Loss

Seagrass meadows are among the planet's most threatened habitats, with their known global areal extent having declined by 29 percent since the late 1800s and losses rapidly accelerating in the last two decades.<sup>9</sup> In Florida, approximately 80 percent of the seagrass coverage in Tampa Bay has been lost, mainly due to human activities.<sup>10</sup>

Seagrass face several threats, including events that reduce water clarity and decrease the amount of light reaching the ecosystem, such as algae blooms, as well as physical damage, such as from dredging or boat propeller scarring.<sup>11</sup> Scarring occurs when boat propellers in shallow water impact seagrass roots, stems, and leaves, producing long, narrow furrows devoid of vegetation.<sup>12</sup> The damage caused by prop scars can take years to heal.<sup>13</sup> Abandoned fishing gear can also impact seagrass, creating unique restoration needs.<sup>14</sup> Grounded and derelict vessels can also impact seagrass ecosystems by shading, eroding, and scouring seagrass, and the process of removing these vessels can result in even further harm.<sup>15</sup>

In 2009, the Legislature tasked the Board of Trustees of the Internal Improvement Fund with preserving and regenerating seagrass.<sup>16</sup> It also passed legislation providing that a person operating a vessel outside a lawfully marked channel in a careless manner that causes seagrass scarring within an aquatic preserve commits a noncriminal infraction.<sup>17</sup> In addition, as of 2017, owners of private submerged lands that are adjacent to Outstanding Florida Waters or an aquatic preserve may request that the Fish and Wildlife Conservation Commission (FWC) establish boating-restricted areas to protect any seagrass within their property boundaries from scarring due to propeller dredging.<sup>18</sup>

## Seagrass Restoration

The success of seagrass restoration depends on many factors, including the arrangement, genetic diversity, and density of the seagrass, proximity to established mangroves, coral reefs, or existing seagrass meadows, and inclusion of bivalves such as clams or mussels in the ecosystem.<sup>19</sup> The use of donor beds is necessary for seagrass restoration, whether it is the relocation of an entire

---

<sup>9</sup> Nat'l Academy of Sciences, Engineering, and Medicine, *Effective Monitoring to Evaluate Ecological Restoration in the Gulf of Mexico* at 151.

<sup>10</sup> FWC, *Seagrass Restoration*, <https://myfwc.com/research/habitat/seagrasses/projects/active/restoration/> (last visited Mar. 10, 2023).

<sup>11</sup> FWC, *Seagrass FAQ*.

<sup>12</sup> DEP, *Seagrass Restoration Efforts*, <https://floridadep.gov/rcp/rcp/content/seagrass-restoration-efforts> (last visited Mar. 9, 2023).

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> Ch. 2009-86, s. 3, Laws of Fla.

<sup>17</sup> *Id.* This section is inapplicable to Lake Jackson, Oklawaha River, Wekiva River, and Rainbow Springs aquatic preserves.

*Id.*

<sup>18</sup> Ch. 2017-163, s. 8, Laws of Fla.; section 327.46(1)(d), F.S.

<sup>19</sup> Stephanie R. Valdez, et al., *Positive Ecological Interactions and the Success of Seagrass Restoration*, (2020), available at <https://www.frontiersin.org/articles/10.3389/fmars.2020.00091/full>.

bed or the removal of random plugs from an existing bed.<sup>20</sup> In addition, because most seagrass species require high levels of light, water quality may limit the depth at which the seagrass can live.<sup>21</sup>

In Florida, several agencies are working to restore seagrass. The Office of Resilience and Coastal Protection (RCP) collaborates with other agencies to improve seagrass protection, augment habitat recovery through proven scientific restoration techniques, and increase public awareness of the importance of seagrass.<sup>22</sup> The RCP has employed a variety of seagrass restoration methods throughout the state. For example, the RCP's St. Martins Marsh Aquatic Preserve has partnered with the UF's Institute of Food and Agricultural Sciences to stabilize and restore prop scars with sediment tubes. These restoration efforts will be monitored over a three-year period. The RCP has conducted other restoration projects in Charlotte Harbor, Indian River Lagoon, Biscayne Bay, the Big Bend, the Florida Keys, St. Joseph Bay, St. Andrews Bay, and Pensacola Bay—though results have been mixed. The RCP continues to monitor these projects and collaborate with other researchers to develop more effective restoration methods.<sup>23</sup>

Other seagrass restoration efforts are ongoing throughout the state. For example, the Northwest Florida Aquatic Preserves has been utilizing salvaged seagrass cores from impacted areas from dock pilings in restoration areas.<sup>24</sup> The salvaged material is used to fill propeller scars as well as bare or declining areas and has proven quite successful in the Panhandle estuaries. There have also been efforts to remove derelict vessels from seagrass beds in the Lemon Bay Aquatic Preserve. Natural colonization of seagrass from adjacent beds has been successful. In addition, the RCP is removing derelict crab traps from seagrass meadows in the Big Bend Seagrasses Aquatic Preserve. Twenty-five sites within this area are being monitored as part of a three-year seagrass restoration grant project to assess natural seagrass regrowth within the impacted area.<sup>25</sup>

The RCP is also working with the FWC to develop a restoration plan for the nation's only marine plant - Johnson's seagrass (*Halophila johnsonii*)—to be designated as a threatened species under the Endangered Species Act.<sup>26</sup> The RCP has identified several areas in Biscayne Bay as potential restoration sites for this species of seagrass. In addition, the FWC is developing a tissue-culture technique to seagrass restoration called micropropagation.<sup>27</sup> Micropropagation is a way to clone plants using buds collected from branches of mature plants. The buds are sterilized and placed in test tubes containing a specific nutrient medium. Compared to standard nursery techniques, micropropagation has the potential to produce more plants in less time. The FWC is also developing a new method for planting seagrass. Traditionally, seagrass has been planted by hand, but success with hand-planting has been variable. A new method using a boat with a planting wheel is being developed. This technique will reduce damage to the plantlets

---

<sup>20</sup> FWC, *Seagrass Restoration*, <https://myfwc.com/research/habitat/seagrasses/projects/active/restoration/> (last visited Mar. 10, 2023).

<sup>21</sup> DEP, *Florida Seagrasses*, <https://floridadep.gov/rcp/seagrass> (last visited Mar. 9, 2023).

<sup>22</sup> DEP, *Seagrass Restoration Efforts*.

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

<sup>26</sup> DEP, *Seagrass Restoration Efforts*, <https://floridadep.gov/rcp/rcp/content/seagrass-restoration-efforts> (last visited Mar. 9, 2023).

<sup>27</sup> FWC, *Seagrass Restoration*, <https://myfwc.com/research/habitat/seagrasses/projects/active/restoration/> (last visited Mar. 10, 2023).

during transplantation, increase the planting rate, and cause less disturbance to sediment structure.<sup>28</sup>

Federal studies for seagrass restoration have also been conducted. For example, in 2016, the National Fish and Wildlife Federation (NFWF) began its three-year Roadblocks to Seagrass Recovery project.<sup>29</sup> The project focused on the role of submerged aquatic vegetation (SAV) in the restoration, maintenance, and enhancement of the ecological integrity of coastal bays and estuaries in the Florida Panhandle and Big Bend regions.<sup>30</sup> The project evaluated seagrass in six estuaries—Perdido Bay, Pensacola Bay, Choctawhatchee Bay, Saint Andrew Bay, Saint Joseph Bay, and the Suwannee River Estuary—to assess the status and trends of seagrass, identify stressors preventing or slowing natural recovery of lost seagrass, and provide recommendations for the selection, design, and assessment of restoration projects to enhance seagrass recovery.<sup>31</sup>

### **Mote Marine Laboratory (Mote)**

Mote is a Florida nonprofit organization that was founded in 1955.<sup>32</sup> Today, Mote includes a 10.5-acre campus and aquarium in Sarasota, Florida, with various facilities known as field stations in Key West, eastern Sarasota County, Summerland Key, and Charlotte Harbor.<sup>33</sup>

Mote has more than 20 research programs and 30 Ph.D. scientists studying various aspects of marine science, including marine biogeochemistry and marine biomedical research.<sup>34</sup> Mote's research includes studies of human cancer using marine models, the effects of human-made and natural toxic substances on humans and on the environment, the health of wild fisheries, developing sustainable and successful fish restocking techniques and food production technologies, and the development of ocean technology to better understand the health of the environment.<sup>35</sup> Its programs also focus on understanding the population dynamics of manatees, dolphins, sea turtles, sharks, and coral reefs, and on conservation and restoration efforts related to these species and ecosystems.<sup>36</sup>

Mote also conducts important research on seagrass, including the study of water quality and its impact on seagrass loss in Sarasota Bay and Florida Bay.<sup>37</sup> In 2021, Mote scientists co-authored a peer-reviewed research paper finding that changes in freshwater flows into Florida Bay appear

---

<sup>28</sup> *Id.*

<sup>29</sup> NFWF, *Roadblocks to Seagrass Recovery – Final Report*, (2020), available at <https://myfwc.com/media/24317/roadblocks-final-report.pdf>.

<sup>30</sup> *Id.* at 3.

<sup>31</sup> *Id.*

<sup>32</sup> Mote Marine Laboratory and Aquarium (Mote), *Research Programs*, <https://mote.org/research-programs> (last visited Mar. 11, 2023).

<sup>33</sup> Mote, *Mote Marine Laboratory and Aquarium*, <https://mote.org/locations/details/mote-marine-laboratory-aquarium> (last visited Mar. 11, 2023); Mote, *Mote Field Stations*, <https://mote.org/locations> (last visited Mar. 11, 2023).

<sup>34</sup> Mote, *Research Programs*.

<sup>35</sup> Mote, *About Us*, <https://mote.org/about-us> (last visited Mar. 11, 2023).

<sup>36</sup> *Id.*

<sup>37</sup> Mote, *Innovative Research*, <https://mote.org/pages/2021-annual-report-innovative-research-taking-the-pulse-of-our-marine-envir> (last visited Mar. 11, 2023).



to be associated with loss of seagrass and the rise of microscopic algae that compete with it.<sup>38</sup> The paper concludes that, given projected future climate conditions and anticipated cycles of drought and intensive storms, the likelihood of future seagrass die-offs and Pico cyanobacterial blooms is high.<sup>39</sup>

### **University of Florida and Seagrass Research**

The UF's Institute of Food and Agricultural Sciences (UF/IFAS) is a federal-state-county partnership with a mission of developing knowledge in agriculture, human and natural resources, and the life sciences.<sup>40</sup> UF/IFAS employs more than 2,000 faculty and staff statewide and has offices in each of Florida's 67 counties.<sup>41</sup>

UF/IFAS's scientists are currently conducting research on seagrass restoration, including methods most likely to lead to successful restoration (genetic diversity, the presence of lucinid clams and small invertebrate herbivores, etc.).<sup>42</sup> Scientists have also studied the use of certain fertilizers on seagrass regrowth.<sup>43</sup>

### **Aquatic Preserve Program**

In 1975, the Legislature enacted the Aquatic Preserve Act to ensure the continuation of aquatic preserves' natural conditions so their aesthetic, biological and scientific values may endure for the enjoyment of future generations.<sup>44</sup> The Department of Environmental Protection's Office of Resilience and Coastal Protection oversees the management and protection of these aquatic preserves, which act as critical nurseries for fish and other aquatic life.<sup>45</sup> These areas also contain many archaeological sites and are important for recreation, as about two-thirds of Floridians live in counties that border an aquatic preserve.<sup>46</sup>

---

<sup>38</sup> *Id.*; see Patricia M. Gilbert, et al., *Dissolved organic nutrients at the interface of fresh and marine waters: flow regime changes, biogeochemical cascades and Pico cyanobacterial blooms—the example of Florida Bay, USA*, 1, 20-21 (2021), available at <https://link.springer.com/content/pdf/10.1007/s10533-021-00760-4.pdf>.

<sup>39</sup> *Id.* at 1.

<sup>40</sup> UF/IFAS, *About UF/IFAS*, <https://ifas.ufl.edu/about-us/> (last visited Mar. 11, 2023).

<sup>41</sup> *Id.*

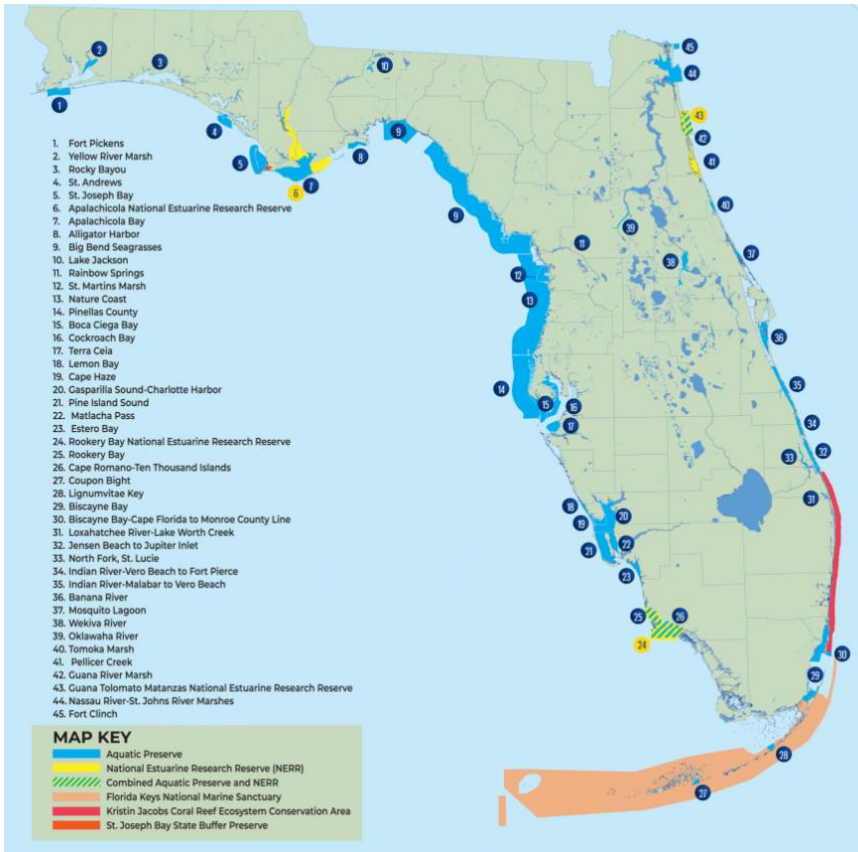
<sup>42</sup> UF/IFAS, *Reynolds Coastal and Marine Ecology Lab: Research*, <https://soils.ifas.ufl.edu/coastal-and-marine-ecology-lab/research/> (last visited Mar. 11, 2023).

<sup>43</sup> UF/IFAS, *An efficient, sustainable fertilizer for seagrass*, <https://blogs.ifas.ufl.edu/swsdept/2022/05/19/an-efficient-sustainable-fertilizer-for-seagrass/> (last visited Mar. 11, 2023).

<sup>44</sup> Ch. 75-172, s. 1, Laws of Fla.; section 258.36, F.S.

<sup>45</sup> DEP, *Office of Resilience and Coastal Protection*, <https://floridadep.gov/RCP> (last visited Mar. 11, 2023); DEP, *Aquatic Preserve Program*, <https://floridadep.gov/rcp/aquatic-preserve#:~:text=Aquatic%20preserves%20protect%20Florida%27s%20living%20waters%20to%20ensure,window%20into%20the%20state%27s%20natural%20and%20cultural%20heritage> (last visited Mar. 11, 2023).

<sup>46</sup> *Id.*



**III. Effect of Proposed Changes:**

**Section 1** creates s. 403.93344, F.S., to establish the Seagrass Restoration Technology Development Initiative and the Initiative Technology Advisory Council. The bill provides that it is the intent of the Legislature to establish a collaborative and coordinated effort among public and private research entities to develop restoration technologies and approaches to address the loss of seagrass and the cascading ecological and economic impacts that loss to communities in this state.

The bill establishes the Seagrass Restoration Technology Development Initiative within the Department of Environmental Protection (DEP) as a partnership between the DEP’s Aquatic Preserve Program, Mote Marine Laboratory (Mote), and the University of Florida (UF) to develop innovative technologies needed to restore coastal seagrass ecosystems by building upon research and restoration efforts in the public and private sectors. The goal of the initiative is to develop, test, and implement innovative, effective, cost-efficient, and environmentally sustainable technologies and approaches for restoring coastal seagrass ecosystems.

The bill requires the DEP to award funds specifically appropriated by the Legislature to Mote, which will function as the lead administrative component to achieve the initiative’s goals. Mote may, with the DEP’s approval, use a portion of these funds to facilitate additional engagement with other marine science and technology development organizations to pursue applied research and technology for successful restoration of seagrass ecosystems. Mote may not use more than five percent of its awarded funds for direct annual initiative administration and coordination

costs. The initiative must leverage state-appropriated funds with additional funds from private and federal sources.

Mote and the UF are required to create a ten-year Florida Seagrass Restoration Plan to implement tools and technologies developed under the initiative.

The bill provides that, beginning January 15, 2014, and each January thereafter, the initiative must submit a report containing an overview of its accomplishments to date and priorities for subsequent years to the Governor, the Legislature, the Secretary of the DEP and the executive director of the Fish and Wildlife Conservation Commission (FWC).

The bill also establishes the Initiative Technology Advisory Council (TAC) as part of the initiative.<sup>47</sup> The TAC's membership must include marine science, technology development, and natural resource management representatives from this state's aquatic preserves, private organizations, and public or private research institutions. The TAC must meet at least twice a year. The TAC must be co-chaired by the president and chief executive officer of Mote and a representative from the UF. The other members must include:

- One member from a private commercial enterprise, appointed by the Governor;
- One member from a public or private university in Florida, appointed by the President of the Senate;
- One member from a non-university public or private marine environmental organization, appointed by the Speaker of the House of Representatives;
- One member from the DEP's Aquatic Reserve Program who has expertise in seagrass ecosystems, appointed by the Secretary of the DEP; and
- One member from the Fish and Wildlife Research Institute who has expertise in seagrass, appointed by the executive director of the FWC.

The bill provides that the TAC members must serve staggered two-year terms and may be reappointed. The TAC members will not receive compensation; each organization represented must cover all expenses of its respective representative.

The bill provides that pending the completion of research creating a seagrass restoration plan, the DEP shall, subject to legislative appropriation, implement seagrass restoration projects that are procured on a payment-for performance basis to protect the state investment made in seagrass restoration efforts.

The section of law created in the bill expires on June 30, 2028.

**Section 2** provides that beginning in the 2023-2024 fiscal year, and through the 2027-2028 fiscal year, \$2 million is appropriated from the General Revenue Fund to the DEP for the purposes of implementing this initiative.

---

<sup>47</sup> See s. 20.03, F.S., defining advisory council as an advisory body created by specific statutory enactment and appointed to function on a continuing basis for the study of the problems arising in a specified functional or program area of state government and to provide recommendations and policy alternatives.

**Section 3** provides an effective date of July 1, 2023.

**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:

If funds are specifically appropriated by the Legislature, Mote Marine Laboratory may have a positive fiscal impact as a result of receiving funding to serve as the lead entity for the Seagrass Restoration Technical Development Initiative.

C. Government Sector Impact:

The Department of Environmental Protection (DEP) and the University of Florida (UF) will incur costs, subject to appropriations, related to the Seagrass Restoration Technology Development Initiative, including conducting research, creating a seagrass restoration plan, and preparing annual status reports. The UF may also incur costs related to co-chairing the Initiative Technology Advisory Council. Such costs may be offset by the bill's authorization that Mote Marine Laboratory may use funds provided as part of the program to engage other marine science organizations.

The bill appropriates \$2 million from the General Revenue Fund to the DEP beginning in the 2023-2024 fiscal year and for each fiscal year through 2027-2028 to implement the seagrass initiative and the technology advisory council.

**VI. Technical Deficiencies:**

The provisions of this bill may be inconsistent with s. 20.052, F.S., which provides requirements for the establishment of advisory bodies.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates section 403.93344 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS/CS by Appropriations Committee on Agriculture, Environment, and General Government on April 12, 2023:**

The committee substitute:

- Changes the definition of “Program” to mean the Aquatic Preserve Program, rather than the Aquatic Reserve Program;
- Provides that the technologies and approaches developed by the initiative for restoring coastal seagrass ecosystems must be cost-efficient;
- Requires the DEP to implement seagrass restoration projects that are procured on a payment-for-performance basis; and
- Appropriates \$2 million from the General Revenue Fund to the DEP beginning in the 2023-2024 fiscal year and for each fiscal year through 2027-2028 to implement the seagrass initiative and the technology advisory council.

**CS by Environment and Natural Resources on March 14, 2023:**

Changed the section number created by this bill from s. 379.2274, F.S., to s. 403.93344, F.S.

**B. Amendments:**

None.



544822

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/13/2023	.	
	.	
	.	
	.	

---

The Appropriations Committee on Agriculture, Environment, and General Government (Boyd) recommended the following:

**Senate Amendment**

Delete line 39

and insert:

(c) "Program" means the Aquatic Preserve Program within the



431188

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/13/2023	.	
	.	
	.	
	.	

---

The Appropriations Committee on Agriculture, Environment, and General Government (Grall) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 46 - 110  
and insert:  
and expedite the development of cost-efficient innovative technologies and approaches that are critically needed to restore coastal seagrass ecosystems by building upon research and restoration efforts in the public and private sectors.

(b) The goal of the initiative is to develop, test, and implement innovative, effective, cost-efficient, and



11 environmentally sustainable technologies and approaches for  
12 restoring coastal seagrass ecosystems.

13 (c) The department shall award funds specifically  
14 appropriated by the Legislature for the initiative to Mote  
15 Marine Laboratory, which shall function as the lead  
16 administrative component to achieve the goals of the initiative.

17 1. Mote Marine Laboratory may, with the concurrence of the  
18 department, use a portion of the awarded funds to facilitate  
19 additional engagement with other pertinent marine science and  
20 technology development organizations in this state and around  
21 the world to pursue applied research and technology for the  
22 successful restoration of seagrass ecosystems.

23 2. Mote Marine Laboratory may not use more than 5 percent  
24 of its awarded funds for direct annual initiative administration  
25 and coordination costs.

26 3. The initiative shall leverage state-appropriated funds  
27 with additional funds from private and federal sources.

28 (d) In collaboration with the program, Mote Marine  
29 Laboratory and the University of Florida shall create a 10-year  
30 Florida Seagrass Restoration Plan to implement tools and  
31 technologies developed under the initiative.

32 (e) Beginning January 15, 2024, and each January 15  
33 thereafter until its expiration, the initiative shall submit a  
34 report that contains an overview of its accomplishments to date  
35 and priorities for subsequent years to the Governor, the  
36 President of the Senate, the Speaker of the House of  
37 Representatives, the Secretary of Environmental Protection, and  
38 the executive director of the Fish and Wildlife Conservation  
39 Commission.





431188

40           (4) The Initiative Technology Advisory Council, an advisory  
41 council as defined in s. 20.03, is established as part of the  
42 initiative. The advisory council's membership must include  
43 marine science, technology development, and natural resource  
44 management representatives from this state's aquatic preserves,  
45 private organizations, and public or private research  
46 institutions. The council shall meet at least twice annually.

47           (a) The council shall be co-chaired by the president and  
48 chief executive officer of Mote Marine Laboratory and a  
49 representative from the University of Florida and shall be  
50 composed of the following members:

51           1. One member from a private commercial enterprise,  
52 appointed by the Governor.

53           2. One member from a public or private university in this  
54 state, appointed by the President of the Senate.

55           3. One member from a non-university public or private  
56 marine environmental organization, appointed by the Speaker of  
57 the House of Representatives.

58           4. One member from the program who has expertise in  
59 seagrass ecosystems, appointed by the Secretary of Environmental  
60 Protection.

61           5. One member from the Fish and Wildlife Research Institute  
62 who has expertise in seagrass, appointed by the executive  
63 director of the Fish and Wildlife Conservation Commission.

64           (b) Council members shall serve staggered 2-year terms and  
65 may be reappointed.

66           (c) Council members shall serve without compensation, and  
67 each organization represented shall cover all expenses of its  
68 respective representative.



431188

69           (5) Pending the completion of the research conducted  
70 pursuant to this section and any recommendations of the council,  
71 the department shall, subject to legislative appropriation,  
72 implement seagrass restoration projects that are procured on a  
73 payment-for-performance basis to protect the investment made by  
74 this state in seagrass restoration efforts.

75           (6) This section expires June 30, 2028.

76  
77 ===== T I T L E   A M E N D M E N T =====

78 And the title is amended as follows:

79           Delete line 19

80 and insert:

81           council; requiring the department to implement  
82           seagrass restoration projects, subject to legislative  
83           appropriation, that are procured on a specified basis;  
84           providing for the expiration of the



131862

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/13/2023	.	
	.	
	.	
	.	

---

The Appropriations Committee on Agriculture, Environment, and General Government (Boyd) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 110 and 111

insert:

Section 2. Beginning in the 2023-2024 fiscal year, and for each fiscal year thereafter through the 2027-2028 fiscal year, the sum of \$2 million is appropriated from the General Revenue Fund to the Department of Environmental Protection for the purpose of implementing s. 403.93344, Florida Statutes, as created by this act.



131862

11  
12  
13  
14  
15  
16  
17

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

And the title is amended as follows:

Delete line 20

and insert:

initiative; providing an appropriation; providing an  
effective date.

By the Committee on Environment and Natural Resources; and  
Senator Boyd

592-02541-23

2023724c1

1 A bill to be entitled  
2 An act relating to the Seagrass Restoration Technology  
3 Development Initiative; creating s. 403.93344, F.S.;  
4 providing legislative intent; defining terms;  
5 establishing the Seagrass Restoration Technology  
6 Development Initiative within the Department of  
7 Environmental Protection; providing the purpose and  
8 goal of the initiative; providing for funding;  
9 specifying allowable uses of the funding; requiring  
10 the creation of a 10-year Florida Seagrass Restoration  
11 Plan; requiring the initiative to submit an annual  
12 report by a specified date to the Governor, the  
13 Legislature, the Secretary of Environmental  
14 Protection, and the executive director of the Fish and  
15 Wildlife Conservation Commission; establishing the  
16 Initiative Technology Advisory Council as part of the  
17 initiative; providing for the meetings, membership,  
18 terms of office, and compensation of the advisory  
19 council; providing for the expiration of the  
20 initiative; providing an effective date.

21  
22 Be It Enacted by the Legislature of the State of Florida:

23  
24 Section 1. Section 403.93344, Florida Statutes, is created  
25 to read:

26 403.93344 Seagrass Restoration Technology Development  
27 Initiative; Initiative Technology Advisory Council.-

28 (1) It is the intent of the Legislature to establish a  
29 collaborative and coordinated effort among public and private

Page 1 of 4

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

592-02541-23

2023724c1

30 research entities to develop restoration technologies and  
31 approaches to address the loss of seagrass and the cascading  
32 ecological and economic impacts of that loss to communities in  
33 this state.

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

35 (a) "Department" means the Department of Environmental  
36 Protection.

37 (b) "Initiative" means the Seagrass Restoration Technology  
38 Development Initiative.

39 (c) "Program" means the Aquatic Reserve Program within the  
40 department's Office of Resilience and Coastal Protection.

41 (3) The Seagrass Restoration Technology Development  
42 Initiative is established within the department as a partnership  
43 between the program, Mote Marine Laboratory, and the University  
44 of Florida.

45 (a) The purpose of the initiative is to take the lead in  
46 and expedite the development of innovative technologies and  
47 approaches that are critically needed to restore coastal  
48 seagrass ecosystems by building upon research and restoration  
49 efforts in the public and private sectors.

50 (b) The goal of the initiative is to develop, test, and  
51 implement innovative, effective, and environmentally sustainable  
52 technologies and approaches for restoring coastal seagrass  
53 ecosystems.

54 (c) The department shall award funds specifically  
55 appropriated by the Legislature for the initiative to Mote  
56 Marine Laboratory, which shall function as the lead  
57 administrative component to achieve the goals of the initiative.

58 1. Mote Marine Laboratory may, with the concurrence of the

Page 2 of 4

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

592-02541-23 2023724c1

59 department, use a portion of the awarded funds to facilitate  
 60 additional engagement with other pertinent marine science and  
 61 technology development organizations in this state and around  
 62 the world to pursue applied research and technology for the  
 63 successful restoration of seagrass ecosystems.

64 2. Mote Marine Laboratory may not use more than 5 percent  
 65 of its awarded funds for direct annual initiative administration  
 66 and coordination costs.

67 3. The initiative shall leverage state-appropriated funds  
 68 with additional funds from private and federal sources.

69 (d) In collaboration with the program, Mote Marine  
 70 Laboratory and the University of Florida shall create a 10-year  
 71 Florida Seagrass Restoration Plan to implement tools and  
 72 technologies developed under the initiative.

73 (e) Beginning January 15, 2024, and each January 15  
 74 thereafter until its expiration, the initiative shall submit a  
 75 report that contains an overview of its accomplishments to date  
 76 and priorities for subsequent years to the Governor, the  
 77 President of the Senate, the Speaker of the House of  
 78 Representatives, the Secretary of Environmental Protection, and  
 79 the executive director of the Fish and Wildlife Conservation  
 80 Commission.

81 (4) The Initiative Technology Advisory Council, an advisory  
 82 council as defined in s. 20.03(7), is established as part of the  
 83 initiative. The advisory council's membership must include  
 84 marine science, technology development, and natural resource  
 85 management representatives from this state's aquatic preserves,  
 86 private organizations, and public or private research  
 87 institutions. The council shall meet at least twice annually.

592-02541-23 2023724c1

88 (a) The council shall be co-chaired by the president and  
 89 chief executive officer of Mote Marine Laboratory and a  
 90 representative from the University of Florida and shall be  
 91 composed of the following members:

92 1. One member from a private commercial enterprise,  
 93 appointed by the Governor.

94 2. One member from a public or private university in this  
 95 state, appointed by the President of the Senate.

96 3. One member from a non-university public or private  
 97 marine environmental organization, appointed by the Speaker of  
 98 the House of Representatives.

99 4. One member from the program who has expertise in  
 100 seagrass ecosystems, appointed by the Secretary of Environmental  
 101 Protection.

102 5. One member from the Fish and Wildlife Research Institute  
 103 who has expertise in seagrass, appointed by the executive  
 104 director of the Fish and Wildlife Conservation Commission.

105 (b) Council members shall serve staggered 2-year terms and  
 106 may be reappointed.

107 (c) Council members shall serve without compensation, and  
 108 each organization represented shall cover all expenses of its  
 109 respective representative.

110 (5) This section expires June 30, 2028.

111 Section 2. This act shall take effect July 1, 2023.



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Banking and Insurance, *Chair*  
Agriculture, *Vice Chair*  
Appropriations Committee on Agriculture,  
Environment, and General Government  
Finance and Tax  
Fiscal Policy  
Judiciary  
Rules  
Transportation

### SENATOR JIM BOYD

20th District

March 15, 2023

Senator Jason Brodeur  
404 South Monroe Street  
201 Capitol  
Tallahassee, FL 32399

Dear Chair Brodeur:

I respectfully request CS/SB 724: Seagrass Restoration Technology Development Initiative, be scheduled for a hearing in the Appropriation Committee on Agriculture, Environment, and General Government, at your earliest convenience.

If I may be of assistance to you on this or any other matter, please do not hesitate to contact me.

Thank you for your consideration of this matter.

Best regards,

A handwritten signature in blue ink that reads "Jim Boyd".

Jim Boyd

cc: Giovanni Betta  
Julie Brass

#### REPLY TO:

- 717 Manatee Avenue West, Bradenton, Florida 34205 (941) 742-6445
- 418 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5020

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**KATHLEEN PASSIDOMO**  
President of the Senate

**DENNIS BAXLEY**  
President Pro Tempore

The Florida Senate

APPEARANCE RECORD

4/12/23

Meeting Date

SB 724

Bill Number or Topic

Ag, Env + GG Appropriations

Committee

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

Amendment Barcode (if applicable)

Name

David Shepp

Phone

863 581-4250

Address

123 S. Adams Street

Email

sheppe@southerngroup.com

Street

Tallahassee FL

32312

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

Mofe Marine Laboratory

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. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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



The Florida Senate

APPEARANCE RECORD

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

4/12/2023

Meeting Date

724

Bill Number or Topic

AEG Approps

Committee

Amendment Barcode (if applicable)

Name Pepper Uchino

Phone (850) 906-9227

Address P.O. Box 13146

Email pepper@fsbpa.com

Street

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:

FL Shore & Beach Preservation Assoc. (FSBPA)

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. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

5-001 (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 Appropriations Committee on Agriculture, Environment, and General Government

---

BILL: CS/SB 748

INTRODUCER: Banking and Insurance Committee and Senator Boyd

SUBJECT: My Safe Florida Home Program

DATE: April 11, 2023

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Thomas</u>	<u>Knudson</u>	<u>BI</u>	<u>Fav/CS</u>
2.	<u>Sanders</u>	<u>Betta</u>	<u>AEG</u>	<u>Favorable</u>
3.	_____	_____	<u>FP</u>	_____

---

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

---

**I. Summary:**

CS/SB 748 revises provisions relating to the My Safe Florida Home Program (MSFH Program or Program). The bill:

- Provides the MSFH Program may select as a mitigation inspector a licensed home inspector who has completed certain training;
- Provides an inspection under the MSFH Program may only be done on a property for which a homestead exemption has been granted;
- Deletes the requirement a property eligible for a mitigation grant must be located in the “wind-borne debris region;”
- Increases the amount, from \$5,000 to \$10,000, low-income homeowners may receive from a grant and not have to provide a matching amount;
- Adds the Citizens Property Insurance Corporation to the list of entities that may receive Program brochures for redistribution;
- Deletes the requirement contracts valued at one million dollars or more entered into by the Program be reviewed and approved by the Legislative Budget Commission; and
- Requires the Department of Financial Services (DFS) to develop a quality assurance and reinspection program.

While the bill does not have a fiscal impact on state or local governments, SB 2500<sup>1</sup> provides \$50,000,000 in General Revenue funds for MSFH Program funding needs. The Florida House of Representatives, in HB 5001, provides \$100,000,000 in MFSH Program funding.<sup>2</sup> The amount of funding will be determined during the Legislative Conference process.

The bill provides an effective date of July 1, 2023.

## II. Present Situation:

### My Safe Florida Home Program

#### *Background*

Following the 2004 and 2005 hurricane seasons, where 2.8 million Florida homeowners suffered more than \$33 billion in insured property damage,<sup>3</sup> 86 percent of the 4.4 million homes in Florida were built prior to the adoption of stronger building codes in 2002, and the average age of a home was 26 years, Florida began to experience a decline in the availability of property insurance and an increase in its cost.<sup>4</sup>

In 2006, the Legislature created the MSFH Program<sup>5</sup> within the DFS.<sup>6</sup> The original appropriation was \$250 million for a period not to exceed three years with any unused appropriated funds reverting to the state on June 30, 2009.<sup>7</sup>

The MSFH Program was created with the intent to provide trained and certified inspectors to perform inspections for owners of site-built, single-family, residential properties (mitigation inspections), and grants to eligible applicants, subject to funding availability.<sup>8</sup> The MSFH Program was to “develop and implement a comprehensive and coordinated approach for hurricane damage mitigation.”<sup>9</sup> The MSFH program allowed the DFS to undertake a public outreach and advertising campaign to inform consumers of the availability and benefits of the mitigation inspections and grants.<sup>10</sup> It required the development of brochures for distribution to general contractors, roofing contractors, and real estate brokers and sales associates to explain the benefits of residential hurricane damage mitigation to homeowners.<sup>11</sup>

---

<sup>1</sup> The Florida Senate, *SB 2500 – Appropriations, As Introduced*, pg. 338, available at <https://www.flsenate.gov/Session/Bill/2023/2500/BillText/Filed/PDF> (last visited March 30, 2023).

<sup>2</sup> The Florida House of Representatives, *HB 5001 – General Appropriations Act, As Introduced*, available at [https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?FileName=Orig\\_GAA.pdf&DocumentType=Bill&BillNumber=5001&Session=2023](https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?FileName=Orig_GAA.pdf&DocumentType=Bill&BillNumber=5001&Session=2023) (last visited March 30, 2023).

<sup>3</sup> Department of Financial Services, *My Safe Florida Home, 2008 Annual Report* (Feb. 2009) (on file with Senate Appropriations Committee on Agriculture, Environment, and General Government.)

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> The Legislature initially established the program as the Florida Comprehensive Hurricane Damage Mitigation Program (ch. 2006-12, L.O.F.) however, the name was subsequently changed in 2007 (ch. 2007-126, L.O.F.).

<sup>7</sup> Chapter 2006-12 L.O.F.

<sup>8</sup> Section 215.5586, F.S.

<sup>9</sup> *Id.*

<sup>10</sup> Section 215.5586(3), F.S.

<sup>11</sup> Section 215.5586(7), F.S.

From its inception to January 30, 2009, the MSFH Program received approximately 425,193 applications, performed more than 391,000 inspections and awarded 39,000 grants. From July 2007 through January 2009, MSFH Program expenditures totaled approximately \$151.9 million.<sup>12</sup> Funding for the program ceased on June 30, 2009.<sup>13</sup>

The DFS requested Risk Management Solutions (RMS) to conduct an impact analysis of the MSFH Program. RMS released a report of the impact analysis on May 14, 2009 (report).<sup>14</sup> In the report, RMS concluded program grants were beneficial to the State of Florida, individual homeowners, and the insurance industry.<sup>15</sup> RMS indicated the predicted reduction in loss as a result of the grant projects completed far exceeded the grant money spent.<sup>16</sup> The MSFH Program was never repealed from law and additional funding was not provided until May 2022.

### ***2022 Renewal and Funding of the MSFH Program***

In May 2022, during the 2022D Special Session and under a property insurance bill (SB 2-D), the Legislature reestablished the MSFH Program within the DFS to provide financial incentives for Florida residential property owners to obtain free home inspections which identify mitigation measures and provide grants to retrofit such properties, thereby reducing their vulnerability to hurricane damage and helping decrease the cost of residential property insurance.<sup>17</sup>

To implement the MSFH Program, \$150 million in nonrecurring funds from the General Revenue Fund was appropriated to the DFS. The funds were designated for the following purposes:

- \$25 million for hurricane mitigation inspections;
- \$115 million for hurricane mitigation grants;
- Four million dollars for education and consumer awareness;
- One million dollars for public outreach to contractors, real estate brokers, and sales associates; and
- Five million dollars for administrative costs.<sup>18</sup>

Under SB 2-D, any unexpended balance of appropriated funds remaining on June 30, 2023, shall revert and is appropriated to the DFS for Fiscal Year 2023-2024 to be used for the MSFH Program. The appropriation will expire on October 1, 2024.

### ***2022 MSFH Program Implementation***

Following the passage of SB 2-D in 2022, the DFS procured a vendor to administer the MSFH Program, qualified inspectors to conduct mitigation inspections, and qualified contractors who

---

<sup>12</sup> Florida Auditor General, *Department of Financial Services, My Safe Florida Home Program, Operational Audit Report No. 2010-074* (Jan. 1010), available at [https://flauditor.gov/pages/pdf\\_files/2010-074.pdf](https://flauditor.gov/pages/pdf_files/2010-074.pdf) (last visited March 20, 2023).

<sup>13</sup> Department of Financial Services, *My Safe Florida Home, 2008 Annual Report* (Feb. 2009) (on file with Senate Appropriations Committee on Agriculture, Environment, and General Government).

<sup>14</sup> Risk Management Solutions, *Analyzing the Effects of the My Safe Florida Home Program on Florida Insurance Risk*, (May 14, 2009), available at [https://www.ipcc.ch/apps/nj-lite/srex/nj-lite\\_download.php?id=5036](https://www.ipcc.ch/apps/nj-lite/srex/nj-lite_download.php?id=5036) (last visited March 20, 2023)

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> Section 3, ch. 2022-268, L.O.F. See CS/SB 2-D (2022 Special Session).

<sup>18</sup> Section 4, ch. 2022-268, L.O.F.

agreed to provide mitigation repairs and retrofitting under the grant portion of the MSFH Program.<sup>19</sup> The DFS compiled a list of approved vendors homeowners participating in the MSFH Program may choose for inspections and mitigation work.<sup>20</sup>

On November 18, 2022, a web-based application for homeowners to request mitigation inspections and grant funds went live.<sup>21</sup> Between May 26, 2022, and February 28, 2023, 16,724 mitigation inspections were completed and 2,979 grant applications were approved.<sup>22</sup>

Inspectors completing mitigation inspections under the MSFH Program must complete the Uniform Mitigation Verification Inspection Form (Inspection Form), as revised by the Office of Insurance Regulation on January 12, 2023.<sup>23</sup> The mitigation inspection report provided to the homeowner includes the completed Inspection Form, as well as the information already required by statute,<sup>24</sup> together with:

- A summary of the results of the mitigation inspection identifying recommended improvements a homeowner may undertake;
- A range of cost estimates regarding the recommended improvements; and
- Estimated property insurance premium discounts based on the mitigation measures the homeowner has completed.<sup>25</sup>

### ***Hurricane Mitigation Inspections***

The MSFH Program provides trained and certified inspectors to perform inspections for owners of site-built, single-family, residential properties to determine what mitigation measures are needed, what insurance premium discounts may be available, and what improvements to existing residential properties are needed to reduce the property's vulnerability to hurricane damage. The inspections must include, at a minimum:

- A home inspection and report that summarizes the results and identifies recommended improvements a homeowner may take to mitigate hurricane damage;
- A range of cost estimates regarding the recommended mitigation improvements; and
- Insurer-specific information regarding premium discounts correlated to the current mitigation features and the recommended mitigation improvements identified by the inspection.<sup>26</sup>

The DFS is authorized to contract with “wind certification entities” as vendors to provide such inspections. Each wind certification entity must, at a minimum, meet the following requirements:

- Use hurricane mitigation inspectors who:
  - Are certified as a building inspector under s. 468.607, F.S.;
  - Are licensed as a general or residential contractor under s. 489.111, F.S.;
  - Are licensed as a professional engineer under s. 471.015, F.S., and who have passed the appropriate equivalency test of the building code training program as required by

<sup>19</sup> Florida Department of Financial Services, *Senate Bill 748 Agency Analysis* (Mar. 3, 2023) (on file with Senate Banking and Insurance Committee.)

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> Section 215.5586(1)(a), F.S.

<sup>25</sup> Department of Financial Services, *supra* note 20, at 2.

<sup>26</sup> Section 215.5586(1)(a), F.S.

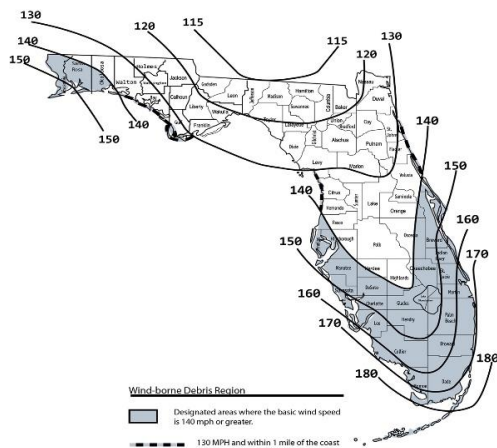
- s. 553.841, F.S.;
- o Are licensed as a professional architect under s. 481.213, F.S.; or
- o Have at least two years of experience in residential construction or residential building inspection and have received specialized training in hurricane mitigation procedures.
- Use hurricane mitigation inspectors who also:
  - o Have undergone drug testing and a background screening; and
  - o Have been certified satisfactorily to the department to conduct the inspections.
- Provide a quality assurance program that includes a reinspection component.<sup>27</sup>

***Hurricane Mitigation Grants***

The homeowner eligibility requirements for the mitigation grants are:

- The homeowner must have been granted a homestead exemption on the home;
- The home must be a dwelling with an insured value of \$500,000 or less. Low-income homeowners are exempt from this requirement;
- The home must have undergone an acceptable hurricane mitigation inspection after July 1, 2008;
- As a condition for participation in the program, a building permit for the initial construction of the home must have been made before January 1, 2008;
- The homeowner must agree to make the home available for inspection upon completion of the mitigation project; and
- The home must be in the “wind-borne debris region” (*see* shaded area in image below) as that term is defined in the Florida Building Code.<sup>28</sup>

***Windborne-Debris Map – Florida***



All MSFH Program grants must be matched on the basis of one dollar provided by the applicant for two dollars provided by the state, up to a maximum state contribution of \$10,000 toward the actual cost of the mitigation project.<sup>29</sup> Low-income homeowners may receive up to \$5,000 in

<sup>27</sup> Section 215.5586(1)(b), F.S.

<sup>28</sup> Section 215.5586(2)(a), F.S.

<sup>29</sup> Section 215.5586(2)(b), F.S.

grant funds without providing matching dollars.<sup>30</sup> A homeowner who receives a MSFH Program grant must agree to make his or her home available for inspection after the mitigation project is completed.<sup>31</sup>

### ***Program Transparency Requirements***

The DFS must submit an annual report of MSFH Program activities to the President of the Senate and the Speaker of the House of Representatives. The report must include the average annual amount of insurance premium discounts and the total of such discounts homeowners received from insurers resulting from the mitigation funded through the Program.<sup>32</sup>

## **III. Effect of Proposed Changes:**

**Section 1** amends s. 215.5586, F.S., relating to the My Safe Florida Home Program (MSFH Program) to:

- Provide the MSFH Program use licensed, rather than trained and certified, inspectors to provide hurricane mitigation inspections on site-built, single-family, residential properties have been granted a homestead exemption;
- Revise the information provided to homeowners as part of a hurricane mitigation inspection to include information regarding estimated premium discounts, rather than insurer-specific premium discounts;
- Provide the MSFH Program may select as a mitigation inspector a home inspector licensed 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 training must include hurricane mitigation techniques, compliance with the uniform mitigation verification form, and completion of a proficiency exam;
- Provide the MSFH Program may no longer select as a mitigation inspector a person who has at least two years of experience in residential construction or residential building inspection and has received specialized training in hurricane mitigation procedures;
- Provide the inspector background screening be a “Level II” background screening;
- Provide inspections may only be done on a property for which a homestead exemption has been granted;
- Remove the requirement a property eligible for a mitigation grants must have undergone an acceptable hurricane mitigation inspection after July 1, 2008, but keep the requirement the property must have undergone an acceptable hurricane mitigation inspection by the MSFH Program;
- Delete the requirement a property eligible for a mitigation grant must be located in the “wind-borne debris region;”
- Delete the provision mitigation projects be subject to random reinspection;
- Remove “brace gable ends” and “upgrading roof covering from code to code plus” from the list of eligible mitigation grant projects;
- Increase the amount low-income homeowners may receive from a grant and not have to provide a matching amount from \$5,000 to \$10,000;

<sup>30</sup> Section 215.5586(2)(g), F.S.

<sup>31</sup> Section 215.5586(2)(a)6., F.S.

<sup>32</sup> Section 215.5586(10), F.S.

- Remove a provision authorizing low-income homeowners to use grant funds to make repairs to existing structures that are necessary for the mitigation improvement;
- Authorize, rather than require, the MSFH Program to develop brochures that provide information on the benefits of residential hurricane damage mitigation for distribution to Citizens Property Insurance Corporation, general contractors, roofing contractors, and real estate licensees. Provide brochures may be supplied electronically;
- Delete the requirement contracts valued at one million dollars or more entered into by the Program be reviewed and approved by the Legislative Budget Commission;
- Require the DFS to develop a quality assurance and reinspection program, which may use valid random sampling to perform the quality assurance portion of the MSFH Program, that will determine whether initial inspections and mitigation improvements are completed in a manner consistent with the intent of the program; and
- Revise the contents of the annual report to include the “estimated” average annual amount of insurance premium discounts and total “estimated” annual amount of insurance premium discounts homeowners received from insurers as a result of mitigation projects funded by the program.

**Section 2** reenacts s. 215.5588(3), F.S., relating to the Florida Disaster Recovery Program, to incorporate the amendments made to s. 215.5586, F.S., by the bill.

The effective date of the bill is July 1, 2023.

#### **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 increases the number of homeowners eligible for the MSFH Program.

**C. Government Sector Impact:**

The bill increases the number of homeowners eligible for the MSFH Program, but does not include an appropriation. Without an additional appropriation, the expanded eligibility may cause funds to run out earlier than originally expected.

For Fiscal Year 2023-2024, SB 2500<sup>33</sup> provides \$50,000,000 in General Revenue funds for MSFH Program funding needs and HB 5001 provides \$100,000,000 in General Revenue Funds to the MFSH Program.<sup>34</sup> The amount of funding will be determined during the Legislative Conference process.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 215.5586 and 215.5588.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Banking and Insurance Committee on March 15, 2023:**

The committee substitute makes the following changes:

- Removes the proposed change to include townhomes in the MSFH Program;
- Deletes proposed authority for the Department of Financial Services to create criteria prioritizing inspection applications; and

<sup>33</sup> The Florida Senate, *SB 2500 – Appropriations, As Introduced*, pg. 338, available at <https://www.flsenate.gov/Session/Bill/2023/2500/BillText/Filed/PDF> (last visited March 30, 2023).

<sup>34</sup> The Florida House of Representatives, *HB 5001 – General Appropriations Act, As Introduced*, available at [https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?FileName=Orig\\_GAA.pdf&DocumentType=Bill&BillNumber=5001&Session=2023](https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?FileName=Orig_GAA.pdf&DocumentType=Bill&BillNumber=5001&Session=2023) (last visited March 30, 2023).

- Adds the Citizens Property Insurance Corporation to the list of entities that may receive MSFH Program brochures for redistribution.

**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 Banking and Insurance; and Senator Boyd

597-02624-23

2023748c1

1 A bill to be entitled  
 2 An act relating to the My Safe Florida Home Program;  
 3 amending s. 215.5586, F.S.; providing that licensed,  
 4 rather than certified, inspectors are to provide  
 5 hurricane mitigation inspections on site-built,  
 6 single-family, residential properties that have been  
 7 granted a homestead exemption; revising the  
 8 information provided to homeowners as part of a  
 9 hurricane mitigation inspection; revising the  
 10 hurricane mitigation inspectors that may be selected  
 11 by the Department of Financial Services to provide  
 12 hurricane mitigation inspections; deleting a provision  
 13 requiring the department to implement a certain  
 14 quality assurance program; revising the criteria for  
 15 mitigation grant eligibility for homeowners; deleting  
 16 a provision that subjects mitigation projects to  
 17 random reinspection for a specified timeframe;  
 18 revising the improvements for which mitigation grants  
 19 may be used; revising the amount low-income homeowners  
 20 may receive from the department under the grant  
 21 program; deleting a provision authorizing low-income  
 22 homeowners to use grant funds for specified purposes;  
 23 deleting a requirement that the department establish  
 24 specified criteria for prioritizing grant  
 25 applications; authorizing, rather than requiring, the  
 26 program to develop and distribute certain brochures to  
 27 specified persons; deleting a provision requiring  
 28 certain contracts entered into by the department to be  
 29 reviewed and approved by the Legislative Budget

Page 1 of 12

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

597-02624-23

2023748c1

30 Commission; requiring the department to develop a  
 31 certain quality assurance and reinspection program;  
 32 revising the contents of the annual report the  
 33 department is required to deliver to the Legislature;  
 34 conforming provisions to changes made by the act;  
 35 making technical changes; reenacting s. 215.5588(3),  
 36 F.S., relating to the Florida Disaster Recovery  
 37 Program, to incorporate the amendments made to s.  
 38 215.5586, F.S., in a reference thereto; providing an  
 39 effective date.

40  
 41 Be It Enacted by the Legislature of the State of Florida:

42  
 43 Section 1. Section 215.5586, Florida Statutes, is amended  
 44 to read:  
 45 215.5586 My Safe Florida Home Program.—There is established  
 46 within the Department of Financial Services the My Safe Florida  
 47 Home Program. The department shall provide fiscal  
 48 accountability, contract management, and strategic leadership  
 49 for the program, consistent with this section. This section does  
 50 not create an entitlement for property owners or obligate the  
 51 state in any way to fund the inspection or retrofitting of  
 52 residential property in this state. Implementation of this  
 53 program is subject to annual legislative appropriations. It is  
 54 the intent of the Legislature that the My Safe Florida Home  
 55 Program provide licensed ~~trained and certified~~ inspectors to  
 56 perform inspections for owners of site-built, single-family,  
 57 residential properties and grants to eligible applicants as  
 58 funding allows. The program shall develop and implement a

Page 2 of 12

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

597-02624-23

2023748c1

59 comprehensive and coordinated approach for hurricane damage  
 60 mitigation that may include the following:  
 61 (1) HURRICANE MITIGATION INSPECTIONS.—  
 62 (a) Licensed Certified inspectors are to provide home home-  
 63 retrofit inspections of site-built, single-family, residential  
 64 properties for which a homestead exemption has been granted,  
 65 property may be offered to determine what mitigation measures  
 66 are needed, what insurance premium discounts may be available,  
 67 and what improvements to existing residential properties are  
 68 needed to reduce the property's vulnerability to hurricane  
 69 damage.  
 70 (b) The Department of Financial Services shall contract  
 71 with wind certification entities to provide hurricane mitigation  
 72 inspections. The inspections provided to homeowners, at a  
 73 minimum, must include:  
 74 1. A home inspection and report that summarizes the results  
 75 and identifies recommended improvements a homeowner may take to  
 76 mitigate hurricane damage.  
 77 2. A range of cost estimates regarding the recommended  
 78 mitigation improvements.  
 79 3. ~~Insurer-specific~~ Information regarding estimated premium  
 80 discounts, correlated to the current mitigation features and the  
 81 recommended mitigation improvements identified by the  
 82 inspection.  
 83 ~~(c)(b)~~ To qualify for selection by the department as a wind  
 84 certification entity to provide hurricane mitigation  
 85 inspections, the entity must shall, at a minimum, meet the  
 86 following requirements:  
 87 1. Use hurricane mitigation inspectors who are licensed or

Page 3 of 12

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

597-02624-23

2023748c1

88 certified as:  
 89 a. ~~Are certified as~~ A building inspector under s. 468.607;  
 90 b. ~~Are licensed as~~ A general, building, or residential  
 91 contractor under s. 489.111;  
 92 c. ~~Are licensed as~~ A professional engineer under s. 471.015  
 93 ~~and who have passed the appropriate equivalency test of the~~  
 94 ~~building code training program as required by s. 553.841;~~  
 95 d. ~~Are licensed as~~ A professional architect under s.  
 96 481.213; or  
 97 e. A home inspector under s. 468.8314 and who have  
 98 completed at least 3 hours of hurricane mitigation training  
 99 approved by the Construction Industry Licensing Board, which  
 100 training must include hurricane mitigation techniques,  
 101 compliance with the uniform mitigation verification form, and  
 102 completion of a proficiency exam ~~Have at least 2 years of~~  
 103 ~~experience in residential construction or residential building~~  
 104 ~~inspection and have received specialized training in hurricane~~  
 105 ~~mitigation procedures. Such training may be provided by a class~~  
 106 ~~offered online or in person.~~  
 107 2. Use hurricane mitigation inspectors who also+  
 108 ~~a.~~ have undergone drug testing and a background screening.  
 109 The department may conduct criminal record checks of inspectors  
 110 used by wind certification entities. Inspectors must submit a  
 111 set of ~~the~~ fingerprints to the department for state and national  
 112 criminal history checks and must pay the fingerprint processing  
 113 fee set forth in s. 624.501. The fingerprints must shall be sent  
 114 by the department to the Department of Law Enforcement and  
 115 forwarded to the Federal Bureau of Investigation for processing.  
 116 The results must shall be returned to the department for

Page 4 of 12

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

597-02624-23

2023748c1

117 screening. The fingerprints must ~~shall~~ be taken by a law  
 118 enforcement agency, designated examination center, or other  
 119 department-approved entity, ~~and~~  
 120 ~~b. Have been certified, in a manner satisfactory to the~~  
 121 ~~department, to conduct the inspections.~~  
 122 3. Provide a quality assurance program including a  
 123 reinspection component.  
 124 ~~(c) The department shall implement a quality assurance~~  
 125 ~~program that includes a statistically valid number of~~  
 126 ~~reinspections.~~  
 127 (d) An application for an inspection must contain a signed  
 128 or electronically verified statement made under penalty of  
 129 perjury that the applicant has submitted only a single  
 130 application for that home.  
 131 (e) The owner of a site-built, single-family, residential  
 132 property for which a homestead exemption has been granted may  
 133 apply for and receive an inspection without also applying for a  
 134 grant pursuant to subsection (2) and without meeting the  
 135 requirements of paragraph (2) (a).  
 136 (2) MITIGATION GRANTS.—Financial grants shall be used to  
 137 encourage single-family, site-built, owner-occupied, residential  
 138 property owners to retrofit their properties to make them less  
 139 vulnerable to hurricane damage.  
 140 (a) For a homeowner to be eligible for a grant, the  
 141 following criteria must be met:  
 142 1. The homeowner must have been granted a homestead  
 143 exemption on the home under chapter 196.  
 144 2. The home must be a dwelling with an insured value of  
 145 \$500,000 or less. Homeowners who are low-income persons, as

Page 5 of 12

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

597-02624-23

2023748c1

146 defined in s. 420.0004(11), are exempt from this requirement.  
 147 3. The home must undergo ~~have undergone~~ an acceptable  
 148 hurricane mitigation inspection as provided in subsection (1)  
 149 ~~after July 1, 2008.~~  
 150 4. ~~The home must be located in the "wind borne debris~~  
 151 ~~region" as that term is defined in the Florida Building Code.~~  
 152 ~~5.~~ The building permit application for initial construction  
 153 of the home must have been made before January 1, 2008.  
 154 ~~5.6.~~ The homeowner must agree to make his or her home  
 155 available for inspection once a mitigation project is completed.  
 156  
 157 An application for a grant must contain a signed or  
 158 electronically verified statement made under penalty of perjury  
 159 that the applicant has submitted only a single application and  
 160 must have attached documents demonstrating the applicant meets  
 161 the requirements of this paragraph.  
 162 (b) All grants must be matched on the basis of \$1 provided  
 163 by the applicant for \$2 provided by the state up to a maximum  
 164 state contribution of \$10,000 toward the actual cost of the  
 165 mitigation project.  
 166 (c) The program shall create a process in which contractors  
 167 agree to participate and homeowners select from a list of  
 168 participating contractors. All mitigation must be based upon the  
 169 securing of all required local permits and inspections and must  
 170 be performed by properly licensed contractors. ~~Mitigation~~  
 171 ~~projects are subject to random reinspection of up to at least 5~~  
 172 ~~percent of all projects.~~ Hurricane mitigation inspectors  
 173 qualifying for the program may also participate as mitigation  
 174 contractors as long as the inspectors meet the department's

Page 6 of 12

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

597-02624-23

2023748c1

175 qualifications and certification requirements for mitigation  
176 contractors.

177 (d) Matching fund grants shall also be made available to  
178 local governments and nonprofit entities for projects that will  
179 reduce hurricane damage to single-family, site-built, owner-  
180 occupied, residential property. The department shall liberally  
181 construe those requirements in favor of availing the state of  
182 the opportunity to leverage funding for the My Safe Florida Home  
183 Program with other sources of funding.

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

- 186 1. Opening protection.
- 187 2. Exterior doors, including garage doors.
- 188 3. ~~Brace gable ends.~~
- 189 4. Reinforcing roof-to-wall connections.
- 190 4.5- Improving the strength of roof-deck attachments.
- 191 ~~6. Upgrading roof covering from code to code plus.~~
- 192 5.7- Secondary water barrier for roof.

193  
194 The department may require that improvements be made to all  
195 openings, including exterior doors and garage doors, as a  
196 condition of reimbursing a homeowner approved for a grant. The  
197 department may adopt, by rule, the maximum grant allowances for  
198 any improvement allowable under this paragraph.

199 (f) Grants may be used on a previously inspected existing  
200 structure or on a rebuild. A rebuild is defined as a site-built,  
201 single-family dwelling under construction to replace a home that  
202 was destroyed or significantly damaged by a hurricane and deemed  
203 unlivable by a regulatory authority. The homeowner must be a

597-02624-23

2023748c1

204 low-income homeowner as defined in paragraph (g), must have had  
205 a homestead exemption for that home ~~before~~ prior to the  
206 hurricane, and must be intending to rebuild the home as that  
207 homeowner's homestead.

208 (g) Low-income homeowners, as defined in s. 420.0004(11),  
209 who otherwise meet the requirements of paragraphs (a), (c), (e),  
210 and (f) are eligible for a grant of up to \$10,000 ~~\$5,000~~ and are  
211 not required to provide a matching amount to receive the grant.  
212 ~~Additionally, for low-income homeowners, grant funding may be~~  
213 ~~used for repair to existing structures leading to any of the~~  
214 ~~mitigation improvements provided in paragraph (c), limited to 20~~  
215 ~~percent of the grant value.~~ The program may accept a  
216 certification directly from a low-income homeowner that the  
217 homeowner meets the requirements of s. 420.0004(11) if the  
218 homeowner provides such certification in a signed or  
219 electronically verified statement made under penalty of perjury.

220 (h) ~~The department shall establish objective, reasonable~~  
221 ~~criteria for prioritizing grant applications, consistent with~~  
222 ~~the requirements of this section.~~

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

229 (3) EDUCATION, ~~AND~~ CONSUMER AWARENESS, ~~AND~~ OUTREACH.-

230 (a) The department may undertake a statewide multimedia  
231 public outreach and advertising campaign to inform consumers of  
232 the availability and benefits of hurricane inspections and of

597-02624-23

2023748c1

233 the safety and financial benefits of residential hurricane  
 234 damage mitigation. The department may seek out and use local,  
 235 state, federal, and private funds to support the campaign.

236 (b) The program may develop brochures for distribution to  
 237 Citizens Property Insurance Corporation, general contractors,  
 238 roofing contractors, and real estate brokers and sales  
 239 associates who are licensed under part I of chapter 475 which  
 240 provide information on the benefits to homeowners of residential  
 241 hurricane damage mitigation. Citizens Property Insurance  
 242 Corporation is encouraged to distribute the brochure to its  
 243 policyholders. Contractors are encouraged to distribute the  
 244 brochures to homeowners at the first meeting with a homeowner  
 245 who is considering contracting for home or roof repair or  
 246 contracting for the construction of a new home. Real estate  
 247 brokers and sales associates are encouraged to distribute the  
 248 brochure to clients before the purchase of a home. The brochures  
 249 may be made available electronically.

250 (4) FUNDING.—The department may seek out and leverage  
 251 local, state, federal, or private funds to enhance the financial  
 252 resources of the program.

253 (5) RULES.—The Department of Financial Services shall adopt  
 254 rules pursuant to ss. 120.536(1) and 120.54 to govern the  
 255 program; implement the provisions of this section; including  
 256 rules governing hurricane mitigation inspections and grants,  
 257 mitigation contractors, and training of inspectors and  
 258 contractors; and carry out the duties of the department under  
 259 this section.

260 (6) HURRICANE MITIGATION INSPECTOR LIST.—The department  
 261 shall develop and maintain as a public record a current list of

597-02624-23

2023748c1

262 hurricane mitigation inspectors authorized to conduct hurricane  
 263 mitigation inspections pursuant to this section.

264 ~~(7) PUBLIC OUTREACH FOR CONTRACTORS AND REAL ESTATE BROKERS~~  
 265 ~~AND SALES ASSOCIATES.—The program shall develop brochures for~~  
 266 ~~distribution to general contractors, roofing contractors, and~~  
 267 ~~real estate brokers and sales associates licensed under part I~~  
 268 ~~of chapter 475 explaining the benefits to homeowners of~~  
 269 ~~residential hurricane damage mitigation. The program shall~~  
 270 ~~encourage contractors to distribute the brochures to homeowners~~  
 271 ~~at the first meeting with a homeowner who is considering~~  
 272 ~~contracting for home or roof repairs or contracting for the~~  
 273 ~~construction of a new home. The program shall encourage real~~  
 274 ~~estate brokers and sales associates licensed under part I of~~  
 275 ~~chapter 475 to distribute the brochures to clients prior to the~~  
 276 ~~purchase of a home. The brochures may be made available~~  
 277 ~~electronically.~~

278 ~~(8) CONTRACT MANAGEMENT.—~~

279 (a) The department may contract with third parties for  
 280 grants management, inspection services, contractor services for  
 281 low-income homeowners, information technology, educational  
 282 outreach, and auditing services. Such contracts are ~~shall be~~  
 283 ~~considered direct costs of the program and are shall not be~~  
 284 ~~subject to administrative cost limits, but contracts valued at~~  
 285 ~~\$1 million or more shall be subject to review and approval by~~  
 286 ~~the Legislative Budget Commission.~~ The department shall contract  
 287 with providers that have a demonstrated record of successful  
 288 business operations in areas directly related to the services to  
 289 be provided and shall ensure the highest accountability for use  
 290 of state funds, consistent with this section.

597-02624-23

2023748c1

291 (b) The department shall implement a quality assurance and  
 292 reinspection program that determines whether initial inspections  
 293 and home improvements are completed in a manner consistent with  
 294 the intent of the program. The department may use valid random  
 295 sampling in order to perform the quality assurance portion of  
 296 the program.

297 ~~(8)(9)~~ INTENT.—It is the intent of the Legislature that  
 298 grants made to residential property owners under this section  
 299 shall be considered disaster-relief assistance within the  
 300 meaning of s. 139 of the Internal Revenue Code of 1986, as  
 301 amended.

302 ~~(9)(10)~~ REPORTS.—The department shall make an annual report  
 303 on the activities of the program that shall account for the use  
 304 of state funds and indicate the number of inspections requested,  
 305 the number of inspections performed, the number of grant  
 306 applications received, the number and value of grants approved,  
 307 and the estimated average annual amount of insurance premium  
 308 discounts and total estimated annual amount of insurance premium  
 309 discounts homeowners received from insurers as a result of  
 310 mitigation funded through the program. The report must ~~shall~~ be  
 311 delivered to the President of the Senate and the Speaker of the  
 312 House of Representatives by February 1 of each year.

313 Section 2. For the purpose of incorporating the amendments  
 314 made by this act to section 215.5586, Florida Statutes, in a  
 315 reference thereto, subsection (3) of section 215.5588, Florida  
 316 Statutes, is reenacted to read:

317 215.5588 Florida Disaster Recovery Program.—

318 (3) Up to 78 percent of these funds may be used to  
 319 complement the grants awarded by the Department of Financial

Page 11 of 12

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

597-02624-23

2023748c1

320 Services under s. 215.5586 and fund other eligible disaster-  
 321 related activities supporting housing rehabilitation, hardening,  
 322 mitigation, and infrastructure improvements at the request of  
 323 the local governments in order to assist the State of Florida in  
 324 better serving low-income homeowners in single-family housing  
 325 units, including, but not limited to, condominiums. Up to 20  
 326 percent of the funds may be used to provide inspections and  
 327 mitigation improvements to multifamily units receiving rental  
 328 assistance under projects of the United States Department of  
 329 Housing and Urban Development or the Rural Development Division  
 330 of the United States Department of Agriculture.

331 Section 3. This act shall take effect July 1, 2023.

Page 12 of 12

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



The Florida Senate

APPEARANCE RECORD

4/12/23

Meeting Date

SB 748

Bill Number or Topic

Appropriations on Agriculture Env.  
Committee Ad General Govt.

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

Amendment Barcode (if applicable)

Name TASHA CARTER Phone 850-413-2868

Address 200 E. GAINES Street Email TASHA.CARTER@MyFloridaGov.com

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: the OFFICE OF the INSURANCE CONSUMER ADVOCATE

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.

4/12

Meeting Date

Appropriations Committ

Committee

The Florida Senate

APPEARANCE RECORD

748

Bill Number or Topic

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

Amendment Barcode (if applicable)

Name Nick Mayor

Phone 8505249659

Address 215 S Monroe St

Email nmayor@aarp.org

Street

Tallahassee

FL

32301

City

State

Zip

Speaking: [ ] For [ ] Against [ ] Information OR Waive Speaking: [x] In Support [ ] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[ ] I am appearing without compensation or sponsorship.

[x] 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:

AARP 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.

The Florida Senate

# APPEARANCE RECORD

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

4/12

Meeting Date

748

Bill Number or Topic

AEGG

Committee

Amendment Barcode (if applicable)

Name

Austin Stowers

Phone

850.413.5939

Address

PL 11, Capitol

Email

Austin.Stowers@myFloridaCFO.com

Street

Tallah

FL

32397

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:

CFO

Jimmy Patronis

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. [2020-2022 Joint Rules.pdf](#) (flsenate.gov)

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

**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 Appropriations Committee on Agriculture, Environment, and General Government

---

BILL: CS/SB 880

INTRODUCER: Environment and Natural Resources Committee and Senators Brodeur and Stewart

SUBJECT: Biosolids

DATE: April 11, 2023

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Carroll</u>	<u>Rogers</u>	<u>EN</u>	<u>Fav/CS</u>
2.	<u>Reagan</u>	<u>Betta</u>	<u>AEG</u>	<u>Favorable</u>
3.	_____	_____	<u>AP</u>	_____

---

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

---

**I. Summary:**

CS/SB 880 creates the biosolids grant program. Subject to the appropriation of funds by the Legislature, the Department of Environmental Protection (DEP) may provide grants to local governmental entities for projects that construct, upgrade, expand, or retrofit domestic facilities that convert wastewater residuals to Class AA biosolids.

The bill requires prioritization of projects based on their economic and market feasibility and environmental benefit. The bill specifies how grant funds will be distributed and requires a 50 percent local match for certain projects.

The bill prohibits the DEP from authorizing a land application site permit for Class B biosolids within the subwatershed of a waterbody listed as impaired for either nitrogen or phosphorus or within an adjoining upstream subwatershed containing surface waters that flow to an impaired waterbody unless the applicant affirmatively demonstrates that the phosphorus and nitrogen in the biosolids will not add to the nutrient load in the impaired subwatershed. The DEP must publish updated maps designating the subwatersheds of waterbodies protected under this prohibition.

The bill provides that new or renewed Class B biosolids land application site permits issued after July 1, 2023, must meet statutory biosolids management requirements by July 1, 2024. All permits for biosolids land application sites must meet the requirements by July 1, 2025.

The bill has an indeterminate fiscal impact subject to appropriations.

The effective date of the bill is July 1, 2023.

## II. Present Situation:

### Water Quality and Nutrients

Phosphorus and nitrogen are naturally present in water and are essential nutrients for the healthy growth of plant and animal life.<sup>1</sup> The correct balance of both nutrients is necessary for a healthy ecosystem; however, excessive nitrogen and phosphorus can cause significant water quality problems.<sup>2</sup>

Phosphorus and nitrogen are derived from natural and human-made sources.<sup>3</sup> Human-made sources include sewage disposal systems (wastewater treatment facilities and septic systems), overflows of storm and sanitary sewers (untreated sewage), agricultural production and irrigation practices, and stormwater runoff.<sup>4</sup> Excessive nutrient loads may result in harmful algal blooms, nuisance aquatic weeds, and the alteration of the natural community of plants and animals.<sup>5</sup>

### Impaired Waters

Under section 303(d) of the federal Clean Water Act, states must establish water quality standards for waters within their borders and then develop a list of impaired waters that do not meet the established water quality standards and a list of threatened waters that may not meet water quality standards in the following reporting cycle.<sup>6</sup>

Due to limited funds and the wide variety of surface waters in Florida, the DEP has sorted those waters into 29 major watersheds, or basins, and further organized them into five basin groups for assessment purposes.<sup>7</sup> If the DEP determines that any waters are impaired, the waterbody or segment must be placed on the verified list of impaired waters and a total maximum daily load (TMDL) must be calculated.<sup>8</sup> A waterbody or segment may be removed from the list at any time

---

<sup>1</sup> U.S. Environmental Protection Agency, *The Issue*, <https://www.epa.gov/nutrientpollution/issue> (last visited Feb. 10, 2023).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> U.S. Environmental Protection Agency (EPA), *Sources and Solutions*, <https://www.epa.gov/nutrientpollution/sources-and-solutions> (last visited Feb 10, 2023).

<sup>5</sup> EPA, *The Issue*, <https://www.epa.gov/nutrientpollution/issue> (last visited Feb. 10, 2023).

<sup>6</sup> EPA, *Overview of Identifying and Restoring Impaired Waters under Section 303(d) of the CWA*, <https://www.epa.gov/tmdl/overview-identifying-and-restoring-impaired-waters-under-section-303d-cwa> (last visited Feb. 24, 2023); 40 C.F.R. 130.7. Following the development of the list of impaired waters, states must develop a total maximum daily load for every pollutant/waterbody combination on the list. A total maximum daily load is a scientific determination of the maximum amount of a given pollutant that can be absorbed by a waterbody and still meet water quality standards. DEP, *Total Maximum Daily Loads Program*, <https://floridadep.gov/dear/water-quality-evaluation-tmdl/content/total-maximum-daily-loads-tmdl-program> (last visited Feb. 10, 2023).

<sup>7</sup> DEP, *Assessment Lists*, <https://floridadep.gov/dear/watershed-assessment-section/content/assessment-lists> (last visited Feb. 24, 2023).

<sup>8</sup> *Id.*; DEP, *Verified List Waterbody Ids (WBIDs)*, <https://geodata.dep.state.fl.us/datasets/FDEP::verified-list-waterbody-ids-wbids/about> (last visited Feb. 24, 2023); and s. 403.067(4), F.S.

during the TMDL process if it attains water quality criteria.<sup>9</sup> If the DEP determines that a waterbody is impaired, but further study is needed to determine the causative pollutants or other factors contributing to impairment before the waterbody is placed on the verified list, the waterbody or segment will be placed on the statewide comprehensive study list.<sup>10</sup>

## **Biosolids**

The proper treatment and disposal or reuse of domestic wastewater is an important part of protecting Florida's water resources. The majority of Florida's domestic wastewater is controlled and treated by centralized treatment facilities regulated by the DEP. Florida has approximately 2,000 permitted domestic wastewater treatment facilities.<sup>11</sup>

When domestic wastewater is treated, solid, semisolid, or liquid residue known as biosolids<sup>12</sup> accumulates in the wastewater treatment plant and must be removed periodically to keep the plant operating properly.<sup>13</sup> Biosolids also include products and treated material from biosolids treatment facilities and septage management facilities regulated by the DEP.<sup>14</sup> The collected residue is high in organic content and contains moderate amounts of nutrients.<sup>15</sup>

According to the DEP's estimates in 2019, wastewater treatment facilities produce about 340,000 dry tons of biosolids each year.<sup>16</sup> Biosolids can be disposed of in several ways: transfer to another facility, placement in a landfill, distribution and marketing as fertilizer, incineration, bioenergy, and land application to pasture or agricultural lands.<sup>17</sup> In 2019, about one-third of the total amount of biosolids produced was used for land application<sup>18</sup> and is subject to regulatory requirements established by the DEP to protect public health and the environment.<sup>19</sup>

Land application of biosolids involves spreading biosolids on the soil surface or incorporating or injecting biosolids into the soil at a permitted site.<sup>20</sup> This practice provides nutrients and organic matter to the soil on agricultural land, golf courses, forests, parks, mine reclamation sites, and

---

<sup>9</sup> Section 403.067(5), F.S.

<sup>10</sup> Section 403.067(2), F.S.; ch. 62-303.150, F.A.C.

<sup>11</sup> DEP, *General Facts and Statistics about Wastewater in Florida*, <https://floridadep.gov/water/domestic-wastewater/content/general-facts-and-statistics-about-wastewater-florida> (last visited Feb. 10, 2023).

<sup>12</sup> Biosolids are the solid, semisolid, or liquid residue generated during the treatment of domestic wastewater in a domestic wastewater treatment facility and include products and treated material from biosolids treatment facilities and septage management facilities. The term does not include the treated effluent or reclaimed water from a domestic wastewater treatment facility, solids removed from pump stations and lift stations, screenings and grit removed from the preliminary treatment components of domestic wastewater treatment facilities, or ash generated during the incineration of biosolids. Section 373.4595, F.S.

<sup>13</sup> DEP, *Domestic Wastewater Biosolids*, <https://floridadep.gov/water/domestic-wastewater/content/domestic-wastewater-biosolids> (last visited Mar. 7, 2023).

<sup>14</sup> Fla. Admin. Code R. 62-640.200(6).

<sup>15</sup> DEP, *Domestic Wastewater Biosolids*.

<sup>16</sup> DEP, *Biosolids in Florida*, 5 (2019), available at <https://www.florida-stormwater.org/assets/MemberServices/Conference/AC19/02%20-%20Frick%20Tom.pdf#:~:text=Biosolids%20and%20Management%20in%20Florida%20Estimated%20Total%20Production,two-thirds%20are%20beneficially%20used%20and%20onethird%20is%20landfilled> (last visited Mar. 7, 2023).

<sup>17</sup> *Id.* at 4.

<sup>18</sup> *Id.* at 5.

<sup>19</sup> Fla. Admin. Code R. 62-640.

<sup>20</sup> EPA, *Land Application of Biosolids*, <https://www.epa.gov/biosolids/land-application-biosolids> (last visited Mar. 8, 2023).

other disturbed lands. Composted and treated biosolids are used by landscapers and nurseries, and by homeowners for their lawns and home gardens.<sup>21</sup> A recent study in the Upper St. Johns River Basin compared the timing and intensity of Class B land applications of biosolids to long-term trends in total phosphorus and total nitrogen concentrations and fluxes in eight pasture-dominated, small-to-medium watersheds with varying intensity and cumulative history of land application of biosolids.<sup>22</sup> The study showed strong correlative evidence that intensified land applications of Class B biosolids caused increases in the total phosphorus and total nitrogen fluxes in the Upper St. Johns River Basin.<sup>23</sup>

### ***U.S. Composting Council***

The U.S. Composting Council works to advance compost manufacturing, compost utilization, and organics recycling to benefit its members, society, and the environment.<sup>24</sup> The Seal of Testing Assurance Program was created in 2000 to create national lab standards for composting.<sup>25</sup> The program intends to provide clear and consistent information to compost producers and buyers regarding compost testing results, components, and recommended directions for use.

### ***Regulation of Biosolids in Florida***

The DEP regulates three classes of biosolids for beneficial use: Class AA, Class A, and Class B biosolids.<sup>26</sup> The classes are categorized based on treatment and quality, with Class AA biosolids receiving the highest level of treatment, and Class B receiving the lowest.<sup>27</sup> Treatment of biosolids must reduce pathogens, the attractiveness of the biosolids for pests like insects and rodents, and the amount of toxic metals in the biosolids.<sup>28</sup>

Class AA biosolids can be distributed and marketed like other commercial fertilizers with few further restrictions.<sup>29</sup> Typically, Class B biosolids are used in land application and the map on the following page shows current permitted Class B biosolids land application sites.<sup>30</sup> At the time of land application, there must be a minimum unsaturated soil depth of two feet between the depth of biosolids placement and the water table level.<sup>31</sup> Biosolids may not be applied on soils where the seasonal high-water table is less than six inches from the intended depth of biosolids

---

<sup>21</sup> *Id.*

<sup>22</sup> Andy Canion, et al., *Trends in phosphorus fluxes are driven by intensification of biosolids applications in the Upper St. Johns River Basin (Florida, United States)*, Lake and Reservoir Management, 2 (2022) (on file with the Senate Committee on Environment and Natural Resources).

<sup>23</sup> *Id.* at 1.

<sup>24</sup> U.S. Composting Council, *Mission Statement*, <https://www.compostingcouncil.org/> (last visited Mar. 14, 2023).

<sup>25</sup> U.S. Composting Council, *Seal of Testing Assurance Program for Compost Manufacturers*, <https://www.compostingcouncil.org/page/CompostManufacturersSTA> (last visited Mar. 14, 2023).

<sup>26</sup> Chapter 62-640.200, F.A.C.

<sup>27</sup> *Id.*; DEP, *Domestic Wastewater Biosolids*.

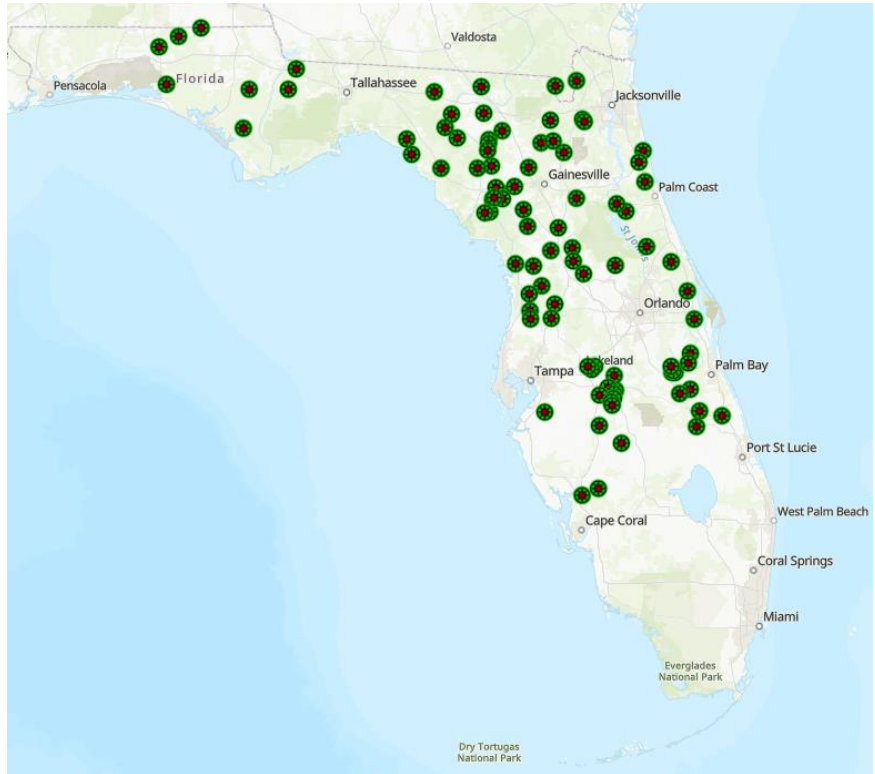
<sup>28</sup> Chapter 62-640.200, F.A.C.

<sup>29</sup> DEP, *Domestic Wastewater Biosolids*; National Biosolids Data Project, *Florida Biosolids*, <https://www.biosolidsdata.org/florida> (last visited Mar. 8, 2023); ch. 62-640.850, F.A.C.

<sup>30</sup> DEP, *Biosolids in Florida* at 4; DEP, *Domestic Wastewater Biosolids*; DEP, *Wastewater Facility Regulation (WAFR) Map – Residual Application Sites*, <https://www.arcgis.com/apps/mapviewer/index.html?layers=70300d6abaa5463e83091786599d06dd> (last visited Mar. 8, 2023).

<sup>31</sup> Section 403.0855(3), F.S.

placement, unless a nutrient management plan and water quality monitoring plan provide reasonable assurances that the land application of biosolids at the site will not cause or contribute to a violation of surface water quality standards or groundwater standards.<sup>32</sup>



Biosolids are regulated under Rule 62-640 of the Florida Administrative Code. The rules provide minimum requirements, including monitoring and reporting requirements, for the treatment, management, use, and disposal of biosolids. The rules are applicable to wastewater treatment facilities, applicers, and distributors<sup>33</sup> and include permit requirements for both treatment facilities and biosolids application sites.<sup>34</sup>

Each permit application for a biosolids land application site must include a site-specific nutrient management plan (NMP) that establishes the specific rates of application and procedures.<sup>35</sup> Biosolids may only be applied to sites that are permitted by the DEP and have a valid NMP.<sup>36</sup> Biosolids must be applied at rates established in accordance with the NMP and may be applied to a site only if all concentrations of minerals do not exceed ceiling and cumulative concentrations determined by rule.<sup>37</sup>

Once a facility or site is permitted, it is subject to monitoring, record-keeping, reporting, and notification requirements.<sup>38</sup> The requirements are site-specific and can be increased or reduced by the DEP based on the quality or quantity of wastewater or biosolids treated; historical variations in biosolids characteristics; industrial wastewater or sludge contributions to the facility; the use, land application, or disposal of the biosolids; the water quality of surface and ground water and the hydrogeology of the area; wastewater or biosolids treatment processes; and the compliance history of the facility or application site.<sup>39</sup>

<sup>32</sup> *Id.*

<sup>33</sup> Fla. Admin. Code R. 62-640.100.

<sup>34</sup> Fla. Admin. Code R. 62-640.300.

<sup>35</sup> Fla. Admin. Code R. 62-640.500.

<sup>36</sup> *Id.*

<sup>37</sup> Fla. Admin. Code R. 62-640.700.

<sup>38</sup> Fla. Admin. Code R. 62-640.650.

<sup>39</sup> *Id.*



### ***Bans on the Land Application of Biosolids***

Section 373.4595, F.S., sets out the statutory guidelines for the Northern Everglades and Estuaries Protection Program. This statute is designed to protect and promote the hydrology of Lake Okeechobee and the Caloosahatchee and St. Lucie rivers and their estuaries. As part of those protections, the Legislature banned the disposal of domestic wastewater biosolids within the Lake Okeechobee, Caloosahatchee River, and St. Lucie River watersheds unless the applicant can affirmatively demonstrate that the nutrients in the biosolids will not add to nutrient loadings in the watershed.<sup>40</sup> The prohibition against land application in these watersheds does not apply to Class AA biosolids that are distributed as fertilizer products in accordance with Rule 62-640.850 of the Florida Administrative Code.<sup>41</sup> This ban resulted in increases in land application of Class B biosolids in the northern part of the state, particularly in the Upper St. Johns River Basin, which received 78 percent of statewide Class B biosolids applications by 2019.<sup>42</sup>

The land application of Class A and Class B biosolids is also prohibited within priority focus areas in effect for Outstanding Florida Springs if the land application is not in accordance with an NMP that has been approved by the DEP.<sup>43</sup> The NMP must establish the rate at which all biosolids, soil amendments, and nutrient sources at the land application site can be applied to the land for crop production, while minimizing the amount of pollutants and nutrients discharged into groundwater and waters of the states.<sup>44</sup>

A municipality or county may regulate the land application of Class A or Class B biosolids if the regulation was adopted before November 1, 2019. Such regulations are valid until repealed by the municipality or county.<sup>45</sup>

### **III. Effect of Proposed Changes:**

The bill contains whereas clauses that acknowledge the following:

- The Legislature encourages the highest levels of treatment, quality, and use for biosolids; and
- The Legislature encourages the beneficial use of biosolids in a manner that will foster public acceptance, as well as innovative and alternative uses for biosolids.

**Section 1** creates s. 403.0674, F.S., to create the biosolids grant program within the DEP. The bill provides that, subject to the appropriation of funds by the Legislature, the DEP may provide grants to counties and municipalities in the state to support projects to construct, upgrade, expand, or retrofit domestic facilities that convert wastewater residuals to Class AA biosolids. An applicant must be a county or municipal governmental entity; however, applicants are encouraged to form public-private partnerships with private utilities and firms.

---

<sup>40</sup> Chapter 2016-1, Laws of Florida; *see* s. 373.4595, F.S.

<sup>41</sup> *Id.*

<sup>42</sup> Andy Canion, et al., *Trends in phosphorus fluxes are driven by intensification of biosolids applications in the Upper St. Johns River Basin (Florida, United States)* at 1.

<sup>43</sup> Section 373.811(4), F.S.

<sup>44</sup> *Id.*

<sup>45</sup> Section 403.0855, F.S.

The bill directs the DEP to prioritize grant funding for projects by considering each project's economic and market feasibility, as well as the environmental benefit that a project may provide. To evaluate a project's economic and market feasibility, the bill directs the DEP to review a detailed cost-benefit analysis which includes the project's overall economic impact and both current and future market potential, including current or prospective buyers or users of the project's Class AA biosolids.

To evaluate the environmental benefit of a project, the bill directs the DEP to review an analysis of how the project's Class AA biosolids are projected to minimize the migration of nutrients and other pollutants that degrade water quality.

The bill requires the DEP to administer the grant program so that, of the funds made available each year under the grant program:

- At least 33 percent is reserved for projects that convert wastewater residuals into composted Class AA biosolids that meet the requirements of the U.S. Compost Council's Seal of Testing Assurance Program as being fully stabilized.
- At least 33 percent is reserved for projects that convert wastewater residuals into both Class AA biosolids and a solution of ammonia nitrogen, a valuable alternative to synthetic nitrogen fertilizers.
- At least 10 percent is reserved for projects within an area designated as a rural area of opportunity.

The bill permits the DEP to reallocate the reserved funds to other projects that are prioritized based on the DEP's evaluation if the DEP does not receive sufficient project applications.

The bill directs the DEP to require that each project grant have a minimum of a 50 percent funding match from local, state, federal, or private funds. The DEP may waive, in whole or in part, the match requirement for proposed projects within an area designated as a rural area of opportunity.

**Section 2** amends s. 403.0855, F.S., to prohibit the DEP from authorizing a land application site permit for Class B biosolids within the subwatershed of a waterbody or waterbody segment listed as impaired for either nitrogen or phosphorus or within an adjoining upstream subwatershed containing surface waters that flow to a waterbody designated as impaired for either nitrogen or phosphorus unless the applicant affirmatively demonstrates that the phosphorus and nitrogen in the biosolids will not add to the nutrient load in the impaired subwatershed.

The demonstration must be based on achieving a net balance between nutrient imports relative to exports on the permitted land application site. Exports may include only nutrients removed from the subwatershed through products generated on the permitted land application site. Beginning November 1, 2023, and each November 1 thereafter, the DEP must publish updated maps designating the subwatersheds of waterbodies protected under this subsection.

The bill provides that new or renewed Class B biosolids land application site permits issued after July 1, 2023, must meet statutory biosolids management requirements by July 1, 2024. All permits for biosolids land application sites must meet the requirements by July 1, 2025.

**Section 3** provides an effective date of July 1, 2023.

**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:

Any private person or entity involved in biosolids disposal will likely experience a negative fiscal impact due to the restriction of biosolids land application. These impacts may be offset by the grant program.

C. Government Sector Impact:

Any county or municipal governmental entity involved in biosolids disposal will likely experience a negative fiscal impact due to the restriction of biosolids land application. If funded, these impacts may be offset by the grant program.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates section 403.0674 of the Florida Statutes.

This bill substantially amends section 403.0855 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 Environment and Natural Resources on March 14, 2023:**

- Removes allocations from the wastewater grant program and the Clean Water State Revolving Fund for projects that convert wastewater residuals to Class A and Class AA biosolids to create a separate biosolids grant program for projects to construct, upgrade, expand, or retrofit domestic facilities that convert wastewater residuals to Class AA biosolids.
- Requires that an applicant for a biosolids grant must be a county or municipal governmental entity.
- Encourages applicants to form public-private partnerships with private utilities and firms.
- Provides for prioritization for projects based on each project's economic and market feasibility and environmental benefit.
- Assigns specific percentages of funds to certain projects and allows the Department of Environmental Protection (DEP) to reallocate those funds if DEP does not receive sufficient applications.
- Requires each project grant to have a minimum of a 50 percent funding match from local, state, federal, or private funds and allows DEP to waive the match requirement for proposed projects within a rural area of opportunity.
- Specifies that DEP may not authorize a land application site permit for Class B biosolids within the subwatershed of a waterbody or waterbody segment or an upstream subwatershed that is listed as impaired for either nitrogen or phosphorus pursuant to s. 403.067, F.S.
- Delays the date by which DEP must publish updated maps designating the subwatershed of protected waterbodies by four months.

Changes the issuance date after which new or renewed Class B biosolids land application site permits must meet biosolids management requirements.

**B. Amendments:**

None.

By the Committee on Environment and Natural Resources; and  
Senator Brodeur

592-02542-23

2023880c1

1 A bill to be entitled  
2 An act relating to biosolids; creating s. 403.0674,  
3 F.S.; establishing a biosolids grant program within  
4 the Department of Environmental Protection;  
5 authorizing the department, subject to appropriation,  
6 to provide biosolid grants for certain projects that  
7 convert wastewater residuals to Class AA biosolids;  
8 providing applicant requirements; providing for the  
9 prioritization of projects; providing for the  
10 administration of the grant program; authorizing the  
11 department to waive requirements for certain projects;  
12 amending s. 403.0855, F.S.; prohibiting the department  
13 from authorizing land application site permits for  
14 Class B biosolids unless a certain demonstration can  
15 be made; requiring the department to publish and  
16 annually update maps of protected subwatersheds;  
17 requiring land application site permits to meet  
18 certain requirements by specified dates; providing an  
19 effective date.

20  
21 WHEREAS, the Legislature encourages the highest levels of  
22 treatment, quality, and use for biosolids, and

23 WHEREAS, the Legislature encourages the beneficial use of  
24 biosolids in a manner that will foster public acceptance and  
25 innovative and alternative uses for biosolids, NOW, THEREFORE,  
26

27 Be It Enacted by the Legislature of the State of Florida:  
28

29 Section 1. Section 403.0674, Florida Statutes, is created

Page 1 of 4

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

592-02542-23

2023880c1

30 to read:

31 403.0674 Biosolids grant program.—A biosolids grant program  
32 is established within the Department of Environmental  
33 Protection.

34 (1) Subject to the appropriation of funds by the  
35 Legislature, the department may provide grants to counties and  
36 municipalities in this state to support projects to construct,  
37 upgrade, expand, or retrofit domestic facilities that convert  
38 wastewater residuals to Class AA biosolids. An applicant for a  
39 biosolids grant must be a county or municipal governmental  
40 entity; however, applicants are encouraged to form public-  
41 private partnerships with private utilities and firms.

42 (2) In allocating grant funds, the department shall  
43 prioritize projects by considering each project's economic and  
44 market feasibility, as well as the environmental benefit that a  
45 project may provide.

46 (a) To evaluate a project's economic and market  
47 feasibility, the department shall review a detailed cost-benefit  
48 analysis for the project which includes the project's overall  
49 economic impact and both current and future market potential,  
50 including current or prospective buyers or users of the  
51 project's Class AA biosolids.

52 (b) To evaluate the environmental benefit of a project, the  
53 department shall review an analysis of how the project's Class  
54 AA biosolids are projected to minimize the migration of  
55 nutrients and other pollutants that degrade water quality.

56 (3) The department shall administer the grant program so  
57 that, of the funds made available each year under this section:

58 (a) At least 33 percent is reserved for projects that

Page 2 of 4

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

592-02542-23

2023880c1

59 convert wastewater residuals into composted Class AA biosolids  
 60 that meet the requirements of the United States Compost  
 61 Council's Seal of Testing Assurance Program as being fully  
 62 stabilized.

63 (b) At least 33 percent is reserved for projects that  
 64 convert wastewater residuals into both Class AA biosolids and a  
 65 solution of ammonia nitrogen, a valuable alternative to  
 66 synthetic nitrogen fertilizers.

67 (c) At least 10 percent is reserved for projects within an  
 68 area designated as a rural area of opportunity under s.  
 69 288.0656.

70 (4) If the department does not receive sufficient  
 71 applications for projects described in subsection (3), the  
 72 department may reallocate the reserved funds to other projects  
 73 that are prioritized based on the department's evaluation of  
 74 projects under subsection (2).

75 (5) (a) Except as provided in paragraph (b), the department  
 76 shall require that each project grant have a minimum of a 50  
 77 percent funding match from local, state, federal, or private  
 78 funds.

79 (b) The department may waive, in whole or in part, the  
 80 match requirement in paragraph (a) for proposed projects within  
 81 an area designated as a rural area of opportunity under s.  
 82 288.0656.

83 Section 2. Subsections (7) and (8) are added to section  
 84 403.0855, Florida Statutes, to read:

85 403.0855 Biosolids management.—

86 (7) The department may not authorize a land application  
 87 site permit for Class B biosolids within the subwatershed of a

592-02542-23

2023880c1

88 waterbody or waterbody segment listed as impaired for either  
 89 nitrogen or phosphorus pursuant to s. 403.067 or within an  
 90 adjoining upstream subwatershed containing surface waters that  
 91 flow to a waterbody listed as impaired for either nitrogen or  
 92 phosphorus pursuant to s. 403.067 unless the applicant  
 93 affirmatively demonstrates that the phosphorus and nitrogen in  
 94 the biosolids will not add to the nutrient load in the impaired  
 95 subwatershed. This demonstration must be based on achieving a  
 96 net balance between nutrient imports relative to exports on the  
 97 permitted land application site. Exports may include only  
 98 nutrients removed from the subwatershed through products  
 99 generated on the permitted land application site. Beginning  
 100 November 1, 2023, and each November 1 thereafter, the department  
 101 shall publish updated maps designating the subwatersheds of  
 102 water bodies protected under this subsection.

103 (8) New or renewed Class B biosolid land application site  
 104 permits issued after November 1, 2023, must meet the  
 105 requirements of this section by July 1, 2024. All permits for  
 106 biosolid land application sites must meet the requirements of  
 107 this section by July 1, 2025.

108 Section 3. This act shall take effect July 1, 2023.

The Florida Senate

APPEARANCE RECORD

880

4-12-23

Meeting Date

Bill Number or Topic

App Com Ag Env Gov

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

Committee

Amendment Barcode (if applicable)

Name John November

Phone 904-525-3042

Address 536 South St

Email

Street

Neptune beach Fl

32266

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.

4/12/2023

Meeting Date

Appropriations Committee on Agriculture, Environment, and General Government

Committee

Name Elizabeth Alvi

Phone 850-999-1028

Address 308 N. Monroe  
Street

Email Beth.Alvi@audubon.org

Tallahassee  
City

FL  
State

32301  
Zip

The Florida Senate

APPEARANCE RECORD

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

SB 0880

Bill Number or Topic

Amendment Barcode (if applicable)

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 Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)



The Florida Senate

APPEARANCE RECORD

880

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

Bill Number or Topic

Amendment Barcode (if applicable)

12 April 2023

Meeting Date

App on Ag, Env, & Gen Govt

Committee

Name ROXANNE GROOVER

Phone 813-504-8340

Address 5115 SR 557

Email rgroover@fwaonsite.com

Street

LAKE ALFRED FL

33850

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. 2020-2022 Joint Rules. [df.flsenate.gov](http://df.flsenate.gov)

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

4/12/23

Meeting Date

# The Florida Senate APPEARANCE RECORD

880

Bill Number or Topic

Approps. Comm. Ag., Nat. Res.

Committee

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

Amendment Barcode (if applicable)

Name Fav Owens

Phone 407-222-2301

Address 308 N. Monroe St.

Street

Email powers@1000fof.org

~~Orlando~~ 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:

1000 Friends of Florida

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

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

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

The Florida Senate

APPEARANCE RECORD

April 12, 2023

Meeting Date

CS/SA 880

Bill Number or Topic

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

Ag. envir, open gov't approps

Committee

Amendment Barcode (if applicable)

Name

Eric Draper

Phone

880 251 1501

Address

3627 Dexter D

Email

wericdraper@gmail.com

Street

Tallahassee, FL 32312

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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. 2020-2022 Joint Rules.pdf flsenate.gov

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

**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 Appropriations Committee on Agriculture, Environment, and General Government

---

BILL: CS/SB 1150

INTRODUCER: Appropriations Committee on Agriculture, Environment, and General Government: and Senator Ingoglia

SUBJECT: Department of Agriculture and Consumer Services

DATE: April 14, 2023

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Renner</u>	<u>McKay</u>	<u>CM</u>	<b>Favorable</b>
2.	<u>Blizzard</u>	<u>Betta</u>	<u>AEG</u>	<b>Favorable</b>
3.	_____	_____	<u>FP</u>	_____

---

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

---

**I. Summary:**

CS/SB 1150 addresses various issues related to the Divisions of Licensing and Consumer Services within the Department of Agriculture and Consumer Services (department). Specifically the bill:

- Allows Class “K” initial applicants to provide military experience as a firearms instructor, or a valid firearms instructor certificate issued by a federal law enforcement agency within the last three years, in lieu of having to obtain other firearms training through certain certifications;
- Allows Class “K” licensees renewing their license to demonstrate continued firearms qualifications by teaching at least six classes during the three-year licensure period in lieu of having to obtain certain firearm training;
- Allows a Class “G” licensee to provide proof of annual training under the Law Enforcement Officers’ Safety Act to be used in lieu of four hours of annual training;
- Allows the Division of Licensing to set or waive license renewal late fees by administrative rule;
- Authorizes the department to post online licensure newsletters and pamphlets in lieu of using a paper format;
- Removes the applicant’s requirement to complete the application under oath;
- Reduces the registration fees from \$75 per year to \$10 per year for certain charities receiving \$50,000 or less in contributions, as well as exempts from registration certain charities receiving \$50,000 or less in total annual revenues;

- Clarifies the definition for a “Category I liquefied petroleum gas dealer” to provide that a dealer is any person who designs the apparatus, piping, tubing, appliances, and equipment for the use of liquefied petroleum or natural gas; and
- Creates criminal penalties for the possession, installation, use, or aiding in the use of contaminant devices inserted into retail fuel dispensers from its standard operation or impeding standard functionality. The bill also creates criminal penalties for possessing or using an auxiliary fuel tank to commit retail fuel theft.

The bill may have an indeterminate, but insignificant fiscal impact on state government. The Legislature’s Office of Economic and Demographic Research preliminarily estimates that the bill will have a positive indeterminate prison bed impact on criminal penalties for retail fuel theft. See Section V. Fiscal Impact Statement.

The bill takes effect July 1, 2023.

## II. Present Situation:

The present situation for each issue is described below in Section III, Effect of Proposed Changes.

## III. Effect of Proposed Changes:

The mission of the Department of Agriculture and Consumer Services (department) is to support and promote Florida agriculture, protect the environment, safeguard consumers, and ensure the safety and wholesomeness of food.<sup>1</sup>

This bill modifies licensing and consumer services provisions under the department’s jurisdiction.

### **Division of Licensing (Sections 1, 2, 3, 4, & 5)**

#### Present Situation

The Division of Licensing within the department is responsible for investigating and issuing licenses for private security industries including Class “G” Statewide Firearm licenses and Class “K” firearms instructors.<sup>2</sup>

#### ***Class “G” Statewide Firearm License***

A Class “G” license is a supplemental license that permits specific licensees to carry a firearm during the course of their licensed, employment-related activity. A Class “G” license is available only to individuals who currently hold one of the following licenses:

- Private investigator (Class “C”);

<sup>1</sup> Department of Agriculture and Consumer Services, *About Us*, available at <https://www.fdacs.gov/About-Us> (last visited March 10, 2023).

<sup>2</sup> Chapter 493, F.S.

- Private investigator intern (Class “CC”);
- Security officer (Class “D”);
- Private investigative or security agency manager (Class “M”);
- Private investigative agency manager (Class “MA”); or
- Security agency manager (Class “MB”).<sup>3</sup>

### ***Application and Training Requirements for Class “G” Licensees***

An initial applicant for a Class “G” license must complete firearm training, which must include at least 28 hours of range and classroom training either by in-person instruction, or via live instruction through a secure website, with no more than eight hours consisting of in-person range training, which must include safe handling and storage of firearms. The training must be administered and taught by a Class “K” licensee who verifies the identity and attendance of the applicant.<sup>4</sup>

The Class “G” applicant must submit a training certificate to the department upon completion of the training. Additionally, the Class “K” licensee who provided the training must submit results directly to the department’s Division of Licensing and provide a copy of the training results to the trainee.<sup>5</sup> An applicant who was discharged within the last 12 months from service as a military officer, and has completed specific military courses is deemed to have completed a substantially similar training, and is exempt from the 28 hours of range and classroom training required for a Class “G” initial license.<sup>6</sup>

The “Class G” license must be renewed every two years.<sup>7</sup> Class “G” licensees must annually complete four hours of firearms requalification training for each caliber of firearm that he or she carries in the course of his or her duties.<sup>8</sup> The department may waive the firearms training requirement if:

- Proof is provided showing the applicant is currently certified as a law enforcement officer or correctional officer under the Criminal Justice Standards and Training Commission, and has completed law enforcement firearms requalification training annually during the previous two years of the licensure period;
- The applicant provides proof that he or she is currently certified as a federal law enforcement officer and has received law enforcement firearms training administered by a federal law enforcement agency annually during the previous two years of the licensure period; or
- The applicant submits one of the valid firearm certificates required for a Class “K” initial license and provides proof of having completed requalification training during the previous two years of the licensure period.<sup>9</sup>

---

<sup>3</sup> Section 493.6115(2), F.S.

<sup>4</sup> Section 493.6105(5), F.S. *See also* Fla. Admin. Code R. 5N-1.132(1)(a).

<sup>5</sup> *Id.*

<sup>6</sup> Fla. Admin Code R 5N-1.119

<sup>7</sup> Section 493.6113(1), F.S.

<sup>8</sup> Section 493.6113(3)(b), F.S.

<sup>9</sup> *Id.*

A Class “G” licensee who fails to file a renewal application on or before its expiration must renew the license by fulfilling all renewal application requirements and pay a late fee equal to the amount of the Class “G” license fee.<sup>10</sup>

### ***Application and Training Requirements for Class “K” Firearms Instructor Licensees***

Class “K” Firearms Instructor Licensees provide classroom or range instruction to applicants for a Class “G” license.<sup>11</sup> The initial applicant for a Class “K” license must submit one of the following certificates to demonstrate continued firearms qualifications:

- The Florida Criminal Justice Standards and Training Commission Instructor Certificate and written confirmation by the commission that the applicant possesses an active firearms certificate.
- A valid National Rifle Association Private Security Firearm Instructor Certificate issued not more than three years before the submission of the application.
- A valid firearms instructor certificate issued by a federal law enforcement agency issued not more than three years before the submission of the application.<sup>12</sup>

The initial applicant must also pay the fee for, and pass an examination administered by the department.<sup>13</sup>

Class “K” instructors must renew their license every three years<sup>14</sup> and submit one of the certificates, listed above, as proof that he or she remains certified to provide firearms instruction.<sup>15</sup> A Class “K” licensee who fails to file a renewal application on or before its expiration must renew the license by fulfilling all renewal application requirements and pay a late fee equal to the amount of the Class “K” license fee.<sup>16</sup>

### ***Recovery agent and security officer school or training facility***

Any school, training facility, or instructor who offers training for recovery agents or security officers must file an application with the department which requires the application to be signed and verified by the applicant under oath.<sup>17</sup>

### ***Department Publication to the Industry***<sup>18</sup>

The department periodically publishes newsletters and pamphlets advising licensees of certain information that is of interest to the industry as well as the legal authority, rights, and obligations for various classes of licensure. The newsletter also contains administrative complaints against licensed or unlicensed persons or agencies. The newsletter must be published between two to four times annually, while the pamphlet must be updated every two years as necessary.

---

<sup>10</sup> Section 493.6113(4), F.S.

<sup>11</sup> Sections 493.6101(14) and 493.6115(7), F.S.

<sup>12</sup> Section 493.6105(6)(a), F.S.

<sup>13</sup> Section 493.6105(6)(b), F.S.

<sup>14</sup> Section 493.6113(1), F.S.

<sup>15</sup> Section 493.6113(3)(d), F.S.

<sup>16</sup> Section 493.6113(4), F.S.

<sup>17</sup> Sections 493.6304(2) and 493.6406(2), F.S.

<sup>18</sup> Section 493.6123(1), F.S.

### Effect of Proposed Changes

**Section 1** amends s. 493.6105, F.S., to add a valid DD Form 214 to the list of certificates an initial applicant for a Class K” license may provide. The DD Form 214 cannot be issued more than three years before the submission of the Class “K” application, and must state that the applicant has been honorably discharged and served no less than three years in the military as a firearms instructor.

**Section 2** amends s. 493.6113, F.S., to provide that the department may waive the four-hour annual firearms training requirement for a Class “G” license renewal if the applicant provides proof that he or she has completed annual firearms training in accordance with the requirements of the federal Law Enforcement Officers Safety Act.<sup>19</sup>

The bill provides that a Class “K” licensee renewing their license to demonstrate continued firearms qualifications can provide proof of having taught at least six 28-hour firearms instruction courses to Class “G” applicants during the previous three-year license period in lieu of having to obtain other firearms training through either a valid Florida Criminal Justice Standards and Training Commission Instructor Certificate, a valid National Rifle Association Private Security Firearm Certificate, or a valid firearms instructor certificate issued by a federal law enforcement agency issued within the last three years.

Pertaining to the failure to renew an application on or before the expiration date of the license, the bill allows the division to set or waive a license renewal late fee by administrative rule. The late fee may not exceed the amount of the license fee.

**Section 3** amends s. 493.6123, F.S., to authorize the department to publish licensure newsletters and pamphlets online in lieu of using a paper format.

**Sections 4 and 5** amend ss. 493.6304 and 493.6406, F.S., respectively, to remove the applicant’s requirement to complete the application under oath.

### **Charitable Organization Fees (Sections 6 & 7)**

#### Present Situation

Organizations that intend to solicit donations in Florida are required to register with the department pursuant to the Solicitation of Contributions Act.<sup>20</sup> The Act contains basic registration, financial disclosures, and notification requirements for charitable organizations and sponsors, fundraising consultants, and solicitors.

---

<sup>19</sup> See 18 U.S.C., ss. 926B-926C.

<sup>20</sup> Section 496.401, F.S.



Every charitable organization, sponsor,<sup>21</sup> or parent organization<sup>22</sup> must pay a single registration fee as follows:

- \$10 if the contributions received for the last fiscal year were less than \$5,000 or if the contributions actually raised or received from the public during the immediately preceding fiscal year by the organization or sponsor are no more than \$25,000, and the fundraising activities are carried on by certain entities who are not compensated;
- \$75 if the contributions received for the last fiscal year were \$5,000 or more, but less than \$100,000;
- \$125 if the contributions received for the last fiscal year were \$100,000 or more but less than \$200,000;
- \$200 if the contributions received for the last fiscal year were \$200,000 or more but less than \$500,000;
- \$300 if the contributions received for the last fiscal year were \$500,000 or more but less than \$1 million;
- \$350 if the contributions received for the last fiscal year were \$1,000,000 or more but less than \$10,000,000; and
- \$400 if the contributions received for the last fiscal year were \$10,000,000 or more.<sup>23</sup>

Certain persons and organizations are exempt from these registration fees and requirements including a charitable organization that has less than \$25,000 in total revenue so long as they did not employ professional solicitors or have paid employees.<sup>24</sup>

#### Effect of Proposed Changes

**Section 6** amends s. 496.405, F.S., to reduce the registration fees from \$75 per year to \$10 per year for certain charities receiving \$50,000 or less in contributions. Currently, the threshold is \$25,000.

**Section 7** amends s. 496.406, F.S., to exempt from registration certain charities receiving \$50,000 or less in total annual revenues. Currently, the threshold is \$25,000.

### **Liquefied Petroleum Gas (Section 8)**

#### Present Situation

The department regulates the licensing, inspection and training requirements relating to the liquefied petroleum gas (LPG) industry.<sup>25</sup> Section 527.01, F.S., provides definitions for numerous LPG license categories.

<sup>21</sup> Section 496.404(25), F.S., defines a “sponsor” as a group or person who holds herself or himself out to be soliciting contributions by the use of a name that implies the group or person is in any way affiliated with or organized for the benefit of emergency service employees or law enforcement officers and the group or person is not a charitable organization.

<sup>22</sup> Section 496.404(18), F.S. defines a “parent organization” as part of a charitable organization or sponsor that coordinates, supervises, or exercises control over policy, fundraising, and expenditures or assists or advises one or more of the organization’s chapters, branches, or affiliates in Florida.

<sup>23</sup> Section 496.405(4)(a), F.S.

<sup>24</sup> Section 496.406(1)(d), F.S.

<sup>25</sup> Chapter 527, F.S.

### Effect of Proposed Changes

**Section 8** amends s. 527.01, F.S., to clarify that a “Category I liquefied petroleum gas dealer” includes any person who designs the apparatus, piping, tubing, appliances, and equipment for the use of liquefied petroleum or natural gas.

The term “Category V LP gas installer” is also revised to include a person whose services include the design of apparatus, piping, tubing, tanks, and equipment for the use of liquefied petroleum or natural gas.

### **Retail Fuel Theft (Section 9)**

#### Present Situation

The department regularly inspects petroleum distribution systems and samples of petroleum products to ensure consistency as well as retail gas stations to ensure fuel dispensers are working safety and properly.<sup>26</sup>

A fuel pulser is a plastic device connected to the fuel pump dispenser meter housed within the fuel pump. The pulse converts the mechanical movement of the fuel meter, and then sends electrical pulses to control the dispenser’s electronic display.<sup>27</sup>

The pulsers can be replaced by an altered pulser that interrupts the electrical signal.<sup>28</sup> This enables the ability to obtain large amounts of gas for a small percentage of the cost. In Hillsborough County, \$60,000 worth of gasoline was stolen from two different gas stations by individuals using the pulsar manipulation devices.<sup>29</sup> In Lakeland, two individuals were caught while filling up a large gas tank in the back of a pickup truck after accessing the inside of the fuel pump.<sup>30</sup>

The use of these devices is not just an issue in Florida. It is happening in other states as well. In Arizona, the Senate is considering a bill that would make the possession of a pulsar manipulation device a third degree felony.<sup>31</sup>

---

<sup>26</sup> Florida Department of Agriculture and Consumer Services, *Petroleum Inspection*, available at <https://www.fdacs.gov/Business-Services/Petroleum-Inspection> (last visited March 10, 2023).

<sup>27</sup> Florida Department of Agriculture and Consumer Services, *SB 1150 Analysis*. On file with the Senate Commerce and Tourism Committee.

<sup>28</sup> *Id.*

<sup>29</sup> Matthew Impelli, *Fuel Thieves Used ‘Homemade Device’ to Steal \$60,000 in Gas, Police Say*, Newsweek, April 4, 2022, available at <https://www.newsweek.com/fuel-thieves-used-homemade-device-steal-60000-gas-police-say-1694856> (last visited March 10, 2023).

<sup>30</sup> Catherine Hawley, *Florida men accused of tampering with gas pumps, stealing fuel in Bay area*, Fox 13 News, March 17, 2022, available at <https://www.fox13news.com/news/florida-men-accused-of-tampering-with-gas-pumps-stealing-fuel-in-bay-area> (last visited March 10, 2023).

<sup>31</sup> Morgan Loew, *Arizona Senate committee votes to outlaw fuel theft devices*, 3TV/CBS 5, Feb. 3, 2023, available at <https://www.azfamily.com/2023/02/03/arizona-senate-committee-votes-outlaw-fuel-theft-devices/> (last visited March 10, 2023).

Currently, law enforcement relies on s. 316.80, F.S., for fuel theft crimes; however, the statute does not address fuel pulsers and only penalizes the use of conveyances or vehicles equipped with auxiliary fuel tanks or bladders which do not comply with applicable federal regulation.<sup>32</sup>

### ***Retail Theft***

Section 812.014(1), F.S., provides that a person commits “theft” if he or she knowingly obtains or uses, or endeavors to obtain or use, the property of another with intent to, either temporarily or permanently:

- Deprive the other person of a right to the property or a benefit from the property; or
- Appropriate the property to his or her own use or to the use of any person not entitled to the use of the property.

The statute punishes “grand theft” and “petit theft.” Grand theft is more severe than petit theft penalties, and is typically theft of property valued at \$750 or more. Petit theft is generally theft of property valued at less than \$750.

While theft is generally punished in s. 812.014, F.S., and thefts from retailers can be punished under that statute, s. 812.015, F.S., is specifically directed at punishing “retail theft,” which the statute defines as “the taking possession of or carrying away of merchandise,<sup>33</sup> property, money, or negotiable documents; altering or removing a label, universal product code, or price tag; transferring merchandise from one container to another; or removing a shopping cart, with intent to deprive the merchant<sup>34</sup> of possession, use, benefit, or full retail value.”<sup>35</sup>

Section 812.015(8), F.S., provides that it is a third degree felony<sup>36</sup> to commit retail theft, if the property stolen is valued at \$750 or more, and the person:

- Individually commits retail theft, or in concert with one or more other persons, coordinates the activities of one or more individuals in committing the offense, which may occur through multiple acts of retail theft, in which the amount of each individual theft is aggregated within a 30-day period to determine the value of the property stolen;
- Conspires with another person to commit retail theft with the intent to sell the stolen property for monetary or other gain, and subsequently takes or causes such property to be placed in the control of another person in exchange for consideration, in which the stolen property taken or placed within a 30-day period is aggregated to determine the value of the stolen property;
- Individually, or in concert with one or more other persons, commits theft from more than one location within a 30-day period, in which the amount of each individual theft is aggregated to determine the value of the property stolen;

---

<sup>32</sup> Supra note 27.

<sup>33</sup> “Merchandise” means “any personal property, capable of manual delivery, displayed, held, or offered for retail sale by a merchant.” Section 812.015(1)(a), F.S.

<sup>34</sup> “Merchant” means “an owner or operator, or the agent, consignee, employee, lessee, or officer of an owner or operator, of any premises or apparatus used for retail purchase or sale of any merchandise.” Section 812.015(1)(b), F.S.

<sup>35</sup> Section 812.015(1)(d), F.S.

<sup>36</sup> A third degree felony is generally punishable by not more than five years in state prison and a fine not exceeding \$5,000. Sections 775.082 and 775.083, F.S.

- Acts in concert with one or more other individuals within one or more establishments to distract the merchant, merchant's employee, or law enforcement officer in order to carry out the offense, or acts in other ways to coordinate efforts to carry out the offense; or
- Commits the offense through the purchase of merchandise in a package or box that contains merchandise other than, or in addition to, the merchandise purported to be contained in the package or box.

### ***Seized or Forfeited Property***

The Florida Contraband Forfeiture Act (act)<sup>37</sup> provides for the seizure and civil forfeiture of property related to criminal and non-criminal violations of the law.<sup>38</sup> Contraband and other property may be seized when utilized during a violation of, or for the purpose of violating, the act. Property constituting a "contraband article" includes, but is not limited to, motor fuel upon which the motor fuel tax has not been paid as required by law; vehicles of any kind which was used or was attempted to be used as an instrumentality in the commission of, or in aiding or abetting in the commission of, any felony; and personal property including equipment, which was used or was attempted to be used as an instrumentality in the commission of, or in aiding or abetting in the commission of, any felony.<sup>39</sup>

Currently, any contraband article, vessel, motor vehicle, aircraft, other personal property, or real property used in violation of any provision of the act, or in, upon, or by means of which any violation of the act has taken or is taking place, may be seized and forfeited subject to the act.<sup>40</sup>

If the court finds that the seizure occurred lawfully<sup>41</sup> and that probable cause exists for the seizure, the forfeiture may proceed as set forth in the act.<sup>42</sup>

### **Effect of Proposed Changes**

**Section 9** creates s. 812.0151, F.S., relating to retail fuel theft. The bill provides for criminal penalties for the possession, installation, use, or aiding in the use of contaminant devices insert into retail fuel dispensers for the purpose of fraudulently altering, manipulating, or interrupting a retail fuel dispenser from its standard operation or impeding standard functionality.

Specifically, a person commits a third degree felony when the person willfully, knowingly, and without authorization:

- Breaches, causes to be breached, or gains access without authorization to any internal portion of a retail fuel dispenser;
- Possesses any device for the purpose of altering, manipulating, or interrupting the normal functioning of a retail fuel dispenser;
- Obtains fuel as a result of violating any provision relating to retail fuel theft in

<sup>37</sup> See ss. 932.701-932.7062, F.S.

<sup>38</sup> Section 932.701(1), F.S.

<sup>39</sup> Section 932.701(2)(a)4, 5, and 7, F.S.,

<sup>40</sup> Section 932.703(1)(a), F.S.

<sup>41</sup> Section 932.703(1)(a), F.S., sets forth the circumstances that permit for a lawful seizure of property.

<sup>42</sup> Section 932.703(2)(c), F.S.

s. 812.0151, F.S.;

- Aids, abets, or assists in a violation of this section;
- Modifies a vehicle's factory-installed fuel tank, or has possession of any item used to hold fuel which was not fitted to a vehicle or conveyance<sup>43</sup> at the time of manufacture with the intent to use the item, or allow the item to be used; or
- Aids, abets, or assists in a violation of any provision relating to retail fuel theft in s. 812.0151, F.S.

Additionally, a person commits a second degree felony<sup>44</sup> when the person willfully, knowingly, and without authorization:

- Tamper with, manipulates, removes, replaces, or interrupts any mechanical or electronic component located within a retail fuel dispenser; or
- Uses any form of electronic communication to fraudulently alter, manipulate, or interrupt the normal functioning of a retail fuel dispenser.

The bill provides that any conveyances, vehicles, fuel tanks, and other equipment used or intended to be used in a violation of this section, and any fuel acquired in a violation of this section, is subject to seizure and forfeiture under the Florida Contraband Forfeiture Act. Law enforcement that seizes fuel must remove and reclaim, recycle, or dispose of all the fuel as soon as practicable in a safe and proper manner.

Upon conviction of a person arrested for violating this section, the bill requires a judge to issue an order adjudging and declaring that all conveyances, vehicles, fuel tanks, and other equipment used or intended to be used in a violation of this section are forfeited and directing their destruction, with the exception of the conveyance or vehicle.

The bill specifies that, if convicted, a person is responsible for the following costs and payments:

- All reasonable costs incurred by the investigating law enforcement agency, including, but not limited to, the costs for the towing and storage of the conveyance or vehicle, the removal and disposal of the fuel, and the storage and destruction of all fuel tanks and other equipment used or intended to be used in violation of this section; and
- Payment to the party from whom it was fraudulently obtained for the retail value of any associated fuel at the time of the underlying act.

Lastly, the bill defines "fuel" to mean any of the following:<sup>45</sup>

- Alternative fuel;<sup>46</sup>
- Aviation fuel;<sup>47</sup>
- Diesel fuel;<sup>48</sup>

---

<sup>43</sup> Section 810.011(3), F.S., defines "conveyance" to mean any motor vehicle, ship, vessel, railroad vehicle or car, trailer, aircraft, or sleeping car; and "to enter a conveyance" includes taking apart any portion of the conveyance.

<sup>44</sup> A second degree felony is generally punishable by not more than 15 years in state prison and a fine not exceeding \$10,000. Sections 775.082 and 775.083, F.S.

<sup>45</sup> Section 163.3206(2), F.S.

<sup>46</sup> See s. 525.01, F.S.

<sup>47</sup> See s. 206.9815, F.S.

<sup>48</sup> See s. 206.86, F.S.

- Gas;<sup>49</sup>
- Motor fuel;<sup>50</sup>
- Natural gas fuel;<sup>51</sup>
- Oil;<sup>52</sup>
- Petroleum fuel;<sup>53</sup>or
- Petroleum product.<sup>54</sup>

### **Miscellaneous Effect of Proposed Changes**

**Sections 10 and 11** are reenacted to incorporate the amendments made by this act to s. 527.01, F.S., in **Section 8**.

The bill takes effect July 1, 2023.

## **IV. Constitutional Issues:**

### **A. Municipality/County Mandates Restrictions:**

Article VII, section 18 of the Florida Constitution requires a two-thirds vote of the membership of each house of the Legislature to pass legislation requiring counties and municipalities to spend funds, limiting their ability to raise revenue, or reducing the percentage of a state tax shared with them. This bill does not require counties or municipalities to spend funds, limit their authority to raise revenue, or reduce the percentage of a state tax shared with them as specified in Article VII, section 18 of the Florida Constitution. Therefore, the provisions of Article VII, section 18 of the Florida Constitution do not apply.

### **B. Public Records/Open Meetings Issues:**

None.

### **C. Trust Funds Restrictions:**

None.

### **D. State Tax or Fee Increases:**

The bill does not create or raise a state tax or fee. Therefore, the requirements of Art. VII, section 19 of the Florida Constitution do not apply.

---

<sup>49</sup> See s. 206.9925, F.S.

<sup>50</sup> See s. 206.01, F.S.

<sup>51</sup> See s. 206.9951, F.S.

<sup>52</sup> See s. 206.9925, F.S.

<sup>53</sup> See s. 525.01, F.S.

<sup>54</sup> See s. 206.9925, F.S.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Class “G” licensees may see a cost savings by applying their law enforcement training to their license renewal requirements. Class “K” licensees renewing their license to demonstrate continued firearms qualifications may see a cost savings by providing proof of having taught at least six 28-hour firearms instruction courses to Class “G” applicants during the previous three-year license period in lieu of having to obtain certain certifications.

C. Government Sector Impact:

The Department of Agriculture and Consumer Services (department) has stated the majority of the bill’s provisions pose a negligible fiscal impact related to the waiver and exemption of fees proposed. The department may see a cost savings by providing newsletters and pamphlets online instead of in paper format.

The Criminal Justice Impact Conference, which provides the final, official estimate of prison bed impact of legislation, if any, has not yet reviewed the bill. However, the Office of Economic and Demographic Research (EDR) preliminarily estimates that the bill will have a “positive indeterminate” prison bed impact (an unquantifiable increase in prison beds).<sup>55</sup>

D. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

---

<sup>55</sup> SB 1150 – *EDR Prison Bed Impact Estimate* (Identical to HB 1307). (On file with the Appropriations Committee on Agriculture, Environment, and General Government).

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 493.6105, 493.6113, 493.6123, 493.6304, 493.6406, 496.405, 496.406, and 527.01.

This bill creates section 812.0151 of the Florida Statutes.

This bill re-enacts the following sections of the Florida Statutes: 366.032, and 489.105.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Appropriations Committee on Agriculture, Environment, and General Government on April 12, 2023:**

The committee substitute clarifies criminal penalty provisions relating to retail fuel theft.

**B. Amendments:**

None.





599600

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/13/2023	.	
	.	
	.	
	.	

---

The Appropriations Committee on Agriculture, Environment, and General Government (Ingoglia) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 259 - 333

and insert:

(2) (a) 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 willfully, knowingly, and without authorization:

1. Breaches a retail fuel dispenser or accesses any internal portion of a retail fuel dispenser; or

2. Possesses any device constructed for the purpose of



599600

11 fraudulently altering, manipulating, or interrupting the normal  
12 functioning of a retail fuel dispenser.

13 (b) A person commits a felony of the second degree,  
14 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,  
15 if he or she willfully, knowingly, and without authorization:

16 1. Physically tampers with, manipulates, removes, replaces,  
17 or interrupts any mechanical or electronic component located  
18 within the internal portion of a retail fuel dispenser; or

19 2. Uses any form of electronic communication to  
20 fraudulently alter, manipulate, or interrupt the normal  
21 functioning of a retail fuel dispenser.

22 (c) A person commits a felony of the third degree,  
23 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,  
24 if he or she:

25 1. Obtains fuel as a result of violating paragraph (a) or  
26 paragraph (b); or

27 2. Modifies a vehicle's factory-installed fuel tank or  
28 possesses any item used to hold fuel which was not fitted to a  
29 vehicle or conveyance at the time of manufacture with the intent  
30 to use such fuel tank or item to hold or transport fuel obtained  
31 as a result of violating paragraph (a) or paragraph (b).

32 (3) Any person who aids, abets, or assists a person in  
33 committing a violation of this section commits a felony of the  
34 third degree, punishable as provided in s. 775.082, s. 775.083,  
35 or s. 775.084.

36 (4) Any conveyances, vehicles, fuel tanks, and other  
37 equipment used or intended to be used in a violation of this  
38 section, and any fuel acquired in a violation of this section,  
39 are subject to seizure and forfeiture as provided by the Florida



599600

40 Contraband Forfeiture Act.

41 (5) A law enforcement agency that seizes fuel under this  
42 section must remove and reclaim, recycle, or dispose of all the  
43 fuel as soon as practicable in a safe and proper manner.

44 (6) Upon conviction of a person arrested for a violation of  
45 this section, the judge must issue an order adjudging and  
46 declaring that all conveyances, vehicles, fuel tanks, and other  
47 equipment used or intended to be used in a violation of this  
48 section are forfeited and directing their destruction, with the  
49 exception of the conveyance or vehicle.

50 (7) Any person convicted of a violation of this section is  
51 responsible for both of the following:

52 (a) All reasonable costs incurred by the investigating law  
53 enforcement agency, including, but not limited to, the costs for  
54 the towing and storage of the conveyance or vehicle, the removal  
55 and disposal of the fuel, and the storage and destruction of all  
56 fuel tanks and other equipment described and used or intended to  
57 be used in a violation of this section.

58 (b) Payment, to the party from whom it was fraudulently  
59 obtained, for the retail value of any associated fuel at the  
60 time of the underlying act.

61  
62 ===== T I T L E A M E N D M E N T =====

63 And the title is amended as follows:

64 Delete line 31

65 and insert:

66 payments; reenacting ss.

By Senator Ingoglia

11-01286-23

20231150\_\_

1 A bill to be entitled  
 2 An act relating to the Department of Agriculture and  
 3 Consumer Services; amending s. 493.6105, F.S.; making  
 4 a technical change; revising requirements for  
 5 applicants for a Class "K" license; amending s.  
 6 493.6113, F.S.; revising the circumstances under which  
 7 the Department of Agriculture and Consumer Affairs may  
 8 waive firearms training requirements; revising  
 9 requirements for applicants for a Class "K" license;  
 10 requiring the Division of Licensing of the department  
 11 to establish a specified late fee by rule; amending s.  
 12 493.6123, F.S.; authorizing the department to publish  
 13 certain information online in lieu of using a paper  
 14 format; amending ss. 493.6304 and 493.6406, F.S.;  
 15 making technical changes; amending s. 496.405, F.S.;  
 16 revising requirements relating to registration fees  
 17 for certain charitable organizations, sponsors, and  
 18 parent organizations; amending s. 496.406, F.S.;  
 19 conforming provisions to changes made by the act;  
 20 amending s. 527.01, F.S.; revising the definitions of  
 21 the terms "Category I liquefied petroleum gas dealer"  
 22 and "Category V LP gas installer"; creating s.  
 23 812.0151, F.S.; defining the term "fuel"; providing  
 24 criminal penalties for certain actions relating to  
 25 retail fuel theft; requiring law enforcement agencies  
 26 to remove and reclaim, recycle, or dispose of fuel in  
 27 a specified manner; requiring judges to enter a  
 28 specified order for persons convicted of violating  
 29 specified provisions; specifying that convicted

Page 1 of 15

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

11-01286-23

20231150\_\_

30 persons are responsible for certain costs and  
 31 payments; providing applicability; reenacting ss.  
 32 366.032(1)(e) and 489.105(3)(m), F.S., relating to  
 33 preemption over utility service restrictions and  
 34 definitions, respectively, to incorporate the  
 35 amendments made by this act to s. 527.01, F.S., in  
 36 references thereto; providing an effective date.  
 37

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

39  
 40 Section 1. Subsection (2) and paragraph (a) of subsection  
 41 (6) of section 493.6105, Florida Statutes, are amended to read:  
 42 493.6105 Initial application for license.—  
 43 (2) Each application must be signed and verified by the  
 44 applicant ~~individual under oath~~ as provided in s. 92.525.  
 45 (6) In addition to the requirements under subsection (3),  
 46 an applicant for a Class "K" license must:  
 47 (a) Submit one of the following:  
 48 1. The Florida Criminal Justice Standards and Training  
 49 Commission Instructor Certificate and written confirmation by  
 50 the commission that the applicant possesses an active firearms  
 51 certification.  
 52 2. A valid National Rifle Association Private Security  
 53 Firearm Instructor Certificate issued not more than 3 years  
 54 before the submission of the applicant's Class "K" application.  
 55 3. A valid firearms instructor certificate issued by a  
 56 federal law enforcement agency issued not more than 3 years  
 57 before the submission of the applicant's Class "K" application.  
 58 4. A valid DD Form 214 issued not more than 3 years before

Page 2 of 15

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

11-01286-23 20231150\_\_

59 the submission of the applicant's Class "K" application,  
 60 indicating that the applicant has been honorably discharged and  
 61 served no less than 3 years in the military as a firearms  
 62 instructor.

63 Section 2. Paragraphs (b) and (d) of subsection (3) and  
 64 subsection (4) of section 493.6113, Florida Statutes, are  
 65 amended to read:

66 493.6113 Renewal application for licensure.—

67 (3) Each licensee is responsible for renewing his or her  
 68 license on or before its expiration by filing with the  
 69 department an application for renewal accompanied by payment of  
 70 the renewal fee and the fingerprint retention fee to cover the  
 71 cost of ongoing retention in the statewide automated biometric  
 72 identification system established in s. 943.05(2)(b). Upon the  
 73 first renewal of a license issued under this chapter before  
 74 January 1, 2017, the licensee shall submit a full set of  
 75 fingerprints and fingerprint processing fees to cover the cost  
 76 of entering the fingerprints into the statewide automated  
 77 biometric identification system pursuant to s. 493.6108(4)(a)  
 78 and the cost of enrollment in the Federal Bureau of  
 79 Investigation's national retained print arrest notification  
 80 program. Subsequent renewals may be completed without submission  
 81 of a new set of fingerprints.

82 (b) Each Class "G" licensee shall additionally submit proof  
 83 that he or she has received during each year of the license  
 84 period a minimum of 4 hours of firearms requalification training  
 85 taught by a Class "K" licensee and has complied with such other  
 86 health and training requirements that the department shall adopt  
 87 by rule. Proof of completion of firearms requalification

11-01286-23 20231150\_\_

88 training shall be submitted to the department upon completion of  
 89 the training. A Class "G" licensee must successfully complete  
 90 this requalification training for each type and caliber of  
 91 firearm carried in the course of performing his or her regulated  
 92 duties. If the licensee fails to complete the required 4 hours  
 93 of annual training during the first year of the 2-year term of  
 94 the license, the license shall be automatically suspended. The  
 95 licensee must complete the minimum number of hours of range and  
 96 classroom training required at the time of initial licensure and  
 97 submit proof of completion of such training to the department  
 98 before the license may be reinstated. If the licensee fails to  
 99 complete the required 4 hours of annual training during the  
 100 second year of the 2-year term of the license, the licensee must  
 101 complete the minimum number of hours of range and classroom  
 102 training required at the time of initial licensure and submit  
 103 proof of completion of such training to the department before  
 104 the license may be renewed. The department may waive the  
 105 firearms training requirement if:

106 1. The applicant provides proof that he or she is currently  
 107 certified as a law enforcement officer or correctional officer  
 108 under the Criminal Justice Standards and Training Commission and  
 109 has completed law enforcement firearms requalification training  
 110 annually during the previous 2 years of the licensure period;

111 2. The applicant provides proof that he or she is currently  
 112 certified as a federal law enforcement officer and has received  
 113 law enforcement firearms training administered by a federal law  
 114 enforcement agency annually during the previous 2 years of the  
 115 licensure period; ~~or~~

116 3. The applicant submits a valid firearm certificate among

11-01286-23 20231150\_\_

117 those specified in s. 493.6105(6) (a) and provides proof of  
 118 having completed requalification training during the previous 2  
 119 years of the licensure period; or

120 4. The applicant provides proof that he or she has  
 121 completed annual firearms training in accordance with the  
 122 requirements of the federal Law Enforcement Officers Safety Act  
 123 under 18 U.S.C. ss. 926B-926C.

124 (d) Each Class "K" licensee shall additionally submit:  
 125 1. One of the certificates specified under s. 493.6105(6)  
 126 as proof that he or she remains certified to provide firearms  
 127 instruction; or

128 2. Proof of having taught at least six 28-hour firearms  
 129 instruction courses to Class "G" applicants during the previous  
 130 3-year license period.

131 (4) A licensee who fails to file a renewal application on  
 132 or before its expiration must renew his or her license by  
 133 fulfilling the applicable requirements of subsection (3) and may  
 134 be required to pay by paying a late fee equal to the amount of  
 135 the license fee. The division shall establish the amount of the  
 136 late fee authorized under this subsection by rule; however, such  
 137 late fee may not exceed the amount of the license fee.

138 Section 3. Subsection (3) is added to section 493.6123,  
 139 Florida Statutes, to read:  
 140 493.6123 Publication to industry.—

141 (3) The department may publish all information required by  
 142 this section online in lieu of using a paper format.

143 Section 4. Subsection (2) of section 493.6304, Florida  
 144 Statutes, is amended to read:

145 493.6304 Security officer school or training facility.—

11-01286-23 20231150\_\_

146 (2) The application must ~~shall~~ be signed and verified by  
 147 the applicant ~~under oath~~ as provided in s. 92.525 and must  
 148 contain, at a minimum, the following information:

149 (a) The name and address of the school or training facility  
 150 and, if the applicant is an individual, her or his name,  
 151 address, and social security or alien registration number.

152 (b) The street address of the place at which the training  
 153 is to be conducted.

154 (c) A copy of the training curriculum and final examination  
 155 to be administered.

156 Section 5. Subsection (2) of section 493.6406, Florida  
 157 Statutes, is amended to read:

158 493.6406 Recovery agent school or training facility.—

159 (2) The application must be signed and verified by the  
 160 applicant ~~under oath~~ as provided in s. 92.525 and must ~~shall~~  
 161 contain, at a minimum, the following information:

162 (a) The name and address of the school or training facility  
 163 and, if the applicant is an individual, his or her name,  
 164 address, and social security or alien registration number.

165 (b) The street address of the place at which the training  
 166 is to be conducted or the street address of the Class "RS"  
 167 school offering Internet-based or correspondence training.

168 (c) A copy of the training curriculum and final examination  
 169 to be administered.

170 Section 6. Paragraph (a) of subsection (4) of section  
 171 496.405, Florida Statutes, is amended to read:

172 496.405 Registration statements by charitable organizations  
 173 and sponsors.—

174 (4) (a) Every charitable organization, sponsor, or parent

11-01286-23 20231150\_\_

175 organization filing on behalf of one or more chapters, branches,  
176 or affiliates that is required to register under this section  
177 must pay a single registration fee. A parent organization filing  
178 on behalf of one or more chapters, branches, or affiliates shall  
179 total all contributions received by the chapters, branches, or  
180 affiliates included in the registration statement to determine  
181 registration fees. Fees shall be assessed as follows:

182 1.a. Ten dollars, if the contributions received for the  
183 last fiscal or calendar year were less than \$5,000; or

184 b. Ten dollars, if the contributions actually raised or  
185 received from the public during the immediately preceding fiscal  
186 year by such organization or sponsor are no more than \$50,000  
187 ~~\$25,000~~ and the fundraising activities of such organization or  
188 sponsor are carried on by volunteers, members, officers, or  
189 permanent employees, who are not compensated, primarily to  
190 solicit such contributions, provided no part of the assets or  
191 income of such organization or sponsor inures to the benefit of  
192 or is paid to any officer or member of such organization or  
193 sponsor or to any professional fundraising consultant,  
194 professional solicitor, or commercial co-venturer;

195 2. Seventy-five dollars, if the contributions received for  
196 the last fiscal year were \$5,000 or more, but less than  
197 \$100,000;

198 3. One hundred twenty-five dollars, if the contributions  
199 received for the last fiscal year were \$100,000 or more, but  
200 less than \$200,000;

201 4. Two hundred dollars, if the contributions received for  
202 the last fiscal year were \$200,000 or more, but less than  
203 \$500,000;

11-01286-23 20231150\_\_

204 5. Three hundred dollars, if the contributions received for  
205 the last fiscal year were \$500,000 or more, but less than \$1  
206 million;

207 6. Three hundred fifty dollars, if the contributions  
208 received for the last fiscal year were \$1 million or more, but  
209 less than \$10 million;

210 7. Four hundred dollars, if the contributions received for  
211 the last fiscal year were \$10 million or more.

212 Section 7. Paragraph (d) of subsection (1) of section  
213 496.406, Florida Statutes, is amended to read:

214 496.406 Exemption from registration.—

215 (1) The following charitable organizations and sponsors are  
216 exempt from the requirements of s. 496.405:

217 (d) A charitable organization or sponsor that has less than  
218 \$50,000 ~~\$25,000~~ in total revenue during a fiscal year if the  
219 fundraising activities of such organization or sponsor are  
220 carried on by volunteers, members, or officers who are not  
221 compensated and no part of the assets or income of such  
222 organization or sponsor inures to the benefit of or is paid to  
223 any officer or member of such organization or sponsor or to any  
224 professional fundraising consultant, professional solicitor, or  
225 commercial co-venturer. If a charitable organization or sponsor  
226 that has less than \$50,000 ~~\$25,000~~ in total revenue during a  
227 fiscal year actually acquires total revenue equal to or in  
228 excess of \$50,000 ~~\$25,000~~, the charitable organization or  
229 sponsor must register with the department as required by s.  
230 496.405 within 30 days after the date the revenue reaches  
231 \$50,000 ~~\$25,000~~.

232 Section 8. Subsections (6) and (10) of section 527.01,

11-01286-23

20231150\_\_

233 Florida Statutes, are amended to read:

234 527.01 Definitions.—As used in this chapter:

235 (6) "Category I liquefied petroleum gas dealer" means any  
236 person selling or offering to sell by delivery or at a  
237 stationary location any liquefied petroleum gas to the consumer  
238 for industrial, commercial, or domestic use; any person leasing  
239 or offering to lease, or exchanging or offering to exchange, any  
240 apparatus, appliances, and equipment for the use of liquefied  
241 petroleum gas; any person designing, installing, servicing,  
242 altering, or modifying apparatus, piping, tubing, appliances,  
243 and equipment for the use of liquefied petroleum or natural gas;  
244 any person installing carburetion equipment; or any person  
245 requalifying cylinders.

246 (10) "Category V LP gas installer" means any person who is  
247 engaged in the liquefied petroleum gas business and whose  
248 services include the design, installation, servicing, altering,  
249 or modifying of apparatus, piping, tubing, tanks, and equipment  
250 for the use of liquefied petroleum or natural gas and selling or  
251 offering to sell, or leasing or offering to lease, apparatus,  
252 appliances, and equipment for the use of liquefied petroleum or  
253 natural gas.

254 Section 9. Section 812.0151, Florida Statutes, is created  
255 to read:

256 812.0151 Retail fuel theft.—

257 (1) As used in this section, the term "fuel" has the same  
258 meaning as in s. 163.3206(2).

259 (2) Any person who:

260 (a) Intentionally breaches, causes to be breached, or gains  
261 access without authorization to any internal portion of a retail

11-01286-23

20231150\_\_

262 fuel dispenser commits a felony of the third degree, punishable  
263 as provided in s. 775.082, s. 775.083, or s. 775.084.

264 (b) Tamper with, manipulates, removes, replaces, or  
265 interrupts any mechanical or electronic component located within  
266 a retail fuel dispenser for the purpose of devising or executing  
267 any scheme or artifice to defraud or obtain property commits a  
268 felony of the second degree, punishable as provided in s.  
269 775.082, s. 775.083, or s. 775.084.

270 (c) Uses any form of electronic communication from a device  
271 such as a wireless remote, computer, or other device which  
272 alters, tricks, or manipulates a retail fuel dispenser commits a  
273 felony of the third degree, punishable as provided in s.  
274 775.082, s. 775.083, or s. 775.084.

275 (d) Possesses, uses, or installs any device constructed for  
276 the purpose of fraudulently altering, manipulating, or  
277 interrupting a retail fuel dispenser from standard operation or  
278 impeding the retail fuel dispenser's functionality while  
279 violating paragraph (c) commits a felony of the second degree,  
280 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

281 (e) Obtains fuel as a result of a violation of this section  
282 commits a felony of the third degree, punishable as provided in  
283 s. 775.082, s. 775.083, or s. 775.084.

284 (f) Aids, abets, or assists in a violation of this section  
285 commits a felony of the third degree, punishable as provided in  
286 s. 775.082, s. 775.083, or s. 775.084.

287 (g) Has in his or her possession any item used to hold fuel  
288 which was not fitted to a vehicle or conveyance at the time of  
289 manufacture with the intent to use such item, or allow such item  
290 to be used, in a violation of this section commits a felony of



11-01286-23 20231150\_\_

291 the third degree, punishable as provided in s. 775.082, s.  
 292 775.083, or s. 775.084.

293 (h) Any person who modifies a vehicle's factory installed  
 294 fuel tank for the purpose of committing, attempting to commit,  
 295 or aiding, abetting, or assisting someone in a violation of this  
 296 section commits a felony of the third degree, punishable as  
 297 provided in s. 775.082, s. 775.083, or s. 775.084.

298 (3) Any conveyances, vehicles, fuel tanks, and other  
 299 equipment used or intended to be used in a violation of this  
 300 section, and any fuel acquired in a violation of this section,  
 301 is subject to seizure and forfeiture as provided by the Florida  
 302 Contraband Forfeiture Act.

303 (4) A law enforcement agency that seizes fuel under this  
 304 section must remove and reclaim, recycle, or dispose of all the  
 305 fuel as soon as practicable in a safe and proper manner.

306 (5) Upon conviction of a person arrested for a violation of  
 307 this section, the judge must issue an order adjudging and  
 308 declaring that all conveyances, vehicles, fuel tanks, and other  
 309 equipment used or intended to be used in a violation of this  
 310 section are forfeited and directing their destruction, with the  
 311 exception of the conveyance or vehicle.

312 (6) Any person convicted of a violation of this section is  
 313 responsible for both of the following:

314 (a) All reasonable costs incurred by the investigating law  
 315 enforcement agency, including, but not limited to, the costs for  
 316 the towing and storage of the conveyance or vehicle, the removal  
 317 and disposal of the fuel, and the storage and destruction of all  
 318 fuel tanks and other equipment described and used or intended to  
 319 be used in a violation of this section.

11-01286-23 20231150\_\_

320 (b) Payment, to the party from whom it was fraudulently  
 321 obtained, for the retail value of any associated fuel at the  
 322 time of the underlying act.

323 (7) This section does not apply to the following persons  
 324 who are lawfully engaged in an activity that would otherwise be  
 325 a violation of this section:

326 (a) Inspectors and investigators of the Department of  
 327 Agriculture and Consumer Services;

328 (b) Persons registered with the Department of Agriculture  
 329 and Consumer Services under chapter 525;

330 (c) Employees or owners of fuel stations;

331 (d) Law enforcement officers; and

332 (e) Firefighters or other necessary public safety  
 333 personnel.

334 Section 10. For the purpose of incorporating the amendments  
 335 made by this act to section 527.01, Florida Statutes, in a  
 336 reference thereto, paragraph (e) of subsection (1) of section  
 337 366.032, Florida Statutes, is reenacted to read:

338 366.032 Preemption over utility service restrictions.—

339 (1) A municipality, county, special district, or other  
 340 political subdivision of the state may not enact or enforce a  
 341 resolution, ordinance, rule, code, or policy or take any action  
 342 that restricts or prohibits or has the effect of restricting or  
 343 prohibiting the types or fuel sources of energy production which  
 344 may be used, delivered, converted, or supplied by the following  
 345 entities to serve customers that such entities are authorized to  
 346 serve:

347 (e) A Category I liquefied petroleum gas dealer or Category  
 348 II liquefied petroleum gas dispenser or Category III liquefied

11-01286-23 20231150\_\_

349 petroleum gas cylinder exchange operator as defined in s.  
350 527.01.

351 Section 11. For the purpose of incorporating the amendments  
352 made by this act to section 527.01, Florida Statutes, in a  
353 reference thereto, paragraph (m) of subsection (3) of section  
354 489.105, Florida Statutes, is reenacted to read:

355 489.105 Definitions.—As used in this part:

356 (3) "Contractor" means the person who is qualified for, and  
357 is only responsible for, the project contracted for and means,  
358 except as exempted in this part, the person who, for  
359 compensation, undertakes to, submits a bid to, or does himself  
360 or herself or by others construct, repair, alter, remodel, add  
361 to, demolish, subtract from, or improve any building or  
362 structure, including related improvements to real estate, for  
363 others or for resale to others; and whose job scope is  
364 substantially similar to the job scope described in one of the  
365 paragraphs of this subsection. For the purposes of regulation  
366 under this part, the term "demolish" applies only to demolition  
367 of steel tanks more than 50 feet in height; towers more than 50  
368 feet in height; other structures more than 50 feet in height;  
369 and all buildings or residences. Contractors are subdivided into  
370 two divisions, Division I, consisting of those contractors  
371 defined in paragraphs (a)-(c), and Division II, consisting of  
372 those contractors defined in paragraphs (d)-(q):

373 (m) "Plumbing contractor" means a contractor whose services  
374 are unlimited in the plumbing trade and includes contracting  
375 business consisting of the execution of contracts requiring the  
376 experience, financial means, knowledge, and skill to install,  
377 maintain, repair, alter, extend, or, if not prohibited by law,

11-01286-23 20231150\_\_

378 design plumbing. A plumbing contractor may install, maintain,  
379 repair, alter, extend, or, if not prohibited by law, design the  
380 following without obtaining an additional local regulatory  
381 license, certificate, or registration: sanitary drainage or  
382 storm drainage facilities, water and sewer plants and  
383 substations, venting systems, public or private water supply  
384 systems, septic tanks, drainage and supply wells, swimming pool  
385 piping, irrigation systems, and solar heating water systems and  
386 all appurtenances, apparatus, or equipment used in connection  
387 therewith, including boilers and pressure process piping and  
388 including the installation of water, natural gas, liquefied  
389 petroleum gas and related venting, and storm and sanitary sewer  
390 lines. The scope of work of the plumbing contractor also  
391 includes the design, if not prohibited by law, and installation,  
392 maintenance, repair, alteration, or extension of air-piping,  
393 vacuum line piping, oxygen line piping, nitrous oxide piping,  
394 and all related medical gas systems; fire line standpipes and  
395 fire sprinklers if authorized by law; ink and chemical lines;  
396 fuel oil and gasoline piping and tank and pump installation,  
397 except bulk storage plants; and pneumatic control piping  
398 systems, all in a manner that complies with all plans,  
399 specifications, codes, laws, and regulations applicable. The  
400 scope of work of the plumbing contractor applies to private  
401 property and public property, including any excavation work  
402 incidental thereto, and includes the work of the specialty  
403 plumbing contractor. Such contractor shall subcontract, with a  
404 qualified contractor in the field concerned, all other work  
405 incidental to the work but which is specified as being the work  
406 of a trade other than that of a plumbing contractor. This

11-01286-23

20231150\_\_

407 definition does not limit the scope of work of any specialty  
408 contractor certified pursuant to s. 489.113(6) and does not  
409 require certification or registration under this part as a  
410 category I liquefied petroleum gas dealer, or category V LP gas  
411 installer, as defined in s. 527.01, who is licensed under  
412 chapter 527 or an authorized employee of a public natural gas  
413 utility or of a private natural gas utility regulated by the  
414 Public Service Commission when disconnecting and reconnecting  
415 water lines in the servicing or replacement of an existing water  
416 heater. A plumbing contractor may perform drain cleaning and  
417 clearing and install or repair rainwater catchment systems;  
418 however, a mandatory licensing requirement is not established  
419 for the performance of these specific services.

420 Section 12. This act shall take effect July 1, 2023.



# THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

## COMMITTEES:

Finance and Tax, *Chair*  
Appropriations  
Appropriations Committee on Criminal  
and Civil Justice  
Banking and Insurance  
Children, Families, and Elder Affairs  
Criminal Justice  
Ethics and Elections

## SELECT COMMITTEE:

Select Committee on Resiliency

## JOINT COMMITTEE:

Joint Administrative Procedures Committee, *Alternating  
Chair*

**SENATOR BLAISE INGOGLIA**

11th District

March 22, 2023

The Honorable Jason Brodeur, Chair  
Appropriations on Agriculture, Environment, and General Government  
405 Senate Office Building  
402 South Monroe Street  
Tallahassee, FL 32399

**Re: SB 1150 Department of Agriculture and Consumer Services**

Chair Brodeur,

SB 1150 has been referred to the Appropriation Committee on Agriculture, Environment, and General Government as its second committee of reference. I respectfully request that it be placed on the agenda at your earliest convenience.

If I may answer questions or be of assistance, please do not hesitate to contact me. Thank you for your leadership and consideration.

Regards,

A handwritten signature in blue ink, appearing to read "Blaise Ingoglia". The signature is stylized with a large, sweeping flourish that loops back under the name.

Blaise Ingoglia  
State Senator, District 11

Cc: Giovanni Betta, Staff Director  
Julie Brass, Staff Assistant



# THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

## COMMITTEES:

Finance and Tax, *Chair*  
Appropriations  
Appropriations Committee on Criminal  
and Civil Justice  
Banking and Insurance  
Children, Families, and Elder Affairs  
Criminal Justice  
Ethics and Elections

## SELECT COMMITTEE:

Select Committee on Resiliency

## JOINT COMMITTEE:

Joint Administrative Procedures Committee, *Alternating  
Chair*

**SENATOR BLAISE INGOGLIA**

11th District

March 13, 2023

The Honorable Jason Brodeur, Chair  
Appropriation Committee on Agriculture, Environment and General Government  
405 Senate Office Building  
402 South Monroe Street  
Tallahassee, FL 32399

**Re: SB 1150 Department of Agriculture and Consumer Services**

Chair Brodeur,

SB 1150 has been referred to the Appropriation Committee on Agriculture, Environment and General Government as its second committee of reference. I respectfully request that it be placed on the agenda at your earliest convenience.

If I may answer questions or be of assistance, please do not hesitate to contact me. Thank you for your leadership and consideration.

Regards,

A handwritten signature in blue ink, appearing to read "Blaise Ingoglia". The signature is stylized with a large, sweeping flourish that loops back under the name.

Blaise Ingoglia  
State Senator, District 11

Cc: Giovanni Betta, Staff Director  
Julie Brass, Staff Assistant

The Florida Senate

**APPEARANCE RECORD**

4/12/23

1150

Meeting Date

Bill Number or Topic

Approps. Cmte on A.E.G.G

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

Committee

Amendment Barcode (if applicable)

Name Isabelle Garbarino

Phone (850) 617-7700

Address 400 S. Monroe St.

Email Isabelle.Garbarino@FDACS.Gov

Street

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:

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

**FL Department of Agriculture (FDACS)**

*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 Appropriations Committee on Agriculture, Environment, and General Government

---

BILL: CS/CS/SB 1158

INTRODUCER: Appropriations Committee on Agriculture, Environment, and General Government, Banking and Insurance Committee and Senator DiCeglie

SUBJECT: Department of Financial Services

DATE: April 14, 2023

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Thomas</u>	<u>Knudson</u>	<u>BI</u>	<u>Fav/CS</u>
2.	<u>Sanders</u>	<u>Betta</u>	<u>AEG</u>	<u>Favorable</u>
3.	<u>                    </u>	<u>                    </u>	<u>FP</u>	<u>                    </u>

---

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

---

**I. Summary:**

CS/CS/SB 1158 revises provisions of multiple programs within the Department of Financial Services (DFS) to:

- Amend provisions regarding investigations and prosecutions within the regulatory authority of the DFS;
- Add the State College System to the State Deferred Compensation Program;
- Revise provisions relating to the Workers' Compensation Three Member Panel;
- Ratify three DFS rules relating to the Florida Workers' Compensation Law;
- Revises definitions relating to the regulation of funeral, cemetery, and consumer services;
- Establish guidelines for board member requirements where the Chief Financial Officer (CFO) has sole appointment authority;
- Provide that insurers pay for mediation of motor vehicle mediation claims;
- Create a Direct Support Organization to facilitate and promote firefighter safety;
- Revise financial requirements for warranty associations;
- Revise the role of reinsurance intermediaries to an appointment instead of a license; and
- Revise provisions relating to bail bond agents and agencies; remove authority for temporary bail bond agents.

The bill has an indeterminate, yet insignificant impact on state government revenues and expenditures. *See* Section V. Fiscal Impact Statement.

The bill becomes effective upon becoming a law, except as otherwise provided.

## II. Present Situation:

### **Powers and Duties of the Department of Financial Services**

The organizational structure of the Department of Financial Services (DFS) is set forth in s. 20.121, F.S. The DFS is statutorily responsible for:

- Carrying out the state's accounting and auditing functions, including preparing the state's Comprehensive Annual Financial Report; monitoring state contracts; and making payment for state expenditures.
- Implementing state fire prevention and control measures, including the investigation of arson and other suspicious fires; training and certification of firefighter candidates; and regulation of explosive storage and use.
- Operating the state's risk management program and securing insurance and reinsurance for covered state liabilities.
- Managing the state Treasury and directing safekeeping and the investment of all state funds.
- Managing the deferred compensation program for state employees.
- Investigating fraud, including insurance fraud, public assistance fraud, and false claims against the state.
- Regulating cemeteries and funeral homes.
- Licensing and oversight of insurance agents and agencies.
- Ensuring that Florida employers provide workers' compensation coverage for their employees in a cost effective manner.
- Assisting consumers in the resolution of issues pertaining to insurance and funeral services.
- Collecting and returning unclaimed property belonging to Florida residents.<sup>1</sup>

The DFS is composed of the following thirteen divisions:

- Accounting and Auditing;
- Administration;
- Consumer Services;
- Funeral, Cemetery, and Consumer Services;
- Insurance Agent and Agency Services;
- Investigative and Forensic Services;
- Public Assistance Fraud;
- Rehabilitation and Liquidation;
- Risk Management;
- State Fire Marshal;
- Treasury;
- Unclaimed Property; and

---

<sup>1</sup> Florida Department of Financial Services, *Statement of Agency Organization and Operation*, <https://www.myfloridacfo.com/required/agency-org> (last visited March 28, 2023).



- Workers' Compensation.<sup>2</sup>

### **Division of Investigative and Forensic Services**

The Division of Investigative and Forensic Services (DIFS) functions as a criminal justice agency for purposes of ss. 943.045-943.08, F.S., and is authorized to conduct investigations within or outside of Florida, as necessary. The DIFS includes the following office and bureaus:

- The Bureau of Forensic Services;
- The Bureau of Fire, Arson, and Explosives Investigations;
- The Office of Fiscal Integrity;
- The Bureau of Insurance Fraud; and
- The Bureau of Workers' Compensation Fraud.

DIFS encompasses all enforcement and forensic components within the DFS, investigating a wide range of fraudulent and criminal acts including:

- Insurance fraud investigations;
- Workers' compensation fraud investigations;
- Fire, arson, and explosives investigations;
- Theft/misuse of state funds; and
- Fire and explosives sample analysis.<sup>3</sup>

### **Strategic Markets Research and Assessments Unit**

Subsection 20.121(6), F.S., establishes the Strategic Markets Research and Assessments Unit and charges the Chief Financial Officer (CFO), or designee, with reporting quarterly to the Cabinet, President of the Senate, and Speaker of the House of Representatives on the status of the state's financial services markets. The report must include a summary of the issues, trends, and threats that broadly impact the condition of the financial services industries and institutions. The CFO is also responsible for submitting findings and recommendations regarding regulatory and policy changes with the report.

### **Florida Deferred Compensation Program**

Section 112.215, F.S., requires the CFO to create a deferred compensation plan (plan) for employees of state agencies, the State University System, the State Board of Administration, and other special district employers (subject to employer election). The plan allows state employees to defer a portion of their income and place it in an investment account. The employee does not pay taxes on the deferred amount or any investment gains until the employee withdraws the money.<sup>4</sup>

---

<sup>2</sup> Florida Department of Financial Services, *Divisions and Offices* <https://www.myfloridacfo.com/> (last visited March 28, 2023).

<sup>3</sup> Department of Financial Services, Investigative and Forensic Services, *About the Division*, <https://myfloridacfo.com/Division/DIFS/> (last visited March 28, 2023).

<sup>4</sup> See <https://www.myfloridacfo.com/DeferredComp/> (last visited March 28, 2023).

The Deferred Compensation Advisory Council (Council) provides assistance and recommendations to the CFO relating to the provisions of the plan, the insurance or investment options to be offered under the plan, and any other contracts or appointments deemed necessary. The Council is composed of seven members.

- One member appointed by the Speaker of the House of Representatives and the President of the Senate jointly, who is an employee of the legislative branch;
- One member appointed by the Chief Justice of the Supreme Court, who is an employee of the judicial branch;
- One member appointed by the chair of the Public Employees Relations Commission, who is a nonexempt public employee;
- One member appointed by the Chancellor of the State University System, who is an employee of the university system;
- One member appointed by the CFO, who is an employee of the CFO;
- One member appointed by the Governor, who is an employee of the executive branch; and
- One member appointed by the Executive Director of the State Board of Administration, who is an employee of the State Board of Administration.

### **Annual Report on Economic Impact of a 1-in-100-Year Hurricane**

In 2008, the Legislature created section 215.55952, F.S., requiring the DFS to provide a report on the economic impact on the state of a 1-in-100-year hurricane to the Governor, the President of the Senate, and the Speaker of the House of Representatives by March 1 of each year.<sup>5</sup> The report is to include:

- An estimate of the short-term and long-term fiscal impacts of such a storm on Citizens Property Insurance Corporation, the Florida Hurricane Catastrophe Fund, the private insurance and reinsurance markets, the state economy, and the state debt;
- An analysis of the average premium increase to fund a 1-in-100-year hurricane event and list the average cost, in both a percentage and dollar amount, impact to consumers on a county-level basis; and
- Recommendations for preparing for such a hurricane and reducing the economic impact of such a hurricane on the state.

In preparing the report, the DFS is charged with coordinating with OIR, Citizens Property Insurance Corporation, the Florida Hurricane Catastrophe Fund, the Florida Commission on Hurricane Loss Projection Methodology, the State Board of Administration, the Office of Economic and Demographic Research, and other state agencies.

The DFS has reported difficulty in obtaining the expertise to develop the report and the high cost to prepare the report.

### **Tangible Personal Property Owned by Local Governments**

Chapter 274, F.S., governs tangible personal property owned by local governments. The CFO is charged with establishing by rule the requirements for the recording and periodic review of such property for inventory purposes. Tangible personal property includes all goods of value capable

---

<sup>5</sup> Section 21, ch. 2008-66, L.O.F.

of manual possession and whose chief value is intrinsic to the article itself.<sup>6</sup> “Governmental unit” means the governing board, commission or authority of a county or taxing district of the state or the sheriff of the county.<sup>7</sup>

## **Workers’ Compensation**

### ***Workers’ Compensation Maximum Reimbursement Allowances***

The Division of Workers’ Compensation within the DFS provides regulatory oversight of Florida’s workers’ compensation system, which includes the enforcement of coverage requirements,<sup>8</sup> administration of workers’ compensation health care delivery system,<sup>9</sup> data collection,<sup>10</sup> and assisting injured workers, employers, insurers, and providers in fulfilling their responsibilities under ch. 440, F.S.<sup>11</sup> Whether an employer is required to have workers’ compensation insurance depends upon the employer’s industry and the number of employees. Employers may secure coverage by purchasing a workers’ compensation insurance policy or qualifying as a self-insurer.<sup>12</sup> Individuals who elect an exemption are not considered “employees,” for premium calculation purposes, and are not eligible to receive workers’ compensation benefits if they suffer a workplace injury. Florida’s workers’ compensation law provides for medically necessary treatment and care of injured employees, including medications. The law provides reimbursement formulas and methodologies to compensate providers of health services, subject to maximum reimbursement allowances (MRAs).

A three-member panel (panel), consisting of the CFO or the CFO’s designee and two Governor’s appointees, sets the MRAs.<sup>13</sup> The DFS incorporates the statewide schedules of the MRAs by rule in reimbursement manuals. In establishing the MRA manuals, the panel considers the usual and customary levels of reimbursement for treatment, services, and care;<sup>14</sup> the cost impact to employers for providing reimbursement that ensures that injured workers have access to necessary medical care;<sup>15</sup> and the financial impact of the MRAs on healthcare providers and facilities; Florida law requires the panel to develop MRA manuals that are reasonable, promote the workers’ compensation system’s healthcare cost containment and efficiency, and are sufficient to ensure that medically necessary treatment is available for injured workers.<sup>16</sup>

The panel develops four different reimbursement manuals to determine statewide schedules of maximum reimbursement allowances. The healthcare provider manual limits the maximum reimbursement for licensed physicians to 110 percent of Medicare reimbursement,<sup>17</sup> while reimbursement for surgical procedures is limited to 140 percent of Medicare.<sup>18</sup> The hospital

---

<sup>6</sup> Section 192.001(11)(d), F.S.

<sup>7</sup> Section 274.01(1), F.S.

<sup>8</sup> Section 440.107(3), F.S.

<sup>9</sup> Section 440.13, F.S.

<sup>10</sup> Section 440.185 and 440.593, F.S.

<sup>11</sup> Section 440.191, F.S.

<sup>12</sup> Section 440.38, F.S.

<sup>13</sup> Section 440.13(12)(a), F.S.

<sup>14</sup> Section 440.13(12)(d)1., F.S.

<sup>15</sup> Section 440.13(12)(d)2., F.S.

<sup>16</sup> Section 440.13(12)(d)3., F.S.

<sup>17</sup> Section 440.13(12)(b)4., F.S.

<sup>18</sup> Section 440.13(12)(b)5., F.S.

manual sets maximum reimbursement for outpatient scheduled surgeries at 60 percent of usual and customary charges,<sup>19</sup> while other outpatient services are limited to 75 percent of usual and customary charges.<sup>20</sup> Reimbursement of inpatient hospital care is limited based on a schedule of per diem rates approved by the panel.<sup>21</sup> The ambulatory surgical centers manual limits reimbursement to 60 percent of usual and customary charge as such services are generally scheduled outpatient surgeries. The prescription drug reimbursement manual limits reimbursement to the average wholesale price plus a \$4.18 dispensing fee.<sup>22</sup> Repackaged or relabeled prescription medication dispensed by a dispensing practitioner has a maximum reimbursement of 112.5 percent of the average wholesale price plus an \$8.00 dispensing fee.<sup>23</sup> Fees may not exceed the schedules adopted under ch. 440, F.S., and DFS rule.<sup>24</sup>

### ***Rulemaking Authority and Legislative Ratification***

A rule is an “agency statement of general applicability that implements, interprets, or prescribes law or policy.”<sup>25</sup> Rulemaking authority is delegated by the Legislature in law to an agency, and authorizes an agency to adopt, develop, establish, or otherwise create a rule.<sup>26</sup> An agency may not engage in rulemaking unless it has a legislative grant of authority to do so.<sup>27</sup> The statutory authority for rulemaking must be specific enough to guide an agency’s rulemaking and an agency rule must not exceed the bounds of authority granted by the Legislature.<sup>28</sup>

Prior to the adoption, amendment, or repeal of any rule, an agency must file a notice of the proposed rule in the Florida Administrative Register.<sup>29</sup> The notice of the proposed rule must include:

- An explanation of the purpose and effect;
- The specific legal authority for the rule;
- The full text of the rule; and
- A summary of the agency’s statement of estimated regulatory costs (SERC), if one is prepared.<sup>30</sup>

Within 21 days of the notice, the public may provide an agency with information regarding the SERC or provide proposals for a lower cost alternative to the rule.<sup>31</sup>

---

<sup>19</sup> Section 440.13(12)(b)3., F.S.

<sup>20</sup> Section 440.13(12)(a), F.S.

<sup>21</sup> Section 440.13(12)(a), F.S.

<sup>22</sup> Section 440.13(12)(c), F.S.

<sup>23</sup> *Id.*

<sup>24</sup> Section 440.13(13)(b), F.S. The DFS also has broad rulemaking authority under s. 440.591, F.S.

<sup>25</sup> Section 120.52(16), F.S.

<sup>26</sup> Section 120.52(17), F.S.

<sup>27</sup> *See* ss. 120.52(8) and 120.536, F.S.

<sup>28</sup> *See Sloban v. Florida Board of Pharmacy*, 982 So.2d 26 (Fla. 1st DCA 2008) and *Southwest Florida Water Management District v. Save the Manatee Club, Inc.*, 773 So.2d 594 (Fla 1st DCA 2000).

<sup>29</sup> *See* ss. 120.54(3)(a)1., F.S.

<sup>30</sup> *Id.*

<sup>31</sup> *See* ss. 120.54(3)(a)1., and 120.541(1)(a), F.S.

***SERC Requirements***

Agencies must prepare the SERC for a rule that has an adverse impact on small businesses or that increases regulatory costs more than \$200,000 within one year after implementation of the rule.<sup>32</sup>

A SERC must include estimates of:

- The number of people and entities effected by the proposed rule;
- The cost to the agency and other governmental entities to implement the proposed rule;
- Transactional costs likely to be incurred by people, entities, and governmental agencies for compliance; and
- An analysis of the proposed rule's impact on small businesses, counties, and cities.<sup>33</sup>

The SERC must also include an economic analysis on the likelihood that the proposed rule will have an adverse impact in excess of one million dollars within the first five years of implementation on:

- Economic growth, private-sector job creation or employment, or private-sector investment;
- Business competitiveness,<sup>34</sup> productivity, or innovation; or
- Regulatory costs, including any transactional costs.<sup>35</sup>

If the economic analysis results in an adverse impact or regulatory costs in excess of one million dollars within five years after implementation of the rule, then the Legislature must ratify the rule in order for it to take effect.<sup>36</sup>

The Legislature previously ratified Rule 69L-7.020, Florida Administrative Code, which incorporates by reference the 2016 Edition of the Florida Workers' Compensation Health Care Provider Manual, providing for reimbursement of healthcare providers under the increased MRAs approved by the panel.<sup>37</sup> The DFS has subsequently adopted amended versions of the rule, incorporating by reference the manual. The National Council on Compensation Insurance, Inc., (NCCI) estimates that the manual will increase workers' compensation system costs by 0.2 percent (eight million dollars).<sup>38</sup> According to the SERC, the revisions to the MRAs in the updated manual are projected to result in increased costs to the overall compensation system of eight million dollars over the next five years.<sup>39</sup>

---

<sup>32</sup> Section 120.541(1)(a), F.S.

<sup>33</sup> Section 120.541(2)(b)-(e), F.S. A small city has an unincarcerated population of 10,000 or less. A small county has an unincarcerated population of 75,000 or less. A small business employs less than 200 people, and has a net worth of \$5 million or less.

<sup>34</sup> Business competitiveness includes the ability of those doing business in Florida to compete with those doing business in other states or domestic markets.

<sup>35</sup> Section 120.541(2)(a), F.S.

<sup>36</sup> Section 120.541(3), F.S. Legislative ratification is not required for adoption of federal standards, amendments to the Florida Building Code, or amendments to the Florida Fire Prevention Code. *See* s. 120.541(4), F.S.

<sup>37</sup> Chapter 2019-139, L.O.F.

<sup>38</sup> National Council on Compensation Insurance, Inc., *Analysis of Florida Medical Fee Schedule Changes Proposed to be Effective July 1, 2021* (Nov. 16, 2020) (on file with the Senate Committee on Banking and Insurance).

<sup>39</sup> Florida Department of Financial Services, *Statement of Estimated Regulatory Costs Rule 69L-7.020, F.A.C.* (Nov. 2021) (on file with the Senate Committee on Banking and Insurance).

The DFS has also promulgated two additional rules that meet the threshold for legislative ratification. These are:

- Rule 69L-7.730, Florida Administrative Code, titled “Health Care Provider Medical Billing and Reporting Responsibilities”; and
- Rule 7.740, Florida Administrative Code, titled “Insurer Authorization and Medical Bill Review Responsibilities”.

According to the SERC for these rule, the impact is projected to result in increased costs to the overall compensation system of \$8.6 million over each of the next five years.<sup>40</sup>

Because the SERC for these rules exceeds one million dollars within five years of adoption, legislative ratification is required for these rules to become effective, pursuant to s. 120.541(3), F.S.

### **Funeral, Cemetery, and Consumer Services**

Chapter 497, F.S., known as the Florida Funeral, Cemetery, and Consumer Services Act (the Act), generally regulates funeral and cemetery services.<sup>41</sup> The Act authorizes the Board of Funeral, Cemetery, and Consumer Services within the Department of Financial Services to regulate cemeteries, columbaria, cremation services and practices, cemetery companies, dealers and monument builders, funeral directors, and funeral establishments.<sup>42</sup>

Section 497.005(9), F.S., defines the term “burial service” or “service” to mean “any service offered or provided in connection with the final disposition, memorialization, interment, entombment, or inurnment of human remains or cremated remains.

Section 497.005(61), F.S., defines the term “preneed contract” to mean “any arrangement or method, of which the provider of funeral merchandise or services has actual knowledge, whereby any person agrees to furnish funeral merchandise or service in the future.

The terms “preneed” and “transportation protection agreement” are not defined.

### **Health Care Ministry**

A health care sharing ministry is an alternative to health insurance through which people of similar ethical or religious beliefs assist each other in paying for health care. Some health care sharing ministries act as a clearinghouse to allow one or more members to directly pay the medical expenses of another member. Other health care sharing ministries receive funds from members and use those funds to pay authorized medical expenses when members request payment. The first health care sharing ministry was established in 1981.<sup>43</sup>

---

<sup>40</sup> Florida Department of Financial Services, *Statement of Estimated Regulatory Costs Rule 69L-7.730 and 69L-7.740, F.A.C.* (Feb. 2018) (on file with the Senate Committee on Banking and Insurance).

<sup>41</sup> See Section 497.001, F.S.

<sup>42</sup> Sections 497.101 and 497.103, F.S.

<sup>43</sup> See Benjamin Boyd, *Health Care Sharing Ministries: Scam or Solution*, 26 J.L. & Health 219, 229 (2013).

The Florida Insurance Code exempts such a ministry, referred to as a “nonprofit religious organization,”<sup>44</sup> from the code’s provisions governing health insurers if the ministry meets several criteria set forth in the code. Since 2008, Florida law has expressly exempted health care sharing ministries that meet statutory criteria from being regulated as insurers. Specifically, a health care sharing ministry qualifies as a “nonprofit religious organization” that is exempt from the requirements of Florida’s insurance code if it:

- Qualifies under federal law as tax-exempt;
- Limits its participants to members who share a common set of ethical or religious beliefs;
- Acts as an organizational clearinghouse for information between participants who have financial, physical, or medical needs and participants who have the ability to pay for the benefit of those participants who have financial, physical, or medical needs;
- Provides for the financial or medical needs of a participant through payments directly from one participant to another participant; and
- Suggests amounts that participants may voluntarily give with no assumption of risk or promise to pay among the participants or between the participants.<sup>45</sup>

Though the code exempts qualified ministries from its requirements of insurers, it nonetheless regulates these ministries in a limited sense. Particularly, the code requires each ministry to give prospective participants notice that it is not an insurer and that it is not subject to regulation under the insurance code.<sup>46</sup> Moreover, the code expressly states that it “does not prevent” an organization from limiting the financial or medical needs that may be eligible for payment or from canceling the membership of a participant when such participant indicates his or her unwillingness to participate by failing to meet the conditions of membership for a period in excess of 60 days.<sup>47</sup>

### **Division of Insurance Agents and Agencies**

Chapter 626, F.S., governs the regulation of insurance field representatives, navigators, insurance administrators, unauthorized insurers and surplus lines, viatical settlements, structured settlements, and operations.<sup>48</sup> The powers and duties of the CFO and the DFS in part I of ch. 626, F.S., apply only with respect to insurance agents, insurance agencies, managing general agents, insurance adjusters, reinsurance intermediaries, viatical settlement brokers, customer representatives, service representatives, and agencies.<sup>49</sup> Further, the DFS has jurisdiction to enforce provisions of parts VIII and IX of ch. 626, F.S., with respect to persons engaged in actions for which a license issued by the DFS is required.<sup>50</sup> The powers and duties of the

---

<sup>44</sup> The more descriptive and widely used term “health care sharing ministry” will continue to be used generally throughout this analysis for continuity and to avoid confusion.

<sup>45</sup> See s. 624.1265(1), F.S.

<sup>46</sup> Section 624.1265(3), F.S.

<sup>47</sup> Section 624.1265(2), F.S.

<sup>48</sup> This includes licensing and other requirements (part I), general lines agents (part II), life insurance agents (part III), health insurance agents (part IV), title insurance agents (part V), insurance adjusters (part VI), insurance administrators (part VII), and viatical settlements (part X).

<sup>49</sup> Section 626.016(1), F.S.

<sup>50</sup> Section 626.016(3), F.S.

Financial Service Commission and the Office of Insurance Regulation (OIR)<sup>51</sup> specified in part I apply only with respect to service companies, insurance administrators, and viatical settlement providers and contracts.<sup>52</sup> The OIR has jurisdiction to enforce provisions of parts VIII and IX of ch. 626, F.S., with respect to persons who engage in actions for which a license or certificate of authority issued by the OIR is required.<sup>53</sup> However, s. 626.016, F.S., is not intended to limit the authority of the DFS and the Division of Investigative and Forensic Services within the DFS, as specified in s. 626.989, F.S.

The Division of Insurance Agent and Agency Services licenses and appoints individuals and entities authorized to transact insurance in Florida as provided in s. 626.016, F.S. Further, the Division receives and reviews applications for insurance licenses and oversees the examination, licensing, and continuing education of licensees. The Division also conducts investigations of alleged violations of the Florida Insurance Code and refers suspected criminal violations of the Florida Insurance Code to the Division's Bureau of Insurance Fraud within the DFS or other law enforcement agencies as appropriate.<sup>54</sup>

### ***Insurance Field Representatives and Operations***

For purposes of part I of ch. 626, F.S.,<sup>55</sup> “association” is defined to include the Florida Association of Insurance Agents (FAIA), the National Association of Insurance and Financial Advisors (NAIFA), the Florida Association of Health Underwriters (FAHU), the Latin American Association of Insurance Agencies (LAAIA), the Florida Association of Public Insurance Adjusters (FAPIA), the Florida Bail Agents Association (FBAA), or the Professional Bail Agents of the United States (PBUS).<sup>56</sup>

### ***Fingerprints for Background Checks***

The Florida Insurance Code authorizes the DFS to investigate any applicant or licensee, and further states that licensing statutes, which require an evaluation of an applicant’s character or fitness must include the submission of fingerprints for a national criminal records check.<sup>57</sup> Applicants and licensees submit fingerprints to the Florida Department of Law Enforcement (FDLE), which forwards the fingerprints to the Federal Bureau of Investigations (FBI) for a federal background check.<sup>58</sup> The federal check is conducted through the FBI, which manages a criminal history record information (CHRI) system, through which this information can be obtained. The purpose of the CHRI system is to assure criminal history record information, wherever it appears, is collected, stored, and disseminated in a manner to ensure the accuracy, completeness, currency, integrity, and security of such information and to protect individual privacy.<sup>59</sup>

---

<sup>51</sup> Pursuant to s. 20.121(3), F.S., the Office of Insurance Regulation is an office within the Financial Services Commission (FSC). The FSC is composed of the Governor, the Attorney General, the CFO, and the Commissioner of Agriculture. The FSC members serve as the agency head for purposes of rulemaking under ss. 120.536-120.565, F.S.

<sup>52</sup> Section 626.016(2), F.S.

<sup>53</sup> Sections 626.016(3), F.S.

<sup>54</sup> Sections 624.307, 624.317, and 624.321, F.S.

<sup>55</sup> Referred to as the “Licensing Procedures Law.” Section 626.011, F.S.

<sup>56</sup> Section 626.015(5), F.S.

<sup>57</sup> Section 626.201, F.S.

<sup>58</sup> Section 624.34, F.S.

<sup>59</sup> 28 C.F.R. s. 20.1



Federal law authorizes the exchange of CHRI with officials of state and local governmental agencies for licensing and employment purposes.<sup>60</sup> However, this access can only be authorized by a state statute, which has been subsequently approved by the Attorney General of the United States. The FBI processes fingerprints only if the criteria established by the U.S. Department of Justice has been satisfied. To satisfy federal law, a state licensing statute must identify the specific categories of licenses that require the submission of fingerprints as part of an application and expressly state the applicant's fingerprints will be submitted to the FBI or submitted for a national criminal records background check.

### ***Insurance Agency Closure***

Section 626.173, F.S., provides for the closure of an insurance agency and related responsibilities of the insurance agency when closing or ceasing to transact business for more than 30 days. Within 35 days after the agency first ceases to transact insurance, the agency owner or an officer listed on the original application for licensure must:

- Cancel the insurance agency's license by notifying the DFS by the submission of completed form prescribed by the DFS;
- Notify all insurers with whom the agency or agent in charge are appointed, that the agency operations have ceased, the date operations ceased, the identity of any agent or agency to whom the agency's current book of business has been transferred, and the method by which the agency records may be obtained during the time stipulated in ss. 626.748 and 626.561, F.S.;
- Notify all policyholders currently insured by a policy written, produced, or serviced by the agency that the agency has ceased operations, the date the operations ceased and the identity of the agency or agent to whom the agency's current book of business was transferred. If no transfer has occurred, notification should direct the policyholder to contact the insurance company that will assist the policyholder in locating a licensed agent to service the policy;
- Notify all premium finance companies through which active policies are financed, that the agency has ceased operations, the date operations ceased and the identity of the agent or agency to whom the agency's current book of business has been transferred; and
- Ensure all funds held in a fiduciary capacity are distributed to the rightful owners.

The section provides that in a proceeding initiated pursuant to ch. 120, F.S., the DFS may impose an administrative fine against the agent in charge or director or officer found in the proceeding to have violated any provision of this section. A proceeding may not be initiated and a fine may not accrue until after the person has been notified in writing of the nature of the violation, has been afforded 10 business days to correct the violation, and has failed to do so. Fines imposed pursuant to this section may not exceed the amounts specified in s. 626.681, F.S., per violation. Further, the DFS may also suspend or revoke the license of a licensee fined pursuant to this section. The section provides factors for the DFS to consider when determining the appropriateness of the penalty.

---

<sup>60</sup> Pub. L. 92-544.

### ***Penalties Against Licensees; Rulemaking Authority***

Section 626.207, F.S., provides for the disqualification of applicants and licensees, penalties against licensees, rulemaking authority for the DFS. The DFS must adopt rules that establish specific penalties against licensees for violations of the licensure laws under the DFS. The purpose of any revocation or suspension is to provide a sufficient penalty to deter future violations of the Florida Insurance Code and must be based on the type of conduct and the probability that likelihood to commit further illegal conduct. The length of a suspension may be adjusted based on aggravating or mitigating factors.

### ***Insurance Adjuster Licensure Examination***

An adjuster is an individual employed by an insurer to evaluate losses and settle policyholder claims.<sup>61</sup> An adjuster may be licensed as either an “all-lines adjuster” or a “public adjuster.”<sup>62</sup> An all-lines adjuster “is a person who, for money, commission, or any other thing of value, directly or indirectly undertakes on behalf of a public adjuster or an insurer to ascertain and determine the amount of any claim, loss, or damage payable under an insurance contract or undertakes to effect settlement of such claim, loss, or damage.”<sup>63</sup> Subject to certain exceptions, a public adjuster is someone that is paid by an insured to prepare and file a claim against his or her insurer.<sup>64</sup>

Among other requirements, an applicant must pass an examination to obtain an adjuster’s license; however, the examination requirement is waived if the applicant has attained certain professional designations that document their successful completion of professional education coursework. An examination is not required for all-lines adjuster applicants that obtains certain specified professional designations.<sup>65</sup> The DFS must approve the curriculum, which must include comprehensive analysis of basic property and casualty lines of insurance and testing at least equal to that of standard the DFS testing for the all-lines adjuster license.<sup>66</sup>

### ***Continuing Education Requirements***

Pursuant to s. 626.2815, F.S., individuals licensed to engage in the sale of insurance or adjustment of insurance claims in Florida are required to fulfill certain continuing education requirements. Currently, licensees, except title insurance agents, are required to complete a four-hour update course every two years, specific to the license they hold.<sup>67</sup> Unless otherwise provided, licensees must also complete 20 hours of elective continuing education courses every two years.<sup>68</sup> If a licensee has been licensed for six years or more, this requirement drops to 16 hours.<sup>69</sup> For a licensee licensed 25 years or more, and is a chartered life underwriter, is a chartered property and casualty underwriter, or has a Bachelor of Science degree in risk

---

<sup>61</sup> Insurance Information Institute. *III. Glossary* (defining “adjuster”), <https://www.iii.org/resource-center/iii-glossary/A> (last visited March 28, 2023).

<sup>62</sup> Section 626.864, F.S.

<sup>63</sup> Sections 626.015 and 626.8548, F.S.

<sup>64</sup> Section 626.854(1), F.S.

<sup>65</sup> Section 626.221, F.S.

<sup>66</sup> Section 626.221(2)(j), F.S.

<sup>67</sup> Section 626.2815(3), F.S.

<sup>68</sup> Section 626.2815(3)(a), F.S.

<sup>69</sup> Section 626.2815(3)(b), F.S.

management or insurance with evidence of 18 or more semester hours in insurance-related courses, the elective continuing education course requirement is six hours every two years.<sup>70</sup> For those individuals holding a license as a customer representative, and not a licensed life or health agent, the elective continuing education course requirement is also six hours every two years.<sup>71</sup> An individual subject to ch. 648, F.S., relating to bail bond agents, is required to complete a four-hour update course and a minimum of ten hours of elective continuing education courses every two years.<sup>72</sup>

If continuing education requirements are not met, the DFS has the authority to immediately terminate or refuse to renew the appointment of an agent or adjuster, following notification from the DFS, unless an extension or waiver has been granted.<sup>73</sup>

### ***Limited Licenses and Registration***

The DFS is charged with issuing a license to a qualified applicant as an agent authorized to transact a limited class of business in any of the following categories of limited lines insurance:

- Motor vehicle physical damage and mechanical breakdown insurance.
- Industrial fire insurance or burglary insurance.
- Travel insurance.
- Motor vehicle rental insurance.
- Credit insurance.
- Crop hail and multiple-peril crop insurance.
- In-transit and storage personal property insurance.
- Portable electronics insurance.

### ***Grounds for Refusal, Suspension, or Revocation***

Section 626.611, F.S., provides grounds for the mandatory denial of an application for, suspension, revocation, or refusal to renew or continue the license or appointment of any applicant, agent, title agency, adjuster, customer representative, service representative, or managing general agent. One of these grounds is for having been found guilty of or having pleaded guilty or nolo contendere to a felony or a crime punishable by imprisonment of one year or more under the law of another state, country, or territory.

Section 626.621, F.S., provides grounds for the discretionary denial of an application for, suspension, revocation, or refusal to renew or continue the license or appointment of any applicant, agent, title agency, adjuster, customer representative, service representative, or managing general agent. These grounds do not include a finding that the applicant, licensee, or appointee had a resident license cancelled in another state.

### ***Reinsurance Intermediary - Fees***

Section 626.7492, F.S., referred to as the Reinsurance Intermediary Act, provides for the licensure of reinsurance intermediaries. A “reinsurance intermediary” is defined to include a

---

<sup>70</sup> Section 626.2815(3)(c), F.S.

<sup>71</sup> Section 626.2815(3)(d), F.S.

<sup>72</sup> Section 626.2815(3)(e), F.S.

<sup>73</sup> Section 626.2815(9), F.S.

reinsurance intermediary broker or a reinsurance intermediary manager.<sup>74</sup> A “reinsurance intermediary broker” is defined to include “any person, other than an officer or employee of the ceding insurer, who solicits, negotiates, or places reinsurance cessions or retrocessions on behalf of a ceding insurer without the authority or power to bind reinsurance on behalf of the ceding insurer.”<sup>75</sup> A “reinsurance intermediary manager” is defined as “any person who has authority to bind, or manages all or part of, the assumed reinsurance business of a reinsurer, including the management of a separate division, department, or underwriting office, and acts as an agent for the reinsurer whether known as a reinsurance intermediary manager, manager, or other similar term.”<sup>76</sup> The following persons are excluded from the definition of “reinsurance intermediary manager” with respect to the reinsurer:

- An employee of the reinsurer;
- A manager of the United States branch of an alien reinsurer;
- An underwriting manager which, pursuant to contract, manages all the reinsurance operations of the reinsurer, is under common control with the reinsurer, subject to the holding company act, and whose compensation is not based on the volume of premiums written;
- The manager of a group, association, pool, or organization of insurers which engage in joint underwriting or joint reinsurance and who are subject to examination by the insurance regulatory authority of the state in which the manager’s principal business office is located.<sup>77</sup>

The reinsurer intermediary application and license fee is \$50.<sup>78</sup> A reinsurance intermediary is subject to examination by the DFS. The DFS shall have access to all books, bank accounts, and records of the reinsurance intermediary in a form usable to the DFS.<sup>79</sup> A reinsurance intermediary found by the DFS, or an insurer or reinsurer found by the office, to be in violation of any provision of the licensure law must:

- For each separate violation pay a penalty in an amount not to exceed \$5,000;
- Be subject to revocation or suspension of its license; and
- If a violation was committed by the reinsurance intermediary, the reinsurance intermediary must make restitution to the insurer, reinsurer, rehabilitator, or liquidator of the insurer or reinsurer for the net losses incurred by the insurer or reinsurer attributable to the violation.<sup>80</sup>

### **Appointment Requirements for Agents, Adjusters, and Customer Representatives**

Section 626.112(1)(a), F.S., states that a person may not be, act as, or advertise or hold himself or herself out to be an insurance agent, insurance adjuster, or customer representative unless he or she is currently licensed by the DFS and appointed by an appropriate appointing entity or person to represent an insurer. Section 626.371(1), F.S., requires all initial appointments be submitted to the DFS no later than 45 days after the date of appointment. Where it appears to the DFS that a formerly or currently licensed person has been, or is, actively engaged as an appointee without being appointed as required, the DFS still may issue an appointment submitted upon finding that such failure was an inadvertent error on the part of the insurer. The DFS may

<sup>74</sup> Section 626.7492(2)(e), F.S.

<sup>75</sup> Section 626.7492(2)(f), F.S.

<sup>76</sup> Section 626.7492(2)(g), F.S.

<sup>77</sup> Section 626.7492(2)(g)1.-4., F.S.

<sup>78</sup> Section 624.501(25)(a), F.S.

<sup>79</sup> Section 626.7492(10)(a), F.S.

<sup>80</sup> Section 626.7492(11)(a), F.S.

condition such approval on the payment of all fees and taxes that would have been due, had the person been properly appointed.

### **Title Insurance Agents and Agencies**

Title insurance insures property owners against claims related to the ownership of an insured property, liability for back taxes, and liens or other encumbrances.

Section 626.844, F.S., authorizes the DFS to suspend or revoke the license or appointment of any title insurance agent or agency, and it may suspend or revoke the eligibility to hold a license or appointment of any such title insurance agent or agency, upon certain specified grounds. However, an order may not suspend such license or appointment for more than one year.<sup>81</sup>

Section 626.8473, F.S., provides all funds received by a title insurance agent considered trust funds received in a fiduciary capacity by the title insurance agent and such funds are the property of the person or persons entitled thereto.

### **Insurance Adjusters**

Part VI, ch. 626, F.S., regulates insurance adjusters, which includes public adjusters, independent adjusters, and company employee adjusters. A “public adjuster” is any person, other than a licensed attorney, who, for compensation, prepares, completes, or files an insurance claim form for an insured or third-party claimant in negotiating or settling an insurance claim on behalf of an insured or third party.<sup>82</sup> An “independent adjuster” is any person who is self-employed or employed by an independent adjusting firm and who works for an insurer to ascertain and determine the amount of an insurance claim, loss, or damage, or to settle an insurance claim under an insurance contract. A “company employee adjuster” is any person employed in-house by an insurer who ascertains and determines the amount of an insurance claim, loss, or damage, or settles an insurance claim under an insurance contract.

Public adjusters are licensed by the DFS and are required to meet pre-licensing requirements, which include submitting an application, paying required fees, complying with requirements as to knowledge, experience, or instruction, and submitting fingerprints. A policyholder who has sustained an insured loss may hire a public adjuster. The public adjuster will inspect the loss site, analyze the damages, assemble claim support data, review the insured’s coverage, determine current replacement costs, and confer with the insurer’s representatives to adjust the claim. Public adjuster fees are capped at ten to 20 percent of the insurance claim payments.<sup>83</sup>

### **Anti-Fraud Reward Program**

The Anti-Fraud Reward Program was established in October 1999<sup>84</sup> and allows the DFS to award up to \$25,000 to individuals who provide information leading to the arrest and conviction

---

<sup>81</sup> Section 626.8443(1), F.S.

<sup>82</sup> Section 626.854(1), F.S.

<sup>83</sup> Section 626.854 (10), F.S.

<sup>84</sup> Department of Financial Services, Fraud Free Florida, *\$25,000 Florida Fraud Fighter Reward Program*, <https://myfloridacfo.com/fraudfreeflorida#:~:text=The%20anti%2Dfraud%20reward%20program,to%20an%20arrest%20and%20conviction> (last visited March 28, 2023).

of persons convicted of certain enumerated crimes investigated by the Division of Insurance Fraud.<sup>85</sup> The awards are funded from the Insurance Regulatory Trust Fund.<sup>86</sup>

### **Navigators**

Part XIII, F.S., provides for the registration of navigators with the DFS. The purpose of registration is to authorize an individual to facilitate the selection of a qualified health plan (QHP) through an Exchange<sup>87</sup> by providing fair, accurate, and impartial information regarding QHPs and the availability of tax credits and cost sharing reductions, and to prohibit specified activities or conduct.<sup>88</sup> To be registered, an individual must certify that he or she has completed all training for a navigator required by the federal government or the Exchange and must submit fingerprints for a criminal background check.<sup>89</sup>

### **Medical Malpractice Risk Apportionment**

Section 627.351(4), F.S., requires the OIR to adopt a joint underwriting plan and creates the Joint Underwriting Association (Association). The Association operates subject to the supervision and approval of a board of governors (Board). The Board consists of representatives of five of the insurers participating in the Joint Underwriting Association, an attorney named by The Florida Bar, a physician named by the Florida Medical Association, a dentist named by the Florida Dental Association, and a hospital representative named by the Florida Hospital Association. The CFO selects the representatives of the five insurers. One insurer representative must be chosen from recommendations of the American Insurance Association; one from recommendations of the Property Casualty Insurers Association of America; one from recommendations of the Florida Insurance Council. Two insurer representatives must be selected to represent insurers that are not affiliated with those associations.<sup>90</sup>

### **Disclosures to Policyholders**

Section 627.4215(1), F.S., requires a health insurer to make the following information available on its website:

- Federal and state requirements for coverage of behavioral health care services; and
- Contact information for the Division of Consumer Services of the DFS, including a hyperlink in order for consumers to submit inquiries or complaints relating to health insurer products or services regulated by the DFS or the OIR.

A health insurer is required to provide a notice directly to insureds that includes a description of the federal and state requirements for coverage of behavioral health care services. The notice

---

<sup>85</sup> Section 626.9892, F.S.; the applicable crimes arise from violations of ss. 440.105, 624.15, 626.9541, 626.989, 790.164, 790.165, 790.166, 806.01, 806.031, 806.10, 806.111, 817.233, and 817.234, F.S.

<sup>86</sup> *Id.*

<sup>87</sup> Exchanges are created under the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152.

<sup>88</sup> Section 626.9952(2), F.S.

<sup>89</sup> Section 626.9953, F.S.

<sup>90</sup> Section 627.351(4)(c), F.S.

must include the website address and statewide toll-free telephone number of the Division of Consumer Services of the DFS for receiving complaints.<sup>91</sup>

### **The DFS Property Insurance Mediation Program**

Section 627.7015, F.S., provides for a property insurance mediation program through the DFS. It is available for claims under personal lines and commercial residential policies before commencing the appraisal process or before commencing litigation.<sup>92</sup> An insurer must notify the policyholder of the right to participate in mediation at the time of the claim.<sup>93</sup> Mediation is nonbinding. However, if a written settlement is reached, the policyholder has three business days within which the policyholder may rescind the settlement unless the policyholder has cashed or deposited any check or draft disbursed to the policyholder for the disputed matters as a result of the conference. If a settlement agreement is reached and is not rescinded, it is binding and acts as a release of all specific claims that were presented in that mediation conference.<sup>94</sup>

### **Alternative Procedure for the Resolution of Disputed Sinkhole Insurance Claims**

Sections 627.707-627.7074, F.S., create requirements for the investigation of sinkhole claims and a neutral evaluation program to help resolve sinkhole claims. Section 627.707, F.S., requires an insurer, upon receipt of a sinkhole claim, to inspect the policyholder's premises to determine if there is structural damage that may be the result of sinkhole activity. If the insurer confirms that structural damage exists but is unable to identify the cause or discovers that such damage is consistent with sinkhole loss, the insurer shall engage a professional engineer or a professional geologist to conduct testing<sup>95</sup> to determine the cause of the loss if sinkhole loss is covered under the policy.<sup>96</sup> If the insurer determines that there is no sinkhole loss, the insurer may deny the claim.<sup>97</sup>

Neutral evaluation is available to either party if a sinkhole report has been issued.<sup>98</sup> Neutral evaluation must determine causation, all methods of stabilization and repair both above and below ground, and the costs of stabilization and all repairs.<sup>99</sup> Following the receipt of the sinkhole report or the denial of a claim for a sinkhole loss, the insurer notifies the policyholder of the right to participate in the neutral evaluation program.<sup>100</sup>

Neutral evaluation is nonbinding, but mandatory if requested by either the insurer or the insured.<sup>101</sup> A request for neutral evaluation is filed with the DFS. The request for neutral evaluation must state the reason for the request and must include an explanation of all the issues

---

<sup>91</sup> Section 627.4215, F.S.

<sup>92</sup> Section 627.7015(1), F.S.

<sup>93</sup> Section 627.7015(2), F.S.

<sup>94</sup> Section 627.7015(6), F.S.

<sup>95</sup> Section 627.7072, F.S., contains testing standards in sinkhole claims.

<sup>96</sup> Section 627.707(2), F.S.

<sup>97</sup> Section 627.707(4)(a), F.S.

<sup>98</sup> Section 627.7073, F.S., requires that a report be issued if testing required under s. 627.707-7074, F.S., is performed.

<sup>99</sup> Section 627.7074(2), F.S.

<sup>100</sup> Section 627.7074(3), F.S.

<sup>101</sup> Section 627.7074(4), F.S.

in dispute at the time of the request.<sup>102</sup> The neutral evaluator receives information from the parties and may have access to the structure. The neutral evaluator evaluates the claim and prepares a report describing whether a sinkhole loss occurred and, if necessary, the costs of repairs or stabilization.<sup>103</sup> The report is admissible in subsequent court proceedings.<sup>104</sup> Section 627.7074(6), F.S., requires the insurer to pay reasonable costs associated with the neutral evaluation.

### **Mediation of Automobile Insurance Claims**

The DFS administers a mediation program for automobile insurance claims.<sup>105</sup> The claimant or the insurer may demand mediation of a claim in an amount of \$10,000 or less arising out of the ownership, operation, use, or maintenance of a motor vehicle. A request for mediation must be filed with the DFS on an approved form.<sup>106</sup> Costs of the mediation are borne equally by both parties unless the mediator determines that one party has not mediated in good faith.<sup>107</sup> The DFS approves mediators used in the program.<sup>108</sup> To qualify as a mediator for the property or automobile mediation programs, a person must possess an active certification as a Florida Supreme Court certified circuit court mediator or be an approved DFS mediator as of July 1, 2014, and have conducted at least one mediation on behalf of the DFS within four years immediately preceding that date.<sup>109</sup>

### **Insurer Insolvency – Rehabilitation and Liquidation**

#### ***Rehabilitation and Liquidation***

Chapter 631, F.S., provides direction for the handling of insurers that have become insolvent. Part I of the Chapter provides specifically for the rehabilitation and liquidation of insolvent insurers. Receivership is a judicial proceeding in which the DFS is placed in control of the insurer for the purpose of rehabilitating or liquidating the insurer. The DFS may seek to be appointed receiver<sup>110</sup> through a delinquency proceeding in court for the purpose of rehabilitating an impaired insurer or, if appropriate, liquidating the insolvent company. The primary goal of rehabilitation is to restore the financial solvency of the insurer<sup>111</sup> while the primary goal of liquidation is to secure and maximize the assets of the insolvent company for the benefit of its policyholders.<sup>112</sup> Section 631.141, F.S., provides for the conduct of delinquency proceedings.

---

<sup>102</sup> Section 627.7074, F.S. The statute also requires the Department of Financial Services to maintain a list of neutral evaluators and provides for disqualification of neutral evaluators in specified circumstances.

<sup>103</sup> Sections 627.7074(5), (12), F.S.

<sup>104</sup> Section 627.7074(13), F.S.

<sup>105</sup> Section 626.745, F.S.

<sup>106</sup> Section 627.745(1)(b), F.S.

<sup>107</sup> Section 627.745(1)(f), F.S.

<sup>108</sup> Section 627.745(3)(a), F.S.

<sup>109</sup> Section 627.745(3)(b), F.S.

<sup>110</sup> The DFS Division of Rehabilitation and Liquidation acts as receiver when the DFS is appointed. *See* <http://www.myfloridacfo.com/Division/Receiver/> (last visited March 28, 2023).

<sup>111</sup> The DFS Division of Rehabilitation and Liquidation, *Guide to Receivership Process*, <https://www.myfloridacfo.com/division/receiver/guide-to-the-receivership-process> (last visited March 28, 2023).

<sup>112</sup> *See* [Overview of Liquidation under Chapter 631, Florida Statutes \(myfloridacfo.com\)](https://www.myfloridacfo.com/Overview-of-Liquidation-under-Chapter-631-Florida-Statutes) (last visited March 28, 2023).



Section 631.252(1), F.S., requires policies of the insolvent insurer be canceled upon the earliest of:

- The date of entry of the liquidation or, if the court so provides in its order, the expiration of 30 days from the date of entry of the liquidation order;
- The normal expiration of the policy or contract coverage;
- The replacement of the coverage by the insured, or the replacement of the policy or contract of coverage, with a policy or contract acceptable to the insured by the receiver with another insurer; or
- The termination of the coverage by the insured.

Other than for certain life or health insurance coverages, claims made during the 30-day period under paragraph (1)(a) are handled as if the claim was made prior to the date of the insurer's liquidation.<sup>113</sup> The 30-day coverage period may not be extended.<sup>114</sup>

### ***Guaranty of Payment***

A guaranty association generally is a nonprofit corporation created by law directed to protect policyholders from financial losses and delays in claim payment and settlement due to the insolvency of an insurance company. Section 631.55, F.S., provides for the creation of the Florida Insurance Guaranty Association, Inc. (FIGA). When a property and casualty insurance company becomes insolvent, FIGA is required by law to assume the claims of the insurer and pay the claims of the company's policyholders.<sup>115</sup> All insurers licensed to sell property and casualty insurance in the state are required to participate in the FIGA as a condition of transacting business in Florida. The FIGA operates under a board of directors as a nonprofit corporation. The board consists of five to nine members appointed by the DFS to serve four-year terms.<sup>116</sup>

Section 631.715, F.S., provides for the creation of the Florida Life and Health Insurance Guaranty Association (FLHIGA). All insurers licensed to sell direct life insurance policies, health insurance policies, annuity contracts, and supplemental contracts with or without life contingencies in the state are required to participate in the FLHIGA as a condition of transacting business in Florida. The FLHIGA operates under a board of directors as a nonprofit corporation. The board consists of nine to eleven members appointed by member insurers.<sup>117</sup>

Section 631.815, F.S., provides for the creation of the Florida Health Maintenance Organization Consumer Assistance Plan (FHMOCAP). All health maintenance organizations possessing a valid certificate of authority in the state are required to participate in the FHMOCAP as a condition of transacting business in Florida. The FHMOCAP operates under a board of directors as a nonprofit corporation. The board consists of five to nine members appointed by the DFS to serve four-year terms.<sup>118</sup>

---

<sup>113</sup> Section 631.252(2), F.S.

<sup>114</sup> Section 631.252(3), F.S.

<sup>115</sup> Section 631.57, F.S.

<sup>116</sup> Section 631.56(1), F.S.

<sup>117</sup> Section 631.716(1), F.S.

<sup>118</sup> Section 631.816(1), F.S.

Section 631.911, F.S., provides the creation of the Florida Workers' Compensation Insurance Guaranty Association, Incorporated (FWCIGA). All insurers authorized to provide workers' compensation insurance in the state are required to participate in the FWCIGA as a condition of transacting business in Florida. The FWCIGA operates under a board of directors as a nonprofit corporation. The board consists of eleven members appointed to serve four-year terms.<sup>119</sup>

### **State Fire Marshal**

The CFO is designated under Florida law as the State Fire Marshal.<sup>120</sup> This law provides "it is the intent of the Legislature that the State Fire Marshal shall have the responsibility to minimize the loss of life and property in this state due to fire."<sup>121</sup> The State Fire Marshal, by rule, adopts the Florida Fire Prevention Code (fire code), which contains all fire safety laws and rules that pertain to the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities, and the enforcement of such fire safety laws and rules.<sup>122</sup>

### **Direct-Support Organizations**

Citizen support organizations (CSOs) and direct-support organizations (DSOs) are statutorily-created private entities that are generally required to be non-profit corporations and are authorized to carry out specific tasks in support of public entities or public causes. The purpose and functions of a CSO or DSO are prescribed by its enacting statute and, for most, by a written contract with the agency the CSO or DSO was created to support.

Section 20.058, F.S., establishes the rules and procedures that a CSO or DSO must follow to remain in compliance. By August 1 of each year, a CSO or DSO must submit the following information to the agency it was created, approved, or is administered by:

- The name, mailing address, phone number, and website of the organization;
- The statutory authority or executive order pursuant to which the organization was created;
- A brief description of the mission of, and results obtained by, the organization;
- A brief description of the plans of the organization for the next three fiscal years;
- A copy of the organization's code of ethics; and
- A copy of the organization's most recent tax exemption form.<sup>123</sup>

Each agency receiving such information from a CSO or DSO must make it available to the public through the agency's website. By August 15 of each year, each agency must submit a report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Office of Program Policy Analysis and Government Accountability with the information provided and must include a recommendation to continue, terminate, or modify the agency's association with each CSO or DSO in the report. Furthermore, any contract between an agency and a CSO or DSO must be contingent upon the timely submission and posting of the information listed above. The contract must also provide for the cessation of operations and the

---

<sup>119</sup> Section 631.912(1), F.S.

<sup>120</sup> Section 633.104(1).

<sup>121</sup> Section 633.104(2).

<sup>122</sup> Section 633.208(1); ch. 69A-60, F.A.C.

<sup>123</sup> Section 20.058(1)(a)-(f), F.S.

reversion of state funds held by the CSO or DSO in the event that the statute authorizing the creation of the CSO or DSO is repealed, the contract is terminated, or the organization is dissolved. If an organization fails to submit the required information for two consecutive years, the agency head must terminate any contract between the agency and the CSO or DSO.<sup>124</sup>

Additionally, each CSO or DSO with annual expenditures in excess of \$100,000, created or authorized pursuant to law, and created, approved, or administered by a state agency, must provide for an annual financial audit of its accounts and records to be conducted by an independent certified public accountant. The audit must be submitted within nine months after the end of the fiscal year to the Auditor General and to the state agency responsible for the creation, administration, or approval of the CSO or DSO.<sup>125</sup>

Laws creating or authorizing a CSO or DSO repeal on October 1 of the fifth year after enactment, unless reviewed and saved from repeal by the Legislature.<sup>126</sup>

### **Warranty Associations**

Chapter 634, F.S., provides for the regulation of warranty associations. There are three parts to the chapter; Part I for motor vehicle service agreement companies; Part II for home warranty associations; and Part III for service warranty associations.

#### ***Motor Vehicle Service Agreement Companies***

A motor vehicle service agreement includes any agreement indemnifying the agreement holder against loss caused by failure of any mechanical or other component of the covered motor vehicle that does not operate as originally intended.<sup>127</sup> It does not include or prohibit the giving, free of charge, of the usual performance guarantees by manufacturers or dealers in connection with the sale of a motor vehicle.<sup>128</sup> The regulation is administered by the OIR.<sup>129</sup>

#### ***Home Warranty Associations***

A home warranty association is any business other than an authorized insurer that issues home warranties.<sup>130</sup> A home warranty includes any agreement whereby a business indemnifies the warranty holder against the cost of repair or replacement of any structural component or appliance of a home, necessitated by wear and tear or an inherent defect of any such structural component or appliance.<sup>131</sup> It does not include or prohibit the giving, at no charge, of usual performance guarantees by either the builder of a home or the manufacturer or seller.<sup>132</sup> The regulation is administered by the OIR.<sup>133</sup>

---

<sup>124</sup> Section 20.058(2)-(4), F.S.

<sup>125</sup> Section 215.981(1), F.S.

<sup>126</sup> Section 20.058(5), F.S.

<sup>127</sup> Section 634.011(8), F.S.

<sup>128</sup> *Id.*

<sup>129</sup> Section 634.021, F.S.

<sup>130</sup> Section 634.301(3), F.S.

<sup>131</sup> Section 634.301(2), F.S.

<sup>132</sup> *Id.*

<sup>133</sup> Section 634.302, F.S.

### ***Service Warranty Associations***

A service warranty association is any business other than an authorized insurer that issues service warranties.<sup>134</sup> A service warranty includes, in return for the payment of a segregated charge by the consumer, any warranty, guaranty, or maintenance service contract equal to or greater than one year in length; an agreement for a specific duration to perform the repair, replacement, or maintenance of a consumer product; for indemnification for repair, replacement, or maintenance, for failure due to a defect in materials or workmanship, normal wear and tear, power surge, or accidental damage from handling.<sup>135</sup> The regulation of the association and the warranties is administered by the OIR; the regulation of the sales representatives is by the DFS.<sup>136</sup>

### **Bail Bonds**

A bail bond is a guarantee by a third-party that a defendant in a criminal case will appear in court at all scheduled proceedings. A bail bond agent posts a surety bond to secure the defendant's release from custody; the defendant provides money or other collateral to secure the bail bond and forfeits the premium (10 percent of the amount of bail set by the court) if he or she fails to appear in court or comply with other conditions of the bond. Bail bond agents must be licensed by the DFS and appointed by insurance carriers to execute bail bonds. If a defendant fails to appear in court, the bail bond agent may apprehend and detain the defendant until the defendant is surrendered to the authorities.<sup>137</sup>

Bail bond agents may execute or sign bonds, handle collateral receipts, deliver bonds to appropriate authorities, or operate an agency or branch agency at a separate location from the supervising bail bond agent, managing general agent, or insurer that employs the bail bond agent.<sup>138</sup>

### ***Licensure as a Bail Bond Agent***

The DFS issues a temporary license effective for 18 months and permits a licensee to work under the direct supervision of a licensed and appointed bail bond agent; a limited surety license that allows a bail bond agent to execute bail bonds; and a professional bail bond agent that allows the agent to obtain collateral from a criminal defendant in return for the execution of a bail bond with the court.

To become a temporary bail bond agent, an applicant must have completed a 120-hour basic certification course during the four years prior to application and have an offer of employment from a supervising bail bond agent. A temporary bail bond agent must be accompanied by a supervising bail bond agent when apprehending, arresting, or surrendering defendants to the authorities. After one year of work under a temporary license (which must include at least 1,540 hours of paid employment under the supervision of a supervising bail bond agent), the

---

<sup>134</sup> Section 634.401(14), F.S.

<sup>135</sup> Section 634.401(13), F.S.

<sup>136</sup> Section 634.402, F.S.

<sup>137</sup> Sections 648.24 and 624.26, F.S. *Also see* Department of Financial Services, Division of Consumer Services, *Bail Bonds Overview*, <https://www.myfloridacfo.com/division/consumers/understanding-insurance/bail-bonds-overview> (last visited March 28, 2023).

<sup>138</sup> Section 648.355, F.S.

temporary licensee may apply for a regular bail bond agent's license and take the required licensing examination.<sup>139</sup>

After completing the one-year apprenticeship, a temporary licensee who passes a licensing exam and criminal background check may become a:

- Bail bond agent (also known as limited surety agent) who may execute or countersign bail bonds in connection with judicial proceedings; or
- Professional Bail Bond Agent, who may pledge U.S. currency, postal money orders, or cashier's check as security for a bail bond in connection with a judicial proceeding and receives or is promised money or things of value in return.<sup>140</sup>

All applicants for bail bond licenses must submit fingerprints for a national criminal background check and pay an application fee. Bail bond agents may not have been convicted of a felony, must be age 18 or older, and must be eligible to work in the United States. A bail bond agent must be appointed by a licensed insurer and the insurer must report the appointment to the DFS. A bail bond agent may not charge a premium other than the rate that has been approved by the OIR, and must retain records related to any bail bonds the agent has executed or countersigned for at least three years after the liability of the surety has been terminated. Additionally, bail bond agents must register with the sheriff and the clerk of the circuit court in the county where the bail bond agent resides. Bail bond agents may not solicit clients at a jail, prison, or courthouse, and may not pay fees for referrals from any person working in the law enforcement community.<sup>141</sup>

### ***Ownership of a Bail Bond Agency***

The owner of a bail bond agency must be a licensed and appointed bail bond agent.<sup>142</sup> The owner or operator of a bail bond agency must designate a primary bail bond agent who is responsible for the overall operation and management of a bail bond agency location and file the name and license number of the primary bail bond agent and the address of the bail bond agency with the DFS. A primary bail bond agent may supervise only one location, is responsible for hiring employees and may not employ or contract with any person who has been found guilty of a felony.<sup>143</sup>

### ***Continuing Education***

Bail bond agents must complete at least 14 hours of continuing education every two years.<sup>144</sup> Schools that offer continuing education must be approved and certified by the DFS, and must offer a minimum of three classroom-instruction continuing education classes per calendar year. Continuing education classes must consist of at least two hours of approved coursework and be taught by a supervising instructor who is approved by the DFS.<sup>145</sup>

<sup>139</sup> *Id.* and Rule 69B-221.051, F.A.C.

<sup>140</sup> Section 648.25, F.S.

<sup>141</sup> Sections 648.355, 648.33, 648.34, 648.35, 648.36, 648.382, 648.42, and 648.44, F.S.

<sup>142</sup> Section 648.285, F.S.

<sup>143</sup> Sections 648.25(6) and 648.387, F.S.

<sup>144</sup> Section 648.385, F.S.

<sup>145</sup> Section 648.386, F.S.

## Florida Disposition of Unclaimed Property Act

As part of the DFS' statutory responsibilities, the DFS is to collect and return unclaimed property belonging to Florida residents.<sup>146</sup> Chapter 717, F.S., is entitled the Florida Disposition of Unclaimed Property Act, over which the DFS is responsible to administer. Unclaimed property is any funds or other property, tangible or intangible, that has remained unclaimed by the owner for a certain number of years. Unclaimed property may include savings and checking accounts, money orders, travelers' checks, uncashed payroll or cashiers' checks, stocks, bonds, other securities, insurance policy payments, refunds, security and utility deposits, and contents of safe deposit boxes.<sup>147</sup> Until claimed, unclaimed money is deposited into the state school fund to be used for public education.

Pursuant to s. 717.124, F.S. a claimant representative must be a Florida-licensed attorney, a licensed Florida-certified public accountant (CPA), or a private investigator licensed under ch. 493, F.S. A claimant representative must register with the DFS on a form designated by the DFS and provide certain documentation (including tax identification number, identification, electronic funds transfer information, business address, and employees and agents) and credentials as to their status as an attorney, CPA, or private investigator.<sup>148</sup> In order to move forward in obtaining unclaimed property on a potential client's behalf, the representative must first obtain that client's authorization.

### III. Effect of Proposed Changes:

#### Powers and Duties of the Department of Financial Services

**Section 1** amends s. 20.121, F.S., to clarify and expand the powers and duties of the Division of Investigative and Forensic Services (DIFS) relating to investigations including the authority to initiate investigations if it has reason to believe any criminal law of Florida or the United States has or may have been violated. The bill allows the Department of Financial Services to initiate, not just conduct, investigations under the jurisdiction of the Chief Financial Officer (CFO), including the CFO's role as State Fire Marshal. This section also expands DIFS authority to refer suspected criminal violations for prosecution to include criminal violation of federal law, in addition to state law criminal violations.

The bill repeals subsection (6) which establishes the Strategic Markets Research and Assessments Unit and charges the CFO, or designee, with reporting quarterly on the status of the state's financial services markets.

#### Florida Deferred Compensation Program

**Section 2** amends s. 112.215, F.S., to redefine the term "employee" as "government employee" and revise eligibility for plans of deferred compensation to include employees of municipalities,

---

<sup>146</sup> Florida Department of Financial Services, *Statement of Agency Organization and Operation*, <https://www.myfloridacfo.com/sitepages/required/agencyorg.aspx> (last visited March 26, 2021).

<sup>147</sup> Sections 717.104-717.116, F.S.

<sup>148</sup> Section 717.1400, F.S.

special districts, water management districts, and the Florida College System. Revises membership of the Deferred Compensation Advisory Council from seven members to eight members to include an employee of the Florida College System appointed by the Chancellor of the Florida College System.

### **Annual Report on Economic Impact of a 1-in-100 Year Hurricane**

**Section 3** amends s. 215.55952, F.S., to require the Department of Financial Services (DFS) to report on the economic impact of a 1-in-100 year hurricane once every three years.

### **Tangible Personal Property Owned by Local Governments**

**Section 4** amends s. 274.01, F.S., to revise the definition of the term “governmental unit” for purposes of ch. 274, F.S., to include a county agency, a municipality, and a special district.

### **Workers’ Compensation**

**Section 5** amends s. 440.13, F.S., to:

- Provide if there is disagreement in the opinions of health care providers, the judge of compensation claims may, rather than shall, order the injured employee to be evaluated by an expert medical advisor.
- Remove determination of statewide schedules of maximum reimbursement allowances for medically necessary treatment, care, and attendance provided by physicians, work-hardening programs, pain programs, and durable medical equipment from the three-member panel.
- Provide that a hospital or ambulatory surgical center will be reimbursed the agreed-upon contract price or the maximum reimbursement allowance in the appropriate schedule.
- Remove obsolete implementing language and obsolete language relating to practice parameters.
- Provide by July 1 of each year, the DFS must notify carriers and self-insurers of the physician and nonhospital services schedule of maximum reimbursement allowances. The notice must include publication of the schedule on the division’s website. The schedule is not subject to approval by the three-member panel and does not include reimbursement for prescription medication.

**Section 6** amends s. 440.385, F.S., to provide the CFO may appoint directors to the Florida Self-Insurers Guaranty Association from recommendations of members of the association or from other persons with experience in self-insurance. Provides the CFO may remove a director for misconduct, malfeasance, misfeasance, or neglect of duty. Provides directors are subject to the code of ethics under part III of ch. 112, F.S.

**Section 75** ratifies Rule 69L-7.020, Florida Administrative Code, relating to the Florida Workers’ Compensation Health Care Provider Reimbursement Manual, Rule 69L-7.730, Florida Administrative Code, titled “Health Care Provider Medical Billing and Reporting Responsibilities”; and Rule 7.740, Florida Administrative Code, titled “Insurer Authorization and Medical Bill Review Responsibilities”. The bill meets the condition for effectiveness imposed by s. 120.541(3), F.S. The bill expressly limits ratification to the effectiveness of the

rule. The bill provides this section will not be codified in the Florida Statutes but only noted in the historical comments to each rule by the Department of State.

### **Funeral and Cemetery Services**

**Section 7** amends s. 497.005, F.S., to revise definitions relating to funeral, cemetery, and consumer services. Specifically, the bill defines “Preneed contract” to mean any arrangement or method for which the provider of funeral merchandise or services receives any payment in advance for funeral or burial merchandise and services after the death of a contract beneficiary. The term excludes a transportation protection agreement and any payments received on a transportation protection agreement.

Section 7 also defines “transportation protection agreement” to mean an agreement that exclusively provides or arranges for services related to the preparation for the purpose of transportation and subsequent transportation of human remains or cremated remains. The bill expressly states the Florida Insurance Code, as defined in s. 624.01, F.S., does not apply to any transportation protection agreement sold by any licensee under this chapter.

### **Health Care Ministry**

**Section 8** amends s. 624.1265, F.S., to provide a nonprofit religious organization may not market or sell health plans by agents licensed by the DFS.

### **Division of Insurance Agents and Agencies**

**Section 9** amends s. 624.501, F.S., to delete the application filing and license fee for reinsurance intermediaries.

**Section 10** amends s. 626.015, F.S., to revise the definition of the term “association” for purposes of part I of ch. 626, F.S. Reference to the “Florida Association of Health Underwriters” is changed to the “National Association of Benefits and Insurance Professionals Florida Chapter.”

**Section 11** amends s. 626.171, F.S., to delete the authority of designated examination centers to take fingerprints of applicants for a license as an agent, customer representative, adjuster, service representative, or reinsurance intermediary.

**Section 12** amends s. 626.173, F.S., to provide an insurance agency closure notice requirement provision does not apply to title insurance, life insurance, or annuity contracts.

**Section 13** amends s. 626.207, F.S., to authorize the DFS to adopt rules establishing specific penalties against licensees for violations of:

- Section 626.112(7) or (9), F.S., regarding trade names of insurance agencies and adjusting firms;
- Section 626.6115, F.S., regarding compulsory refusal, suspension or revocation of insurance agency licensure;



- Section 626.6215, F.S., regarding discretionary refusal, suspension, or revocation of insurance agency licensure;
- Section 626.7451, F.S., regarding managing general agent contract provisions;
- Section 626.8695, F.S., regarding designation of primary adjusters at each business location;
- Section 626.8697, F.S., regarding mandatory refusal, suspension, or revocation of an adjusting firm license; and
- Section 626.8698, F.S., regarding disciplinary guidelines for public adjusters and public adjuster apprentices.

**Section 14** amends s. 626.221, F.S., to add a certification from Professional in Claims (PIC) from 2021 Training, LLC, exempts an applicant for license as an all-lines adjuster from an examination requirement.

**Section 15** amends s. 626.2815, F.S., to provide any course related to commercial and residential property coverages, claim adjusting practices, and any other adjuster elective courses approved by the DFS, qualify as elective continuing education for certain insurance representatives.

**Section 16** amends s. 626.321, F.S., to delete requirements prohibiting limited lines agents from holding a license as an agent for any other or additional kind or class of insurance coverage and creates a limited license for preneed funeral agreement insurance coverage.

**Section 17** amends s. 626.611, F.S., to add having been found guilty of or having pleaded guilty or nolo contendere to a misdemeanor directly related to the financial services business as grounds for compulsory disciplinary actions taken by the DFS against insurance representatives.

**Section 18** amends s. 626.621, F.S., to add having had the cancellation of the applicant's, licensee's or appointee's resident license in a state other than Florida as grounds for discretionary disciplinary actions taken by the DFS against insurance representatives.

**Section 19** amends s. 626.7492, F.S., to revise the definitions of the terms "producer" and "reinsurance intermediary manager" in order to change the Reinsurance Intermediary Manager and Reinsurance Intermediary Broker licenses to an appointment.

**Section 20** amends s. 626.752, F.S., to require the DFS to suspend the insurer's or employer's ability to appoint licensees if the insurer fails to pay the exchange of business fee within 21 days after notice by the DFS.

**Section 21** amends s. 626.785, F.S., to authorize a funeral director, a direct disposer, or an employee of a funeral establishment that holds a preneed license to obtain a limited license to sell only policies of life insurance covering the expense of a prearrangement for funeral services or merchandise.

**Sections 22 and 23** amend ss. 626.793 and 626.837, F.S., respectively, to require the DFS to suspend the authority of an insurer or employer to appoint licensees if the insurer or employer does not pay the fees and taxes due within 21 days after notice by the DFS.

### **Title Insurance Agents and Agencies**

**Section 24** amends s. 626.8411, F.S., to provide the notice requirements of s. 626.173(1)(c), F.S., relating to notifying policyholders of the agency closure, do not apply to title insurance agents or title insurance agencies.

**Section 25** amends s. 626.8437, F.S., to add grounds for compulsory disciplinary actions taken by the DFS against a title insurance agent or agency to include misappropriation, conversion, or improper withholding of funds received in a fiduciary capacity and held as part of an escrow agreement, real estate sales contract, or as provided on a settlement statement in a real estate transaction and revocation or cancellation of a licensee's resident license in a jurisdiction other Florida.

**Section 26** amends s. 626.844, F.S., to add grounds for discretionary disciplinary actions taken by the DFS against a title insurance agent or agency for having been the subject of a violation of any federal or state securities or commodities law or having a licensee's resident license in a jurisdiction other than Florida revoked or cancelled.

**Section 27** amends s. 626.8473, F.S., to transfer the duties as an escrow agent from the title agent to the title agency.

**Section 28** amends s. 626.854, F.S., to provide the applicability of the prohibition of taking a thing of value for certain prohibited acts applies to a licensed "and appointed" public insurance adjuster.

**Section 29** amends s. 626.874, F.S., to provide a catastrophe or emergency adjuster must adjust claims, losses, or damages under policies or contracts of insurance issued by an authorized insurer or by a licensed independent adjusting firm contracted with an authorized insurer.

### **Anti-Fraud Reward Program**

**Section 30** amends s. 626.9892, F.S., to add violations for which the DFS may pay up to \$25,000 in reward under the Anti-Fraud Reward Program. The list of investigable insurance fraud violations under the Anti-Fraud Reward Program is expanded to include, but is not limited to, nursing home and related health care facilities noncompliance; forgery and counterfeiting public records; racketeering and illegal debts; burning to defraud an insurer; theft, robbery and related crimes; false and fraudulent insurance claims; patient brokering; criminal use of personal identification; and money laundering,

The bill removes the requirement for a conviction in order for the person providing information leading to an arrest of a person committing crimes to receive a reward under the Anti-Fraud Reward Program.

### **Navigators**

**Section 31** amends s. 626.9957, F.S., to provide for the expiration of a health coverage navigator's registration if the navigator fails to maintain an active, valid navigator's registration

status with the Federal Government or an exchange. Furthermore, a navigator with an expired registration may be not granted subsequent registration until the navigator qualifies as a first-time applicant.

### **Medical Malpractice Risk Apportionment**

**Section 32** amends s. 627.351, F.S., to provide the CFO may select the representatives of the Joint Underwriting Association from persons with experience in medical malpractice insurance. The bill also provides the CFO may remove a member for misconduct, malfeasance, misfeasance, or neglect of duty; and provide that members are subject to the code of ethics under part III of ch. 112, F.S. The bill specifies vacancies on the board of governors shall be filled for the remaining period of the term in the same manner as the initial appointments.

### **Disclosures to Policyholders**

**Section 33** amends s. 627.4215, F.S., to provide the disclosure requirement to policyholders applies only to health insurers that offer mental health benefits.

### **DFS Property Insurance Mediation Program**

**Section 34** amends s. 627.7015, F.S., to provide a disputed property insurance claim is not eligible for mediation until an insurer has made a claim determination or elected to repair pursuant to s. 627.70131, F.S. The bill provides fees for a rescheduled mediation conference can be assessed by the DFS and authorizes the DFS to suspend an insurer's authority to appoint licensees if the insurer does not timely pay the required fees.

### **Alternative Procedure for the Resolution of Disputed Sinkhole Insurance Claims**

**Section 35** amends s. 627.7074, F.S., to allow the DFS to designate an administrator to carry out the alternative procedure for resolution of disputed sinkhole insurance claims.

### **Mediation of Automobile Insurance Claims**

**Section 36** amends s. 627.745, F.S., to revise the requirements and procedures for the mediation of personal injury claims under a motor vehicle insurance policy; require the costs of mediation to be reasonable and paid by the insurer; provide for consequences of failure to appear; authorize the DFS to designate an administrator by means of a written contract or agreement; and allow for mediation to litigants referred to the DFS by a county or circuit court. This section requires the DFS to adopt, by rules, a motor vehicle claims insurance mediation program to be administered by the DFS or its designee, rules applicable in cases of an emergency within the state and modeled after practices and procedures set forth in mediation rules of procedure adopted by the Supreme Court to include:

- Reasonable requirements for processing and scheduling of requests for mediation;
- Provisions governing who may attend mediation conferences;
- Selection of mediators;
- Criteria for this conduct of mediation conferences;
- Right to legal counsel; and

- Controls of costs and expenses of mediation.

### **Insurer Insolvency – Rehabilitation and Liquidation**

**Section 37** amends s. 631.141, F.S., to authorize the DFS in receivership proceedings to use the property of the estate of the insolvent insurer to transfer the insurer's book of business to a solvent assuming insurer or insurers and to share records of the insolvent insurer with the prospective assuming insurer.

**Section 38** amends s. 631.252, F.S., to provide policies of the insolvent insurer do not have to be cancelled if there is a carrier willing to take on policies of an insolvent company.

**Section 39** amends s. 631.56, F.S., to provide the CFO with the authority to appoint three representative from domestic insurers to the board of directors for the Florida Guaranty Association.

**Sections 39 through 42** amend ss. 631.56, 631.716, 631.816, and 631.912, F.S., respectively, to revise membership eligibility requirements for the Florida Insurance Guaranty Association, the Florida Life and Health Insurance Guaranty Association, the Florida Health Maintenance Organization Consumer Assistance Plan, and the Florida Workers' Compensation Insurance Guaranty Association, Incorporated. These sections provide the CFO may remove a member for misconduct, malfeasance, misfeasance, or neglect of duty; and provide that members are subject to the code of ethics under part III of ch. 112, F.S., and as such, provides for penalties for failure to comply with provisions within ch. 112, F.S. The bill specifies board members of the Florida Life and Health Insurance Guaranty Association serve four-year term and may be reappointed, which is current law for board members of the other associations and plans affected by these sections.

Furthermore, **Sections 39 through 42** broaden the recommendation of appointees to the various boards to include recommendations from other persons with experience in property and casualty insurance or motor vehicle insurance, life and annuity or accident and health insurance, health insurance, or workers' compensation insurance, as determined by the CFO.

### **State Fire Marshal**

**Section 43** creates s. 633.1423, F.S., to create a direct support organization (DSO) for the State Fire Marshal to be known as the "State Fire Marshal Safety and Training Force," whose purpose is to support the safety and training of firefighters and to recognize exemplary service. The bill provides the DSO must be a non-for-profit corporation incorporated under ch. 617, F.S., and approved by the Department of State; be organized to raise funds; request and receive grants; gifts and bequests of money; conduct program and activities; acquire, receive, hold, invest and administer, in its own name, securities, funds or property; and make grants and expenditures to or for the direct or indirect benefit of the division. The bill provides funds may include the cost of education and training of firefighters, or the recognition of exemplary service of firefighters. Under the bill, the DSO must operate under a written contract with the Division of State Fire Marshal (division).

The section provides for a board of directors; provides requirements for the use of property, annual budgets and reports, an annual audit, and the division's receipt of proceeds; and authorizes moneys received to be held in a depository account.

The bill provides a repeal date of October 1, 2028.

### **Warranty Associations**

**Section 44** amends s. 634.181, F.S., to add grounds for compulsory disciplinary actions against motor vehicle service agreement salespersons; provide for the immediate temporarily suspension of a license if the licensee is charged with certain felonies; and authorize the DFS to adopt rules.

**Section 45** amends s. 634.191, F.S., to add an additional discretionary ground for refusal, suspension, or revocation of a license or appointment of a motor vehicle service agreement salesperson for failure to report the final disposition of an action taken against the salesperson by a regulatory agency relating to the business of insurance, the sale of securities, or an activity involving fraud, dishonesty, trustworthiness, or breach of a fiduciary duty.

**Section 46** amends s. 634.320, F.S., to add grounds for discretionary disciplinary actions taken against a home warranty association sales representative for having been the subject of a violation of any federal or state securities or commodities law; provide for the immediate temporarily suspension of a license if the licensee is charged with certain felonies; and authorize the DFS to adopt rules.

**Section 47** amends s. 634.321, F.S., to add grounds for discretionary disciplinary actions against a home warranty association sales representative; require a sales representative to report any action taken against the sales representative relating to the business of insurance; and authorize the DFS to adopt rules.

**Section 48** amends s. 634.419, F.S., to provide that specified home solicitation sale requirements, ss. 501.021-501.055, F.S., do not apply to persons or entities licensed and appointed, or their affiliates, which solicit the sale of a service warranty or related service or product in connection with a prearranged appointment at the request of the consumer.

**Section 49** amends s. 634.422, F.S., to revise grounds for compulsory disciplinary actions by the DFS against service warranty association sales representatives; require the DFS to immediately temporarily suspend a license or appointment under certain circumstances; prohibit a person from transacting insurance business after such suspension; and authorize the DFS to adopt rules.

**Section 50** amends s. 634.423, F.S., to add grounds for discretionary disciplinary actions taken against a service warranty association sales representative for having been the subject of a violation of any federal or state securities or commodities law; provide for the immediate temporarily suspension of a license if the licensee is charged with certain felonies; and authorize the DFS to adopt rules.

## **Bail Bonds**

**Section 51** amends and reorders s. 648.25, F.S., to provide a definition of “Appointment”; provides that a “Temporary bail bond agent” means a person licensed before January 1, 2024; provides that a temporary bail bond agent license expires 18 months after issuance and is no longer valid on or after June 30, 2025.

**Section 52** amends s. 648.26, F.S., to provide DFS has the authority to disclose the nature of a complaint to a licensee if the investigating officer deems such disclosure necessary to conduct the investigation. Additionally, the bill permits the DFS to update the complainant about the status and outcome of a complaint, and to share information with law enforcement and regulatory agencies, as needed.

**Section 53** amends s. 648.27, F.S., to delete a provision relating to the continuance of a temporary bail bond agent license.

**Section 54** amends s. 648.285, F.S., to provide bail bond agencies be licensed rather than registered; a person may not control or manage a bail bond agency unless the person has been engaged as a bail bond agent for the preceding 24 months; provides application requirements for bail bond agency licenses; a bail bond agency that holds a current valid registration will have its registration automatically converted to a license on July 1, 2024; and provides s. 112.011, F.S., relating to disqualification from licensing and public employment based on criminal conviction, does not apply to bail bond agencies or to applicants for licensure as bail bond agencies.

**Section 55** amends s. 648.30, F.S., to provide a bail bond agent may not sell a bail bond issued by an insurer for which the agent and the agent’s bail bond agency do not hold a current appointment. The bill prohibits the performance of any of the functions of a bail bond agency without a bail bond agency license.

**Section 56** amends s. 648.31, F.S., to conform to changes made by the bill and to provide there is no fee for the issuance of any appointment to a bail bond agency.

**Section 57** amends s. 648.34, F.S., to conform to changes made by the bill and to revise qualifications for a bail bond agent license to require, within two years immediately before applying for the license, the completion of a basic criminal justice certification course which consists of at least 120 hours of classroom instruction with a passing grade of at least 80 percent and has successfully completed a correspondence course for bail bond agents approved by the DFS.

**Section 58** amends s. 648.355, F.S., to delete provisions relating to temporary bail bond agents and preserve the rights of persons who currently hold the temporary bail bond agent license; effective July 1, 2023, such persons would be eligible to take the bail bond agent’s licensure exam and apply for licensure as a bail bond agent or professional bail bond agent. A temporary bail bond agent license that expires, or is terminated or suspended or revoked, would not be renewed or reinstated.

**Section 59** amends s. 648.382, F.S., to provide, effective July 1, 2025, each insurer or managing general agent appointing a bail bond agency in this state must file the appointment with the DFS; an appointed entity must hold a valid bail bond agency's license. The bill requires the appointing entity to certify it obtained a sworn attestation of compliance from the appointed agency.

**Section 60** amends s. 648.386, F.S., to add the words "classroom instruction" to the continuing education requirements, to ensure bail bond agents are taking the required hours of continuing education in the presence of a supervising instructor. Instruction must be provided in real time, but the bill states that students may attend continuing education classes through video, webcast, or other virtual means. Revises schools and curriculum for continuing education schools to require three classroom-instruction continuing education classes per calendar year.

**Section 61** amends s. 648.387, F.S., to rename primary bail bond agents as bail bond agents in charge; requires the bail bond agency to designate another bail bond agent in charge within 10 days of a vacancy.

**Section 62** creates s. 648.3875, F.S., to provide requirements for applying for designation as a bail bond agent in charge.

**Sections 63, 65, 66, 67, 69, 70 and 71**, amend ss. 648.39, 648.42, 648.44, 648.441, 648.50, and 843.021, F.S., respectively, to make conforming and technical changes relating to bail bonds.

**Section 64** repeals s. 648.41, F.S., relating to the termination of appointment of temporary bail bond agents.

**Section 68** amends s. 648.46(3), F.S., to provide the subsection does not prevent the DFS or the OIR from disclosing the complaint or such information as it deems necessary to conduct the investigation or to update the complainant or to share such information with any law enforcement agency or other regulatory body.

**Section 76** amends s. 903.28, F.S., relating to the conditions for remission of forfeiture to provide within two years after the date of forfeiture, if the state is unwilling to seek extradition of the defendant after a request by the surety agent or the surety company, and provided the agent or company consents to pay all costs incurred in returning the defendant to the jurisdiction of the court up to the penal amount of the bond, the court shall direct remission of 100 percent of the forfeiture.

### **Florida Disposition of Unclaimed Property Act**

**Section 70** amends s. 717.135, F.S., within the Florida Disposition of Unclaimed Property Act, relating to recovery agreements and purchase agreements for claims filed by a claimant's representative to provide that the section does not prohibit lawful nonagreement, noncontractual, or advertising communications between or among the parties.

### **Conforming Provisions**

**Sections 72 through 74** amend ss. 631.152, 631.398, and 903.09, F.S., respectively, to make conforming and technical changes.

### **Rule Ratification**

**Section 75** ratifies Rule 69L-7.020, Florida Administrative Code, relating to the Florida Workers' Compensation Health Care Provider Reimbursement Manual, Rule 69L-7.730, Florida Administrative Code, titled "Health Care Provider Medical Billing and Reporting Responsibilities"; and Rule 7.740, Florida Administrative Code, titled "Insurer Authorization and Medical Bill Review Responsibilities". The bill meets the condition for effectiveness imposed by s. 120.541(3), F.S. The bill expressly limits ratification to the effectiveness of the rule. The bill provides this section will not be codified in the Florida Statutes but only noted in the historical comments to each rule by the Department of State.

### **Effective Date**

**Section 76** provides except as otherwise expressed in the bill, the bill takes effect upon becoming a law.

## **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:**

The bill eliminates certain fees related to application and license fees, which may reduce revenues an indeterminate, but likely insignificant, amount.



**B. Private Sector Impact:**

The rule ratification of the Florida Workers' Compensation Health Care Provider Manual is estimated to increase workers' compensation system costs by 0.2 percent (eight million dollars).<sup>149</sup> However, these monies will be in the form of higher reimbursements to health care providers.<sup>150</sup>

The bill requires motor vehicle insurers to bear the entire cost of mediation. It makes various other changes that have an indeterminate, negative fiscal impact.

**C. Government Sector Impact:**

The bill makes numerous changes that will require systems and process changes in the Department of Financial Services (DFS) and other agencies.

The bill eliminates certain application and license fees that may reduce revenues an indeterminate, but likely insignificant, amount.

In its analysis of SB 1274 (2022), relating to ratification of Rule 69L-7.020, F.A.C., "Florida Workers' Compensation Health Care Provider Reimbursement Manual" (Manual), the DFS estimates the adoption of the Manual will have the following recurring financial impact on the workers' compensation expenses of the Division of Risk Management:

- \$232,400 in Fiscal Year 2022-2023;
- \$235,000 in Fiscal Year 2023-2024; and
- \$235,800 in Fiscal Year 2024-2025.<sup>151</sup>

Inasmuch as the DFS expands the scope of reportable and investigable acts under the Anti-Fraud Reward Program, the DFS may see an increase in reward payouts; particularly with the removal of the provision requiring a conviction in order for the informant to receive a reward.

In order to carry out the provisions of **Section 36**, the DFS may designate an entity or person to serve as an administrator by means of a written contract or agreement. In the event the DFS contracts with a private sector provider, the DFS may incur expenses related to administration of the Motor Vehicle Mediation Claims Insurance Program.

**VI. Technical Deficiencies:**

None.

<sup>149</sup> Florida Department of Financial Services, *Statement of Estimated Regulatory Costs Rule 69L-7.020, F.A.C.* (Nov. 2021) (on file with the Senate Committee on Agriculture, Environment, and General Government).

<sup>150</sup> *Id.*

<sup>151</sup> Department of Financial Services, *Bill Analysis for SB 1274* (Jan. 11, 2022) (on file with Senate Appropriations Committee on Agriculture, Environment, and General Government).

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 20.121, 112.215, 215.55952, 274.01, 440.13, 440.385, 497.005, 624.1265, 624.501, 626.015, 626.171, 626.173, 626.207, 626.221, 626.2815, 626.321, 626.611, 626.621, 626.7492, 626.752, 626.785, 626.793, 626.837, 626.8411, 626.8437, 626.844, 626.8473, 626.854, 626.874, 626.9892, 626.9957, 627.351, 627.4215, 627.7015, 627.7074, 627.745, 631.141, 631.252, 631.56, 631.716, 631.816, 631.912, 634.181, 634.191, 634.320, 634.321, 634.419, 634.422, 634.423, 648.25, 648.26, 648.27, 648.285, 648.30, 648.31, 648.34, 648.355, 648.382, 648.386, 648.387, 648.39, 648.42, 648.44, 648.441, 648.46, 648.50, 717.135, 843.021, 631.152, 631.398, and 903.09.

This bill creates the following sections of the Florida Statutes: 633.1423 and 648.3875.

This bill repeals section 648.41 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 Appropriations Committee on Agriculture, Environment, and General Government on April 12, 2023:**

The committee substitute:

- Removes the following sections from the bill:
  - Section 2 – Financial Literacy, s. 39.6035, F.S.;
  - Section 4 – Prompt Pay, s. 215.422, F.S.;
  - Section 6 – Financial Literacy, s. 409.1451, F.S.;
  - Section 8 – Certificate of Insurance change, s. 440.38, F.S.;
  - Section 36 – Loss Assessment, s. 627.70132, F.S.;
  - Section 39 – Loss Assessment, s. 627.714, F.S.;
  - Section 76 – Bail Bonds two years/deceased, s. 903.28, F.S.;
  - Section 77 – cross-reference update, s. 28.2221, F.S.; and
  - Section 78 – cross-reference update, s. 119.071, F.S.
- Repeals s. 215.55952, F.S., relating to a required annual report on the economic impact of a 1-in-100-year hurricane;
- Provides the appointments made by the Chief Financial Officer are deemed to be within the scope of the exemption provided in s. 112.313(7)(b), F.S., which allows a public officer or employee to practice in a particular profession or occupation when such practice is required or permitted by law;
- Revises definitions relating to the regulation of funeral, cemetery, and consumer services; and
- Adds two rules for ratification:
  - Rule 69L-7.730, Florida Administrative Code, titled “Health Care Provider Medical Billing and Reporting Responsibilities”; and

- Rule 7.740, Florida Administrative Code, titled “Insurer Authorization and Medical Bill Review Responsibilities”.

**CS by Banking and Insurance Committee on March 22, 2023:**

The committee substitute makes the following changes:

- Provides that in Workers’ Compensation cases, if there is disagreement in the opinions of health care providers, the judge of compensation claims may, rather than shall, order the injured employee to be evaluated by an expert medical advisor.
- Provides that any form used by the DFS to show proof of Workers’ Compensation coverage must contain:
  - The governing class code or codes;
  - Payroll information; and
  - The total number of employees covered by the workers’ compensation insurance policy.
- Removes provisions from the bill limiting members of various appointed entities to terms of no more than eight consecutive years.
- Removes section 25 of the bill defining the term “real estate closing transaction” for title agents.
- Removes the requirement for a conviction in order to receive a reward under the Anti-Fraud Reward Program.
- Allows the Department of Financial Services (DFS) to designate an administrator to carry out the alternative procedure for resolution of disputed sinkhole insurance claims.
- Adds a Sunset repeal date to the State Fire Marshall Direct Support Organization created in the bill.
- Removes provisions authorizing the DFS to issue a home warranty sales representative license or a service warranty sales representative license to a nonresident applicant if the applicant is licensed as such in the applicant’s home state.
- Removes provisions relating to a service warranty association’s outstanding debt obligation.
- Removes the proposed revision to the definition of the term “manufacturer” for service warranty associations.
- Provides there is no fee for the issuance of any appointment to a bail bond agency.
- Provides that the provisions restricting recovery agreements and purchase agreements for claims filed by a claimant’s representative do not prohibit lawful nonagreement, noncontractual, or advertising communications between or among the parties.
- Revises remission of forfeiture provisions.
- Revises wording in several sections of the bill for greater clarity.

**B. Amendments:**

None.



688170

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/13/2023	.	
	.	
	.	
	.	

---

The Appropriations Committee on Agriculture, Environment, and General Government (DiCeglie) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Paragraph (e) of subsection (2) and subsection  
(6) of section 20.121, Florida Statutes, are amended to read:

20.121 Department of Financial Services.—There is created a  
Department of Financial Services.

(2) DIVISIONS.—The Department of Financial Services shall  
consist of the following divisions and office:



688170

11 (e) The Division of Investigative and Forensic Services,  
12 which shall function as a criminal justice agency for purposes  
13 of ss. 943.045-943.08. The division may initiate and conduct  
14 investigations into any matter under the jurisdiction of the  
15 Chief Financial Officer and Fire Marshal within or outside of  
16 this state as it deems necessary. If, during an investigation,  
17 the division has reason to believe that any criminal law of this  
18 state or the United States has or may have been violated, it  
19 shall refer any records tending to show such violation to state  
20 ~~or federal~~ law enforcement and, if applicable, federal ~~or~~  
21 prosecutorial agencies and shall provide investigative  
22 assistance to those agencies as appropriate ~~required~~. The  
23 division shall include the following bureaus and office:

- 24 1. The Bureau of Forensic Services;
- 25 2. The Bureau of Fire, Arson, and Explosives  
26 Investigations;
- 27 3. The Office of Fiscal Integrity, which shall have a  
28 separate budget;
- 29 4. The Bureau of Insurance Fraud; and
- 30 5. The Bureau of Workers' Compensation Fraud.

31 ~~(6) STRATEGIC MARKETS RESEARCH AND ASSESSMENT UNIT. The~~  
32 ~~Strategic Markets Research and Assessment Unit is established~~  
33 ~~within the Department of Financial Services. The Chief Financial~~  
34 ~~Officer or his or her designee shall report on September 1,~~  
35 ~~2008, and quarterly thereafter, to the Cabinet, the President of~~  
36 ~~the Senate, and the Speaker of the House of Representatives on~~  
37 ~~the status of the state's financial services markets. At a~~  
38 ~~minimum, the report must include a summary of issues, trends,~~  
39 ~~and threats that broadly impact the condition of the financial~~



688170

40 ~~services industries, along with the effect of such conditions on~~  
41 ~~financial institutions, the securities industries, other~~  
42 ~~financial entities, and the credit market. The Chief Financial~~  
43 ~~Officer shall also provide findings and recommendations~~  
44 ~~regarding regulatory and policy changes to the Cabinet, the~~  
45 ~~President of the Senate, and the Speaker of the House of~~  
46 ~~Representatives.~~

47 Section 2. Subsections (2) and (4), paragraph (a) of  
48 subsection (8), and subsection (12) of section 112.215, Florida  
49 Statutes, are amended to read:

50 112.215 Government employees; deferred compensation  
51 program.—

52 (2) For the purposes of this section, the term "government  
53 employee" means any person employed, whether appointed, elected,  
54 or under contract, by providing services for the state or any  
55 governmental unit of the state, including, but not limited to,  
56 any state agency; any ~~or~~ county, municipality, or other  
57 political subdivision of the state; any special district or  
58 water management district, as the terms are defined in s.

59 189.012 municipality; any state university or Florida College  
60 System institution, as the terms are defined in s. 1000.21(6)  
61 and (3), respectively ~~board of trustees; or any constitutional~~  
62 county officer under s. 1(d), Art. VIII of the State

63 Constitution for which compensation or statutory fees are paid.

64 (4) (a) The Chief Financial Officer, with the approval of  
65 the State Board of Administration, shall establish a state ~~such~~  
66 plan or plans of deferred compensation for government ~~state~~  
67 employees and ~~may include persons employed by a state university~~  
68 ~~as defined in s. 1000.21, a special district as defined in s.~~



688170

69 ~~189.012, or a water management district as defined in s.~~  
70 ~~189.012, including all such investment vehicles or products~~  
71 ~~incident thereto, as may be available through, or offered by,~~  
72 ~~qualified companies or persons, and may approve one or more such~~  
73 ~~plans for implementation by and on behalf of the state and its~~  
74 ~~agencies and employees.~~

75 (b) If the Chief Financial Officer deems it advisable, he  
76 or she shall have the power, with the approval of the State  
77 Board of Administration, to create a trust or other special  
78 funds for the segregation of funds or assets resulting from  
79 compensation deferred at the request of government employees  
80 participating in ~~of the state plan or its agencies and~~ for the  
81 administration of such program.

82 (c) The Chief Financial Officer, with the approval of the  
83 State Board of Administration, may delegate responsibility for  
84 administration of the state plan to a person the Chief Financial  
85 Officer determines to be qualified, compensate such person, and,  
86 directly or through such person or pursuant to a collective  
87 bargaining agreement, contract with a private corporation or  
88 institution to provide such services as may be part of any such  
89 plan or as may be deemed necessary or proper by the Chief  
90 Financial Officer or such person, including, but not limited to,  
91 providing consolidated billing, individual and collective  
92 recordkeeping and accountings, asset purchase, control, and  
93 safekeeping, and direct disbursement of funds to employees or  
94 other beneficiaries. The Chief Financial Officer may authorize a  
95 person, private corporation, or institution to make direct  
96 disbursement of funds under the state plan to an employee or  
97 other beneficiary.



688170

98 (d) In accordance with such approved plan, and upon  
99 contract or agreement with an eligible government employee,  
100 deferrals of compensation may be accomplished by payroll  
101 deductions made by the appropriate officer or officers of the  
102 state, with such funds being thereafter held and administered in  
103 accordance with the plan.

104 (e) The administrative costs of the deferred compensation  
105 plan must be wholly or partially self-funded. Fees for such  
106 self-funding of the plan shall be paid by investment providers  
107 and may be recouped from their respective plan participants.  
108 Such fees shall be deposited in the Deferred Compensation Trust  
109 Fund.

110 (8) (a) There is created a Deferred Compensation Advisory  
111 Council composed of eight ~~seven~~ members.

112 1. One member shall be appointed by the Speaker of the  
113 House of Representatives and the President of the Senate jointly  
114 and shall be an employee of the legislative branch.

115 2. One member shall be appointed by the Chief Justice of  
116 the Supreme Court and shall be an employee of the judicial  
117 branch.

118 3. One member shall be appointed by the chair of the Public  
119 Employees Relations Commission and shall be a nonexempt public  
120 employee.

121 4. The remaining five ~~four~~ members shall be employed by the  
122 executive branch and shall be appointed as follows:

123 a. One member shall be appointed by the Chancellor of the  
124 State University System and shall be an employee of the  
125 university system.

126 b. One member shall be appointed by the Chief Financial





688170

127 Officer and shall be an employee of the Chief Financial Officer.

128 c. One member shall be appointed by the Governor and shall  
129 be an employee of the executive branch.

130 d. One member shall be appointed by the Executive Director  
131 of the State Board of Administration and shall be an employee of  
132 the State Board of Administration.

133 e. One member shall be appointed by the Chancellor of the  
134 Florida College System and shall be an employee of the Florida  
135 College System.

136 (12) The Chief Financial Officer may adopt any rule  
137 necessary to administer and implement this act with respect to  
138 the state deferred compensation plan or plans ~~for state~~  
139 ~~employees and persons employed by a state university as defined~~  
140 ~~in s. 1000.21, a special district as defined in s. 189.012, or a~~  
141 ~~water management district as defined in s. 189.012.~~

142 Section 3. Section 215.55952, Florida Statutes, is amended  
143 to read:

144 215.55952 Triennial ~~Annual~~ report on economic impact of a  
145 1-in-100-year hurricane.—The Chief Financial Officer shall  
146 provide a report on the economic impact on the state of a 1-in-  
147 100-year hurricane to the Governor, the President of the Senate,  
148 and the Speaker of the House of Representatives by March 1,  
149 2025, and of each triennial year thereafter. The report shall  
150 include an estimate of the short-term and long-term fiscal  
151 impacts of such a storm on Citizens Property Insurance  
152 Corporation, the Florida Hurricane Catastrophe Fund, the private  
153 insurance and reinsurance markets, the state economy, and the  
154 state debt. The report shall also include an analysis of the  
155 average premium increase to fund a 1-in-100-year hurricane event



688170

156 and list the average cost, in both a percentage and dollar  
157 amount, impact to consumers on a county-level basis. The report  
158 may also include recommendations by the Chief Financial Officer  
159 for preparing for such a hurricane and reducing the economic  
160 impact of such a hurricane on the state. In preparing the  
161 analysis, the Chief Financial Officer shall coordinate with and  
162 obtain data from the Office of Insurance Regulation, Citizens  
163 Property Insurance Corporation, the Florida Hurricane  
164 Catastrophe Fund, the Florida Commission on Hurricane Loss  
165 Projection Methodology, the State Board of Administration, the  
166 Office of Economic and Demographic Research, and other state  
167 agencies.

168 Section 4. Subsection (1) of section 274.01, Florida  
169 Statutes, is amended to read:

170 274.01 Definitions.—The following words as used in this act  
171 have the meanings set forth in the below subsections, unless a  
172 different meaning is required by the context:

173 (1) "Governmental unit" means the governing board,  
174 commission, or authority of a county, a county agency, a  
175 municipality, a special district as defined in s. 189.012 or  
176 taxing district of the state, or the sheriff of the county.

177 Section 5. Paragraph (c) of subsection (9) and subsections  
178 (12) and (14) of section 440.13, Florida Statutes, are amended  
179 to read:

180 440.13 Medical services and supplies; penalty for  
181 violations; limitations.—

182 (9) EXPERT MEDICAL ADVISORS.—

183 (c) If there is disagreement in the opinions of the health  
184 care providers, if two health care providers disagree on medical



688170

185 evidence supporting the employee's complaints or the need for  
186 additional medical treatment, or if two health care providers  
187 disagree that the employee is able to return to work, the  
188 department may, and the judge of compensation claims may ~~shall~~,  
189 upon his or her own motion or within 15 days after receipt of a  
190 written request by either the injured employee, the employer, or  
191 the carrier, order the injured employee to be evaluated by an  
192 expert medical advisor. The injured employee and the employer or  
193 carrier may agree on the health care provider to serve as an  
194 expert medical advisor. If the parties do not agree, the judge  
195 of compensation claims shall select an expert medical advisor  
196 from the department's list of certified expert medical advisors.  
197 If a certified medical advisor within the relevant medical  
198 specialty is unavailable, the judge of compensation claims shall  
199 appoint any otherwise qualified health care provider to serve as  
200 an expert medical advisor without obtaining the department's  
201 certification. The opinion of the expert medical advisor is  
202 presumed to be correct unless there is clear and convincing  
203 evidence to the contrary as determined by the judge of  
204 compensation claims. The expert medical advisor appointed to  
205 conduct the evaluation shall have free and complete access to  
206 the medical records of the employee. An employee who fails to  
207 report to and cooperate with such evaluation forfeits  
208 entitlement to compensation during the period of failure to  
209 report or cooperate.

210 (12) CREATION OF THREE-MEMBER PANEL; GUIDES OF MAXIMUM  
211 REIMBURSEMENT ALLOWANCES.—

212 (a) A three-member panel is created, consisting of the  
213 Chief Financial Officer, or the Chief Financial Officer's



688170

214 designee, and two members to be appointed by the Governor,  
215 subject to confirmation by the Senate, one member who, on  
216 account of present or previous vocation, employment, or  
217 affiliation, shall be classified as a representative of  
218 employers, the other member who, on account of previous  
219 vocation, employment, or affiliation, shall be classified as a  
220 representative of employees. The panel shall determine statewide  
221 schedules of maximum reimbursement allowances for medically  
222 necessary treatment, care, and attendance provided by  
223 ~~physicians, hospitals and, ambulatory surgical centers, work-~~  
224 ~~hardening programs, pain programs, and durable medical~~  
225 ~~equipment.~~ The maximum reimbursement allowances for inpatient  
226 hospital care shall be based on a schedule of per diem rates, to  
227 be approved by the three-member panel no later than March 1,  
228 1994, to be used in conjunction with a precertification manual  
229 as determined by the department, including maximum hours in  
230 which an outpatient may remain in observation status, which  
231 shall not exceed 23 hours. All compensable charges for hospital  
232 outpatient care shall be reimbursed at 75 percent of usual and  
233 customary charges, except as otherwise provided by this  
234 subsection. Annually, the three-member panel shall adopt  
235 schedules of maximum reimbursement allowances for ~~physicians,~~  
236 hospital inpatient care, hospital outpatient care, and  
237 ambulatory surgical centers, ~~work-hardening programs, and pain~~  
238 ~~programs.~~ A ~~An individual physician,~~ hospital or an, ambulatory  
239 surgical center, ~~pain program, or work-hardening program~~ shall  
240 be reimbursed either the agreed-upon contract price or the  
241 maximum reimbursement allowance in the appropriate schedule.

242 (b) ~~It is the intent of the Legislature to increase the~~



688170

243 ~~schedule of maximum reimbursement allowances for selected~~  
244 ~~physicians effective January 1, 2004, and to pay for the~~  
245 ~~increases through reductions in payments to hospitals. Revisions~~  
246 ~~developed pursuant to this subsection are limited to the~~  
247 ~~following:~~

248 ~~1.~~ Payments for outpatient physical, occupational, and  
249 speech therapy provided by hospitals shall be ~~reduced to~~ the  
250 schedule of maximum reimbursement allowances for these services  
251 which applies to nonhospital providers.

252 ~~(c)2.~~ Payments for scheduled outpatient nonemergency  
253 radiological and clinical laboratory services that are not  
254 provided in conjunction with a surgical procedure shall be  
255 ~~reduced to~~ the schedule of maximum reimbursement allowances for  
256 these services which applies to nonhospital providers.

257 ~~(d)3.~~ Outpatient reimbursement for scheduled surgeries  
258 shall be ~~reduced from 75 percent of charges to~~ 60 percent of  
259 charges.

260 ~~(e)1.~~ By July 1 of each year, the department shall notify  
261 carriers and self-insurers of the physician and nonhospital  
262 services schedule of maximum reimbursement allowances. The  
263 notice must include publication of this schedule of maximum  
264 reimbursement allowances on the division's website. This  
265 schedule is not subject to approval by the three-member panel  
266 and does not include reimbursement for prescription medication.

267 2. Subparagraph 1. shall take effect January 1, following  
268 the July 1, 2024, notice of the physician and nonhospital  
269 services schedule of maximum reimbursement allowances which the  
270 department provides to carriers and self-insurers.

271 ~~(f)4.~~ Maximum reimbursement for a physician licensed under



688170

272 chapter 458 or chapter 459 shall be ~~increased to~~ 110 percent of  
273 the reimbursement allowed by Medicare, using appropriate codes  
274 and modifiers or the medical reimbursement level adopted by the  
275 three-member panel as of January 1, 2003, whichever is greater.

276 (g)~~5-~~ Maximum reimbursement for surgical procedures shall  
277 be ~~increased to~~ 140 percent of the reimbursement allowed by  
278 Medicare or the medical reimbursement level adopted by the  
279 three-member panel as of January 1, 2003, whichever is greater.

280 (h)~~(e)~~ As to reimbursement for a prescription medication,  
281 the reimbursement amount for a prescription shall be the average  
282 wholesale price plus \$4.18 for the dispensing fee. For  
283 repackaged or relabeled prescription medications dispensed by a  
284 dispensing practitioner as provided in s. 465.0276, the fee  
285 schedule for reimbursement shall be 112.5 percent of the average  
286 wholesale price, plus \$8.00 for the dispensing fee. For purposes  
287 of this subsection, the average wholesale price shall be  
288 calculated by multiplying the number of units dispensed times  
289 the per-unit average wholesale price set by the original  
290 manufacturer of the underlying drug dispensed by the  
291 practitioner, based upon the published manufacturer's average  
292 wholesale price published in the Medi-Span Master Drug Database  
293 as of the date of dispensing. All pharmaceutical claims  
294 submitted for repackaged or relabeled prescription medications  
295 must include the National Drug Code of the original  
296 manufacturer. Fees for pharmaceuticals and pharmaceutical  
297 services shall be reimbursable at the applicable fee schedule  
298 amount except where the employer or carrier, or a service  
299 company, third party administrator, or any entity acting on  
300 behalf of the employer or carrier directly contracts with the



688170

301 provider seeking reimbursement for a lower amount.

302        (i)~~(d)~~ Reimbursement for all fees and other charges for  
303 such treatment, care, and attendance, including treatment, care,  
304 and attendance provided by any hospital or other health care  
305 provider, ambulatory surgical center, work-hardening program, or  
306 pain program, must not exceed the amounts provided by the  
307 uniform schedule of maximum reimbursement allowances as  
308 determined by the panel or as otherwise provided in this  
309 section. This subsection also applies to independent medical  
310 examinations performed by health care providers under this  
311 chapter. In determining the uniform schedule, the panel shall  
312 first approve the data which it finds representative of  
313 prevailing charges in the state for similar treatment, care, and  
314 attendance of injured persons. Each health care provider, health  
315 care facility, ambulatory surgical center, work-hardening  
316 program, or pain program receiving workers' compensation  
317 payments shall maintain records verifying their usual charges.  
318 In establishing the uniform schedule of maximum reimbursement  
319 allowances, the panel must consider:

320           1. The levels of reimbursement for similar treatment, care,  
321 and attendance made by other health care programs or third-party  
322 providers;

323           2. The impact upon cost to employers for providing a level  
324 of reimbursement for treatment, care, and attendance which will  
325 ensure the availability of treatment, care, and attendance  
326 required by injured workers; and

327           3. The financial impact of the reimbursement allowances  
328 upon health care providers and health care facilities, including  
329 trauma centers as defined in s. 395.4001, and its effect upon



688170

330 their ability to make available to injured workers such  
331 medically necessary remedial treatment, care, and attendance.  
332 The uniform schedule of maximum reimbursement allowances must be  
333 reasonable, must promote health care cost containment and  
334 efficiency with respect to the workers' compensation health care  
335 delivery system, and must be sufficient to ensure availability  
336 of such medically necessary remedial treatment, care, and  
337 attendance to injured workers; ~~and~~

338 ~~4. The most recent average maximum allowable rate of~~  
339 ~~increase for hospitals determined by the Health Care Board under~~  
340 ~~chapter 408.~~

341 (j) ~~(e)~~ In addition to establishing the uniform schedule of  
342 maximum reimbursement allowances, the panel shall:

343 1. Take testimony, receive records, and collect data to  
344 evaluate the adequacy of the workers' compensation fee schedule,  
345 nationally recognized fee schedules and alternative methods of  
346 reimbursement to health care providers and health care  
347 facilities for inpatient and outpatient treatment and care.

348 2. Survey health care providers and health care facilities  
349 to determine the availability and accessibility of workers'  
350 compensation health care delivery systems for injured workers.

351 3. Survey carriers to determine the estimated impact on  
352 carrier costs and workers' compensation premium rates by  
353 implementing changes to the carrier reimbursement schedule or  
354 implementing alternative reimbursement methods.

355 4. Submit recommendations on or before January 15, 2017,  
356 and biennially thereafter, to the President of the Senate and  
357 the Speaker of the House of Representatives on methods to  
358 improve the workers' compensation health care delivery system.





688170

359  
360  
361  
362  
363  
364  
365  
366  
367  
368  
369  
370  
371  
372  
373  
374  
375  
376  
377  
378  
379  
380  
381  
382  
383  
384  
385  
386  
387

The department, as requested, shall provide data to the panel, including, but not limited to, utilization trends in the workers' compensation health care delivery system. The department shall provide the panel with an annual report regarding the resolution of medical reimbursement disputes and any actions pursuant to subsection (8). The department shall provide administrative support and service to the panel to the extent requested by the panel. For prescription medication purchased under the requirements of this subsection, a dispensing practitioner shall not possess such medication unless payment has been made by the practitioner, the practitioner's professional practice, or the practitioner's practice management company or employer to the supplying manufacturer, wholesaler, distributor, or drug repackager within 60 days of the dispensing practitioner taking possession of that medication.

~~(14) PRACTICE PARAMETERS.—The practice parameters and protocols mandated under this chapter shall be the practice parameters and protocols adopted by the United States Agency for Healthcare Research and Quality in effect on January 1, 2003.~~

Section 6. Effective January 1, 2024, subsection (2) of section 440.385, Florida Statutes, is amended to read:

440.385 Florida Self-Insurers Guaranty Association, Incorporated.—

(2) BOARD OF DIRECTORS.—The board of directors of the association shall consist of nine persons and shall be organized as established in the plan of operation. Each director must ~~All board members shall~~ be experienced in self-insurance in this state. Each director shall serve for a 4-year term and may be



388 reappointed. Appointments after January 1, 2002, shall be made  
389 by the department upon recommendation of members of the  
390 association or other persons with experience in self-insurance  
391 as determined by the Chief Financial Officer. These appointments  
392 are deemed to be within the scope of the exemption provided in  
393 s. 112.313(7) (b). Any vacancy on the board shall be filled for  
394 the remaining period of the term in the same manner as  
395 appointments other than initial appointments are made. Each  
396 director shall be reimbursed for expenses incurred in carrying  
397 out the duties of the board on behalf of the association.

398 (a) The Chief Financial Officer may remove a director from  
399 office for misconduct, malfeasance, misfeasance, or neglect of  
400 duty. Any vacancy so created shall be filled as provided in this  
401 subsection.

402 (b) Directors are subject to the code of ethics under part  
403 III of chapter 112, including, but not limited to, the code of  
404 ethics and public disclosure and reporting of financial  
405 interests, pursuant to s. 112.3145. For purposes of applying  
406 part III of chapter 112 to activities of members of the board of  
407 directors, those persons are considered public officers and the  
408 association is considered their agency. Notwithstanding s.  
409 112.3143(2), a director may not vote on any measure that he or  
410 she knows would inure to his or her special private gain or  
411 loss; that he or she knows would inure to the special private  
412 gain or loss of any principal by which he or she is retained,  
413 other than an agency as defined in s. 112.312; or that he or she  
414 knows would inure to the special private gain or loss of a  
415 relative or business associate of the public officer. Before the  
416 vote is taken, such director shall publicly state to the board



688170

417 the nature of his or her interest in the matter from which he or  
418 she is abstaining from voting and, within 15 days after the vote  
419 occurs, disclose the nature of his or her interest as a public  
420 record in a memorandum filed with the person responsible for  
421 recording the minutes of the meeting, who shall incorporate the  
422 memorandum in the minutes.

423 (c) Notwithstanding s. 112.3148, s. 112.3149, or any other  
424 law, an employee of the association or a director may not  
425 knowingly accept, directly or indirectly, any gift or  
426 expenditure from a person or an entity, or an employee or a  
427 representative of such person or entity, which has a contractual  
428 relationship with the association or which is under  
429 consideration for a contract.

430 (d) A director who fails to comply with paragraph (b) or  
431 paragraph (c) is subject to the penalties provided under ss.  
432 112.317 and 112.3173.

433 Section 7. Present subsections (62) through (77) and (78)  
434 of section 497.005, Florida Statutes, are redesignated as  
435 subsections (63) through (78) and (80), respectively, a new  
436 subsection (62) and subsection (79) are added to that section,  
437 and subsections (9) and (61) of that section are amended, to  
438 read:

439 497.005 Definitions.—As used in this chapter, the term:

440 (9) "Burial service" or "service" means any service offered  
441 or provided in connection with the final disposition,  
442 memorialization, interment, entombment, or inurnment of human  
443 remains or cremated remains which is required to be offered or  
444 provided by an individual or entity licensed under this chapter.

445 (61) "Preneed ~~contract~~" means any arrangement or method, of



688170

446 which the provider of funeral merchandise or services has actual  
447 knowledge, whereby any person agrees to furnish funeral  
448 merchandise or service in the future.

449 (62) "Preneed contract" means any arrangement or method for  
450 which the provider of funeral merchandise or services receives  
451 any payment in advance for funeral or burial merchandise and  
452 services after the death of the contract beneficiary. The term  
453 excludes a transportation protection agreement and any payments  
454 received on a transportation protection agreement.

455 (79) "Transportation protection agreement" means an  
456 agreement that exclusively provides or arranges for services  
457 related to the preparation for the purpose of transportation and  
458 subsequent transportation of human remains or cremated remains.  
459 The Florida Insurance Code, as defined in s. 624.01, does not  
460 apply to any transportation protection agreement sold by any  
461 licensee under this chapter.

462 Section 8. Subsection (1) of section 624.1265, Florida  
463 Statutes, is amended to read:

464 624.1265 Nonprofit religious organization exemption;  
465 authority; notice.—

466 (1) A nonprofit religious organization is not subject to  
467 the requirements of the Florida Insurance Code if the nonprofit  
468 religious organization:

469 (a) Qualifies under Title 26, s. 501 of the Internal  
470 Revenue Code of 1986, as amended;

471 (b) Limits its participants to those members who share a  
472 common set of ethical or religious beliefs;

473 (c) Acts as a facilitator among participants who have  
474 financial, physical, or medical needs to assist those with



688170

475 financial, physical, or medical needs in accordance with  
476 criteria established by the nonprofit religious organization;

477 (d) Provides for the financial or medical needs of a  
478 participant through contributions from other participants, or  
479 through payments directly from one participant to another  
480 participant;

481 (e) Provides amounts that participants may contribute, with  
482 no assumption of risk and no promise to pay:

483 1. Among the participants; or

484 2. By the nonprofit religious organization to the  
485 participants;

486 (f) Provides a monthly accounting to the participants of  
487 the total dollar amount of qualified needs actually shared in  
488 the previous month in accordance with criteria established by  
489 the nonprofit religious organization; ~~and~~

490 (g) Conducts an annual audit that is performed by an  
491 independent certified public accounting firm in accordance with  
492 generally accepted accounting principles and that is made  
493 available to the public by providing a copy upon request or by  
494 posting on the nonprofit religious organization's website; and

495 (h) Does not market or sell health plans by agents licensed  
496 by the department under chapter 626.

497 Section 9. Subsection (25) of section 624.501, Florida  
498 Statutes, is amended to read:

499 624.501 Filing, license, appointment, and miscellaneous  
500 fees.—The department, commission, or office, as appropriate,  
501 shall collect in advance, and persons so served shall pay to it  
502 in advance, fees, licenses, and miscellaneous charges as  
503 follows:



688170

504 (25) Reinsurance intermediary:  
505 ~~(a) Application filing and license fee \$50.00~~  
506 ~~(b) Original appointment and biennial renewal or~~  
507 continuation thereof, appointment fee \$60.00  
508 Section 10. Subsection (5) of section 626.015, Florida  
509 Statutes, is amended to read:  
510 626.015 Definitions.—As used in this part:  
511 (5) "Association" includes the Florida Association of  
512 Insurance Agents (FAIA), the National Association of Insurance  
513 and Financial Advisors (NAIFA), the National Association of  
514 Benefits and Insurance Professionals Florida Chapter (NABIP  
515 Florida) ~~Florida Association of Health Underwriters (FAHU)~~, the  
516 Latin American Association of Insurance Agencies (LAAIA), the  
517 Florida Association of Public Insurance Adjusters (FAPIA), the  
518 Florida Bail Agents Association (FBAA), or the Professional Bail  
519 Agents of the United States (PBUS).  
520 Section 11. Subsection (4) of section 626.171, Florida  
521 Statutes, is amended to read:  
522 626.171 Application for license as an agent, customer  
523 representative, adjuster, service representative, or reinsurance  
524 intermediary.—  
525 (4) An applicant for a license issued by the department  
526 under this chapter must submit a set of the individual  
527 applicant's fingerprints, or, if the applicant is not an  
528 individual, a set of the fingerprints of the sole proprietor,  
529 majority owner, partners, officers, and directors, to the  
530 department and must pay the fingerprint processing fee set forth  
531 in s. 624.501. Fingerprints must be processed in accordance with  
532 s. 624.34 and used to investigate the applicant's qualifications



688170

533 pursuant to s. 626.201. The fingerprints must be taken by a law  
534 enforcement agency, ~~designated examination center,~~ or other  
535 department-approved entity. ~~The department shall require all~~  
536 ~~designated examination centers to have fingerprinting equipment~~  
537 ~~and to take fingerprints from any applicant or prospective~~  
538 ~~applicant who pays the applicable fee.~~ The department may not  
539 approve an application for licensure as an agent, customer  
540 service representative, adjuster, service representative, or  
541 reinsurance intermediary if fingerprints have not been  
542 submitted.

543 Section 12. Paragraph (c) of subsection (1) of section  
544 626.173, Florida Statutes, is amended to read:

545 626.173 Insurance agency closure; cancellation of  
546 licenses.—

547 (1) If a licensed insurance agency permanently ceases the  
548 transacting of insurance or ceases the transacting of insurance  
549 for more than 30 days, the agent in charge, the director of the  
550 agency, or other officer listed on the original application for  
551 licensure must, within 35 days after the agency first ceases the  
552 transacting of insurance, do all of the following:

553 (c) Notify all policyholders currently insured by a policy  
554 written, produced, or serviced by the agency of the agency's  
555 cessation of operations; the date on which operations ceased;  
556 and the identity of the agency or agent to which the agency's  
557 current book of business has been transferred or, if no transfer  
558 has occurred, a statement directing the policyholder to contact  
559 the insurance company for assistance in locating a licensed  
560 agent to service the policy. This paragraph does not apply to  
561 title insurance, life insurance, or annuity contracts.



688170

562 Section 13. Subsection (8) of section 626.207, Florida  
563 Statutes, is amended to read:

564 626.207 Disqualification of applicants and licensees;  
565 penalties against licensees; rulemaking authority.—

566 (8) The department shall adopt rules establishing specific  
567 penalties against licensees in accordance with ss. 626.641 and  
568 626.651 for violations of s. 626.112(7) or (9), s. 626.611, s.  
569 626.6115, s. 626.621, s. 626.6215, s. 626.7451, s. 626.8437, s.  
570 626.844, s. 626.8695, s. 626.8697, s. 626.8698, s. 626.935, s.  
571 634.181, s. 634.191, s. 634.320, s. 634.321, s. 634.422, s.  
572 634.423, s. 642.041, or s. 642.043. The purpose of the  
573 revocation or suspension is to provide a sufficient penalty to  
574 deter future violations of the Florida Insurance Code. The  
575 imposition of a revocation or the length of suspension shall be  
576 based on the type of conduct and the probability that the  
577 propensity to commit further illegal conduct has been overcome  
578 at the time of eligibility for relicensure. The length of  
579 suspension may be adjusted based on aggravating or mitigating  
580 factors, established by rule and consistent with this purpose.

581 Section 14. Paragraph (j) of subsection (2) of section  
582 626.221, Florida Statutes, is amended to read:

583 626.221 Examination requirement; exemptions.—

584 (2) However, an examination is not necessary for any of the  
585 following:

586 (j) An applicant for license as an all-lines adjuster who  
587 has the designation of Accredited Claims Adjuster (ACA) from a  
588 regionally accredited postsecondary institution in this state;  
589 Certified All Lines Adjuster (CALA) from Kaplan Financial  
590 Education; Associate in Claims (AIC) from the Insurance





591 Institute of America; Professional Claims Adjuster (PCA) from  
592 the Professional Career Institute; Professional Property  
593 Insurance Adjuster (PPIA) from the HurriClaim Training Academy;  
594 Certified Adjuster (CA) from ALL LINES Training; Certified  
595 Claims Adjuster (CCA) from AE21 Incorporated; Claims Adjuster  
596 Certified Professional (CACP) from WebCE, Inc.; Accredited  
597 Insurance Claims Specialist (AICS) from Encore Claim Services;  
598 Professional in Claims (PIC) from 2021 Training, LLC; or  
599 Universal Claims Certification (UCC) from Claims and Litigation  
600 Management Alliance (CLM) whose curriculum has been approved by  
601 the department and which includes comprehensive analysis of  
602 basic property and casualty lines of insurance and testing at  
603 least equal to that of standard department testing for the all-  
604 lines adjuster license. The department shall adopt rules  
605 establishing standards for the approval of curriculum.

606 Section 15. Paragraphs (c) and (f) of subsection (3) of  
607 section 626.2815, Florida Statutes, are amended to read:

608 626.2815 Continuing education requirements.—

609 (3) Each licensee except a title insurance agent must  
610 complete a 4-hour update course every 2 years which is specific  
611 to the license held by the licensee. The course must be  
612 developed and offered by providers and approved by the  
613 department. The content of the course must address all lines of  
614 insurance for which examination and licensure are required and  
615 include the following subject areas: insurance law updates,  
616 ethics for insurance professionals, disciplinary trends and case  
617 studies, industry trends, premium discounts, determining  
618 suitability of products and services, and other similar  
619 insurance-related topics the department determines are relevant



688170

620 to legally and ethically carrying out the responsibilities of  
621 the license granted. A licensee who holds multiple insurance  
622 licenses must complete an update course that is specific to at  
623 least one of the licenses held. Except as otherwise specified,  
624 any remaining required hours of continuing education are  
625 elective and may consist of any continuing education course  
626 approved by the department under this section.

627 (c) A licensee who has been licensed for 25 years or more  
628 and is a CLU or a CPCU or has a Bachelor of Science degree or  
629 higher in risk management or insurance with evidence of 18 or  
630 more semester hours in insurance-related courses must also  
631 complete a minimum of 6 hours of elective continuing education  
632 courses every 2 years.

633 (f) Elective continuing education courses for public  
634 adjusters may must be any course related to commercial and  
635 residential property coverages, claim adjusting practices, and  
636 any other adjuster elective courses specifically designed for  
637 ~~public adjusters and~~ approved by the department. Notwithstanding  
638 this subsection, public adjusters for workers' compensation  
639 insurance or health insurance are not required to take  
640 continuing education courses pursuant to this section.

641 Section 16. Paragraphs (a), (b), and (e) of subsection (1)  
642 of section 626.321, Florida Statutes, are amended, and paragraph  
643 (i) is added to that subsection, to read:

644 626.321 Limited licenses and registration.-

645 (1) The department shall issue to a qualified applicant a  
646 license as agent authorized to transact a limited class of  
647 business in any of the following categories of limited lines  
648 insurance:



688170

649           (a) *Motor vehicle physical damage and mechanical breakdown*  
650 *insurance.*—License covering insurance against only the loss of  
651 or damage to a motor vehicle that is designed for use upon a  
652 highway, including trailers and semitrailers designed for use  
653 with such vehicles. Such license also covers insurance against  
654 the failure of an original or replacement part to perform any  
655 function for which it was designed. ~~A licensee under this~~  
656 ~~paragraph may not hold a license as an agent for any other or~~  
657 ~~additional kind or class of insurance coverage except a limited~~  
658 ~~license for credit insurance as provided in paragraph (c).~~  
659 Effective October 1, 2012, all licensees holding such limited  
660 license and appointment may renew the license and appointment,  
661 but no new or additional licenses may be issued pursuant to this  
662 paragraph, and a licensee whose limited license under this  
663 paragraph has been terminated, suspended, or revoked may not  
664 have such license reinstated.

665           (b) *Industrial fire insurance or burglary insurance.*—  
666 License covering only industrial fire insurance or burglary  
667 insurance. ~~A licensee under this paragraph may not hold a~~  
668 ~~license as an agent for any other or additional kind or class of~~  
669 ~~insurance coverage except for life insurance and health~~  
670 ~~insurance.~~ Effective July 1, 2019, all licensees holding such  
671 limited license and appointment may renew the license and  
672 appointment, but no new or additional licenses may be issued  
673 pursuant to this paragraph, and a licensee whose limited license  
674 under this paragraph has been terminated, suspended, or revoked  
675 may not have such license reinstated.

676           (e) *Credit insurance.*—License covering credit life, credit  
677 disability, credit property, credit unemployment, involuntary



688170

678 unemployment, mortgage life, mortgage guaranty, mortgage  
679 disability, guaranteed automobile protection (GAP) insurance,  
680 and any other form of insurance offered in connection with an  
681 extension of credit which is limited to partially or wholly  
682 extinguishing a credit obligation that the department determines  
683 should be designated a form of limited line credit insurance.  
684 Effective October 1, 2012, all valid licenses held by persons  
685 for any of the lines of insurance listed in this paragraph shall  
686 be converted to a credit insurance license. ~~Licenseses who wish~~  
687 ~~to obtain a new license reflecting such change must request a~~  
688 ~~duplicate license and pay a \$5 fee as specified in s.~~  
689 ~~624.501(15).~~ The license may be issued only to an individual  
690 employed by a life or health insurer as an officer or other  
691 salaried or commissioned representative, to an individual  
692 employed by or associated with a lending or financial  
693 institution or creditor, or to a lending or financial  
694 institution or creditor, and may authorize the sale of such  
695 insurance only with respect to borrowers or debtors of such  
696 lending or financing institution or creditor. However, only the  
697 individual or entity whose tax identification number is used in  
698 receiving or is credited with receiving the commission from the  
699 sale of such insurance shall be the licensed agent of the  
700 insurer. ~~No individual while so licensed shall hold a license as~~  
701 ~~an agent as to any other or additional kind or class of life or~~  
702 ~~health insurance coverage.~~

703 (i) Preneed funeral agreement insurance.—Limited license  
704 for insurance covering only prearranged funeral, cremation, or  
705 cemetery agreements, or any combination thereof, funded by  
706 insurance and offered in connection with an establishment that



688170

707 holds a preneed license pursuant to s. 497.452. Such license may  
708 be issued without examination only to an individual who has  
709 filed with the department an application for a license in a form  
710 and manner prescribed by the department, who currently holds a  
711 valid preneed sales agent license pursuant to s. 497.466, who  
712 paid the applicable fees for a license as prescribed in s.  
713 624.501, who has been appointed under s. 626.112, and who paid  
714 the prescribed appointment fee under s. 624.501.

715 Section 17. Paragraph (n) of subsection (1) of section  
716 626.611, Florida Statutes, is amended to read:

717 626.611 Grounds for compulsory refusal, suspension, or  
718 revocation of agent's, title agency's, adjuster's, customer  
719 representative's, service representative's, or managing general  
720 agent's license or appointment.-

721 (1) The department shall deny an application for, suspend,  
722 revoke, or refuse to renew or continue the license or  
723 appointment of any applicant, agent, title agency, adjuster,  
724 customer representative, service representative, or managing  
725 general agent, and it shall suspend or revoke the eligibility to  
726 hold a license or appointment of any such person, if it finds  
727 that as to the applicant, licensee, or appointee any one or more  
728 of the following applicable grounds exist:

729 (n) Having been found guilty of or having pleaded guilty or  
730 nolo contendere to a misdemeanor directly related to the  
731 financial services business, any felony, or any a crime  
732 punishable by imprisonment of 1 year or more under the law of  
733 the United States of America or of any state thereof or under  
734 the law of any other country, without regard to whether a  
735 judgment of conviction has been entered by the court having



688170

736 jurisdiction of such cases.

737 Section 18. Subsection (18) is added to section 626.621,  
738 Florida Statutes, to read:

739 626.621 Grounds for discretionary refusal, suspension, or  
740 revocation of agent's, adjuster's, customer representative's,  
741 service representative's, or managing general agent's license or  
742 appointment.—The department may, in its discretion, deny an  
743 application for, suspend, revoke, or refuse to renew or continue  
744 the license or appointment of any applicant, agent, adjuster,  
745 customer representative, service representative, or managing  
746 general agent, and it may suspend or revoke the eligibility to  
747 hold a license or appointment of any such person, if it finds  
748 that as to the applicant, licensee, or appointee any one or more  
749 of the following applicable grounds exist under circumstances  
750 for which such denial, suspension, revocation, or refusal is not  
751 mandatory under s. 626.611:

752 (18) Cancellation of the applicant's, licensee's, or  
753 appointee's resident license in a state other than Florida.

754 Section 19. Paragraphs (d) and (g) of subsection (2) and  
755 paragraphs (a), (b), and (e) through (j) of subsection (3) of  
756 section 626.7492, Florida Statutes, are amended to read:

757 626.7492 Reinsurance intermediaries.—

758 (2) DEFINITIONS.—As used in this section:

759 (d) "Producer" means a licensed ~~an~~ agent, broker, or  
760 insurance agency that is appointed as a reinsurance intermediary  
761 ~~licensed~~ pursuant to the applicable provision of the Florida  
762 Insurance Code.

763 (g) "Reinsurance intermediary manager" means any person who  
764 has authority to bind, or manages all or part of, the assumed



688170

765 reinsurance business of a reinsurer, including the management of  
766 a separate division, department, or underwriting office, and  
767 acts as a representative ~~an agent~~ for the reinsurer whether  
768 known as a reinsurance intermediary manager, manager, or other  
769 similar term. Notwithstanding the above, none of the following  
770 persons is a reinsurance intermediary manager with respect to  
771 the reinsurer for the purposes of this section:

772 1. An employee of the reinsurer;

773 2. A manager of the United States branch of an alien  
774 reinsurer;

775 3. An underwriting manager which, pursuant to contract,  
776 manages all the reinsurance operations of the reinsurer, is  
777 under common control with the reinsurer, subject to the holding  
778 company act, and whose compensation is not based on the volume  
779 of premiums written.

780 4. The manager of a group, association, pool, or  
781 organization of insurers which engage in joint underwriting or  
782 joint reinsurance and who are subject to examination by the  
783 insurance regulatory authority of the state in which the  
784 manager's principal business office is located.

785 (3) LICENSURE.—

786 (a) No person shall act as a reinsurance intermediary  
787 broker in this state if the reinsurance intermediary broker  
788 maintains an office either directly or as a member or employee  
789 of a firm or association, or an officer, director, or employee  
790 of a corporation:

791 1. In this state, unless the reinsurance intermediary  
792 broker is a licensed producer in this state; or

793 2. In another state, unless the reinsurance intermediary



688170

794 broker is a licensed producer in this state or in another state  
795 having a law substantially similar to this section or the  
796 reinsurance intermediary broker is licensed in this state as an  
797 insurance agency and appointed as a nonresident reinsurance  
798 intermediary.

799 (b) No person shall act as a reinsurance intermediary  
800 manager:

801 1. For a reinsurer domiciled in this state, unless the  
802 reinsurance intermediary manager is a licensed producer in this  
803 state;

804 2. In this state, if the reinsurance intermediary manager  
805 maintains an office either directly or as a member or employee  
806 of a firm or association, or an officer, director, or employee  
807 of a corporation in this state, unless the reinsurance  
808 intermediary manager is a licensed producer in this state;

809 3. In another state for a nondomestic insurer, unless the  
810 reinsurance intermediary manager is a licensed producer in this  
811 state or another state having a law substantially similar to  
812 this section, or the person is licensed in this state as a  
813 producer nonresident reinsurance intermediary.

814 (e) If the applicant for a reinsurance intermediary  
815 appointment license is a nonresident, the applicant, as a  
816 condition precedent to receiving or holding an appointment a  
817 license, must designate the Chief Financial Officer as agent for  
818 service of process in the manner, and with the same legal  
819 effect, provided for by this section for designation of service  
820 of process upon unauthorized insurers. Such applicant shall also  
821 furnish the department with the name and address of a resident  
822 of this state upon whom notices or orders of the department or





688170

823 process affecting the nonresident reinsurance intermediary may  
824 be served. The licensee shall promptly notify the department in  
825 writing of each change in its designated agent for service of  
826 process, and the change shall not become effective until  
827 acknowledged by the department.

828 ~~(f) The department may refuse to issue a reinsurance~~  
829 ~~intermediary license if, in its judgment, the applicant, anyone~~  
830 ~~named on the application, or any member, principal, officer, or~~  
831 ~~director of the applicant, has demonstrated a lack of fitness~~  
832 ~~and trustworthiness, or that any controlling person of the~~  
833 ~~applicant is not fit or trustworthy to act as a reinsurance~~  
834 ~~intermediary, or that any of the foregoing has given cause for~~  
835 ~~revocation or suspension of the license, or has failed to comply~~  
836 ~~with any prerequisite for the issuance of the license.~~

837 ~~(g) Reinsurance intermediaries shall be licensed,~~  
838 appointed, renewed, continued, reinstated, or terminated as  
839 prescribed in this chapter for insurance representatives in  
840 general, ~~except that they shall be exempt from the photo,~~  
841 ~~education, and examination provisions. License, Appointment, and~~  
842 other fees shall be those prescribed in s. 624.501.

843 ~~(g)(h)~~ The grounds and procedures for refusal of an a  
844 ~~license or~~ appointment or suspension or revocation of a license  
845 or appointment issued to a reinsurance intermediary under this  
846 section are as set forth in ss. 626.611-626.691 for insurance  
847 representatives in general.

848 ~~(h)(i)~~ An attorney licensed in this state, when acting in a  
849 professional capacity, is exempt from this subsection.

850 ~~(i)(j)~~ The department may develop necessary rules to carry  
851 out this section.



852 Section 20. Subsection (5) of section 626.752, Florida  
853 Statutes, is amended to read:

854 626.752 Exchange of business.—

855 (5) Within 15 days after the last day of each month, any  
856 insurer accepting business under this section shall report to  
857 the department the name, address, telephone number, and social  
858 security number of each agent from which the insurer received  
859 more than four personal lines risks during the calendar year,  
860 except for risks being removed from the Citizens Property  
861 Insurance Corporation and placed with that insurer by a  
862 brokering agent. Once the insurer has reported pursuant to this  
863 subsection an agent's name to the department, additional reports  
864 on the same agent shall not be required. However, the fee set  
865 forth in s. 624.501 must be paid for the agent by the insurer  
866 for each year until the insurer notifies the department that the  
867 insurer is no longer accepting business from the agent pursuant  
868 to this section. The insurer may require that the agent  
869 reimburse the insurer for the fee. If the insurer or employer  
870 does not pay the fees and taxes due pursuant to this subsection  
871 within 21 days after notice by the department, the department  
872 must suspend the insurer's or employer's authority to appoint  
873 licensees until all outstanding fees and taxes have been paid.

874 Section 21. Subsection (3) of section 626.785, Florida  
875 Statutes, is amended to read:

876 626.785 Qualifications for license.—

877 (3) Notwithstanding any other provisions of this chapter, a  
878 funeral director, a direct disposer, or an employee of a funeral  
879 establishment that holds a preneed license pursuant to s.  
880 497.452 may obtain an agent's license or a limited license to



688170

881 sell only policies of life insurance covering the expense of a  
882 prearrangement for funeral services or merchandise so as to  
883 provide funds at the time the services and merchandise are  
884 needed. The face amount of insurance covered by any such policy  
885 shall not exceed \$21,000, plus an annual percentage increase  
886 based on the Annual Consumer Price Index compiled by the United  
887 States Department of Labor, beginning with the Annual Consumer  
888 Price Index announced by the United States Department of Labor  
889 for 2016.

890 Section 22. Subsection (4) of section 626.793, Florida  
891 Statutes, is amended to read:

892 626.793 Excess or rejected business.—

893 (4) Within 15 days after the last day of each month, any  
894 insurer accepting business under this section shall report to  
895 the department the name, address, telephone number, and social  
896 security number of each agent from which the insurer received  
897 more than four risks during the calendar year. Once the insurer  
898 has reported an agent's name to the department pursuant to this  
899 subsection, additional reports on the same agent shall not be  
900 required. However, the fee set forth in s. 624.501 must be paid  
901 for the agent by the insurer for each year until the insurer  
902 notifies the department that the insurer is no longer accepting  
903 business from the agent pursuant to this section. The insurer  
904 may require that the agent reimburse the insurer for the fee. If  
905 the insurer or employer does not pay the fees and taxes due  
906 pursuant to this subsection within 21 days after notice by the  
907 department, the department must suspend the insurer's or  
908 employer's authority to appoint licensees until all outstanding  
909 fees and taxes have been paid.



688170

910 Section 23. Subsection (5) of section 626.837, Florida  
911 Statutes, is amended to read:

912 626.837 Excess or rejected business.—

913 (5) Within 15 days after the last day of each month, any  
914 insurer accepting business under this section shall report to  
915 the department the name, address, telephone number, and social  
916 security number of each agent from which the insurer received  
917 more than four risks during the calendar year. Once the insurer  
918 has reported pursuant to this subsection an agent's name to the  
919 department, additional reports on the same agent shall not be  
920 required. However, the fee set forth in s. 624.501 must be paid  
921 for the agent by the insurer for each year until the insurer  
922 notifies the department that the insurer is no longer accepting  
923 business from the agent pursuant to this section. The insurer  
924 may require that the agent reimburse the insurer for the fee. If  
925 the insurer or employer does not pay the fees and taxes due  
926 pursuant to this subsection within 21 days after notice by the  
927 department, the department must suspend the insurer's or  
928 employer's authority to appoint licensees until all outstanding  
929 fees and taxes have been paid.

930 Section 24. Paragraph (e) is added to subsection (2) of  
931 section 626.8411, Florida Statutes, to read:

932 626.8411 Application of Florida Insurance Code provisions  
933 to title insurance agents or agencies.—

934 (2) The following provisions of part I do not apply to  
935 title insurance agents or title insurance agencies:

936 (e) Section 626.173(1)(c), relating to notifying  
937 policyholders of the agency closure.

938 Section 25. Present subsections (8) through (11) of section



688170

939 626.8437, Florida Statutes, are redesignated as subsections (9)  
940 through (12), respectively, and a new subsection (8) and  
941 subsection (13) are added to that section, to read:

942       626.8437 Grounds for denial, suspension, revocation, or  
943 refusal to renew license or appointment.—The department shall  
944 deny, suspend, revoke, or refuse to renew or continue the  
945 license or appointment of any title insurance agent or agency,  
946 and it shall suspend or revoke the eligibility to hold a license  
947 or appointment of such person, if it finds that as to the  
948 applicant, licensee, appointee, or any principal thereof, any  
949 one or more of the following grounds exist:

950       (8) Misappropriation, conversion, or improper withholding  
951 of funds not legally entitled thereto and which are received in  
952 a fiduciary capacity and held as part of an escrow agreement,  
953 real estate sales contract, or as provided on a settlement  
954 statement in a real estate transaction.

955       (13) Revocation or cancellation of a licensee's resident  
956 license in a jurisdiction other than this state.

957       Section 26. Subsections (7) and (8) are added to section  
958 626.844, Florida Statutes, to read:

959       626.844 Grounds for discretionary refusal, suspension, or  
960 revocation of license or appointment.—The department may, in its  
961 discretion, deny, suspend, revoke, or refuse to renew or  
962 continue the license or appointment of any title insurance agent  
963 or agency, and it may suspend or revoke the eligibility to hold  
964 a license or appointment of any such title insurance agent or  
965 agency if it finds that as to the applicant or licensee or  
966 appointee, or any principal thereof, any one or more of the  
967 following grounds exist under circumstances for which such



688170

968 denial, suspension, revocation, or refusal is not mandatory  
969 under s. 626.8437:

970 (7) Having been the subject of, or having had a license,  
971 permit, appointment, registration, or other authority to conduct  
972 business subject to, any decision, finding, injunction,  
973 suspension, prohibition, revocation, denial, judgment, final  
974 agency action, or administrative order by any court of competent  
975 jurisdiction, administrative law proceeding, state agency,  
976 federal agency, national securities, commodities, or option  
977 exchange, or national securities, commodities, or option  
978 association involving a violation of any federal or state  
979 securities or commodities law or any rule or regulation adopted  
980 thereunder, or a violation of any rule or regulation of any  
981 national securities, commodities, or options exchange or  
982 national securities, commodities, or options association.

983 (8) Revocation or cancellation of a licensee's resident  
984 license in a jurisdiction other than this state.

985 Section 27. Section 626.8473, Florida Statutes, is amended  
986 to read:

987 626.8473 Escrow; trust fund.—

988 (1) A title insurance agency agent may engage in business  
989 as an escrow agent as to funds received from others to be  
990 subsequently disbursed ~~by the title insurance agent~~ in  
991 connection with real estate closing transactions involving the  
992 issuance of title ~~insurance binders~~, commitments, policies of  
993 title insurance, or guarantees of title, provided that a  
994 licensed and appointed title insurance agency agent complies  
995 with the requirements of s. 626.8419 ~~s. 626.8417~~, including such  
996 requirements added after the initial licensure of the agency



688170

997 ~~agent.~~

998           (2) All funds received by a title insurance agency ~~agent~~ as  
999 described in subsection (1) shall be trust funds received in a  
1000 fiduciary capacity by the title insurance agency ~~agent~~ and shall  
1001 be the property of the person or persons entitled thereto.

1002           (3) All funds received by a title insurance agency ~~agent~~ to  
1003 be held in trust shall be immediately placed in a financial  
1004 institution that is located within this state and is a member of  
1005 the Federal Deposit Insurance Corporation or the National Credit  
1006 Union Share Insurance Fund. These funds shall be invested in an  
1007 escrow account in accordance with the investment requirements  
1008 and standards established for deposits and investments of state  
1009 funds in s. 17.57, where the funds shall be kept until  
1010 disbursement thereof is properly authorized.

1011           (4) Funds required to be maintained in escrow trust  
1012 accounts pursuant to this section shall not be subject to any  
1013 debts of the title insurance agency ~~agent~~ and shall be used only  
1014 in accordance with the terms of the individual, escrow,  
1015 settlement, or closing instructions under which the funds were  
1016 accepted.

1017           (5) The title insurance agency ~~agents~~ shall maintain  
1018 separate records of all receipts and disbursements of escrow,  
1019 settlement, or closing funds.

1020           (6) In the event that the department promulgates rules  
1021 necessary to implement the requirements of this section pursuant  
1022 to s. 624.308, the department shall consider reasonable  
1023 standards necessary for the protection of funds held in trust,  
1024 including, but not limited to, standards for accounting of  
1025 funds, standards for receipt and disbursement of funds, and



688170

1026 protection for the person or persons to whom the funds are to be  
1027 disbursed.

1028 (7) A title insurance agency agent, or any officer,  
1029 director, or employee thereof, or any person associated  
1030 therewith as an independent contractor for bookkeeping or  
1031 similar purposes, who converts or misappropriates funds received  
1032 or held in escrow or in trust by such title insurance agency  
1033 agent, or any person who knowingly receives or conspires to  
1034 receive such funds, commits:

1035 (a) If the funds converted or misappropriated are \$300 or  
1036 less, a misdemeanor of the first degree, punishable as provided  
1037 in s. 775.082 or s. 775.083.

1038 (b) If the funds converted or misappropriated are more than  
1039 \$300, but less than \$20,000, a felony of the third degree,  
1040 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1041 (c) If the funds converted or misappropriated are \$20,000  
1042 or more, but less than \$100,000, a felony of the second degree,  
1043 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1044 (d) If the funds converted or misappropriated are \$100,000  
1045 or more, a felony of the first degree, punishable as provided in  
1046 s. 775.082, s. 775.083, or s. 775.084.

1047 (8) An attorney shall deposit and maintain all funds  
1048 received in connection with transactions in which the attorney  
1049 is serving as a title or real estate settlement agent into a  
1050 separate trust account that is maintained exclusively for funds  
1051 received in connection with such transactions and permit the  
1052 account to be audited by its title insurers, unless maintaining  
1053 funds in the separate account for a particular client would  
1054 violate applicable rules of The Florida Bar.





688170

1055           Section 28. Subsection (19) of section 626.854, Florida  
1056 Statutes, is amended to read:

1057           626.854 "Public adjuster" defined; prohibitions.—The  
1058 Legislature finds that it is necessary for the protection of the  
1059 public to regulate public insurance adjusters and to prevent the  
1060 unauthorized practice of law.

1061           (19) Except as otherwise provided in this chapter, no  
1062 person, except an attorney at law or a licensed and appointed  
1063 public adjuster, may for money, commission, or any other thing  
1064 of value, directly or indirectly:

1065           (a) Prepare, complete, or file an insurance claim for an  
1066 insured or a third-party claimant;

1067           (b) Act on behalf of or aid an insured or a third-party  
1068 claimant in negotiating for or effecting the settlement of a  
1069 claim for loss or damage covered by an insurance contract;

1070           (c) Offer to initiate or negotiate a claim on behalf of an  
1071 insured;

1072           (d) Advertise services that require a license as a public  
1073 adjuster; or

1074           (e) Solicit, investigate, or adjust a claim on behalf of a  
1075 public adjuster, an insured, or a third-party claimant.

1076           Section 29. Section 626.874, Florida Statutes, is amended  
1077 to read:

1078           626.874 Catastrophe or emergency adjusters.—

1079           (1) In the event of a catastrophe or emergency, the  
1080 department may issue a license, for the purposes and under the  
1081 conditions and for the period of emergency as it shall  
1082 determine, to persons who are residents or nonresidents of this  
1083 state, who are at least 18 years of age, who are United States



688170

1084 citizens or legal aliens who possess work authorization from the  
1085 United States Bureau of Citizenship and Immigration Services,  
1086 and who are not licensed adjusters under this part but who have  
1087 been designated and certified to it as qualified to act as  
1088 adjusters by an authorized insurer to adjust claims, losses, or  
1089 damages under policies or contracts of insurance issued by such  
1090 insurers, or by a licensed ~~the primary adjuster of an~~  
1091 independent adjusting firm contracted with an authorized insurer  
1092 to adjust claims on behalf of the insurer. The fee for the  
1093 license is as provided in s. 624.501(12)(c).

1094 (2) If any person not a licensed adjuster who has been  
1095 permitted to adjust such losses, claims, or damages under the  
1096 conditions and circumstances set forth in subsection (1),  
1097 engages in any of the misconduct described in or contemplated by  
1098 chapter 626 ~~ss. 626.611 and 626.621~~, the department, without  
1099 notice and hearing, shall be authorized to issue its order  
1100 denying such person the privileges granted under this section;  
1101 and thereafter it shall be unlawful for any such person to  
1102 adjust any such losses, claims, or damages in this state.

1103 Section 30. Subsection (2) of section 626.9892, Florida  
1104 Statutes, is amended to read:

1105 626.9892 Anti-Fraud Reward Program; reporting of insurance  
1106 fraud.—

1107 (2) The department may pay rewards of up to \$25,000 to  
1108 persons providing information leading to the arrest ~~and~~  
1109 ~~conviction~~ of persons committing crimes investigated by the  
1110 department arising from violations of s. 400.9935, s. 440.105,  
1111 s. 624.15, s. 626.112, s. 626.8473, s. 626.8738, s. 626.9541, s.  
1112 626.989, s. 790.164, s. 790.165, s. 790.166, s. 806.01, s.



688170

1113 806.031, s. 806.10, s. 806.111, s. 812.014, s. 817.034, s.  
1114 817.233, ~~s.~~ s. 817.234, s. 817.236, s. 817.2361, s. 817.505, s.  
1115 817.568, s. 831.01, s. 895.03, s. 895.04, or s. 896.101.

1116 Section 31. Present subsections (7) through (12) of section  
1117 626.9957, Florida Statutes, are redesignated as subsections (8)  
1118 through (13), respectively, and a new subsection (7) is added to  
1119 that section, to read:

1120 626.9957 Conduct prohibited; denial, revocation,  
1121 termination, expiration, or suspension of registration.—

1122 (7) If a navigator registered under this part fails to  
1123 maintain an active, valid navigator's registration status with  
1124 the Federal Government or an exchange, the navigator's  
1125 registration issued under this part shall expire by operation of  
1126 law. A navigator with an expired registration may not be granted  
1127 subsequent registration until the navigator qualifies as a  
1128 first-time applicant.

1129 Section 32. Paragraph (c) of subsection (4) of section  
1130 627.351, Florida Statutes, is amended to read:

1131 627.351 Insurance risk apportionment plans.—

1132 (4) MEDICAL MALPRACTICE RISK APPORTIONMENT.—

1133 (c) The Joint Underwriting Association shall operate  
1134 subject to the supervision and approval of a board of governors  
1135 consisting of representatives of five of the insurers  
1136 participating in the Joint Underwriting Association, an attorney  
1137 named by The Florida Bar, a physician named by the Florida  
1138 Medical Association, a dentist named by the Florida Dental  
1139 Association, and a hospital representative named by the Florida  
1140 Hospital Association. The Chief Financial Officer shall select  
1141 the representatives of the five insurers or other persons with



688170

1142 experience in medical malpractice insurance as determined by the  
1143 Chief Financial Officer. These appointments are deemed to be  
1144 within the scope of the exemption provided in s. 112.313(7)(b).  
1145 One insurer representative shall be selected from  
1146 recommendations of the American Insurance Association. One  
1147 insurer representative shall be selected from recommendations of  
1148 the Property Casualty Insurers Association of America. One  
1149 insurer representative shall be selected from recommendations of  
1150 the Florida Insurance Council. Two insurer representatives shall  
1151 be selected to represent insurers that are not affiliated with  
1152 these associations. Vacancies on the board shall be filled for  
1153 the remaining period of the term in the same manner as the  
1154 initial appointments. During the first meeting of the board  
1155 after June 30 of each year, the board shall choose one of its  
1156 members to serve as chair of the board and another member to  
1157 serve as vice chair of the board. There is no liability on the  
1158 part of, and no cause of action shall arise against, any member  
1159 insurer, self-insurer, or its agents or employees, the Joint  
1160 Underwriting Association or its agents or employees, members of  
1161 the board of governors, or the office or its representatives for  
1162 any action taken by them in the performance of their powers and  
1163 duties under this subsection.

1164 1. The Chief Financial Officer may remove a board member  
1165 from office for misconduct, malfeasance, misfeasance, or neglect  
1166 of duty. Any vacancy so created shall be filled as provided in  
1167 this paragraph.

1168 2. Board members are subject to the code of ethics under  
1169 part III of chapter 112, including, but not limited to, the code  
1170 of ethics and public disclosure and reporting of financial



688170

1171 interests, pursuant to s. 112.3145. For purposes of applying  
1172 part III of chapter 112 to activities of members of the board of  
1173 governors, those persons are considered public officers and the  
1174 Joint Underwriting Association is considered their agency.  
1175 Notwithstanding s. 112.3143(2), a board member may not vote on  
1176 any measure that he or she knows would inure to his or her  
1177 special private gain or loss; that he or she knows would inure  
1178 to the special private gain or loss of any principal by which he  
1179 or she is retained, other than an agency as defined in s.  
1180 112.312; or that he or she knows would inure to the special  
1181 private gain or loss of a relative or business associate of the  
1182 public officer. Before the vote is taken, such board member  
1183 shall publicly state to the board the nature of his or her  
1184 interest in the matter from which he or she is abstaining from  
1185 voting and, within 15 days after the vote occurs, disclose the  
1186 nature of his or her interest as a public record in a memorandum  
1187 filed with the person responsible for recording the minutes of  
1188 the meeting, who shall incorporate the memorandum in the  
1189 minutes.

1190 3. Notwithstanding s. 112.3148, s. 112.3149, or any other  
1191 law, a board member may not knowingly accept, directly or  
1192 indirectly, any gift or expenditure from a person or entity, or  
1193 an employee or representative of such person or entity, which  
1194 has a contractual relationship with the Joint Underwriting  
1195 Association or which is under consideration for a contract.

1196 4. A board member who fails to comply with subparagraph 2.  
1197 or subparagraph 3. is subject to the penalties provided under  
1198 ss. 112.317 and 112.3173.

1199 Section 33. Section 627.4215, Florida Statutes, is amended



688170

1200 to read:

1201 627.4215 Disclosures to policyholders; coverage of  
1202 behavioral health care services.—

1203 (1) A health insurer that offers behavioral health  
1204 insurance coverages required by federal or state law shall make  
1205 all of the following information available on its website:

1206 (a) The federal and state requirements for coverage of  
1207 behavioral health care services.

1208 (b) Contact information for the Division of Consumer  
1209 Services of the department, including a hyperlink, for consumers  
1210 to submit inquiries or complaints relating to health insurer  
1211 products or services regulated by the department or the office.

1212 (2) On an annual basis, a health insurer that offers  
1213 behavioral health insurance coverage required by federal or  
1214 state law shall provide a direct notice to insureds with  
1215 behavioral health insurance coverages required by federal or  
1216 state law which must include a description of the federal and  
1217 state requirements for coverage of behavioral health care  
1218 services. Such notice must also include the website address and  
1219 statewide toll-free telephone number of the Division of Consumer  
1220 Services of the department for receiving and logging complaints.

1221 Section 34. Subsections (2) and (3) of section 627.7015,  
1222 Florida Statutes, are amended to read:

1223 627.7015 Alternative procedure for resolution of disputed  
1224 property insurance claims.—

1225 (2) At the time of issuance and renewal of a policy or at  
1226 the time a first-party claim within the scope of this section is  
1227 filed by the policyholder, the insurer shall notify the  
1228 policyholder of its right to participate in the mediation



688170

1229 program under this section. A claim is not eligible for  
1230 mediation until an insurer has made a claim determination or  
1231 elected to repair pursuant to s. 627.70131. The department shall  
1232 prepare a consumer information pamphlet for distribution to  
1233 persons participating in mediation.

1234 (3) The costs of mediation must be reasonable, and the  
1235 insurer must bear all of the cost of conducting mediation  
1236 conferences, except as otherwise provided in this section. If a  
1237 policyholder fails to appear at the conference, the conference  
1238 must be rescheduled upon the policyholder's payment of the costs  
1239 of a rescheduled conference. If the insurer fails to appear at  
1240 the conference, the insurer must pay the policyholder's actual  
1241 cash expenses incurred in attending the conference if the  
1242 insurer's failure to attend was not due to a good cause  
1243 acceptable to the department. An insurer will be deemed to have  
1244 failed to appear if the insurer's representative lacks authority  
1245 to settle the full value of the claim. The insurer shall incur  
1246 an additional fee for a rescheduled conference necessitated by  
1247 the insurer's failure to appear at a scheduled conference. The  
1248 fees assessed by the department administrator must include a  
1249 charge necessary to defray the expenses of the department  
1250 related to its duties under this section and must be deposited  
1251 in the Insurance Regulatory Trust Fund. The department may  
1252 suspend the insurer's authority to appoint licensees if the  
1253 insurer does not timely pay the required fees.

1254 Section 35. Subsection (18) is added to section 627.7074,  
1255 Florida Statutes, to read:

1256 627.7074 Alternative procedure for resolution of disputed  
1257 sinkhole insurance claims.—



688170

1258           (18) The department may designate, by means of a written  
1259 contract or agreement, an entity or a person to serve as  
1260 administrator to carry out any of the provisions of this  
1261 section.

1262           Section 36. Section 627.745, Florida Statutes, is amended  
1263 to read:

1264           627.745 Mediation of claims.—

1265           (1) (a) In any claim filed with an insurer for personal  
1266 injury in an amount of \$10,000 or less or any claim for property  
1267 damage in any amount, arising out of the ownership, operation,  
1268 use, or maintenance of a motor vehicle, either party may demand  
1269 mediation of the claim prior to the institution of litigation.

1270           (b) The costs of mediation must be reasonable, and the  
1271 insurer must bear all of the cost of conducting mediation  
1272 conferences, except as otherwise provided in this section. If a  
1273 policyholder fails to appear at the conference, the conference  
1274 must be rescheduled upon the policyholder's payment of the costs  
1275 of a rescheduled conference. If the insurer fails to appear at  
1276 the conference, the insurer must pay the policyholder's actual  
1277 cash expenses incurred in attending the conference if the  
1278 insurer's failure to attend was not due to a good cause  
1279 acceptable to the department. An insurer is deemed to have  
1280 failed to appear if the insurer's representative lacks authority  
1281 to settle the full value of the claim. The insurer shall incur  
1282 an additional fee, paid to the mediator, for a rescheduled  
1283 conference necessitated by the insurer's failure to appear at a  
1284 scheduled conference. The fees assessed by the department or  
1285 administrator must include a charge necessary to defray the  
1286 expenses of the department related to its duties under this





688170

1287 section and must be deposited in the Insurance Regulatory Trust  
1288 Fund. The department or administrator may request that the  
1289 department suspend the insurer's authority to appoint licensees  
1290 if the insurer does not timely pay the per-mediation-event  
1291 administrative fee. Mediation under this section is also  
1292 available to litigants referred to the department by a county  
1293 court or circuit court.

1294 ~~(b) A request for mediation shall be filed with the~~  
1295 ~~department on a form approved by the department. The request for~~  
1296 ~~mediation shall state the reason for the request for mediation~~  
1297 ~~and the issues in dispute which are to be mediated. The filing~~  
1298 ~~of a request for mediation tolls the applicable time~~  
1299 ~~requirements for filing suit for a period of 60 days following~~  
1300 ~~the conclusion of the mediation process or the time prescribed~~  
1301 ~~in s. 95.11, whichever is later.~~

1302 ~~(c) The insurance policy must specify in detail the terms~~  
1303 ~~and conditions for mediation of a first-party claim.~~

1304 ~~(d) The mediation shall be conducted as an informal process~~  
1305 ~~in which formal rules of evidence and procedure need not be~~  
1306 ~~observed. Any party participating in a mediation must have the~~  
1307 ~~authority to make a binding decision. All parties must mediate~~  
1308 ~~in good faith.~~

1309 ~~(e) The department shall randomly select mediators. Each~~  
1310 ~~party may once reject the mediator selected, either originally~~  
1311 ~~or after the opposing side has exercised its option to reject a~~  
1312 ~~mediator.~~

1313 ~~(f) Costs of mediation shall be borne equally by both~~  
1314 ~~parties unless the mediator determines that one party has not~~  
1315 ~~mediated in good faith.~~



688170

1316           ~~(g)~~ Only one mediation may be requested for each claim,  
1317 unless all parties agree to further mediation.

1318           ~~(2)~~ Upon receipt of a request for mediation, the department  
1319 shall refer the request to a mediator. The mediator shall notify  
1320 the applicant and all interested parties, as identified by the  
1321 applicant, and any other parties the mediator believes may have  
1322 an interest in the mediation, of the date, time, and place of  
1323 the mediation conference. The conference may be held by  
1324 telephone, if feasible. The mediation conference shall be held  
1325 within 45 days after the request for mediation.

1326           (2) ~~(a)-(3)~~ ~~(a)~~ The department shall approve mediators to  
1327 conduct mediations pursuant to this section. All mediators must  
1328 file an application under oath for approval as a mediator.

1329           (b) To qualify for approval as a mediator, an individual  
1330 must meet one of the following qualifications:

1331           1. Possess an active certification as a Florida Supreme  
1332 Court certified circuit court mediator. A Florida Supreme Court  
1333 certified circuit court mediator in a lapsed, suspended,  
1334 sanctioned, or decertified status is not eligible to participate  
1335 in the mediation program.

1336           2. Be an approved department mediator as of July 1, 2014,  
1337 and have conducted at least one mediation on behalf of the  
1338 department within 4 years immediately preceding that date.

1339           (3) ~~(4)~~ The department shall deny an application, or suspend  
1340 or revoke its approval, of a mediator to serve in such capacity  
1341 if the department finds that one or more of the following  
1342 grounds exist:

1343           (a) Lack of one or more of the qualifications specified in  
1344 this section for approval.



688170

1345 (b) Material misstatement, misrepresentation, or fraud in  
1346 obtaining or attempting to obtain the approval.

1347 (c) Demonstrated lack of fitness or trustworthiness to act  
1348 as a mediator.

1349 (d) Fraudulent or dishonest practices in the conduct of  
1350 mediation or in the conduct of business in the financial  
1351 services industry.

1352 (e) Violation of any provision of this code or of a lawful  
1353 order or rule of the department, violation of the Florida Rules  
1354 for Certified and Court-Appointed Mediators, or aiding,  
1355 instructing, or encouraging another party in committing such a  
1356 violation.

1357  
1358 The department may adopt rules to administer this subsection.

1359 (4) The department shall adopt by rule a motor vehicle  
1360 claims insurance mediation program to be administered by the  
1361 department or its designee. The department may also adopt  
1362 special rules that are applicable in cases of an emergency  
1363 within the state. The rules shall be modeled after practices and  
1364 procedures set forth in mediation rules of procedure adopted by  
1365 the Supreme Court. The rules must include:

1366 (a) Reasonable requirements for processing and scheduling  
1367 of requests for mediation.

1368 (b) Provisions governing who may attend mediation  
1369 conferences.

1370 (c) Selection of mediators.

1371 (d) Criteria for the conduct of mediation conferences.

1372 (e) Right to legal counsel.

1373 ~~(5) The department must adopt rules of procedure for claims~~



688170

1374 ~~mediation, taking into consideration a system which:~~  
1375       ~~(a) Is fair.~~  
1376       ~~(b) Promotes settlement.~~  
1377       ~~(c) Avoids delay.~~  
1378       ~~(d) Is nonadversarial.~~  
1379       ~~(e) Uses a framework for modern mediating technique.~~  
1380       (f) Controls of costs and expenses of mediation.  
1381       (5) The department may designate an entity or person to  
1382 serve as an administrator to carry out any of the provisions of  
1383 this section and may take this action by means of a written  
1384 contract or agreement.

1385       (6) Disclosures and information divulged in the mediation  
1386 process are not admissible in any subsequent action or  
1387 proceeding relating to the claim or to the cause of action  
1388 giving rise to the claim. A person demanding mediation under  
1389 this section may not demand or request mediation after a suit is  
1390 filed relating to the same facts already mediated.

1391       Section 37. Present subsections (7) through (12) of section  
1392 631.141, Florida Statutes, are redesignated as subsections (8)  
1393 through (13), respectively, and a new subsection (7) is added to  
1394 that section, to read:

1395       631.141 Conduct of delinquency proceeding; domestic and  
1396 alien insurers.—

1397       (7) In order to preserve as much as possible the right and  
1398 interest of the policyholders whose insurance policies or  
1399 similar contracts are affected by the receivership proceedings,  
1400 the department as a domiciliary receiver may:

1401       (a) Use the property of the estate of the insurer to  
1402 transfer the insurer's book of business, policies, or similar



688170

1403 contracts of coverage, in whole or in part, to a solvent  
1404 assuming insurer or insurers.

1405 (b) Notwithstanding s. 631.195, share records of the  
1406 insurer with the prospective solvent assuming insurer or  
1407 insurers, but only to the extent necessary to undertake due  
1408 diligence for a transfer contemplated under this section.

1409 Section 38. Subsections (1) and (3) of section 631.252,  
1410 Florida Statutes, are amended to read:

1411 631.252 Continuation of coverage.—

1412 (1) Unless another insurer, with approval of the  
1413 receivership court, assumes or otherwise provides coverage for  
1414 the policies of the insolvent insurer, all insurance policies or  
1415 similar contracts of coverage, other than coverages defined in  
1416 s. 631.713 or health maintenance organization coverage under  
1417 part IV, issued by the insurer shall be canceled upon the  
1418 earlier ~~earliest to occur~~ of the following:

1419 (a) The date of entry of the liquidation or, if the court  
1420 so provides in its order, the expiration of 30 days from the  
1421 date of entry of the liquidation order;

1422 (b) The normal expiration of the policy or contract  
1423 coverage;

1424 (c) The replacement of the coverage by the insured, or the  
1425 replacement of the policy or contract of coverage, with a policy  
1426 or contract acceptable to the insured by the receiver with  
1427 another insurer; ~~or~~

1428 (d) The date proposed by the receiver and approved by the  
1429 receivership court to cancel coverage; or

1430 (e) ~~(d)~~ The termination of the coverage by the insured.

1431 (3) The 30-day coverage continuation period provided in



688170

1432 paragraph (1) (a) and s. 631.57(1) (a)1. may not be extended  
1433 unless the Chief Financial Officer ~~office~~ determines, based on a  
1434 reasonable belief, that market conditions are such that policies  
1435 of residential property insurance coverage cannot be placed with  
1436 an authorized insurer within 30 days and that an additional 15  
1437 days is needed to place such coverage. ~~;~~ ~~and~~ Failure of actual  
1438 notice to the policyholder of the insolvency of the insurer, of  
1439 commencement of a delinquency proceeding, or of expiration of  
1440 the extension period does not affect such expiration.

1441 Section 39. Subsection (1) of section 631.56, Florida  
1442 Statutes, is amended, and subsections (5) through (8) are added  
1443 to that section, to read:

1444 631.56 Board of directors.—

1445 (1) The board of directors of the association shall consist  
1446 of not less than five or more than nine persons serving terms as  
1447 established in the plan of operation. Three members of the board  
1448 must be representatives from domestic insurers and appointed by  
1449 the Chief Financial Officer. The department shall approve and  
1450 appoint to the board persons recommended by the member insurers  
1451 or other persons with experience in property and casualty  
1452 insurance or motor vehicle insurance as determined by the Chief  
1453 Financial Officer. These appointments are deemed to be within  
1454 the scope of the exemption provided in s. 112.313(7) (b). ~~In the~~  
1455 ~~event the department finds that any recommended person does not~~  
1456 ~~meet the qualifications for service on the board, the department~~  
1457 ~~shall request the member insurers to recommend another person.~~  
1458 Each member shall serve for a 4-year term and may be  
1459 reappointed. Vacancies on the board shall be filled for the  
1460 remaining period of the term in the same manner as initial



688170

1461 appointments.

1462 (5) The Chief Financial Officer may remove a board member  
1463 from office for misconduct, malfeasance, misfeasance, or neglect  
1464 of duty. Any vacancy so created shall be filled as provided in  
1465 subsection (1).

1466 (6) Board members are subject to the code of ethics under  
1467 part III of chapter 112, including, but not limited to, the code  
1468 of ethics and public disclosure and reporting of financial  
1469 interests, pursuant to s. 112.3145. For purposes of applying  
1470 part III of chapter 112 to activities of members of the board of  
1471 directors, those persons are considered public officers and the  
1472 association is considered their agency. Notwithstanding s.  
1473 112.3143(2), a board member may not vote on any measure that he  
1474 or she knows would inure to his or her special private gain or  
1475 loss; that he or she knows would inure to the special private  
1476 gain or loss of any principal by which he or she is retained,  
1477 other than an agency as defined in s. 112.312; or that he or she  
1478 knows would inure to the special private gain or loss of a  
1479 relative or business associate of the public officer. Before the  
1480 vote is taken, such member shall publicly state to the board the  
1481 nature of his or her interest in the matter from which he or she  
1482 is abstaining from voting and, within 15 days after the vote  
1483 occurs, disclose the nature of his or her interest as a public  
1484 record in a memorandum filed with the person responsible for  
1485 recording the minutes of the meeting, who shall incorporate the  
1486 memorandum in the minutes.

1487 (7) Notwithstanding s. 112.3148, s. 112.3149, or any other  
1488 law, a board member may not knowingly accept, directly or  
1489 indirectly, any gift or expenditure from a person or entity, or



688170

1490 an employee or representative of such person or entity, which  
1491 has a contractual relationship with the association or which is  
1492 under consideration for a contract.

1493 (8) A board member who fails to comply with subsection (6)  
1494 or subsection (7) is subject to the penalties provided under ss.  
1495 112.317 and 112.3173.

1496 Section 40. Paragraph (a) of subsection (1) of section  
1497 631.716, Florida Statutes, is amended, and subsections (4)  
1498 through (7) are added to that section, to read:

1499 631.716 Board of directors.—

1500 (1) (a) The board of directors of the association shall have  
1501 at least 9, but no more than 11, members. The members shall  
1502 consist ~~be comprised~~ of member insurers serving terms as  
1503 established in the plan of operation and 1 Florida Health  
1504 Maintenance Organization Consumer Assistance Plan director  
1505 confirmed pursuant to paragraph (b), or other persons with  
1506 experience in life and annuity or accident and health insurance  
1507 as determined by the Chief Financial Officer. These appointments  
1508 are deemed to be within the scope of the exemption provided in  
1509 s. 112.313(7) (b). At all times, at least 1 ~~member of the~~ board  
1510 member must be a domestic insurer as defined in s. 624.06(1).  
1511 The ~~members of the~~ board members who are member insurers shall  
1512 be elected by member insurers, subject to the approval of the  
1513 department. Each board member shall serve for a 4-year term and  
1514 may be reappointed.

1515 (4) The Chief Financial Officer may remove a board member  
1516 from office for misconduct, malfeasance, misfeasance, or neglect  
1517 of duty. Any vacancy so created shall be filled as provided in  
1518 subsection (1).





688170

1519           (5) Board members are subject to the code of ethics under  
1520 part III of chapter 112, including, but not limited to, the code  
1521 of ethics and public disclosure and reporting of financial  
1522 interests, pursuant to s. 112.3145. For purposes of applying  
1523 part III of chapter 112 to activities of members of the board of  
1524 directors, those persons are considered public officers and the  
1525 association is considered their agency. Notwithstanding s.  
1526 112.3143(2), a board member may not vote on any measure that he  
1527 or she knows would inure to his or her special private gain or  
1528 loss; that he or she knows would inure to the special private  
1529 gain or loss of any principal by which he or she is retained,  
1530 other than an agency as defined in s. 112.312; or that he or she  
1531 knows would inure to the special private gain or loss of a  
1532 relative or business associate of the public officer. Before the  
1533 vote is taken, such member shall publicly state to the board the  
1534 nature of his or her interest in the matter from which he or she  
1535 is abstaining from voting and, within 15 days after the vote  
1536 occurs, disclose the nature of his or her interest as a public  
1537 record in a memorandum filed with the person responsible for  
1538 recording the minutes of the meeting, who shall incorporate the  
1539 memorandum in the minutes.

1540           (6) Notwithstanding s. 112.3148, s. 112.3149, or any other  
1541 law, a board member may not knowingly accept, directly or  
1542 indirectly, any gift or expenditure from a person or entity, or  
1543 an employee or representative of such person or entity, which  
1544 has a contractual relationship with the association or which is  
1545 under consideration for a contract.

1546           (7) A board member who fails to comply with subsection (5)  
1547 or subsection (6) is subject to the penalties provided under ss.



688170

1548 112.317 and 112.3173.

1549 Section 41. Subsection (1) of section 631.816, Florida  
1550 Statutes, is amended, and subsections (8) through (11) are added  
1551 to that section, to read:

1552 631.816 Board of directors.—

1553 (1) The board of directors of the plan shall consist of not  
1554 less than five or more than nine persons serving terms as  
1555 established in the plan of operation. The department shall  
1556 approve and appoint to the board persons recommended by the  
1557 member HMOs or other persons with experience in health insurance  
1558 as determined by the Chief Financial Officer. These appointments  
1559 are deemed to be within the scope of the exemption provided in  
1560 s. 112.313(7)(b). ~~In the event the department finds that any~~  
1561 ~~recommended person does not meet the qualifications for service~~  
1562 ~~on the board, the department shall request the member HMOs to~~  
1563 ~~recommend another person.~~ Each member shall serve for a 4-year  
1564 term and may be reappointed, except that terms may be staggered  
1565 as defined in the plan of operation. Vacancies on the board  
1566 shall be filled for the remaining period of the term in the same  
1567 manner as initial appointments. In determining voting rights,  
1568 each HMO is entitled to vote on the basis of cumulative weighted  
1569 voting based on the net written premium for non-Medicare and  
1570 non-Medicaid policies.

1571 (8) The Chief Financial Officer may remove a board member  
1572 from office for misconduct, malfeasance, misfeasance, or neglect  
1573 of duty. Any vacancy so created shall be filled as provided in  
1574 subsection (1).

1575 (9) Board members are subject to the code of ethics under  
1576 part III of chapter 112, including, but not limited to, the code



688170

1577 of ethics and public disclosure and reporting of financial  
1578 interests, pursuant to s. 112.3145. For purposes of applying  
1579 part III of chapter 112 to activities of members of the board of  
1580 directors, those persons are considered public officers and the  
1581 plan is considered their agency. Notwithstanding s. 112.3143(2),  
1582 a board member may not vote on any measure that he or she knows  
1583 would inure to his or her special private gain or loss; that he  
1584 or she knows would inure to the special private gain or loss of  
1585 any principal by which he or she is retained, other than an  
1586 agency as defined in s. 112.312; or that he or she knows would  
1587 inure to the special private gain or loss of a relative or  
1588 business associate of the public officer. Before the vote is  
1589 taken, such member shall publicly state to the board the nature  
1590 of his or her interest in the matter from which he or she is  
1591 abstaining from voting and, within 15 days after the vote  
1592 occurs, disclose the nature of his or her interest as a public  
1593 record in a memorandum filed with the person responsible for  
1594 recording the minutes of the meeting, who shall incorporate the  
1595 memorandum in the minutes.

1596 (10) Notwithstanding s. 112.3148, s. 112.3149, or any other  
1597 law, a board member may not knowingly accept, directly or  
1598 indirectly, any gift or expenditure from a person or entity, or  
1599 an employee or representative of such person or entity, which  
1600 has a contractual relationship with the plan or which is under  
1601 consideration for a contract.

1602 (11) A board member who fails to comply with subsection (9)  
1603 or subsection (10) is subject to the penalties provided under  
1604 ss. 112.317 and 112.3173.

1605 Section 42. Subsection (1) of section 631.912, Florida



688170

1606 Statutes, is amended, and subsections (4), (5), and (6) are  
1607 added to that section, to read:

1608 631.912 Board of directors.—

1609 (1) The board of directors of the corporation shall consist  
1610 of 11 persons, 1 of whom is the insurance consumer advocate  
1611 appointed under s. 627.0613 or designee and 1 of whom is  
1612 designated by the Chief Financial Officer. The department shall  
1613 appoint to the board 6 persons selected by private carriers from  
1614 among the 20 workers' compensation insurers with the largest  
1615 amount of direct written premium as determined by the  
1616 department, and 2 persons selected by the self-insurance funds  
1617 or other persons with experience in workers' compensation  
1618 insurance as determined by the Chief Financial Officer. These  
1619 appointments are deemed to be within the scope of the exemption  
1620 provided in s. 112.313(7)(b). The Governor shall appoint one  
1621 person who has commercial insurance experience. At least two of  
1622 the private carriers shall be foreign carriers authorized to do  
1623 business in this state. The board shall elect a chairperson from  
1624 among its members. The Chief Financial Officer may remove any  
1625 board member for cause. Each board member shall be appointed to  
1626 serve a 4-year term and may be reappointed. A vacancy on the  
1627 board shall be filled for the remaining period of the term in  
1628 the same manner by which the original appointment was made.

1629 (4) Board members are subject to the code of ethics under  
1630 part III of chapter 112, including, but not limited to, the code  
1631 of ethics and public disclosure and reporting of financial  
1632 interests, pursuant to s. 112.3145. For purposes of applying  
1633 part III of chapter 112 to activities of members of the board of  
1634 directors, those persons are considered public officers and the



688170

1635 corporation is considered their agency. Notwithstanding s.  
1636 112.3143(2), a board member may not vote on any measure that he  
1637 or she knows would inure to his or her special private gain or  
1638 loss; that he or she knows would inure to the special private  
1639 gain or loss of any principal by which he or she is retained,  
1640 other than an agency as defined in s. 112.312; or that he or she  
1641 knows would inure to the special private gain or loss of a  
1642 relative or business associate of the public officer. Before the  
1643 vote is taken, such member shall publicly state to the board the  
1644 nature of his or her interest in the matter from which he or she  
1645 is abstaining from voting and, within 15 days after the vote  
1646 occurs, disclose the nature of his or her interest as a public  
1647 record in a memorandum filed with the person responsible for  
1648 recording the minutes of the meeting, who shall incorporate the  
1649 memorandum in the minutes.

1650 (5) Notwithstanding s. 112.3148, s. 112.3149, or any other  
1651 law, a board member may not knowingly accept, directly or  
1652 indirectly, any gift or expenditure from a person or entity, or  
1653 an employee or representative of such person or entity, which  
1654 has a contractual relationship with the corporation or which is  
1655 under consideration for a contract.

1656 (6) A board member who fails to comply with subsection (4)  
1657 or subsection (5) is subject to the penalties provided under ss.  
1658 112.317 and 112.3173.

1659 Section 43. Section 633.1423, Florida Statutes, is created  
1660 to read:

1661 633.1423 State Fire Marshal direct-support organization.—

1662 (1) DEFINITION.—As used in this section, the term  
1663 “organization” means the direct-support organization established



688170

1664 under this section.

1665 (2) ORGANIZATION ESTABLISHED.—The division may establish a  
1666 direct-support organization, to be known as the “State Fire  
1667 Marshal Safety and Training Force,” whose sole purpose is to  
1668 support the safety and training of firefighters and to recognize  
1669 exemplary service. The organization must:

1670 (a) Be a not-for-profit corporation incorporated under  
1671 chapter 617 and approved by the Department of State.

1672 (b) Be organized and operated to raise funds; request and  
1673 receive grants, gifts, and bequests of money; conduct programs  
1674 and activities; acquire, receive, hold, invest, and administer,  
1675 in its own name, securities, funds, or property; and make grants  
1676 and expenditures to or for the direct or indirect benefit of the  
1677 division. Grants and expenditures may include the cost of  
1678 education or training of firefighters, or the recognition of  
1679 exemplary service of firefighters.

1680 (c) Be determined by the division to operate in a manner  
1681 that is:

1682 1. Consistent with the goals of the division and laws  
1683 relating to the safety and training of firefighters.

1684 2. In the best interest of the state.

1685 3. In accordance with the adopted goals and mission of the  
1686 division.

1687 (d) Use all of its grants and expenditures solely for the  
1688 purpose of educating, training, and recognizing firefighters,  
1689 and not for advertising using the likeness or name of any  
1690 elected official nor for the purpose of lobbying as defined in  
1691 s. 11.045(1).

1692 (e) Be subject to an annual financial audit in accordance



688170

1693 with s. 215.981.

1694 (3) CONTRACT.—The organization shall operate under written  
1695 contract with the division. The contract must provide for:

1696 (a) Certification by the division that the organization is  
1697 complying with the terms of the contract and in a manner  
1698 consistent with the goals and purposes of the department and in  
1699 the best interest of the state. Such certification must be made  
1700 annually and reported in the official minutes of a meeting of  
1701 the organization.

1702 (b) The reversion of moneys and property held by the  
1703 organization for firefighter safety, training, and recognition  
1704 to the division if the organization is no longer approved to  
1705 operate by the division or if the organization ceases to exist,  
1706 or to the state if the division ceases to exist.

1707 (4) BOARD OF DIRECTORS.—The organization shall be governed  
1708 by a board of directors. The State Fire Marshal, or his or her  
1709 designee, shall appoint a president of the board. The board of  
1710 directors shall be appointed by the president of the board.

1711 (5) USE OF PROPERTY.—The division may authorize, without  
1712 charge, appropriate use of fixed property and facilities of the  
1713 division by the organization, subject to this subsection.

1714 (a) The department may prescribe any condition with which  
1715 the organization must comply in order to use the division's  
1716 property or facilities.

1717 (b) The department may not authorize the use of the  
1718 division's property or facilities if the organization does not  
1719 provide equal membership and employment opportunities to all  
1720 persons regardless of race, religion, sex, age, or national  
1721 origin.



688170

1722           (c) The department shall adopt rules prescribing the  
1723 procedures by which the organization is governed and any  
1724 conditions with which the organization must comply to use the  
1725 division's property or facilities.

1726           (6) DEPOSITORY ACCOUNT.—Any moneys received by the  
1727 organization may be held in a separate depository account in the  
1728 name of the organization and subject to the contract with the  
1729 division.

1730           (7) ANNUAL BUDGETS AND REPORTS.—The organization shall  
1731 submit to the division its annual budget and financial reports,  
1732 its federal Internal Revenue Service Application for Recognition  
1733 of Exemption Form 1023, and its federal Internal Revenue Service  
1734 Return of Organization Exempt from Income Tax Form 990.

1735           (8) ANNUAL AUDIT.—The organization shall provide for an  
1736 annual financial audit in accordance with s. 215.981.

1737           (9) DIVISION'S RECEIPT OF PROCEEDS.—Proceeds received by  
1738 the division from the organization shall be deposited into the  
1739 Insurance Regulatory Trust Fund.

1740           (10) REPEAL.—This section is repealed October 1, 2028,  
1741 unless reviewed and saved from repeal by the Legislature.

1742           Section 44. Section 634.181, Florida Statutes, is amended  
1743 to read:

1744           634.181 Grounds for compulsory refusal, suspension, or  
1745 revocation of license or appointment of salespersons.—

1746           (1) The department shall deny, suspend, revoke, or refuse  
1747 to renew or continue the license or appointment of any such  
1748 salesperson if it finds that as to the salesperson any one or  
1749 more of the following applicable grounds exist:

1750           (a) ~~(1)~~ Material misstatement, misrepresentation, or fraud





688170

1751 in obtaining or attempting to obtain the license or appointment.

1752 (b)~~(2)~~ If the license or appointment is willfully used, or  
1753 to be used, to circumvent any of the requirements or  
1754 prohibitions of this part, any applicable provision of the  
1755 Florida Insurance Code, or rule of the department or commission.

1756 (c)~~(3)~~ Willful misrepresentation of any service agreement  
1757 or willful deception with regard to any agreement, done either  
1758 in person or by any form of dissemination of information or  
1759 advertising.

1760 (d)~~(4)~~ If in the adjustment of claims arising out of  
1761 service agreements, she or he has materially misrepresented to a  
1762 service agreement holder or other interested party the terms and  
1763 coverage of a service agreement with intent and for the purpose  
1764 of effecting settlement of the claim on less favorable terms  
1765 than those provided in and contemplated by the service  
1766 agreement.

1767 (e)~~(5)~~ For demonstrated lack of fitness or trustworthiness  
1768 to engage in the service agreement business.

1769 (f)~~(6)~~ For demonstrated lack of adequate knowledge and  
1770 technical competence to engage in the transactions authorized by  
1771 the license or appointment.

1772 (g)~~(7)~~ Fraudulent or dishonest practices in the conduct of  
1773 business under the license or appointment.

1774 (h)~~(8)~~ Misappropriation, conversion, or unlawful  
1775 withholding of moneys belonging to a service agreement company,  
1776 insurer, or service agreement holder or to others and received  
1777 in the conduct of business under the license or appointment.

1778 (i)~~(9)~~ For unlawfully rebating, or attempt thereat, or for  
1779 unlawfully dividing or offering to divide her or his commission



1780 with another.

1781 (j)~~(10)~~ Willful failure to comply with, or willful  
1782 violation of any proper order of the department or office, or  
1783 willful violation of any provision of this part, or of any  
1784 applicable provision of the insurance code, or applicable rule  
1785 of the department or commission.

1786 (k)~~(11)~~ Having been found guilty of, or having pleaded  
1787 guilty or nolo contendere to, a felony or a crime punishable by  
1788 imprisonment of 1 year or more under the law of the United  
1789 States of America or any state thereof or under the law of any  
1790 other country which involves moral turpitude, without regard to  
1791 whether a judgment of conviction has been entered by the court  
1792 having jurisdiction of the cases.

1793 (l)~~(12)~~ Failure to refund unearned pro rata commission to  
1794 the agreement holder or the service agreement company, if the  
1795 service agreement company is making a full unearned pro rata  
1796 refund to the agreement holder.

1797 (m) Having been the subject of, or having had a license,  
1798 permit, appointment, registration, or other authority to conduct  
1799 business subject to, any decision, finding, injunction,  
1800 suspension, prohibition, revocation, denial, judgment, final  
1801 agency action, or administrative order by any court of competent  
1802 jurisdiction, administrative law proceeding, state agency,  
1803 federal agency, national securities, commodities, or options  
1804 exchange, or national securities, commodities, or options  
1805 association involving a violation of any federal or state  
1806 securities or commodities law or any rule or regulation adopted  
1807 thereunder, or a violation of any rule or regulation of any  
1808 national securities, commodities, or options exchange or



688170

1809 national securities, commodities, or options association.

1810 (2) When a licensee is charged with a felony enumerated in  
1811 s. 626.207(2), the department shall, immediately upon receipt of  
1812 information on or indictment for the felony, temporarily suspend  
1813 a license or appointment issued under this chapter. Such  
1814 suspension shall continue if the licensee is found guilty of, or  
1815 pleads guilty or nolo contendere to, the crime, regardless of  
1816 whether a judgment or conviction is entered, during a pending  
1817 appeal. A person may not transact insurance business after  
1818 suspension of his or her license or appointment.

1819 (3) The department may adopt rules to administer this  
1820 section.

1821 Section 45. Section 634.191, Florida Statutes, is amended  
1822 to read:

1823 634.191 Grounds for discretionary refusal, suspension, or  
1824 revocation of license or appointment of salespersons.—

1825 (1) The department may, in its discretion, deny, suspend,  
1826 revoke, or refuse to renew or continue the license or  
1827 appointment of any salesperson if it finds that as to the  
1828 salesperson any one or more of the following applicable grounds  
1829 exist under circumstances for which such denial, suspension,  
1830 revocation, or refusal is not mandatory under s. 634.181:

1831 (a)~~(1)~~ For any cause for which granting of the license or  
1832 appointment could have been refused had it then existed and been  
1833 known to the department.

1834 (b)~~(2)~~ Violation of any provision of this part or of any  
1835 other law applicable to the business of service agreements in  
1836 the course of dealings under the license or appointment.

1837 (c)~~(3)~~ Violation of ~~Has violated~~ any lawful order or rule



688170

1838 of the department or commission.

1839 (d)~~(4)~~ Failure or refusal, upon demand, to pay over to any  
1840 company or insurer the salesperson represents or has represented  
1841 any money coming into her or his hands belonging to the company  
1842 or insurer.

1843 (e)~~(5)~~ If, in the conduct of business under the license or  
1844 appointment, the salesperson has engaged in unfair methods of  
1845 competition or in unfair or deceptive acts or practices, as such  
1846 methods, acts, or practices are or may be defined under this  
1847 part, or has otherwise shown herself or himself to be a source  
1848 of injury or loss to the public or detrimental to the public  
1849 interest.

1850 (f)~~(6)~~ Failure to report to the department within 30 days  
1851 the final disposition of an administrative action taken against  
1852 a salesperson by a governmental agency or other regulatory  
1853 agency in this state or any other state or jurisdiction relating  
1854 to the business of insurance, the sale of securities, or an  
1855 activity involving fraud, dishonesty, trustworthiness, or breach  
1856 of a fiduciary duty. The salesperson must submit a copy of the  
1857 order, consent to order, or other relevant legal documents to  
1858 the department ~~Having been found guilty of, or having pleaded~~  
1859 ~~guilty or nolo contendere to, a felony or a crime punishable by~~  
1860 ~~imprisonment of 1 year or more under the law of the United~~  
1861 ~~States of America or any state thereof or under the law of any~~  
1862 ~~other country, without regard to whether a judgment of~~  
1863 ~~conviction has been entered by the court having jurisdiction of~~  
1864 ~~the cases.~~

1865 (2) The department may adopt rules to administer this  
1866 section.



688170

1867 Section 46. Section 634.320, Florida Statutes, is amended  
1868 to read:

1869 634.320 Grounds for compulsory refusal, suspension, or  
1870 revocation of license or appointment of sales representatives.-

1871 (1) The department shall deny, suspend, revoke, or refuse  
1872 to renew or continue the license or appointment of any sales  
1873 representative if it is found that any one or more of the  
1874 following grounds applicable to the sales representative exist:

1875 (a)~~(1)~~ Material misstatement, misrepresentation, or fraud  
1876 in obtaining or attempting to obtain a license or appointment.

1877 (b)~~(2)~~ The license or appointment is willfully used, or to  
1878 be used, to circumvent any of the requirements or prohibitions  
1879 of this part.

1880 (c)~~(3)~~ Willful misrepresentation of any warranty contract  
1881 or willful deception with regard to any such contract, done  
1882 either in person or by any form of dissemination of information  
1883 or advertising.

1884 (d)~~(4)~~ In the adjustment of claims arising out of  
1885 warranties, material misrepresentation to a warranty holder or  
1886 other interested party of the terms and coverage of a contract,  
1887 with the intent and for the purpose of effecting settlement of  
1888 such claim on less favorable terms than those provided in and  
1889 contemplated by the contract.

1890 (e)~~(5)~~ Demonstrated lack of fitness or trustworthiness to  
1891 engage in the business of home warranty.

1892 (f)~~(6)~~ Demonstrated lack of adequate knowledge and  
1893 technical competence to engage in the transactions authorized by  
1894 the license or appointment.

1895 (g)~~(7)~~ Fraudulent or dishonest practices in the conduct of



688170

1896 business under the license or appointment.

1897 (h)~~(8)~~ Misappropriation, conversion, or unlawful  
1898 withholding of moneys belonging to an association, insurer, or  
1899 warranty holder, or to others, and received in the conduct of  
1900 business under the license or appointment.

1901 (i)~~(9)~~ Unlawfully rebating, or attempting to unlawfully  
1902 rebate, or unlawfully dividing, or offering to divide, her or  
1903 his commission with another.

1904 (j)~~(10)~~ Willful failure to comply with, or willful  
1905 violation of, any proper order or rule of the department or  
1906 commission or willful violation of any provision of this part.

1907 (k)~~(11)~~ Being found guilty of or pleading guilty or nolo  
1908 contendere to a felony or a crime punishable by imprisonment of  
1909 1 year or more under the law of the United States of America or  
1910 any state thereof or under the law of any other country  
1911 ~~involving moral turpitude~~, without regard to whether judgment of  
1912 conviction has been entered by the court.

1913 (l) Having been the subject of, or having had a license,  
1914 permit, appointment, registration, or other authority to conduct  
1915 business subject to, any decision, finding, injunction,  
1916 suspension, prohibition, revocation, denial, judgment, final  
1917 agency action, or administrative order by any court of competent  
1918 jurisdiction, administrative law proceeding, state agency,  
1919 federal agency, national securities, commodities, or options  
1920 exchange, or national securities, commodities, or options  
1921 association involving a violation of any federal or state  
1922 securities or commodities law or any rule or regulation adopted  
1923 thereunder, or a violation of any rule or regulation of any  
1924 national securities, commodities, or options exchange or



688170

1925 national securities, commodities, or options association.

1926 (2) When a licensee is charged with a felony enumerated in  
1927 s. 626.207(2), the department shall, immediately upon receipt of  
1928 information on or indictment for the felony, temporarily suspend  
1929 a license or appointment issued under this chapter. Such  
1930 suspension shall continue if the licensee is found guilty of, or  
1931 pleads guilty or nolo contendere to, the crime, regardless of  
1932 whether a judgment or conviction is entered, during a pending  
1933 appeal. A person may not transact insurance business after  
1934 suspension of his or her license or appointment.

1935 (3) The department may adopt rules to administer this  
1936 section.

1937 Section 47. Section 634.321, Florida Statutes, is amended  
1938 to read:

1939 634.321 Grounds for discretionary refusal, suspension, or  
1940 revocation of license or appointment of sales representatives.—

1941 (1) The department may, in its discretion, deny, suspend,  
1942 revoke, or refuse to renew or continue the license or  
1943 appointment of any sales representative if it is found that any  
1944 one or more of the following grounds applicable to the sales  
1945 representative exist under circumstances for which such denial,  
1946 suspension, revocation, or refusal is not mandatory under s.  
1947 634.320:

1948 (a)~~(1)~~ Any cause for which granting of the license or  
1949 appointment could have been refused had it then existed and been  
1950 known to the department.

1951 (b)~~(2)~~ Violation of any provision of this part, or of any  
1952 other law applicable to the business of warranties, in the  
1953 course of dealings under the license or appointment.



688170

1954            (c)~~(3)~~ Violation of any lawful order or rule of the  
1955 department or commission.

1956            (d)~~(4)~~ Failure or refusal to pay over, upon demand, to any  
1957 home warranty association or insurer the sales representative  
1958 represents or has represented any money coming into her or his  
1959 hands which belongs to the association or insurer.

1960            (e)~~(5)~~ In the conduct of business under the license or  
1961 appointment, engaging in unfair methods of competition or in  
1962 unfair or deceptive acts or practices, as such methods, acts, or  
1963 practices are or may be defined under this part, or otherwise  
1964 showing herself or himself to be a source of injury or loss to  
1965 the public or detriment to the public interest.

1966            (f)~~(6)~~ Failure to report to the department within 30 days  
1967 the final disposition of an administrative action taken against  
1968 a sales representative by a governmental agency or other  
1969 regulatory agency in this state or any other state or  
1970 jurisdiction relating to the business of insurance, the sale of  
1971 securities, or an activity involving fraud, dishonesty,  
1972 trustworthiness, or breach of a fiduciary duty. The sales  
1973 representative must submit a copy of the order, consent to  
1974 order, or other relevant legal documents to the department ~~Being~~  
1975 ~~found guilty of or pleading guilty or nolo contendere to a~~  
1976 ~~felony or a crime punishable by imprisonment of 1 year or more~~  
1977 ~~under the law of the United States of America or any state~~  
1978 ~~thereof or under the law of any other country, without regard to~~  
1979 ~~whether a judgment of conviction has been entered by the court.~~

1980            (2) The department may adopt rules to administer this  
1981 section.

1982            Section 48. Section 634.419, Florida Statutes, is amended





688170

1983 to read:

1984           634.419 License and appointment required.—No person or  
1985 entity shall solicit, negotiate, advertise, or effectuate  
1986 service warranty contracts in this state unless such person or  
1987 entity is licensed and appointed as a sales representative.  
1988 Sales representatives shall be responsible for the actions of  
1989 persons under their supervision. However, a service warranty  
1990 association licensed as such under this part shall not be  
1991 required to be licensed and appointed as a sales representative  
1992 to solicit, negotiate, advertise, or effectuate its products.  
1993 Sections 501.021-501.055 do not apply to persons or entities  
1994 licensed and appointed under this section, or their affiliates,  
1995 which solicit the sale of a service warranty or related service  
1996 or product in connection with a prearranged appointment at the  
1997 request of the consumer.

1998           Section 49. Section 634.422, Florida Statutes, is amended  
1999 to read:

2000           634.422 Grounds for compulsory refusal, suspension, or  
2001 revocation of license or appointment of sales representatives.—

2002           (1) The department shall deny, suspend, revoke, or refuse  
2003 to renew or continue the license or appointment of any sales  
2004 representative if it is found that any one or more of the  
2005 following grounds applicable to the sales representative exist:

2006           (a)~~(1)~~ Material misstatement, misrepresentation, or fraud  
2007 in obtaining or attempting to obtain a license or appointment.

2008           (b)~~(2)~~ The license or appointment is willfully used, or to  
2009 be used, to circumvent any of the requirements or prohibitions  
2010 of this part.

2011           (c)~~(3)~~ Willful misrepresentation of any service warranty



688170

2012 contract or willful deception with regard to any such contract,  
2013 done either in person or by any form of dissemination of  
2014 information or advertising.

2015 (d)~~(4)~~ In the adjustment of claims arising out of  
2016 warranties, material misrepresentation to a service warranty  
2017 holder or other interested party of the terms and coverage of a  
2018 contract with the intent and for the purpose of effecting  
2019 settlement of the claim on less favorable terms than those  
2020 provided in and contemplated by the contract.

2021 (e)~~(5)~~ Demonstrated lack of fitness or trustworthiness to  
2022 engage in the business of service warranty.

2023 (f)~~(6)~~ Demonstrated lack of adequate knowledge and  
2024 technical competence to engage in the transactions authorized by  
2025 the license or appointment.

2026 (g)~~(7)~~ Fraudulent or dishonest practices in the conduct of  
2027 business under the license or appointment.

2028 (h)~~(8)~~ Misappropriation, conversion, or unlawful  
2029 withholding of moneys belonging to an association, insurer, or  
2030 warranty holder, or to others, and received in the conduct of  
2031 business under the license or appointment.

2032 (i)~~(9)~~ Unlawfully rebating, or attempting to unlawfully  
2033 rebate, or unlawfully dividing, or offering to divide, her or  
2034 his commission with another.

2035 (j)~~(10)~~ Willful failure to comply with, or willful  
2036 violation of, any proper order or rule of the department or  
2037 commission, or willful violation of any provision of this part.

2038 (k)~~(11)~~ Being found guilty of or pleading nolo contendere  
2039 to a felony or a crime punishable by imprisonment of 1 year or  
2040 more under the law of the United States of America or any state



688170

2041 thereof or under the law of any other country ~~involving moral~~  
2042 ~~turpitude~~, without regard to whether judgment of conviction has  
2043 been entered by the court having jurisdiction of the case.

2044 (1) Having been the subject of, or having had a license,  
2045 permit, appointment, registration, or other authority to conduct  
2046 business subject to, any decision, finding, injunction,  
2047 suspension, prohibition, revocation, denial, judgment, final  
2048 agency action, or administrative order by any court of competent  
2049 jurisdiction, administrative law proceeding, state agency,  
2050 federal agency, national securities, commodities, or options  
2051 exchange, or national securities, commodities, or options  
2052 association involving a violation of any federal or state  
2053 securities or commodities law or any rule or regulation adopted  
2054 thereunder, or a violation of any rule or regulation of any  
2055 national securities, commodities, or options exchange or  
2056 national securities, commodities, or options association.

2057 (2) When a licensee is charged with a felony enumerated in  
2058 s. 626.207(2), the department shall, immediately upon receipt of  
2059 information on or indictment for the felony, temporarily suspend  
2060 a license or appointment issued under this chapter. Such  
2061 suspension shall continue if the licensee is found guilty of, or  
2062 pleads guilty or nolo contendere to, the crime, regardless of  
2063 whether a judgment or conviction is entered, during a pending  
2064 appeal. A person may not transact insurance business after  
2065 suspension of his or her license or appointment.

2066 (3) The department may adopt rules to administer this  
2067 section.

2068 Section 50. Section 634.423, Florida Statutes, is amended  
2069 to read:



688170

2070           634.423 Grounds for discretionary refusal, suspension, or  
2071 revocation of license or appointment of sales representatives.—

2072           (1) The department may deny, suspend, revoke, or refuse to  
2073 renew or continue the license or appointment of any sales  
2074 representative if it is found that any one or more of the  
2075 following grounds applicable to the sales representative exist  
2076 under circumstances for which such denial, suspension,  
2077 revocation, or refusal is not mandatory under s. 634.422:

2078           (a)~~(1)~~ Any cause for which granting of the license or  
2079 appointment could have been refused had it then existed and been  
2080 known to the department.

2081           (b)~~(2)~~ Violation of any provision of this part, or of any  
2082 other law applicable to the business of service warranties, in  
2083 the course of dealings under the license or appointment.

2084           (c)~~(3)~~ Violation of any lawful order or rule of the  
2085 department or commission.

2086           (d)~~(4)~~ Failure or refusal to pay over, upon demand, to any  
2087 service warranty association or insurer the sales representative  
2088 represents or has represented any money coming into her or his  
2089 hands which belongs to the association or insurer.

2090           (e)~~(5)~~ In the conduct of business under the license or  
2091 appointment, engaging in unfair methods of competition or in  
2092 unfair or deceptive acts or practices, as such methods, acts, or  
2093 practices are or may be defined under this part, or otherwise  
2094 showing herself or himself to be a source of injury or loss to  
2095 the public or detriment to the public interest.

2096           (f)~~(6)~~ Failure to report to the department within 30 days  
2097 the final disposition of an administrative action taken against  
2098 a sales representative by a governmental agency or other



688170

2099 regulatory agency in this state or any other state or  
2100 jurisdiction relating to the business of insurance, the sale of  
2101 securities, or an activity involving fraud, dishonesty,  
2102 trustworthiness, or breach of a fiduciary duty. The sales  
2103 representative must submit a copy of the order, consent to  
2104 order, or other relevant legal documents to the department ~~Being~~  
2105 ~~found guilty of or pleading guilty or nolo contendere to a~~  
2106 ~~felony or a crime punishable by imprisonment of 1 year or more~~  
2107 ~~under the law of the United States of America or any state~~  
2108 ~~thereof or under the law of any other country, without regard to~~  
2109 ~~whether judgment of conviction has been entered by the court~~  
2110 ~~having jurisdiction of such case.~~

2111 (2) The department may adopt rules to administer this  
2112 section.

2113 Section 51. Section 648.25, Florida Statutes, is reordered  
2114 and amended to read:

2115 648.25 Definitions.—As used in this chapter, the term:

2116 (1) "Appointment" means the authority given by an insurer  
2117 or the managing general agent of an insurer through the  
2118 department to a licensee to transact insurance or adjust claims  
2119 on behalf of the insurer or managing general agent.

2120 (2)(1) "Bail bond agency" means:

2121 (a) The building where a licensee maintains an office and  
2122 where all records required by ss. 648.34 and 648.36 are  
2123 maintained; or

2124 (b) An entity that:

2125 1. Charges a fee or premium to release an accused defendant  
2126 or detainee from jail; or

2127 2. Engages in or employs others to engage in any activity



688170

2128 that may be performed only by a licensed and appointed bail bond  
2129 agent.

2130 (3)~~(2)~~ "Bail bond agent" means a limited surety agent or a  
2131 professional bail bond agent as hereafter defined.

2132 (7)~~(3)~~ "Managing general agent" means any individual,  
2133 partnership, association, or corporation appointed or employed  
2134 by an insurer to supervise or manage the bail bond business  
2135 written in this state by limited surety agents appointed by the  
2136 insurer.

2137 (5)~~(4)~~ "Insurer" means any domestic, foreign, or alien  
2138 surety company which has been authorized to transact surety  
2139 business in this state.

2140 (6)~~(5)~~ "Limited surety agent" means any individual  
2141 appointed by an insurer by power of attorney to execute or  
2142 countersign bail bonds in connection with judicial proceedings  
2143 who receives or is promised money or other things of value  
2144 therefor.

2145 (4)~~(6)~~ "~~Primary~~ Bail bond agent in charge" means a licensed  
2146 bail bond agent who is responsible for the overall operation and  
2147 management of a bail bond agency location and whose  
2148 responsibilities include hiring and supervising all individuals  
2149 within that location. A bail bond agent may be designated as the  
2150 ~~primary~~ bail bond agent in charge for only one bail bond agency  
2151 location.

2152 (8)~~(7)~~ "Professional bail bond agent" means any person who  
2153 pledges United States currency, United States postal money  
2154 orders, or cashier's checks as security for a bail bond in  
2155 connection with a judicial proceeding and receives or is  
2156 promised therefor money or other things of value.



688170

2157            (9)~~(8)~~ "Temporary bail bond agent" means a person licensed  
2158 before January 1, 2024, who is employed by a bail bond agent or  
2159 agency, insurer, or managing general agent, and such licensee  
2160 has the same authority as a licensed bail bond agent, including  
2161 presenting defendants in court; apprehending, arresting, and  
2162 surrendering defendants to the proper authorities, while  
2163 accompanied by a supervising bail bond agent or an agent from  
2164 the same agency; and keeping defendants under necessary  
2165 surveillance. However, a temporary licensee may not execute or  
2166 sign bonds, handle collateral receipts, or deliver bonds to  
2167 appropriate authorities. A temporary licensee may not operate an  
2168 agency or branch agency separate from the location of the  
2169 supervising bail bond agent, managing general agent, or insurer  
2170 by whom the licensee is employed. This does not affect the right  
2171 of a bail bond agent or insurer to hire counsel or to obtain the  
2172 assistance of law enforcement officers. A temporary bail bond  
2173 agent license expires 18 months after issuance and is no longer  
2174 valid on or after June 30, 2025.

2175            Section 52. Subsection (3) of section 648.26, Florida  
2176 Statutes, is amended to read:

2177            648.26 Department of Financial Services; administration.—

2178            (3) The papers, documents, reports, or any other  
2179 investigatory records of the department are confidential and  
2180 exempt from ~~the provisions of~~ s. 119.07(1) until such  
2181 investigation is completed or ceases to be active. For the  
2182 purpose of this section, an investigation is considered active  
2183 ~~"active"~~ while the investigation is being conducted by the  
2184 department with a reasonable, good faith belief that it may lead  
2185 to the filing of administrative, civil, or criminal proceedings.



688170

2186 An investigation does not cease to be active if the department  
2187 is proceeding with reasonable dispatch and there is good faith  
2188 belief that action may be initiated by the department or other  
2189 administrative or law enforcement agency. This subsection does  
2190 not prevent the department or office from disclosing the content  
2191 of a complaint or such information as it deems necessary to  
2192 conduct the investigation, to update the complainant as to the  
2193 status and outcome of the complaint, or to share such  
2194 information with any law enforcement agency or other regulatory  
2195 body.

2196 Section 53. Subsection (5) of section 648.27, Florida  
2197 Statutes, is amended to read:

2198 648.27 Licenses and appointments; general.-

2199 (5)~~(a)~~ The license of a bail bond agent shall continue in  
2200 force, without further examination unless deemed necessary by  
2201 the department, until suspended, revoked, or otherwise  
2202 terminated.

2203 ~~(b) The license of a temporary bail bond agent shall~~  
2204 ~~continue in force until suspended, revoked, or otherwise~~  
2205 ~~terminated.~~

2206 Section 54. Section 648.285, Florida Statutes, is amended  
2207 to read:

2208 648.285 Bond agency; ownership requirements; applications  
2209 for bail bond agency licenses.-

2210 (1) A person may not own, control, manage, or otherwise  
2211 have a pecuniary interest in a bail bond agency unless such  
2212 individual is a licensed pursuant to s. 648.27, ~~and~~ appointed  
2213 through the department, and actively engaged as a bail bond  
2214 agent for at least the preceding 24 months. Any agency that is





688170

2215 not in compliance with this subsection is ~~shall be~~ subject to  
2216 the issuance of an immediate final order of suspension of its  
2217 license and all operations until the agency achieves compliance.

2218 (2) Effective January 1, 2024, the department may issue a  
2219 bail bond agency license to any person only after such person  
2220 files a written application with the department and qualifies  
2221 for such license.

2222 (3) An application for a bail bond agency license must be  
2223 signed by an individual required to be listed in the application  
2224 under paragraph (a). A bail bond agency license may permit a  
2225 third party to complete, submit, and sign an application on the  
2226 bail bond agency's behalf; however, the bail bond agency is  
2227 responsible for ensuring that the information on the application  
2228 is true and correct, and the bail bond agency is accountable for  
2229 any misstatements or misrepresentations. The application for a  
2230 bail bond agency license must include:

2231 (a) The name and license number of each owner, partner,  
2232 officer, director, president, senior vice president, secretary,  
2233 treasurer, and limited liability company member who directs or  
2234 participates in the management or control of the bail bond  
2235 agency, whether through ownership of voting securities, by  
2236 contract, by ownership of any agency bank account, or otherwise.

2237 (b) The residence address of each person required to be  
2238 listed in the application under paragraph (a).

2239 (c) The name, principal business street address, and valid  
2240 e-mail address of the bail bond agency and the name, address,  
2241 and e-mail address of the agency's registered agent or person or  
2242 company authorized to accept service on behalf of the bail bond  
2243 agency.



688170

2244       (d) The physical address of each branch bail bond agency,  
2245 including its name, e-mail address, and telephone number, and  
2246 the date that the branch location began transacting bail bond  
2247 business.

2248       (e) The name of the full-time bail bond agent in charge of  
2249 the agency office, including branch locations, and his or her  
2250 corresponding location.

2251       (f) Such additional information as the department requires  
2252 by rule to ascertain the trustworthiness and competence of  
2253 persons required to be listed on the application and to  
2254 ascertain that such persons meet the requirements of this code.  
2255 However, the department may not require that credit or character  
2256 reports be submitted for persons required to be listed on the  
2257 application.

2258       (4) The department must issue a license to each agency upon  
2259 approval of the application, and each agency location must  
2260 display the license prominently in a manner that makes it  
2261 clearly visible to any customer or potential customer who enters  
2262 the agency location.

2263       (5) A bail bond agency that holds a current and valid  
2264 registration number with the department shall have its  
2265 registration automatically converted to a license on July 1,  
2266 2024.

2267       (6) Section 112.011 does not apply to bail bond agencies or  
2268 to applicants for licensure as owners of bail bond agencies.

2269       (7) ~~(2)~~ If the owner of a bail bond agency dies or becomes  
2270 mentally incapacitated, a personal representative or legal  
2271 guardian may be issued a temporary permit to manage the affairs  
2272 of the bail bond agency. Such person must appoint or maintain



688170

2273 the appointment of a ~~primary~~ bail bond agent in charge, as  
2274 provided in s. 648.387, and may not engage in any activities as  
2275 a licensed bail bond agent but must comply with s. 648.387  
2276 during the administration of the estate or guardianship. A  
2277 temporary permit is valid for a maximum of 24 months.

2278 (8)~~(3)~~ Application for a temporary permit must be made by  
2279 the personal representative or legal guardian upon statements  
2280 and affidavits filed with the department on forms prescribed and  
2281 furnished by it. The applicant must meet the qualifications for  
2282 licensure as a bail bond agent, except for the residency,  
2283 examination, education, and experience requirements.

2284 Section 55. Subsection (1) of section 648.30, Florida  
2285 Statutes, is amended to read:

2286 648.30 Licensure and appointment required; prohibited acts;  
2287 penalties.—

2288 (1) (a) A person or entity may not act in the capacity of a  
2289 bail bond agent or ~~temporary~~ bail bond agency agent or perform  
2290 any of the functions, duties, or powers prescribed for bail bond  
2291 agents or ~~temporary~~ bail bond agencies agents under this chapter  
2292 unless that person or entity is qualified, licensed, and  
2293 appointed as provided in this chapter and employed by a bail  
2294 bond agency.

2295 (b) A bail bond agent may not sell a bail bond issued by an  
2296 insurer for which the agent and the agent's bail bond agency do  
2297 not hold a current appointment.

2298 (c) Except as otherwise provided in this part, a person or  
2299 entity, other than a bail bond agency or an employee of a bail  
2300 bond agency, may not perform any of the functions of a bail bond  
2301 agency without a bail bond agency license.



688170

2302           Section 56. Section 648.31, Florida Statutes, is amended to  
2303 read:

2304           648.31 Appointment taxes and fees.—The department shall  
2305 collect in advance all appointment taxes and fees for the  
2306 issuance of any appointment to a bail bond agent ~~or temporary~~  
2307 ~~bail bond agent~~, as provided in s. 624.501. There is no fee for  
2308 the issuance of any appointment to a bail bond agency.

2309           Section 57. Subsection (2) of section 648.34, Florida  
2310 Statutes, is amended to read:

2311           648.34 Bail bond agents; qualifications.—

2312           (2) To qualify as a bail bond agent, it must affirmatively  
2313 appear at the time of application and throughout the period of  
2314 licensure that the applicant ~~has complied with the provisions of~~  
2315 ~~s. 648.355 and has obtained a temporary license pursuant to such~~  
2316 ~~section and:~~

2317           (a) ~~The applicant~~ Is a natural person who has reached the  
2318 age of 18 years and holds a high school diploma or its  
2319 equivalent.

2320           (b) ~~The applicant~~ Is a United States citizen or legal alien  
2321 who possesses work authorization from the United States Bureau  
2322 of Citizenship and Immigration Services and is a resident of  
2323 this state. An individual who is a resident of this state shall  
2324 be deemed to meet the residence requirement of this paragraph,  
2325 notwithstanding the existence, at the time of application for  
2326 license, of a license in the applicant's name on the records of  
2327 another state as a resident licensee of such other state, if the  
2328 applicant furnishes a letter of clearance satisfactory to the  
2329 department that his or her resident licenses have been canceled  
2330 or changed to a nonresident basis and that he or she is in good



688170

2331 standing.

2332 (c) Will maintain his or her ~~The~~ place of business ~~of the~~  
2333 ~~applicant will be located~~ in this state and in the county where  
2334 the applicant will maintain his or her records and be actively  
2335 engaged in the bail bond business and work with a licensed  
2336 ~~maintain an~~ agency accessible to the public which is open for  
2337 reasonable business hours.

2338 (d) ~~The applicant~~ Is vouched for and recommended upon sworn  
2339 statements filed with the department by at least three reputable  
2340 citizens who are residents of the same counties in which the  
2341 applicant proposes to engage in the bail bond business.

2342 (e) ~~The applicant~~ Is a person of high character and  
2343 approved integrity and has not been convicted of or pleaded  
2344 guilty or no contest to a felony, a crime involving moral  
2345 turpitude, or a crime punishable by imprisonment of 1 year or  
2346 more under the law of any state, territory, or country, whether  
2347 or not a judgment or conviction has been entered.

2348 (f) Within 2 years immediately before applying for the  
2349 license, has successfully completed a basic certification course  
2350 in the criminal justice system which consists of at least 120  
2351 hours of classroom instruction with a passing grade of 80  
2352 percent or higher and has successfully completed a  
2353 correspondence course for bail bond agents approved by the  
2354 department.

2355 (g) ~~(f) The applicant~~ Has passed any required examination.  
2356 Section 58. Section 648.355, Florida Statutes, is amended  
2357 to read:

2358 648.355 ~~Temporary limited license as~~ Limited surety agents  
2359 and agent or professional bail bond agents agent; qualifications



688170

2360 ~~pending examination.-~~

2361 ~~(1) The department may, in its discretion, issue a~~  
2362 ~~temporary license as a limited surety agent or professional bail~~  
2363 ~~bond agent, subject to the following conditions:~~

2364 ~~(a) The applicant is a natural person at least 18 years of~~  
2365 ~~age and holds a high school diploma or its equivalent.~~

2366 ~~(b) The applicant is a United States citizen or legal alien~~  
2367 ~~who possesses work authorization from the United States Bureau~~  
2368 ~~of Citizenship and Immigration Services and is a resident of~~  
2369 ~~this state. An individual who is a resident of this state shall~~  
2370 ~~be deemed to meet the residence requirement of this paragraph,~~  
2371 ~~notwithstanding the existence, at the time of application for~~  
2372 ~~temporary license, of a license in the individual's name on the~~  
2373 ~~records of another state as a resident licensee of such other~~  
2374 ~~state, if the applicant furnishes a letter of clearance~~  
2375 ~~satisfactory to the department that the individual's resident~~  
2376 ~~licenses have been canceled or changed to a nonresident basis~~  
2377 ~~and that the individual is in good standing.~~

2378 ~~(c) The applicant is a person of high character and~~  
2379 ~~approved integrity and has never been convicted of or pleaded~~  
2380 ~~guilty or no contest to a felony, a crime involving moral~~  
2381 ~~turpitude, or a crime punishable by imprisonment of 1 year or~~  
2382 ~~more under the law of any state, territory, or country, whether~~  
2383 ~~or not a judgment or conviction is entered.~~

2384 ~~(d) Within 4 years prior to the date of application for a~~  
2385 ~~temporary license, the applicant has successfully completed a~~  
2386 ~~basic certification course in the criminal justice system,~~  
2387 ~~consisting of not less than 120 hours of classroom instruction~~  
2388 ~~with a passing grade of 80 percent or higher and has~~



688170

2389 ~~successfully completed a correspondence course for bail bond~~  
2390 ~~agents approved by the department.~~

2391 ~~(e) The applicant must be employed full time at the time of~~  
2392 ~~licensure, and at all times throughout the existence of the~~  
2393 ~~temporary license, by only one licensed and appointed~~  
2394 ~~supervising bail bond agent, who supervises the work of the~~  
2395 ~~applicant and is responsible for the licensee's conduct in the~~  
2396 ~~bail bond business. The applicant must be appointed by the same~~  
2397 ~~insurers as the supervising bail bond agent. The supervising~~  
2398 ~~bail bond agent shall certify monthly to the department under~~  
2399 ~~oath, on a form prescribed by the department, the names and~~  
2400 ~~hours worked each week of all temporary bail bond agents. Filing~~  
2401 ~~a false certification is grounds for the immediate suspension of~~  
2402 ~~the license and imposition of a \$5,000 administrative fine. The~~  
2403 ~~department may adopt rules that establish standards for the~~  
2404 ~~employment requirements.~~

2405 ~~(f) The application must be accompanied by an affidavit~~  
2406 ~~verifying proposed employment and a report as to the applicant's~~  
2407 ~~integrity and moral character on a form prescribed by the~~  
2408 ~~department and executed by the proposed employer.~~

2409 ~~(g) The applicant must file with the department statements~~  
2410 ~~by at least three reputable citizens who are residents of the~~  
2411 ~~same counties in which the applicant proposes to engage as a~~  
2412 ~~temporary licensee.~~

2413 ~~(h) The applicant's employer is responsible for the bail~~  
2414 ~~bonding acts of any licensee under this section.~~

2415 ~~(2) All applicable license fees, as prescribed in s.~~  
2416 ~~624.501, must be paid before issuance of the temporary license.~~

2417 ~~(3) The temporary license shall be effective for 18 months,~~



688170

2418 ~~subject to earlier termination at the request of the employer or~~  
2419 ~~if suspended or revoked by the department.~~

2420 ~~(4)~~ The applicant shall furnish, with the application for  
2421 ~~temporary~~ license, a complete set of the applicant's  
2422 fingerprints in accordance with s. 626.171(4) and a recent  
2423 credential-sized, fullface photograph of the applicant. The  
2424 department ~~may shall~~ not issue a ~~temporary~~ license under this  
2425 section until the department has received a report from the  
2426 Department of Law Enforcement and the Federal Bureau of  
2427 Investigation relative to the existence or nonexistence of a  
2428 criminal history report based on the applicant's fingerprints.

2429 ~~(2)(5)~~ The department may collect a fee necessary to cover  
2430 the cost of a character and credit report made by an established  
2431 and reputable independent reporting service. The fee shall be  
2432 deposited to the credit of the Insurance Regulatory Trust Fund.

2433 ~~(3)(6)~~ Effective July 1, 2023, any individual licensed by  
2434 the department as a temporary bail bond agent may take the  
2435 required bail bond agent's licensure examination, may file an  
2436 application for a bail bond agent's license if otherwise  
2437 qualified for licensure, and may take the required bail bond  
2438 agent's licensure examination ~~After licensure as a temporary~~  
2439 ~~licensee for at least 12 months, such licensee may file an~~  
2440 ~~application for and become eligible for a regular bail bond~~  
2441 ~~agent's license based on the licensee's experience in the bail~~  
2442 ~~bond business and education pursuant to paragraph (1)(d) and, if~~  
2443 ~~otherwise qualified, take the required bail bond agent's~~  
2444 ~~licensure examination. The applicant and supervising bail bond~~  
2445 ~~agent must each file an affidavit under oath, on a form~~  
2446 ~~prescribed by the department, verifying the required employment~~





688170

2447 ~~of the temporary agent before issuance of the license.~~

2448 ~~(7) In no event shall a temporary licensee licensed under~~  
2449 ~~this section perform any of the functions for which a bail bond~~  
2450 ~~agent's license is required after expiration of the temporary~~  
2451 ~~license without having passed the written examination as for a~~  
2452 ~~regular bail bond agent's license.~~

2453 ~~(8) (a) A temporary licensee has the same authority as a~~  
2454 ~~licensed bail bond agent, including presenting defendants in~~  
2455 ~~court; apprehending, arresting, and surrendering defendants to~~  
2456 ~~the proper authorities; and keeping defendants under necessary~~  
2457 ~~surveillance. However, a temporary licensee must be accompanied~~  
2458 ~~by a supervising bail bond agent or an agent from the same~~  
2459 ~~agency when apprehending, arresting, or surrendering defendants~~  
2460 ~~to authorities.~~

2461 ~~(b) A temporary licensee may not execute or sign bonds,~~  
2462 ~~handle collateral receipts, deliver bonds to appropriate~~  
2463 ~~authorities, or operate an agency or branch agency separate from~~  
2464 ~~the location of the supervising bail bond agent, managing~~  
2465 ~~general agent, or insurer by whom the licensee is employed.~~

2466 (4) (9) Effective July 1, 2023, the department may not issue  
2467 a temporary bail bond agent's license. An individual currently  
2468 licensed as a temporary bail bond agent may continue to be  
2469 licensed in accordance with this chapter. A temporary bail bond  
2470 agent's license may not be reinstated if the license expires or  
2471 is terminated, suspended, or revoked ~~The department shall not~~  
2472 ~~issue a temporary bail bond agent's license to any individual~~  
2473 ~~who has held such a temporary license in this state within 2~~  
2474 ~~years after the expiration of such temporary bail bond agent's~~  
2475 ~~license.~~



2476 Section 59. Subsections (1) through (4) of section 648.382,  
2477 Florida Statutes, are amended to read:

2478 648.382 Appointment of bail bond agents and bail bond  
2479 agencies ~~temporary bail bond agents~~; effective date of  
2480 appointment.-

2481 (1) (a) Each insurer ~~or appointing a bail bond agent and~~  
2482 ~~each insurer~~, managing general agent, ~~or bail bond agent~~  
2483 appointing a ~~temporary~~ bail bond agent or bail bond agency in  
2484 this state must file the appointment with the department and, at  
2485 the same time, pay the applicable appointment fees and taxes. A  
2486 person appointed under this section must hold a valid bail bond  
2487 agent's or ~~temporary~~ bail bond agency's agent's license. There  
2488 is no fee for the issuance of any appointment of a bail bond  
2489 agency.

2490 (b) Effective July 1, 2025, each insurer or managing  
2491 general agent appointing a bail bond agency in this state must  
2492 file the appointment with the department. An entity appointed  
2493 under this section must hold a valid bail bond agency's license.

2494 (2) Before ~~Prior to~~ any appointment, an appropriate officer  
2495 or official of the appointing insurer ~~in the case of a bail bond~~  
2496 ~~agent or an insurer, managing general agent, or bail bond agent~~  
2497 ~~in the case of a temporary bail bond agent~~ must submit:

2498 (a) A certified statement or affidavit to the department  
2499 stating what investigation has been made concerning the proposed  
2500 appointee and the proposed appointee's background and the  
2501 appointing person's opinion to the best of his or her knowledge  
2502 and belief as to the moral character and reputation of the  
2503 proposed appointee. In lieu of such certified statement or  
2504 affidavit, by authorizing the effectuation of an appointment for



688170

2505 a licensee, the appointing entity certifies to the department  
2506 that such investigation has been made and that the results of  
2507 the investigation and the appointing person's opinion is that  
2508 the proposed appointee is a person of good moral character and  
2509 reputation and is fit to engage in the bail bond business;

2510 (b) An affidavit under oath on a form prescribed by the  
2511 department, signed by the proposed appointee, stating that  
2512 premiums are not owed to any insurer and that the appointee will  
2513 discharge all outstanding forfeitures and judgments on bonds  
2514 previously written. If the appointee does not satisfy or  
2515 discharge such forfeitures or judgments, the former insurer  
2516 shall file a notice, with supporting documents, with the  
2517 appointing insurer, the former agent or agency, and the  
2518 department, stating under oath that the licensee has failed to  
2519 timely satisfy forfeitures and judgments on bonds written and  
2520 that the insurer has satisfied the forfeiture or judgment from  
2521 its own funds. Upon receipt of such notification and supporting  
2522 documents, the appointing insurer shall immediately cancel the  
2523 licensee's appointment. The licensee may be reappointed only  
2524 upon certification by the former insurer that all forfeitures  
2525 and judgments on bonds written by the licensee have been  
2526 discharged. The appointing insurer or former agent or agency  
2527 may, within 10 days, file a petition with the department seeking  
2528 relief from this paragraph. Filing of the petition stays the  
2529 duty of the appointing insurer to cancel the appointment until  
2530 the department grants or denies the petition; ~~and~~

2531 (c) Any other information that the department reasonably  
2532 requires concerning the proposed appointee; and

2533 (d) Effective January 1, 2025, a certification that the



688170

2534 appointing entity obtained from each appointee the following  
2535 sworn statement:

2536  
2537 Pursuant to section 648.382(2)(b), Florida Statutes, I  
2538 do solemnly swear that I owe no premium to any insurer  
2539 or agency and that I will discharge all outstanding  
2540 forfeitures and judgments on bonds that have been  
2541 previously written. I acknowledge that failure to do  
2542 this will result in my active appointments being  
2543 canceled.

2544  
2545 An appointed bail bond agency must have the attestation under  
2546 this paragraph signed by its owner.

2547 (3) By authorizing the effectuation of an appointment for a  
2548 licensee, the appointing insurer certifies to the department  
2549 that the insurer will be bound by the acts of the bail bond  
2550 agent or bail bond agency acting within the scope of the agent's  
2551 or agency's ~~his or her~~ appointment, ~~and, in the case of a~~  
2552 ~~temporary bail bond agent, the appointing insurer, managing~~  
2553 ~~general agent, or bail bond agent, as the case may be, must~~  
2554 ~~certify to the department that he or she will supervise the~~  
2555 ~~temporary bail bond agent's activities.~~

2556 (4) Each appointing insurer or, ~~managing general agent, or~~  
2557 ~~bail bond agent~~ must advise the department in writing within 5  
2558 days after receiving notice or learning that an appointee has  
2559 been arrested for, pled guilty or nolo contendere to, or been  
2560 found guilty of, a felony or other offense punishable by  
2561 imprisonment of 1 year or more under the law of any  
2562 jurisdiction, whether judgment was entered or withheld by the



688170

2563 court.

2564 Section 60. Present subsections (1) through (4) of section  
2565 648.386, Florida Statutes, are redesignated as subsections (2)  
2566 through (5), respectively, a new subsection (1) is added to that  
2567 section, and present subsection (2) of that section is amended,  
2568 to read:

2569 648.386 Qualifications for prelicensing and continuing  
2570 education schools and instructors.—

2571 (1) DEFINITION OF "CLASSROOM INSTRUCTION".—As used in this  
2572 section, the term "classroom instruction" means a course  
2573 designed to be presented to a group of students by a live  
2574 instructor using lecture, video, webcast, or virtual or other  
2575 audio-video presentation.

2576 (3) ~~(2)~~ SCHOOLS AND CURRICULUM FOR CONTINUING EDUCATION  
2577 SCHOOLS.—In order to be considered for approval and  
2578 certification as an approved limited surety agent and  
2579 professional bail bond agent continuing education school, such  
2580 entity must:

2581 (a) Provide a minimum of three classroom-instruction  
2582 continuing education classes per calendar year.

2583 (b) Submit a course curriculum to the department for  
2584 approval.

2585 (c) Offer continuing education classes that comprise ~~which~~  
2586 ~~are comprised of~~ a minimum of 2 hours of approved classroom-  
2587 instruction coursework and are taught by an approved supervising  
2588 instructor or guest lecturer approved by the entity or the  
2589 supervising instructor.

2590 Section 61. Section 648.387, Florida Statutes, is amended  
2591 to read:



688170

2592           648.387 ~~Primary~~ Bail bond agent in charge ~~agents~~; duties.-  
2593           (1) The owner or operator of a bail bond agency shall  
2594 designate a ~~primary~~ bail bond agent in charge for each location,  
2595 and shall file with the department the name and license number  
2596 of the person and the address of the location on a form approved  
2597 by the department. The designation of the ~~primary~~ bail bond  
2598 agent in charge may be changed if the department is notified  
2599 immediately. Failure to notify the department within 10 working  
2600 days after such change is grounds for disciplinary action  
2601 pursuant to s. 648.45.  
2602           (2) The ~~primary~~ bail bond agent in charge is responsible  
2603 for the overall operation and management of a bail bond agency  
2604 location, whose responsibilities may include, without  
2605 limitations, hiring and supervising of all individuals within  
2606 the location, whether they deal with the public in the  
2607 solicitation or negotiation of bail bond contracts or in the  
2608 collection or accounting of moneys. A person may be designated  
2609 as the primary bail bond agent in charge for only one agency and  
2610 location.  
2611           (3) The department may suspend or revoke the license of the  
2612 owner, bail bond agent in charge ~~operator~~, and ~~primary~~ bail bond  
2613 agency agent if the ~~a~~ bail bond agency employs, contracts with,  
2614 or uses the services of a person who has had a license denied or  
2615 whose license is currently suspended or revoked. However, a  
2616 person who has been denied a license for failure to pass a  
2617 required examination may be employed to perform clerical or  
2618 administrative functions for which licensure is not required.  
2619           (4) An owner, a bail bond agent in charge ~~operator~~, or a  
2620 bail bond agency ~~primary agent~~ may not employ, contract with, or



688170

2621 use the services of any person in a bail bond agency who has  
2622 been charged with, found guilty of, or pled guilty or nolo  
2623 contendere to a felony or a crime punishable by imprisonment of  
2624 1 year or more under the law of any jurisdiction, without regard  
2625 to whether judgment was entered or withheld by the court.

2626 (5) A bail bond agency location may not conduct surety  
2627 business unless a primary bail bond agent in charge is  
2628 designated by, and provides services to, the bail bond agency at  
2629 all times. If the bail bond agent in charge designated with the  
2630 department ends his or her affiliation with the bail bond agency  
2631 for any reason, and the bail bond agency fails to designate  
2632 another bail bond agent in charge within the 10-day period under  
2633 subsection (1) and such failure continues for 90 days, the bail  
2634 bond agency license automatically expires on the 91st day after  
2635 the date the designated bail bond agent in charge ended his or  
2636 her affiliation with the agency ~~The failure to designate a~~  
2637 ~~primary agent on a form prescribed by the department, within 10~~  
2638 ~~working days after an agency's inception or a change of primary~~  
2639 ~~agent, is a violation of this chapter, punishable as provided in~~  
2640 ~~s. 648.45.~~

2641 Section 62. Section 648.3875, Florida Statutes, is created  
2642 to read:

2643 648.3875 Bail bond agent in charge; qualifications.-

2644 (1) An application for designation as a bail bond agent in  
2645 charge must be submitted on forms prescribed by the department.  
2646 The application must include the applicant's full name and the  
2647 applicant's license number issued pursuant to s. 648.27.

2648 (2) To qualify as a bail bond agent in charge, it must  
2649 affirmatively appear that, at the time of application and



688170

2650 throughout the period of licensure, the applicant has complied  
2651 with s. 648.285 and that the applicant has been licensed as a  
2652 bail bond agent for the 24 months immediately preceding the  
2653 appointment as the bail bond agent in charge.

2654 Section 63. Section 648.39, Florida Statutes, is amended to  
2655 read:

2656 648.39 Termination of appointment of managing general  
2657 agents, bail bond agents, and ~~temporary~~ bail bond agencies  
2658 ~~agents.~~—

2659 (1) An insurer that ~~who~~ terminates the appointment of a  
2660 managing general agent, bail bond agent, or ~~temporary~~ bail bond  
2661 agency agent shall, within 10 days after such termination, file  
2662 written notice thereof with the department together with a  
2663 statement that it has given or mailed notice to the terminated  
2664 agent or agency. Such notice filed with the department must  
2665 state the reasons, if any, for such termination. Information so  
2666 furnished to the department is confidential and exempt from ~~the~~  
2667 ~~provisions of~~ s. 119.07(1).

2668 (2) Each insurer shall, within 5 days after terminating the  
2669 appointment of any managing general agent, bail bond agent, or  
2670 ~~temporary~~ bail bond agency agent, give written notice thereof to  
2671 each clerk of the circuit court and sheriff with whom such  
2672 person is registered.

2673 (3) An insurer that terminates the appointment of a  
2674 managing general agent or, bail bond agent, ~~or temporary bail~~  
2675 ~~bond agent~~ may authorize such person to continue to attempt the  
2676 arrest and surrender of a defendant for whom a surety bond had  
2677 been written by the bail bond agent before ~~prior to~~ termination  
2678 and to seek discharge of forfeitures and judgments as provided





688170

2679 in chapter 903.

2680 Section 64. Section 648.41, Florida Statutes, is repealed.

2681 Section 65. Section 648.42, Florida Statutes, is amended to  
2682 read:

2683 648.42 Registration of bail bond agents.—A bail bond agent  
2684 may not become a surety on an undertaking unless he or she has  
2685 registered in the office of the sheriff and with the clerk of  
2686 the circuit court in the county in which the bail bond agent  
2687 resides. The bail bond agent may register in a like manner in  
2688 any other county, and any bail bond agent shall file a certified  
2689 copy of his or her appointment by power of attorney from each  
2690 insurer which he or she represents as a bail bond agent with  
2691 each of such officers. Registration and filing of a certified  
2692 copy of renewed power of attorney shall be performed by April 1  
2693 of each odd-numbered year. The clerk of the circuit court and  
2694 the sheriff may ~~shall~~ not permit the registration of a bail bond  
2695 agent unless such bail bond agent is currently licensed by the  
2696 department and appointed by an insurer ~~the department~~. ~~Nothing~~  
2697 ~~in this section shall prevent the registration of a temporary~~  
2698 ~~licensee at the jail for the purposes of enabling the licensee~~  
2699 ~~to perform the duties under such license as set forth in this~~  
2700 ~~chapter.~~

2701 Section 66. Subsections (1) and (2) and paragraphs (c) and  
2702 (d) of subsection (8) of section 648.44, Florida Statutes, are  
2703 amended to read:

2704 648.44 Prohibitions; penalty.—

2705 (1) A bail bond agent or ~~temporary~~ bail bond agency agent  
2706 may not:

2707 (a) Suggest or advise the employment of, or name for



688170

2708 employment, any particular attorney or attorneys to represent  
2709 his or her principal.

2710 (b) Directly or indirectly solicit business in or on the  
2711 property or grounds of a jail, prison, or other place where  
2712 prisoners are confined or in or on the property or grounds of  
2713 any court. The term "solicitation" includes the distribution of  
2714 business cards, print advertising, or other written or oral  
2715 information directed to prisoners or potential indemnitors,  
2716 unless a request is initiated by the prisoner or a potential  
2717 indemnitor. Permissible print advertising in the jail is  
2718 strictly limited to a listing in a telephone directory and the  
2719 posting of the bail bond agent's or agency's name, address, e-  
2720 mail address, web address, and telephone number in a designated  
2721 location within the jail.

2722 (c) Initiate in-person or telephone solicitation after 9:00  
2723 p.m. or before 8:00 a.m., ~~in the case of domestic violence~~  
2724 ~~eases,~~ at the residence of the detainee or the detainee's  
2725 family. Any solicitation ~~not prohibited by this chapter~~ must  
2726 comply with the telephone solicitation requirements in ss.  
2727 501.059(2) and (4), 501.613, and 501.616(6).

2728 (d) Wear or display any identification other than the  
2729 department issued or approved license or approved department  
2730 identification, which includes a citation of the licensee's  
2731 arrest powers, in or on the property or grounds of a jail,  
2732 prison, or other place where prisoners are confined or in or on  
2733 the property or grounds of any court.

2734 (e) Pay a fee or rebate or give or promise anything of  
2735 value to a jailer, police officer, peace officer, or committing  
2736 trial court judge or any other person who has power to arrest or



688170

2737 to hold in custody or to any public official or public employee  
2738 in order to secure a settlement, compromise, remission, or  
2739 reduction of the amount of any bail bond or estreatment thereof.

2740 (f) Pay a fee or rebate or give anything of value to an  
2741 attorney in a bail bond matter, except in defense of any action  
2742 on a bond.

2743 (g) Pay a fee or rebate or give or promise anything of  
2744 value to the principal or anyone in his or her behalf.

2745 (h) Participate in the capacity of an attorney at a trial  
2746 or hearing of one on whose bond he or she is surety.

2747 (i) Loiter in or about a jail, courthouse, or where  
2748 prisoners are confined.

2749 (j) Accept anything of value from a principal for providing  
2750 a bail bond except the premium and transfer fee authorized by  
2751 the office, except that the bail bond agent or bail bond agency  
2752 may accept collateral security or other indemnity from the  
2753 principal or another person in accordance with ~~the provisions of~~  
2754 s. 648.442, together with documentary stamp taxes, if  
2755 applicable. No fees, expenses, or charges of any kind shall be  
2756 permitted to be deducted from the collateral held or any return  
2757 premium due, except as authorized by this chapter or rule of the  
2758 department or commission. A bail bond agent or bail bond agency  
2759 may, upon written agreement with another party, receive a fee or  
2760 compensation for returning to custody an individual who has fled  
2761 the jurisdiction of the court or caused the forfeiture of a  
2762 bond.

2763 (k) Write more than one power of attorney per charge on a  
2764 bond, except in the case of a cosurety, unless the power of  
2765 attorney prohibits a cosurety.



688170

- 2766 (l) Execute a bond in this state on his or her own behalf.
- 2767 (m) Execute a bond in this state if a judgment has been
- 2768 entered on a bond executed by the bail bond agent or the bail
- 2769 bond agency is a named party on the judgment, which has remained
- 2770 unpaid for 35 days, unless the full amount of the judgment is
- 2771 deposited with the clerk in accordance with s. 903.27(5).
- 2772 (n) Make a statement or representation to a court, unless
- 2773 such statement or representation is under oath. Such statement
- 2774 or representation may not be false, misleading, or deceptive.
- 2775 (o) Attempt to collect, through threat or coercion, amounts
- 2776 due for the payment of any indebtedness related to the issuance
- 2777 of a bail bond in violation of s. 559.72.
- 2778 (p) Conduct bail bond business with any person, other than
- 2779 the defendant, on the grounds of the jail or courthouse for the
- 2780 purpose of executing a bond.
- 2781 (2) The following persons or classes may ~~shall~~ not be bail
- 2782 bond agents, ~~temporary bail bond agents~~, or employees of a bail
- 2783 bond agent or a bail bond agency ~~business~~ and may ~~shall~~ not
- 2784 directly or indirectly receive any benefits from the execution
- 2785 of any bail bond:
- 2786 (a) Jailers or persons employed in any jail.
- 2787 (b) Police officers or employees of any police department
- 2788 or law enforcement agency.
- 2789 (c) Committing trial court judges, employees of a court, or
- 2790 employees of the clerk of any court.
- 2791 (d) Sheriffs and deputy sheriffs or employees of any
- 2792 sheriff's department.
- 2793 (e) Attorneys.
- 2794 (f) Persons having the power to arrest or persons who have



688170

2795 authority over or control of federal, state, county, or  
2796 municipal prisoners.

2797 (8)

2798 (c) Any law enforcement agency, state attorney's office,  
2799 court clerk, or insurer that is aware that a bail bond agent ~~or~~  
2800 ~~temporary bail bond agent~~ has been convicted of or who has  
2801 pleaded guilty or no contest to a crime as described in  
2802 paragraph (a) shall notify the department of this fact.

2803 (d) Upon the filing of an information or indictment against  
2804 a bail bond agent ~~or temporary bail bond agent~~, the state  
2805 attorney or clerk of the circuit court shall immediately furnish  
2806 the department a certified copy of the information or  
2807 indictment.

2808 Section 67. Subsection (1) of section 648.441, Florida  
2809 Statutes, is amended to read:

2810 648.441 Furnishing supplies to unlicensed bail bond agent  
2811 prohibited; civil liability and penalty.—

2812 (1) An insurer, managing general agent, bail bond agent, or  
2813 ~~temporary~~ bail bond agency ~~agent~~ appointed under this chapter  
2814 may not furnish to any person any blank forms, applications,  
2815 stationery, business card, or other supplies to be used in  
2816 soliciting, negotiating, or effecting bail bonds until such  
2817 person has received from the department a license to act as a  
2818 bail bond agent and is appointed by the insurer. This section  
2819 does not prohibit an unlicensed employee, under the direct  
2820 supervision and control of a licensed and appointed bail bond  
2821 agent, from possessing or executing in the bail bond agency, any  
2822 forms, except for powers of attorney, bond forms, and collateral  
2823 receipts, while acting within the scope of his or her



688170

2824 employment.

2825 Section 68. Subsection (3) of section 648.46, Florida  
2826 Statutes, is amended to read:

2827 648.46 Procedure for disciplinary action against  
2828 licensees.—

2829 (3) The complaint and all information obtained pursuant to  
2830 the investigation of the department are confidential and exempt  
2831 from the provisions of s. 119.07(1) until such investigation is  
2832 completed or ceases to be active. For the purpose of this  
2833 section, an investigation is considered "active" while the  
2834 investigation is being conducted by the department with a  
2835 reasonable, good faith belief that it may lead to the filing of  
2836 administrative, civil, or criminal proceedings. An investigation  
2837 does not cease to be active if the department is proceeding with  
2838 reasonable dispatch and there is good faith belief that action  
2839 may be initiated by the department or other administrative or  
2840 law enforcement agency. This subsection does not prevent the  
2841 department or office from disclosing the complaint or such  
2842 information as it deems necessary to conduct the investigation,  
2843 to update the complainant as to the status and outcome of the  
2844 complaint, or to share such information with any law enforcement  
2845 agency or other regulatory body.

2846 Section 69. Section 648.50, Florida Statutes, is amended to  
2847 read:

2848 648.50 Effect of suspension, revocation upon associated  
2849 licenses and licensees.—

2850 (1) Upon the suspension, revocation, or refusal to renew or  
2851 continue any license or appointment or the eligibility to hold a  
2852 license or appointment of a bail bond agent or ~~temporary~~ bail



688170

2853 bond agency agent, the department shall at the same time  
2854 likewise suspend or revoke all other licenses or appointments  
2855 and the eligibility to hold any other such licenses or  
2856 appointments which may be held by the licensee under the Florida  
2857 Insurance Code.

2858 (2) In case of the suspension or revocation of the license  
2859 or appointment, or the eligibility to hold a license or  
2860 appointment, of any bail bond agent, the license, appointment,  
2861 or eligibility of any and all bail bond agents who are members  
2862 of a bail bond agency, whether incorporated or unincorporated,  
2863 ~~and any and all temporary bail bond agents employed by such bail~~  
2864 ~~bond agency~~, who knowingly are parties to the act which formed  
2865 the ground for the suspension or revocation may likewise be  
2866 suspended or revoked.

2867 (3) A ~~No~~ person whose license as a bail bond agent ~~or~~  
2868 ~~temporary bail bond agent~~ has been revoked or suspended may not  
2869 ~~shall~~ be employed by any bail bond agent, have any ownership  
2870 interest in any business involving bail bonds, or have any  
2871 financial interest of any type in any bail bond business during  
2872 the period of revocation or suspension.

2873 Section 70. Subsections (4) and (6) of section 717.135,  
2874 Florida Statutes, are amended to read:

2875 717.135 Recovery agreements and purchase agreements for  
2876 claims filed by a claimant's representative; fees and costs.—

2877 (4) A claimant's representative must use the Unclaimed  
2878 Property Recovery Agreement or the Unclaimed Property Purchase  
2879 Agreement as the exclusive means of entering into an agreement  
2880 or a contract engaging with a claimant or seller to file a claim  
2881 with the department.



688170

2882 (6) A claimant's representative may not use or distribute  
2883 any other agreement of any type, conveyed by any method, form,  
2884 ~~or other media~~ with respect to the claimant or seller which  
2885 relates, directly or indirectly, to unclaimed property accounts  
2886 held by the department or the Chief Financial Officer other than  
2887 the agreements authorized by this section. Any engagement,  
2888 authorization, recovery, or fee agreement that is not authorized  
2889 by this section is void. A claimant's representative is subject  
2890 to administrative and civil enforcement under s. 717.1322 if he  
2891 or she uses an agreement that is not authorized by this section.  
2892 This subsection does not prohibit lawful nonagreement,  
2893 noncontractual, or advertising communications between or among  
2894 the parties.

2895 Section 71. Paragraph (a) of subsection (4) of section  
2896 843.021, Florida Statutes, is amended to read:

2897 843.021 Unlawful possession of a concealed handcuff key.—

2898 (4) (a) It is a defense to a charge of violating this  
2899 section that the person in custody and in possession of a  
2900 concealed handcuff key is:

2901 1. A federal, state, or local law enforcement officer,  
2902 including a reserve or auxiliary officer, a licensed security  
2903 officer, or a private investigator as defined in s. 493.6101; or

2904 2. A professional bail bond agent, ~~temporary bail bond~~  
2905 ~~agent, runner,~~ or limited surety agent as defined in s. 648.25.

2906 Section 72. Subsection (4) of section 631.152, Florida  
2907 Statutes, is amended to read:

2908 631.152 Conduct of delinquency proceeding; foreign  
2909 insurers.—

2910 (4) Section 631.141(10)(b) ~~631.141(9)(b)~~ applies to





688170

2911 ancillary delinquency proceedings opened for the purpose of  
2912 obtaining records necessary to adjudicate the covered claims of  
2913 Florida policyholders.

2914 Section 73. Paragraph (b) of subsection (3) of section  
2915 631.398, Florida Statutes, is amended to read:

2916 631.398 Prevention of insolvencies.—To aid in the detection  
2917 and prevention of insurer insolvencies or impairments:

2918 (3)

2919 (b) For an insolvency involving a domestic property  
2920 insurer, the department shall:

2921 1. Begin an analysis of the history and causes of the  
2922 insolvency once the department is appointed by the court as  
2923 receiver.

2924 2. Submit an initial report analyzing the history and  
2925 causes of the insolvency to the Governor, the President of the  
2926 Senate, the Speaker of the House of Representatives, and the  
2927 office. The initial report must be submitted no later than 4  
2928 months after the department is appointed as receiver. The  
2929 initial report shall be updated at least annually until the  
2930 submission of the final report. The report may not be used as  
2931 evidence in any proceeding brought by the department or others  
2932 to recover assets on behalf of the receivership estate as part  
2933 of its duties under s. 631.141(9) ~~s. 631.141(8)~~. The submission  
2934 of a report under this subparagraph shall not be considered a  
2935 waiver of any evidentiary privilege the department may assert  
2936 under state or federal law.

2937 3. Provide a special report to the Governor, the President  
2938 of the Senate, the Speaker of the House of Representatives, and  
2939 the office, within 10 days upon identifying any condition or



688170

2940 practice that may lead to insolvency in the property insurance  
2941 marketplace.

2942 4. Submit a final report analyzing the history and causes  
2943 of the insolvency and the review of the Office of Insurance  
2944 Regulation's regulatory oversight of the insurer to the  
2945 Governor, the President of the Senate, the Speaker of the House  
2946 of Representatives, and the office within 30 days of the  
2947 conclusion of the insolvency proceeding.

2948 5. Review the Office of Insurance Regulation's regulatory  
2949 oversight of the insurer.

2950 Section 74. Subsection (2) of section 903.09, Florida  
2951 Statutes, is amended to read:

2952 903.09 Justification of sureties.—

2953 (2) A bond agent, as defined in s. 648.25 ~~s. 648.25(2)~~,  
2954 shall justify her or his suretyship by attaching a copy of the  
2955 power of attorney issued by the company to the bond or by  
2956 attaching to the bond United States currency, a United States  
2957 postal money order, or a cashier's check in the amount of the  
2958 bond; but the United States currency, United States postal money  
2959 order, or cashier's check cannot be used to secure more than one  
2960 bond. Nothing herein shall prohibit two or more qualified  
2961 sureties from each posting any portion of a bond amount, and  
2962 being liable for only that amount, so long as the total posted  
2963 by all cosureties is equal to the amount of bond required.

2964 Section 75. (1) The following rules are ratified for the  
2965 sole and exclusive purpose of satisfying any condition on the  
2966 effectiveness imposed under s. 120.541(3), Florida Statutes:  
2967 Rule 69L-7.020, Florida Administrative Code, titled "Florida  
2968 Workers' Compensation Health Care Provider Reimbursement Manual"



688170

2969 as filed for adoption with the Department of State pursuant to  
2970 the certification package dated October 22, 2021; Rule 69L-  
2971 7.730, Florida Administrative Code, titled "Health Care Provider  
2972 Medical Billing and Reporting Responsibilities" as filed for  
2973 adoption with the Department of State pursuant to the  
2974 certification package dated April 6, 2023; and Rule 7.740,  
2975 Florida Administrative Code, titled "Insurer Authorization and  
2976 Medical Bill Review Responsibilities" as filed for adoption with  
2977 the Department of State pursuant to the certification package  
2978 dated April 6, 2023.

2979 (2) This section serves no other purpose and may not be  
2980 codified in the Florida Statutes. After this section becomes  
2981 law, its enactment and effective dates shall be noted in the  
2982 Florida Administrative Code, the Florida Administrative  
2983 Register, or both, as appropriate. This section does not alter  
2984 rulemaking additions delegated by prior law, does not constitute  
2985 legislative preemption of or exception to any provision of law  
2986 governing adoption or enforcement of the rule cited, and is  
2987 intended to preserve the status of any cited rule as a rule  
2988 under chapter 120, Florida Statutes. This section does not cure  
2989 any rulemaking defect or preempt any challenge based on a lack  
2990 of authority or a violation of the legal requirements governing  
2991 the adoption of any rule cited.

2992 (3) This section takes effect July 1, 2023.

2993 Section 76. Except as otherwise expressly provided in this  
2994 act, this act shall take effect upon becoming a law.

2995  
2996 ===== T I T L E A M E N D M E N T =====

2997 And the title is amended as follows:



688170

2998 Delete everything before the enacting clause  
2999 and insert:

3000 A bill to be entitled  
3001 An act relating to the Department of Financial  
3002 Services; amending s. 20.121, F.S.; revising powers  
3003 and duties of the department's Division of  
3004 Investigative and Forensic Services; deleting the  
3005 department's Strategic Markets Research and Assessment  
3006 Unit; amending s. 112.215, F.S.; redefining the term  
3007 "employee" as "government employee" and revising the  
3008 definition of the term; revising eligibility for plans  
3009 of deferred compensation established by the Chief  
3010 Financial Officer; revising the membership of the  
3011 Deferred Compensation Advisory Council; making  
3012 technical changes; amending s. 215.55952, F.S.;  
3013 revising the initial date and subsequent intervals in  
3014 which the Chief Financial Officer must provide the  
3015 Governor and the Legislature with a report on the  
3016 economic impact of certain hurricanes; amending s.  
3017 274.01, F.S.; revising the definition of the term  
3018 "governmental unit" for purposes of ch. 274, F.S.;  
3019 amending s. 440.13, F.S.; authorizing, rather than  
3020 requiring, a judge of compensation claims to order an  
3021 injured employee's evaluation by an expert medical  
3022 advisor under certain circumstances; revising the  
3023 schedules of maximum reimbursement allowances  
3024 determined by the three-member panel under the  
3025 Workers' Compensation Law; revising reimbursement  
3026 requirements for certain providers; requiring the



688170

3027 department to annually notify carriers and self-  
3028 insurers of certain schedules; requiring the  
3029 publication of a schedule in a certain manner;  
3030 providing construction; revising factors the panel  
3031 must consider in establishing the uniform schedule of  
3032 maximum reimbursement allowances; deleting certain  
3033 standards for practice parameters; amending s.  
3034 440.385, F.S.; revising eligibility requirements for  
3035 the board of directors of the Florida Self-Insurers  
3036 Guaranty Association, Incorporated; providing  
3037 construction; authorizing the Chief Financial Officer  
3038 to remove a director under certain circumstances;  
3039 specifying requirements for, and restrictions on,  
3040 directors; prohibiting directors and employees of the  
3041 association from knowingly accepting certain gifts or  
3042 expenditures; providing penalties; amending s.  
3043 497.005, F.S.; adding and revising definitions for  
3044 purposes of the Florida Funeral, Cemetery, and  
3045 Consumer Services Act; amending s. 624.1265, F.S.;  
3046 revising conditions for a nonprofit religious  
3047 organization to be exempt from requirements of the  
3048 Florida Insurance Code; amending s. 624.501, F.S.;  
3049 deleting an application filing and license fee for  
3050 reinsurance intermediaries; amending s. 626.015, F.S.;  
3051 revising the definition of the term "association" for  
3052 purposes of part I of ch. 626, F.S.; amending s.  
3053 626.171, F.S.; deleting the authority of designated  
3054 examination centers to take fingerprints of applicants  
3055 for a license as an agent, customer representative,



688170

3056 adjuster, service representative, or reinsurance  
3057 intermediary; amending s. 626.173, F.S.; providing  
3058 that a certain notice requirement for certain licensed  
3059 insurance agencies ceasing the transacting of  
3060 insurance does not apply to certain kinds of  
3061 insurance; amending s. 626.207, F.S.; revising  
3062 violations for which the department must adopt rules  
3063 establishing specific penalties; amending s. 626.221,  
3064 F.S.; adding a certification that exempts an applicant  
3065 for license as an all-lines adjuster from an  
3066 examination requirement; amending s. 626.2815, F.S.;  
3067 revising continuing education requirements for certain  
3068 insurance representatives; amending s. 626.321, F.S.;  
3069 deleting certain requirements for, and restrictions  
3070 on, licensees of specified limited licenses; adding a  
3071 limited license for transacting preneed funeral  
3072 agreement insurance; specifying conditions for issuing  
3073 such license without an examination; amending s.  
3074 626.611, F.S.; revising specified grounds for  
3075 compulsory disciplinary actions taken by the  
3076 department against insurance representatives; amending  
3077 s. 626.621, F.S.; adding grounds for discretionary  
3078 disciplinary actions taken by the department against  
3079 insurance representatives; amending s. 626.7492, F.S.;  
3080 revising definitions of the terms "producer" and  
3081 "reinsurance intermediary manager"; revising licensure  
3082 requirements for reinsurance intermediary brokers and  
3083 reinsurance intermediary managers; deleting the  
3084 authority of the department to refuse to issue a



688170

3085 reinsurance intermediary license under certain  
3086 circumstances; amending s. 626.752, F.S.; requiring  
3087 the department to suspend the authority of an insurer  
3088 or employer to appoint licensees under certain  
3089 circumstances relating to the exchange of insurance  
3090 business; amending s. 626.785, F.S.; authorizing  
3091 certain persons to obtain a limited license to sell  
3092 only policies of life insurance covering the expense  
3093 of a prearrangement for funeral services or  
3094 merchandise; amending ss. 626.793 and 626.837, F.S.;  
3095 requiring the department to suspend the authority of  
3096 an insurer or employer to appoint licensees under  
3097 certain circumstances relating to the acceptance of  
3098 excess or rejected insurance business; amending s.  
3099 626.8411, F.S.; providing that certain notice  
3100 requirements do not apply to title insurance agents or  
3101 title insurance agencies; amending s. 626.8437, F.S.;  
3102 adding grounds for compulsory disciplinary actions  
3103 taken by the department against a title insurance  
3104 agent or agency; amending s. 626.844, F.S.; adding  
3105 grounds for discretionary disciplinary actions taken  
3106 by the department against a title insurance agent or  
3107 agency; amending s. 626.8473, F.S.; revising  
3108 requirements for engaging in the business as an escrow  
3109 agent in connection with real estate closing  
3110 transactions; amending s. 626.854, F.S.; revising  
3111 applicability of a prohibited act relating to public  
3112 insurance adjusters; amending s. 626.874, F.S.;  
3113 revising eligibility requirements for the department's



688170

3114 issuance of licenses to catastrophe or emergency  
3115 adjusters; revising grounds on which the department  
3116 may deny such license; amending s. 626.9892, F.S.;  
3117 revising a condition and adding violations for which  
3118 the department may pay rewards under the Anti-Fraud  
3119 Reward Program; amending s. 626.9957, F.S.; providing  
3120 for the expiration of a health coverage navigator's  
3121 registration under certain circumstances; specifying a  
3122 restriction on expired registrations; amending s.  
3123 627.351, F.S.; revising requirements for membership of  
3124 the Florida Medical Malpractice Joint Underwriting  
3125 Association; providing construction; specifying a  
3126 requirement for filling vacancies; authorizing the  
3127 Chief Financial Officer to remove board members under  
3128 certain circumstances; providing requirements for, and  
3129 restrictions on, board members; providing penalties;  
3130 amending s. 627.4215, F.S.; revising the applicability  
3131 of disclosure requirements for health insurers  
3132 relating to behavioral health insurance coverage;  
3133 amending s. 627.7015, F.S.; providing that a disputed  
3134 property insurance claim is not eligible for mediation  
3135 until certain conditions are met; providing that fees  
3136 for a rescheduled mediation conference be assessed by  
3137 the department rather than the administrator;  
3138 authorizing the department to suspend an insurer's  
3139 authority to appoint licensees under certain  
3140 circumstances; amending s. 627.7074, F.S.; authorizing  
3141 the department to designate, by written contract or  
3142 agreement, an entity or a person to administer the





688170

3143 alternative dispute resolution process for sinkhole  
3144 insurance claims; amending s. 627.745, F.S.; revising  
3145 requirements and procedures for the mediation of  
3146 personal injury claims under a motor vehicle insurance  
3147 policy; requiring the department to adopt specified  
3148 rules relating to a motor vehicle claims insurance  
3149 mediation program; authorizing the department to  
3150 designate a person or entity to serve as  
3151 administrator; amending s. 631.141, F.S.; authorizing  
3152 the department in receivership proceedings to take  
3153 certain actions as a domiciliary receiver; amending s.  
3154 631.252, F.S.; revising conditions under which  
3155 policies and contracts of insolvent insurers are  
3156 canceled; amending ss. 631.56, 631.716, 631.816, and  
3157 631.912, F.S.; revising membership eligibility  
3158 requirements for the Florida Insurance Guaranty  
3159 Association, the Florida Life and Health Insurance  
3160 Guaranty Association, the Florida Health Maintenance  
3161 Organization Consumer Assistance Plan, and the Florida  
3162 Workers' Compensation Insurance Guaranty Association,  
3163 Incorporated, respectively; providing construction;  
3164 authorizing the Chief Financial Officer to remove a  
3165 board member under certain circumstances; specifying  
3166 requirements for, and restrictions on, board members;  
3167 providing penalties; creating s. 633.1423, F.S.;  
3168 defining the term "organization"; authorizing the  
3169 Division of State Fire Marshal to establish a direct-  
3170 support organization; specifying the purpose of and  
3171 requirements for the organization; specifying



688170

3172 requirements for the organization's written contract  
3173 and board of directors; providing requirements for the  
3174 use of property, annual budgets and reports, an annual  
3175 audit, and the division's receipt of proceeds;  
3176 authorizing moneys received to be held in a depository  
3177 account; providing for future repeal; amending s.  
3178 634.181, F.S.; adding grounds for compulsory  
3179 disciplinary actions by the department against motor  
3180 vehicle service agreement salespersons; requiring the  
3181 department to immediately temporarily suspend a  
3182 license or appointment under certain circumstances;  
3183 prohibiting a person from transacting insurance  
3184 business after such suspension; authorizing the  
3185 department to adopt rules; amending s. 634.191, F.S.;  
3186 revising grounds for discretionary disciplinary  
3187 actions by the department against motor vehicle  
3188 service agreement salespersons; requiring salespersons  
3189 to submit certain documents to the department;  
3190 authorizing the department to adopt rules; amending s.  
3191 634.320, F.S.; revising grounds for compulsory  
3192 disciplinary actions by the department against home  
3193 warranty association sales representatives; requiring  
3194 the department to immediately temporarily suspend a  
3195 license or appointment under certain circumstances;  
3196 prohibiting a person from transacting insurance  
3197 business after such suspension; authorizing the  
3198 department to adopt rules; amending s. 634.321, F.S.;  
3199 revising grounds for discretionary disciplinary  
3200 actions by the department against home warranty



688170

3201 association sales representatives; authorizing the  
3202 department to adopt rules; amending s. 634.419, F.S.;  
3203 providing that specified home solicitation sale  
3204 requirements do not apply to certain persons relating  
3205 to the solicitation of service warranty or related  
3206 service or product sales; amending s. 634.422, F.S.;  
3207 revising grounds for compulsory disciplinary actions  
3208 by the department against service warranty association  
3209 sales representatives; requiring the department to  
3210 immediately temporarily suspend a license or  
3211 appointment under certain circumstances; prohibiting a  
3212 person from transacting insurance business after such  
3213 suspension; authorizing the department to adopt rules;  
3214 amending s. 634.423, F.S.; revising grounds for  
3215 discretionary disciplinary actions by the department  
3216 against service warranty association sales  
3217 representatives; authorizing the department to adopt  
3218 rules; reordering and amending s. 648.25, F.S.;  
3219 defining and redefining terms; amending s. 648.26,  
3220 F.S.; authorizing certain actions by the department or  
3221 the Office of Insurance Regulation relating to certain  
3222 confidential records relating to bail bond agents;  
3223 amending s. 648.27, F.S.; deleting a provision  
3224 relating to the continuance of a temporary bail bond  
3225 agent license; amending s. 648.285, F.S.; revising  
3226 requirements, conditions, and procedures for a bail  
3227 bond agency license; providing applicability;  
3228 conforming a provision to changes made by the act;  
3229 amending s. 648.30, F.S.; revising requirements and



688170

3230 conditions for the licensure and appointment as a bail  
3231 bond agent or bail bond agency; conforming a provision  
3232 to changes made by the act; amending s. 648.31, F.S.;  
3233 specifying that there is no fee for the issuance of  
3234 any appointment to a bail bond agency; conforming a  
3235 provision to changes made by the act; amending s.  
3236 648.34, F.S.; revising qualifications for a bail bond  
3237 agent license; conforming a provision to changes made  
3238 by the act; amending s. 648.355, F.S.; deleting  
3239 provisions relating to temporary licenses as a limited  
3240 surety agent or professional bail bond agent;  
3241 specifying requirements for an individual licensed as  
3242 a temporary bail bond agent to qualify for bail bond  
3243 agent license; prohibiting the department from issuing  
3244 a temporary bail bond agent license beginning on a  
3245 specified date; providing construction relating to  
3246 existing temporary licenses; amending s. 648.382,  
3247 F.S.; revising requirements for the appointment of  
3248 bail bond agents or bail bond agencies; conforming a  
3249 provision to changes made by the act; amending s.  
3250 648.386, F.S.; defining the term "classroom  
3251 instruction"; revising requirements for approval and  
3252 certification as an approved limited surety agent and  
3253 professional bail bond agent continuing education  
3254 school; amending s. 648.387, F.S.; renaming primary  
3255 bail bond agents as bail bond agents in charge;  
3256 revising the department's disciplinary authority;  
3257 revising prohibited actions and the applicability of  
3258 such prohibitions; providing for the automatic



688170

3259 expiration of a bail bond agency's license under  
3260 certain circumstances; creating s. 648.3875, F.S.;  
3261 providing requirements for applying for designation as  
3262 a bail bond agent in charge; amending s. 648.39, F.S.;  
3263 revising applicability of provisions relating to  
3264 termination of appointments of certain agents and  
3265 agencies; repealing s. 648.41, F.S., relating to  
3266 termination of appointment of temporary bail bond  
3267 agents; amending s. 648.42, F.S.; conforming a  
3268 provision to changes made by the act; making a  
3269 technical change; amending s. 648.44, F.S.; revising  
3270 applicability of prohibited acts; revising and  
3271 specifying prohibited acts of bail bond agents and  
3272 bail bond agencies; conforming provisions to changes  
3273 made by the act; amending s. 648.441, F.S.; revising  
3274 applicability of a prohibition against furnishing  
3275 supplies to an unlicensed bail bond agent; amending s.  
3276 648.46, F.S.; authorizing certain actions by the  
3277 department or the office relating to certain  
3278 confidential records relating to bail bond agents;  
3279 amending s. 648.50, F.S.; revising applicability of  
3280 provisions relating to disciplinary actions taken by  
3281 the department; conforming provisions to changes made  
3282 by the act; amending s. 717.135, F.S.; revising a  
3283 requirement for, and a prohibition on, claimants'  
3284 representatives relating to unclaimed property  
3285 recovery agreements and purchase agreements; providing  
3286 construction; amending s. 843.021, F.S.; revising a  
3287 defense to an unlawful possession of a concealed



688170

3288 handcuff key; amending ss. 631.152, 631.398, and  
3289 903.09, F.S.; conforming cross-references; ratifying  
3290 specified rules of the department; providing  
3291 construction; providing effective dates.

By the Committee on Banking and Insurance; and Senator DiCeglie

597-02914-23

20231158c1

1 A bill to be entitled  
 2 An act relating to the Department of Financial  
 3 Services; amending s. 20.121, F.S.; revising powers  
 4 and duties of the department's Division of  
 5 Investigative and Forensic Services; deleting the  
 6 department's Strategic Markets Research and Assessment  
 7 Unit; amending s. 39.6035, F.S.; deleting a  
 8 requirement for the Department of Children and  
 9 Families and the community-based care lead agency to  
 10 provide certain financial literacy curriculum  
 11 information to certain youth; amending s. 112.215,  
 12 F.S.; redefining the term "employee" as "government  
 13 employee" and revising the definition of the term;  
 14 revising eligibility for plans of deferred  
 15 compensation established by the Chief Financial  
 16 Officer; revising the membership of the Deferred  
 17 Compensation Advisory Council; making technical  
 18 changes; amending s. 215.422, F.S.; revising the  
 19 timeframe by which certain payments to health care  
 20 providers for services to be reimbursed by a state  
 21 agency or the judicial branch must be made; amending  
 22 s. 274.01, F.S.; revising the definition of the term  
 23 "governmental unit" for purposes of ch. 274, F.S.;  
 24 amending s. 409.1451, F.S.; conforming a provision to  
 25 changes made by the act; amending s. 440.13, F.S.;  
 26 authorizing, rather than requiring, a judge of  
 27 compensation claims to order an injured employee's  
 28 evaluation by an expert medical advisor under certain  
 29 circumstances; revising the schedules of maximum

Page 1 of 134

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

597-02914-23

20231158c1

30 reimbursement allowances determined by the three-  
 31 member panel under the Workers' Compensation Law;  
 32 revising reimbursement requirements for certain  
 33 providers; requiring the department to annually notify  
 34 carriers and self-insurers of certain schedules;  
 35 requiring the publication of a schedule in a certain  
 36 manner; providing construction; revising factors the  
 37 panel must consider in establishing the uniform  
 38 schedule of maximum reimbursement allowances; deleting  
 39 certain standards for practice parameters; amending s.  
 40 440.38, F.S.; specifying requirements for forms used  
 41 by the department to evidence certain workers'  
 42 compensation coverage of an employer; amending s.  
 43 440.385, F.S.; revising eligibility requirements for  
 44 the board of directors of the Florida Self-Insurers  
 45 Guaranty Association, Incorporated; authorizing the  
 46 Chief Financial Officer to remove a director under  
 47 certain circumstances; specifying requirements for,  
 48 and restrictions on, directors; prohibiting directors  
 49 and employees of the association from knowingly  
 50 accepting certain gifts or expenditures; providing  
 51 penalties; amending s. 624.1265, F.S.; revising  
 52 conditions for a nonprofit religious organization to  
 53 be exempt from requirements of the Florida Insurance  
 54 Code; amending s. 624.501, F.S.; deleting an  
 55 application filing and license fee for reinsurance  
 56 intermediaries; amending s. 626.015, F.S.; revising  
 57 the definition of the term "association" for purposes  
 58 of part I of ch. 626, F.S.; amending s. 626.171, F.S.;

Page 2 of 134

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

597-02914-23

20231158c1

59 deleting the authority of designated examination  
60 centers to take fingerprints of applicants for a  
61 license as an agent, customer representative,  
62 adjuster, service representative, or reinsurance  
63 intermediary; amending s. 626.173, F.S.; providing  
64 that a certain notice requirement for certain licensed  
65 insurance agencies ceasing the transacting of  
66 insurance does not apply to certain kinds of  
67 insurance; amending s. 626.207, F.S.; revising  
68 violations for which the department must adopt rules  
69 establishing specific penalties; amending s. 626.221,  
70 F.S.; adding a certification that exempts an applicant  
71 for license as an all-lines adjuster from an  
72 examination requirement; amending s. 626.2815, F.S.;  
73 revising continuing education requirements for certain  
74 insurance representatives; amending s. 626.321, F.S.;  
75 deleting certain requirements for, and restrictions  
76 on, licensees of specified limited licenses; adding a  
77 limited license for transacting preneed funeral  
78 agreement insurance; specifying conditions for issuing  
79 such license without an examination; amending s.  
80 626.611, F.S.; revising specified grounds for  
81 compulsory disciplinary actions taken by the  
82 department against insurance representatives; amending  
83 s. 626.621, F.S.; adding grounds for discretionary  
84 disciplinary actions taken by the department against  
85 insurance representatives; amending s. 626.7492, F.S.;  
86 revising definitions of the terms "producer" and  
87 "reinsurance intermediary manager"; revising licensure

Page 3 of 134

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

597-02914-23

20231158c1

88 requirements for reinsurance intermediary brokers and  
89 reinsurance intermediary managers; deleting the  
90 authority of the department to refuse to issue a  
91 reinsurance intermediary license under certain  
92 circumstances; amending s. 626.752, F.S.; requiring  
93 the department to suspend the authority of an insurer  
94 or employer to appoint licensees under certain  
95 circumstances relating to the exchange of insurance  
96 business; amending s. 626.785, F.S.; authorizing  
97 certain persons to obtain a limited license to sell  
98 only policies of life insurance covering the expense  
99 of a prearrangement for funeral services or  
100 merchandise; amending ss. 626.793 and 626.837, F.S.;  
101 requiring the department to suspend the authority of  
102 an insurer or employer to appoint licensees under  
103 certain circumstances relating to the acceptance of  
104 excess or rejected insurance business; amending s.  
105 626.8411, F.S.; providing that certain notice  
106 requirements do not apply to title insurance agents or  
107 title insurance agencies; amending s. 626.8437, F.S.;  
108 adding grounds for compulsory disciplinary actions  
109 taken by the department against a title insurance  
110 agent or agency; amending s. 626.844, F.S.; adding  
111 grounds for discretionary disciplinary actions taken  
112 by the department against a title insurance agent or  
113 agency; amending s. 626.8473, F.S.; revising  
114 requirements for engaging in the business as an escrow  
115 agent in connection with real estate closing  
116 transactions; amending s. 626.854, F.S.; revising

Page 4 of 134

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



597-02914-23

20231158c1

117 applicability of a prohibited act relating to public  
 118 insurance adjusters; amending s. 626.874, F.S.;  
 119 revising eligibility requirements for the department's  
 120 issuance of licenses to catastrophe or emergency  
 121 adjusters; revising grounds on which the department  
 122 may deny such license; amending s. 626.9892, F.S.;  
 123 revising a condition and adding violations for which  
 124 the department may pay rewards under the Anti-Fraud  
 125 Reward Program; amending s. 626.9957, F.S.; providing  
 126 for the expiration of a health coverage navigator's  
 127 registration under certain circumstances; specifying a  
 128 restriction on expired registrations; amending s.  
 129 627.351, F.S.; revising requirements for membership of  
 130 the Florida Medical Malpractice Joint Underwriting  
 131 Association; specifying a requirement for filling  
 132 vacancies; authorizing the Chief Financial Officer to  
 133 remove board members under certain circumstances;  
 134 providing requirements for, and restrictions on, board  
 135 members; providing penalties; amending s. 627.4215,  
 136 F.S.; revising the applicability of disclosure  
 137 requirements for health insurers relating to  
 138 behavioral health insurance coverage; amending s.  
 139 627.70132, F.S.; providing that certain time  
 140 restrictions on providing notice of property insurance  
 141 claims do not apply to residential condominium unit  
 142 owner loss assessment claims; amending s. 627.7015,  
 143 F.S.; providing that a disputed property insurance  
 144 claim is not eligible for mediation until certain  
 145 conditions are met; providing that fees for a

Page 5 of 134

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

597-02914-23

20231158c1

146 rescheduled mediation conference be assessed by the  
 147 department rather than the administrator; authorizing  
 148 the department to suspend an insurer's authority to  
 149 appoint licensees under certain circumstances;  
 150 amending s. 627.7074, F.S.; authorizing the department  
 151 to designate, by written contract or agreement, an  
 152 entity or a person to administer the alternative  
 153 dispute resolution process for sinkhole insurance  
 154 claims; amending s. 627.714, F.S.; specifying when a  
 155 loss assessment claim under a residential condominium  
 156 unit owner's property policy is deemed to occur;  
 157 amending s. 627.745, F.S.; revising requirements and  
 158 procedures for the mediation of personal injury claims  
 159 under a motor vehicle insurance policy; requiring the  
 160 department to adopt specified rules relating to a  
 161 motor vehicle claims insurance mediation program;  
 162 authorizing the department to designate a person or  
 163 entity to serve as administrator; amending s. 631.141,  
 164 F.S.; authorizing the department in receivership  
 165 proceedings to take certain actions as a domiciliary  
 166 receiver; amending s. 631.252, F.S.; revising  
 167 conditions under which policies and contracts of  
 168 insolvent insurers are canceled; amending ss. 631.56,  
 169 631.716, 631.816, and 631.912, F.S.; revising  
 170 membership eligibility requirements for the Florida  
 171 Insurance Guaranty Association, the Florida Life and  
 172 Health Insurance Guaranty Association, the Florida  
 173 Health Maintenance Organization Consumer Assistance  
 174 Plan, and the Florida Workers' Compensation Insurance

Page 6 of 134

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

597-02914-23

20231158c1

175 Guaranty Association, Incorporated, respectively;  
 176 authorizing the Chief Financial Officer to remove a  
 177 board member under certain circumstances; specifying  
 178 requirements for, on restrictions on, board members;  
 179 providing penalties; creating s. 633.1423, F.S.;  
 180 defining the term "organization"; authorizing the  
 181 Division of State Fire Marshal to establish a direct-  
 182 support organization; specifying the purpose of and  
 183 requirements for the organization; specifying  
 184 requirements for the organization's written contract  
 185 and board of directors; providing requirements for the  
 186 use of property, annual budgets and reports, an annual  
 187 audit, and the division's receipt of proceeds;  
 188 authorizing moneys received to be held in a depository  
 189 account; providing for future repeal; amending s.  
 190 634.181, F.S.; adding grounds for compulsory  
 191 disciplinary actions by the department against motor  
 192 vehicle service agreement salespersons; requiring the  
 193 department to immediately temporarily suspend a  
 194 license or appointment under certain circumstances;  
 195 prohibiting a person from transacting insurance  
 196 business after such suspension; authorizing the  
 197 department to adopt rules; amending s. 634.191, F.S.;  
 198 revising grounds for discretionary disciplinary  
 199 actions by the department against motor vehicle  
 200 service agreement salespersons; requiring salespersons  
 201 to submit certain documents to the department;  
 202 authorizing the department to adopt rules; amending s.  
 203 634.320, F.S.; revising grounds for compulsory

Page 7 of 134

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

597-02914-23

20231158c1

204 disciplinary actions by the department against home  
 205 warranty association sales representatives; requiring  
 206 the department to immediately temporarily suspend a  
 207 license or appointment under certain circumstances;  
 208 prohibiting a person from transacting insurance  
 209 business after such suspension; authorizing the  
 210 department to adopt rules; amending s. 634.321, F.S.;  
 211 revising grounds for discretionary disciplinary  
 212 actions by the department against home warranty  
 213 association sales representatives; authorizing the  
 214 department to adopt rules; amending s. 634.419, F.S.;  
 215 providing that specified home solicitation sale  
 216 requirements do not apply to certain persons relating  
 217 to the solicitation of service warranty or related  
 218 service or product sales; amending s. 634.422, F.S.;  
 219 revising grounds for compulsory disciplinary actions  
 220 by the department against service warranty association  
 221 sales representatives; requiring the department to  
 222 immediately temporarily suspend a license or  
 223 appointment under certain circumstances; prohibiting a  
 224 person from transacting insurance business after such  
 225 suspension; authorizing the department to adopt rules;  
 226 amending s. 634.423, F.S.; revising grounds for  
 227 discretionary disciplinary actions by the department  
 228 against service warranty association sales  
 229 representatives; authorizing the department to adopt  
 230 rules; reordering and amending s. 648.25, F.S.;  
 231 defining and redefining terms; amending s. 648.26,  
 232 F.S.; authorizing certain actions by the department or

Page 8 of 134

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

597-02914-23

20231158c1

233 the Office of Insurance Regulation relating to certain  
 234 confidential records relating to bail bond agents;  
 235 amending s. 648.27, F.S.; deleting a provision  
 236 relating to the continuance of a temporary bail bond  
 237 agent license; amending s. 648.285, F.S.; revising  
 238 requirements, conditions, and procedures for a bail  
 239 bond agency license; providing applicability;  
 240 conforming a provision to changes made by the act;  
 241 amending s. 648.30, F.S.; revising requirements and  
 242 conditions for the licensure and appointment as a bail  
 243 bond agent or bail bond agency; conforming a provision  
 244 to changes made by the act; amending s. 648.31, F.S.;  
 245 specifying that there is no fee for the issuance of  
 246 any appointment to a bail bond agency; conforming a  
 247 provision to changes made by the act; amending s.  
 248 648.34, F.S.; revising qualifications for a bail bond  
 249 agent license; conforming a provision to changes made  
 250 by the act; amending s. 648.355, F.S.; deleting  
 251 provisions relating to temporary licenses as a limited  
 252 surety agent or professional bail bond agent;  
 253 specifying requirements for an individual licensed as  
 254 a temporary bail bond agent to qualify for bail bond  
 255 agent license; prohibiting the department from issuing  
 256 a temporary bail bond agent license beginning on a  
 257 specified date; providing construction relating to  
 258 existing temporary licenses; amending s. 648.382,  
 259 F.S.; revising requirements for the appointment of  
 260 bail bond agents or bail bond agencies; conforming a  
 261 provision to changes made by the act; amending s.

Page 9 of 134

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

597-02914-23

20231158c1

262 648.386, F.S.; defining the term "classroom  
 263 instruction"; revising requirements for approval and  
 264 certification as an approved limited surety agent and  
 265 professional bail bond agent continuing education  
 266 school; amending s. 648.387, F.S.; renaming primary  
 267 bail bond agents as bail bond agents in charge;  
 268 revising the department's disciplinary authority;  
 269 revising prohibited actions and the applicability of  
 270 such prohibitions; providing for the automatic  
 271 expiration of a bail bond agency's license under  
 272 certain circumstances; creating s. 648.3875, F.S.;  
 273 providing requirements for applying for designation as  
 274 a bail bond agent in charge; amending s. 648.39, F.S.;  
 275 revising applicability of provisions relating to  
 276 termination of appointments of certain agents and  
 277 agencies; repealing s. 648.41, F.S., relating to  
 278 termination of appointment of temporary bail bond  
 279 agents; amending s. 648.42, F.S.; conforming a  
 280 provision to changes made by the act; making a  
 281 technical change; amending s. 648.44, F.S.; revising  
 282 applicability of prohibited acts; revising and  
 283 specifying prohibited acts of bail bond agents and  
 284 bail bond agencies; conforming provisions to changes  
 285 made by the act; amending s. 648.441, F.S.; revising  
 286 applicability of a prohibition against furnishing  
 287 supplies to an unlicensed bail bond agent; amending s.  
 288 648.46, F.S.; authorizing certain actions by the  
 289 department or the office relating to certain  
 290 confidential records relating to bail bond agents;

Page 10 of 134

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

597-02914-23

20231158c1

291 amending s. 648.50, F.S.; revising applicability of  
 292 provisions relating to disciplinary actions taken by  
 293 the department; conforming provisions to changes made  
 294 by the act; amending s. 717.135, F.S.; revising a  
 295 requirement for, and a prohibition on, claimants'  
 296 representatives relating to unclaimed property  
 297 recovery agreements and purchase agreements; providing  
 298 construction; amending s. 843.021, F.S.; revising a  
 299 defense to an unlawful possession of a concealed  
 300 handcuff key; amending s. 903.28, F.S.; providing for  
 301 remission of bond forfeiture under specified  
 302 timeframes when a defendant is deceased; revising the  
 303 amounts of bond forfeitures for which a court must  
 304 order remission under certain circumstances; revising  
 305 the circumstances under which forfeitures must be  
 306 remitted; requiring a court, under certain  
 307 circumstances, to direct remission of forfeiture if  
 308 the state is unwilling to seek extradition of the  
 309 defendant; amending ss. 28.2221, 119.071, 631.152,  
 310 631.398, and 903.09, F.S.; conforming cross-  
 311 references; ratifying a specified rule of the Florida  
 312 Administrative Code relating to the Florida Workers'  
 313 Compensation Health Care Provider Reimbursement  
 314 Manual; providing construction; providing effective  
 315 dates.

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

319 Section 1. Paragraph (e) of subsection (2) and subsection

Page 11 of 134

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

597-02914-23

20231158c1

320 (6) of section 20.121, Florida Statutes, are amended to read:  
 321 20.121 Department of Financial Services.—There is created a  
 322 Department of Financial Services.  
 323 (2) DIVISIONS.—The Department of Financial Services shall  
 324 consist of the following divisions and office:  
 325 (e) The Division of Investigative and Forensic Services,  
 326 which shall function as a criminal justice agency for purposes  
 327 of ss. 943.045-943.08. The division may initiate and conduct  
 328 investigations into any matter under the jurisdiction of the  
 329 Chief Financial Officer and Fire Marshal within or outside of  
 330 this state as it deems necessary. If, during an investigation,  
 331 the division has reason to believe that any criminal law of this  
 332 state or the United States has or may have been violated, it  
 333 shall refer any records tending to show such violation to state  
 334 ~~or federal~~ law enforcement and, if applicable, federal ~~or~~  
 335 prosecutorial agencies and shall provide investigative  
 336 assistance to those agencies as appropriate ~~required~~. The  
 337 division shall include the following bureaus and office:  
 338 1. The Bureau of Forensic Services;  
 339 2. The Bureau of Fire, Arson, and Explosives  
 340 Investigations;  
 341 3. The Office of Fiscal Integrity, which shall have a  
 342 separate budget;  
 343 4. The Bureau of Insurance Fraud; and  
 344 5. The Bureau of Workers' Compensation Fraud.  
 345 ~~(6) STRATEGIC MARKETS RESEARCH AND ASSESSMENT UNIT.—The~~  
 346 ~~Strategic Markets Research and Assessment Unit is established~~  
 347 ~~within the Department of Financial Services. The Chief Financial~~  
 348 ~~Officer or his or her designee shall report on September 1,~~

Page 12 of 134

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

597-02914-23

20231158c1

349 ~~2008, and quarterly thereafter, to the Cabinet, the President of~~  
 350 ~~the Senate, and the Speaker of the House of Representatives on~~  
 351 ~~the status of the state's financial services markets. At a~~  
 352 ~~minimum, the report must include a summary of issues, trends,~~  
 353 ~~and threats that broadly impact the condition of the financial~~  
 354 ~~services industries, along with the effect of such conditions on~~  
 355 ~~financial institutions, the securities industries, other~~  
 356 ~~financial entities, and the credit market. The Chief Financial~~  
 357 ~~Officer shall also provide findings and recommendations~~  
 358 ~~regarding regulatory and policy changes to the Cabinet, the~~  
 359 ~~President of the Senate, and the Speaker of the House of~~  
 360 ~~Representatives.~~

361 Section 2. Paragraph (c) of subsection (1) of section  
 362 39.6035, Florida Statutes, is amended to read:

363 39.6035 Transition plan.—

364 (1) During the year after a child reaches 16 years of age,  
 365 the department and the community-based care lead agency, in  
 366 collaboration with the caregiver and any other individual whom  
 367 the child would like to include, shall assist the child in  
 368 developing a transition plan. The required transition plan is in  
 369 addition to standard case management requirements. The  
 370 transition plan must address specific options for the child to  
 371 use in obtaining services, including housing, health insurance,  
 372 education, financial literacy, a driver license, and workforce  
 373 support and employment services. The plan must also include  
 374 tasks to establish and maintain naturally occurring mentoring  
 375 relationships and other personal support services. The  
 376 transition plan may be as detailed as the child chooses. This  
 377 plan must be updated as needed before the child reaches 18 years

Page 13 of 134

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

597-02914-23

20231158c1

378 of age and after the child reaches 18 years of age if he or she  
 379 is receiving funding under s. 409.1451(2). In developing and  
 380 updating the transition plan, the department and the community-  
 381 based care lead agency shall:

382 ~~(c) Provide information for the financial literacy~~  
 383 ~~curriculum for youth offered by the Department of Financial~~  
 384 ~~Services.~~

385 Section 3. Subsections (2) and (4), paragraph (a) of  
 386 subsection (8), and subsection (12) of section 112.215, Florida  
 387 Statutes, are amended to read:

388 112.215 Government employees; deferred compensation  
 389 program.—

390 (2) For the purposes of this section, the term "government  
 391 employee" means any person employed, whether appointed, elected,  
 392 or under contract, ~~by providing services for the state or any~~  
 393 governmental unit of the state, including, but not limited to,  
 394 any state agency; any ~~or~~ county, municipality, or other  
 395 political subdivision of the state; any special district or  
 396 water management district, as the terms are defined in s.  
 397 189.012 ~~municipality~~; any state university or Florida College  
 398 System institution, as the terms are defined in s. 1000.21(6)  
 399 and (3), respectively ~~board of trustees~~; or any constitutional  
 400 county officer under s. 1(d), Art. VIII of the State  
 401 Constitution for which compensation or statutory fees are paid.

402 (4) (a) The Chief Financial Officer, with the approval of  
 403 the State Board of Administration, shall establish a state ~~such~~  
 404 plan or plans of deferred compensation for government state  
 405 employees and may include persons employed by a state university  
 406 as defined in s. 1000.21, a ~~special district as defined in s.~~

Page 14 of 134

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

597-02914-23

20231158c1

407 ~~189.012, or a water management district as defined in s.~~  
 408 ~~189.012~~, including all such investment vehicles or products  
 409 incident thereto, as may be available through, or offered by,  
 410 qualified companies or persons, and may approve one or more such  
 411 plans for implementation by and on behalf of the state and its  
 412 ~~agencies and employees.~~

413 (b) If the Chief Financial Officer deems it advisable, he  
 414 or she shall have the power, with the approval of the State  
 415 Board of Administration, to create a trust or other special  
 416 funds for the segregation of funds or assets resulting from  
 417 compensation deferred at the request of government employees  
 418 participating in ~~of the state plan or its agencies and~~ for the  
 419 administration of such program.

420 (c) The Chief Financial Officer, with the approval of the  
 421 State Board of Administration, may delegate responsibility for  
 422 administration of the state plan to a person the Chief Financial  
 423 Officer determines to be qualified, compensate such person, and,  
 424 directly or through such person or pursuant to a collective  
 425 bargaining agreement, contract with a private corporation or  
 426 institution to provide such services as may be part of any such  
 427 plan or as may be deemed necessary or proper by the Chief  
 428 Financial Officer or such person, including, but not limited to,  
 429 providing consolidated billing, individual and collective  
 430 recordkeeping and accountings, asset purchase, control, and  
 431 safekeeping, and direct disbursement of funds to employees or  
 432 other beneficiaries. The Chief Financial Officer may authorize a  
 433 person, private corporation, or institution to make direct  
 434 disbursement of funds under the state plan to an employee or  
 435 other beneficiary.

Page 15 of 134

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

597-02914-23

20231158c1

436 (d) In accordance with such approved plan, and upon  
 437 contract or agreement with an eligible government employee,  
 438 deferrals of compensation may be accomplished by payroll  
 439 deductions made by the appropriate officer or officers of the  
 440 state, with such funds being thereafter held and administered in  
 441 accordance with the plan.

442 (e) The administrative costs of the deferred compensation  
 443 plan must be wholly or partially self-funded. Fees for such  
 444 self-funding of the plan shall be paid by investment providers  
 445 and may be recouped from their respective plan participants.  
 446 Such fees shall be deposited in the Deferred Compensation Trust  
 447 Fund.

448 (8) (a) There is created a Deferred Compensation Advisory  
 449 Council composed of eight ~~seven~~ members.

450 1. One member shall be appointed by the Speaker of the  
 451 House of Representatives and the President of the Senate jointly  
 452 and shall be an employee of the legislative branch.

453 2. One member shall be appointed by the Chief Justice of  
 454 the Supreme Court and shall be an employee of the judicial  
 455 branch.

456 3. One member shall be appointed by the chair of the Public  
 457 Employees Relations Commission and shall be a nonexempt public  
 458 employee.

459 4. The remaining five ~~four~~ members shall be employed by the  
 460 executive branch and shall be appointed as follows:

461 a. One member shall be appointed by the Chancellor of the  
 462 State University System and shall be an employee of the  
 463 university system.

464 b. One member shall be appointed by the Chief Financial

Page 16 of 134

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

597-02914-23 20231158c1

465 Officer and shall be an employee of the Chief Financial Officer.

466 c. One member shall be appointed by the Governor and shall  
467 be an employee of the executive branch.

468 d. One member shall be appointed by the Executive Director  
469 of the State Board of Administration and shall be an employee of  
470 the State Board of Administration.

471 e. One member shall be appointed by the Chancellor of the  
472 Florida College System and shall be an employee of the Florida  
473 College System.

474 (12) The Chief Financial Officer may adopt any rule  
475 necessary to administer and implement this act with respect to  
476 the state deferred compensation plan or plans for state  
477 employees and persons employed by a state university as defined  
478 in s. 1000.21, a special district as defined in s. 189.012, or a  
479 water management district as defined in s. 189.012.

480 Section 4. Subsection (13) of section 215.422, Florida  
481 Statutes, is amended to read:

482 215.422 Payments, warrants, and invoices; processing time  
483 limits; dispute resolution; agency or judicial branch  
484 compliance.—

485 (13) Notwithstanding the provisions of subsections (3) and  
486 (12), in order to alleviate any hardship that may be caused to a  
487 health care provider as a result of delay in receiving  
488 reimbursement for services, any payment or payments for  
489 hospital, medical, or other health care services which are to be  
490 reimbursed by a state agency or the judicial branch, either  
491 directly or indirectly, shall be made to the health care  
492 provider not more than 40 ~~35~~ days from the date eligibility for  
493 payment of such claim is determined. If payment is not issued to

Page 17 of 134

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

597-02914-23 20231158c1

494 a health care provider within 40 ~~35~~ days after the date  
495 eligibility for payment of the claim is determined, the state  
496 agency or the judicial branch shall pay the health care provider  
497 interest at a rate of 1 percent per month calculated on a  
498 calendar day basis on the unpaid balance from the expiration of  
499 such 40-day ~~35-day~~ period until such time as payment is made to  
500 the health care provider, unless a waiver in whole has been  
501 granted by the Department of Financial Services pursuant to  
502 subsection (1) or subsection (2).

503 Section 5. Subsection (1) of section 274.01, Florida  
504 Statutes, is amended to read:

505 274.01 Definitions.—The following words as used in this act  
506 have the meanings set forth in the below subsections, unless a  
507 different meaning is required by the context:

508 (1) "Governmental unit" means the governing board,  
509 commission, or authority of a county, a county agency, a  
510 municipality, a special district as defined in s. 189.012 or  
511 taxing district of the state, or the sheriff of the county.

512 Section 6. Paragraph (b) of subsection (3) of section  
513 409.1451, Florida Statutes, is amended to read:

514 409.1451 The Road-to-Independence Program.—

515 (3) AFTERCARE SERVICES.—

516 (b) Aftercare services include, but are not limited to, the  
517 following:

- 518 1. Mentoring and tutoring.
- 519 2. Mental health services and substance abuse counseling.
- 520 3. Life skills classes, including credit management and
- 521 preventive health activities.
- 522 4. Parenting classes.

Page 18 of 134

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

597-02914-23

20231158c1

523 5. Job and career skills training.

524 6. Counselor consultations.

525 7. Temporary financial assistance for necessities,

526 including, but not limited to, education supplies,

527 transportation expenses, security deposits for rent and

528 utilities, furnishings, household goods, and other basic living

529 expenses.

530 8. Temporary financial assistance to address emergency

531 situations, including, but not limited to, automobile repairs or

532 large medical expenses.

533 ~~9. Financial literacy skills training under s.~~

534 ~~39.6035(1)(c).~~

535

536 The specific services to be provided under this paragraph shall

537 be determined by an assessment of the young adult and may be

538 provided by the community-based care provider or through

539 referrals in the community.

540 Section 7. Paragraph (c) of subsection (9) and subsections

541 (12) and (14) of section 440.13, Florida Statutes, are amended

542 to read:

543 440.13 Medical services and supplies; penalty for

544 violations; limitations.—

545 (9) EXPERT MEDICAL ADVISORS.—

546 (c) If there is disagreement in the opinions of the health

547 care providers, if two health care providers disagree on medical

548 evidence supporting the employee's complaints or the need for

549 additional medical treatment, or if two health care providers

550 disagree that the employee is able to return to work, the

551 department may, and the judge of compensation claims may shall,

Page 19 of 134

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

597-02914-23

20231158c1

552 upon his or her own motion or within 15 days after receipt of a

553 written request by either the injured employee, the employer, or

554 the carrier, order the injured employee to be evaluated by an

555 expert medical advisor. The injured employee and the employer or

556 carrier may agree on the health care provider to serve as an

557 expert medical advisor. If the parties do not agree, the judge

558 of compensation claims shall select an expert medical advisor

559 from the department's list of certified expert medical advisors.

560 If a certified medical advisor within the relevant medical

561 specialty is unavailable, the judge of compensation claims shall

562 appoint any otherwise qualified health care provider to serve as

563 an expert medical advisor without obtaining the department's

564 certification. The opinion of the expert medical advisor is

565 presumed to be correct unless there is clear and convincing

566 evidence to the contrary as determined by the judge of

567 compensation claims. The expert medical advisor appointed to

568 conduct the evaluation shall have free and complete access to

569 the medical records of the employee. An employee who fails to

570 report to and cooperate with such evaluation forfeits

571 entitlement to compensation during the period of failure to

572 report or cooperate.

573 (12) CREATION OF THREE-MEMBER PANEL; GUIDES OF MAXIMUM

574 REIMBURSEMENT ALLOWANCES.—

575 (a) A three-member panel is created, consisting of the

576 Chief Financial Officer, or the Chief Financial Officer's

577 designee, and two members to be appointed by the Governor,

578 subject to confirmation by the Senate, one member who, on

579 account of present or previous vocation, employment, or

580 affiliation, shall be classified as a representative of

Page 20 of 134

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



597-02914-23

20231158c1

581 employers, the other member who, on account of previous  
 582 vocation, employment, or affiliation, shall be classified as a  
 583 representative of employees. The panel shall determine statewide  
 584 schedules of maximum reimbursement allowances for medically  
 585 necessary treatment, care, and attendance provided by  
 586 ~~physicians, hospitals and, ambulatory surgical centers, work-~~  
 587 ~~hardening programs, pain programs, and durable medical~~  
 588 ~~equipment.~~ The maximum reimbursement allowances for inpatient  
 589 hospital care shall be based on a schedule of per diem rates, to  
 590 be approved by the three-member panel no later than March 1,  
 591 1994, to be used in conjunction with a precertification manual  
 592 as determined by the department, including maximum hours in  
 593 which an outpatient may remain in observation status, which  
 594 shall not exceed 23 hours. All compensable charges for hospital  
 595 outpatient care shall be reimbursed at 75 percent of usual and  
 596 customary charges, except as otherwise provided by this  
 597 subsection. Annually, the three-member panel shall adopt  
 598 schedules of maximum reimbursement allowances for ~~physicians,~~  
 599 hospital inpatient care, hospital outpatient care, and  
 600 ambulatory surgical centers, ~~work-hardening programs, and pain~~  
 601 ~~programs.~~ A An individual physician, hospital or an, ambulatory  
 602 surgical center, pain program, or work-hardening program shall  
 603 be reimbursed either the agreed-upon contract price or the  
 604 maximum reimbursement allowance in the appropriate schedule.  
 605 (b) ~~It is the intent of the Legislature to increase the~~  
 606 ~~schedule of maximum reimbursement allowances for selected~~  
 607 ~~physicians effective January 1, 2004, and to pay for the~~  
 608 ~~increases through reductions in payments to hospitals. Revisions~~  
 609 ~~developed pursuant to this subsection are limited to the~~

Page 21 of 134

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

597-02914-23

20231158c1

610 ~~following:~~  
 611 ~~1.~~ Payments for outpatient physical, occupational, and  
 612 speech therapy provided by hospitals shall be ~~reduced to~~ the  
 613 schedule of maximum reimbursement allowances for these services  
 614 which applies to nonhospital providers.  
 615 ~~(c) 2.~~ Payments for scheduled outpatient nonemergency  
 616 radiological and clinical laboratory services that are not  
 617 provided in conjunction with a surgical procedure shall be  
 618 ~~reduced to~~ the schedule of maximum reimbursement allowances for  
 619 these services which applies to nonhospital providers.  
 620 ~~(d) 3.~~ Outpatient reimbursement for scheduled surgeries  
 621 shall be ~~reduced from 75 percent of charges to 60 percent of~~  
 622 ~~charges.~~  
 623 (e) 1. By July 1 of each year, the department shall notify  
 624 carriers and self-insurers of the physician and nonhospital  
 625 services schedule of maximum reimbursement allowances. The  
 626 notice must include publication of this schedule of maximum  
 627 reimbursement allowances on the division's website. This  
 628 schedule is not subject to approval by the three-member panel  
 629 and does not include reimbursement for prescription medication.  
 630 2. Subparagraph 1. shall take effect January 1, following  
 631 the July 1, 2024, notice of the physician and nonhospital  
 632 services schedule of maximum reimbursement allowances which the  
 633 department provides to carriers and self-insurers.  
 634 ~~(f) 4.~~ Maximum reimbursement for a physician licensed under  
 635 chapter 458 or chapter 459 shall be ~~increased to~~ 110 percent of  
 636 the reimbursement allowed by Medicare, using appropriate codes  
 637 and modifiers ~~or the medical reimbursement level adopted by the~~  
 638 ~~three-member panel as of January 1, 2003, whichever is greater.~~

Page 22 of 134

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

597-02914-23

20231158c1

639 (g)5- Maximum reimbursement for surgical procedures shall  
 640 be increased to 140 percent of the reimbursement allowed by  
 641 Medicare ~~or the medical reimbursement level adopted by the~~  
 642 ~~three member panel as of January 1, 2003, whichever is greater.~~

643 (h)(e) As to reimbursement for a prescription medication,  
 644 the reimbursement amount for a prescription shall be the average  
 645 wholesale price plus \$4.18 for the dispensing fee. For  
 646 repackaged or relabeled prescription medications dispensed by a  
 647 dispensing practitioner as provided in s. 465.0276, the fee  
 648 schedule for reimbursement shall be 112.5 percent of the average  
 649 wholesale price, plus \$8.00 for the dispensing fee. For purposes  
 650 of this subsection, the average wholesale price shall be  
 651 calculated by multiplying the number of units dispensed times  
 652 the per-unit average wholesale price set by the original  
 653 manufacturer of the underlying drug dispensed by the  
 654 practitioner, based upon the published manufacturer's average  
 655 wholesale price published in the Medi-Span Master Drug Database  
 656 as of the date of dispensing. All pharmaceutical claims  
 657 submitted for repackaged or relabeled prescription medications  
 658 must include the National Drug Code of the original  
 659 manufacturer. Fees for pharmaceuticals and pharmaceutical  
 660 services shall be reimbursable at the applicable fee schedule  
 661 amount except where the employer or carrier, or a service  
 662 company, third party administrator, or any entity acting on  
 663 behalf of the employer or carrier directly contracts with the  
 664 provider seeking reimbursement for a lower amount.

665 (i)(d) Reimbursement for all fees and other charges for  
 666 such treatment, care, and attendance, including treatment, care,  
 667 and attendance provided by any hospital or other health care

Page 23 of 134

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

597-02914-23

20231158c1

668 provider, ambulatory surgical center, work-hardening program, or  
 669 pain program, must not exceed the amounts provided by the  
 670 uniform schedule of maximum reimbursement allowances as  
 671 determined by the panel or as otherwise provided in this  
 672 section. This subsection also applies to independent medical  
 673 examinations performed by health care providers under this  
 674 chapter. In determining the uniform schedule, the panel shall  
 675 first approve the data which it finds representative of  
 676 prevailing charges in the state for similar treatment, care, and  
 677 attendance of injured persons. Each health care provider, health  
 678 care facility, ambulatory surgical center, work-hardening  
 679 program, or pain program receiving workers' compensation  
 680 payments shall maintain records verifying their usual charges.  
 681 In establishing the uniform schedule of maximum reimbursement  
 682 allowances, the panel must consider:

683 1. The levels of reimbursement for similar treatment, care,  
 684 and attendance made by other health care programs or third-party  
 685 providers;

686 2. The impact upon cost to employers for providing a level  
 687 of reimbursement for treatment, care, and attendance which will  
 688 ensure the availability of treatment, care, and attendance  
 689 required by injured workers; and

690 3. The financial impact of the reimbursement allowances  
 691 upon health care providers and health care facilities, including  
 692 trauma centers as defined in s. 395.4001, and its effect upon  
 693 their ability to make available to injured workers such  
 694 medically necessary remedial treatment, care, and attendance.  
 695 The uniform schedule of maximum reimbursement allowances must be  
 696 reasonable, must promote health care cost containment and

Page 24 of 134

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

597-02914-23 20231158c1

697 efficiency with respect to the workers' compensation health care  
 698 delivery system, and must be sufficient to ensure availability  
 699 of such medically necessary remedial treatment, care, and  
 700 attendance to injured workers, ~~and~~

701 ~~4. The most recent average maximum allowable rate of~~  
 702 ~~increase for hospitals determined by the Health Care Board under~~  
 703 ~~chapter 408.~~

704 ~~(j)(e)~~ In addition to establishing the uniform schedule of  
 705 maximum reimbursement allowances, the panel shall:

706 1. Take testimony, receive records, and collect data to  
 707 evaluate the adequacy of the workers' compensation fee schedule,  
 708 nationally recognized fee schedules and alternative methods of  
 709 reimbursement to health care providers and health care  
 710 facilities for inpatient and outpatient treatment and care.

711 2. Survey health care providers and health care facilities  
 712 to determine the availability and accessibility of workers'  
 713 compensation health care delivery systems for injured workers.

714 3. Survey carriers to determine the estimated impact on  
 715 carrier costs and workers' compensation premium rates by  
 716 implementing changes to the carrier reimbursement schedule or  
 717 implementing alternative reimbursement methods.

718 4. Submit recommendations on or before January 15, 2017,  
 719 and biennially thereafter, to the President of the Senate and  
 720 the Speaker of the House of Representatives on methods to  
 721 improve the workers' compensation health care delivery system.

722  
 723 The department, as requested, shall provide data to the panel,  
 724 including, but not limited to, utilization trends in the  
 725 workers' compensation health care delivery system. The

597-02914-23 20231158c1

726 department shall provide the panel with an annual report  
 727 regarding the resolution of medical reimbursement disputes and  
 728 any actions pursuant to subsection (8). The department shall  
 729 provide administrative support and service to the panel to the  
 730 extent requested by the panel. For prescription medication  
 731 purchased under the requirements of this subsection, a  
 732 dispensing practitioner shall not possess such medication unless  
 733 payment has been made by the practitioner, the practitioner's  
 734 professional practice, or the practitioner's practice management  
 735 company or employer to the supplying manufacturer, wholesaler,  
 736 distributor, or drug repackager within 60 days of the dispensing  
 737 practitioner taking possession of that medication.

738 ~~(14) PRACTICE PARAMETERS. The practice parameters and~~  
 739 ~~protocols mandated under this chapter shall be the practice~~  
 740 ~~parameters and protocols adopted by the United States Agency for~~  
 741 ~~Healthcare Research and Quality in effect on January 1, 2003.~~

742 Section 8. Subsection (8) is added to section 440.38,  
 743 Florida Statutes, to read:

744 440.38 Security for compensation; insurance carriers and  
 745 self-insurers.—

746 (8) Any form used by the department to evidence an  
 747 employer's workers' compensation coverage under paragraph (1)(a)  
 748 must contain all of the following:

749 (a) The governing class code or codes.

750 (b) Payroll information.

751 (c) The total number of employees covered by the workers'  
 752 compensation insurance policy.

753 Section 9. Effective January 1, 2024, subsection (2) of  
 754 section 440.385, Florida Statutes, is amended to read:

597-02914-23

20231158c1

755 440.385 Florida Self-Insurers Guaranty Association,  
756 Incorporated.—

757 (2) BOARD OF DIRECTORS.—The board of directors of the  
758 association shall consist of nine persons and shall be organized  
759 as established in the plan of operation. Each director must ~~All~~  
760 ~~board members shall~~ be experienced in self-insurance in this  
761 state. Each director shall serve for a 4-year term and may be  
762 reappointed. Appointments after January 1, 2002, shall be made  
763 by the department upon recommendation of members of the  
764 association or other persons with experience in self-insurance  
765 as determined by the Chief Financial Officer. Any vacancy on the  
766 board shall be filled for the remaining period of the term in  
767 the same manner as appointments other than initial appointments  
768 are made. Each director shall be reimbursed for expenses  
769 incurred in carrying out the duties of the board on behalf of  
770 the association.

771 (a) The Chief Financial Officer may remove a director from  
772 office for misconduct, malfeasance, misfeasance, or neglect of  
773 duty. Any vacancy so created shall be filled as provided in this  
774 subsection.

775 (b) Directors are subject to the code of ethics under part  
776 III of chapter 112, including, but not limited to, the code of  
777 ethics and public disclosure and reporting of financial  
778 interests, pursuant to s. 112.3145. For purposes of applying  
779 part III of chapter 112 to activities of members of the board of  
780 directors, those persons are considered public officers and the  
781 association is considered their agency. Notwithstanding s.  
782 112.3143(2), a director may not vote on any measure that he or  
783 she knows would inure to his or her special private gain or

Page 27 of 134

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

597-02914-23

20231158c1

784 loss; that he or she knows would inure to the special private  
785 gain or loss of any principal by which he or she is retained,  
786 other than an agency as defined in s. 112.312; or that he or she  
787 knows would inure to the special private gain or loss of a  
788 relative or business associate of the public officer. Before the  
789 vote is taken, such director shall publicly state to the board  
790 the nature of his or her interest in the matter from which he or  
791 she is abstaining from voting and, within 15 days after the vote  
792 occurs, disclose the nature of his or her interest as a public  
793 record in a memorandum filed with the person responsible for  
794 recording the minutes of the meeting, who shall incorporate the  
795 memorandum in the minutes.

796 (c) Notwithstanding s. 112.3148, s. 112.3149, or any other  
797 law, an employee of the association or a director may not  
798 knowingly accept, directly or indirectly, any gift or  
799 expenditure from a person or an entity, or an employee or a  
800 representative of such person or entity, which has a contractual  
801 relationship with the association or which is under  
802 consideration for a contract.

803 (d) A director who fails to comply with paragraph (b) or  
804 paragraph (c) is subject to the penalties provided under ss.  
805 112.317 and 112.3173.

806 Section 10. Subsection (1) of section 624.1265, Florida  
807 Statutes, is amended to read:

808 624.1265 Nonprofit religious organization exemption;  
809 authority; notice.—

810 (1) A nonprofit religious organization is not subject to  
811 the requirements of the Florida Insurance Code if the nonprofit  
812 religious organization:

Page 28 of 134

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

597-02914-23

20231158c1

813 (a) Qualifies under Title 26, s. 501 of the Internal  
 814 Revenue Code of 1986, as amended;

815 (b) Limits its participants to those members who share a  
 816 common set of ethical or religious beliefs;

817 (c) Acts as a facilitator among participants who have  
 818 financial, physical, or medical needs to assist those with  
 819 financial, physical, or medical needs in accordance with  
 820 criteria established by the nonprofit religious organization;

821 (d) Provides for the financial or medical needs of a  
 822 participant through contributions from other participants, or  
 823 through payments directly from one participant to another  
 824 participant;

825 (e) Provides amounts that participants may contribute, with  
 826 no assumption of risk and no promise to pay:

827 1. Among the participants; or

828 2. By the nonprofit religious organization to the  
 829 participants;

830 (f) Provides a monthly accounting to the participants of  
 831 the total dollar amount of qualified needs actually shared in  
 832 the previous month in accordance with criteria established by  
 833 the nonprofit religious organization; ~~and~~

834 (g) Conducts an annual audit that is performed by an  
 835 independent certified public accounting firm in accordance with  
 836 generally accepted accounting principles and that is made  
 837 available to the public by providing a copy upon request or by  
 838 posting on the nonprofit religious organization's website; and  
 839 (h) Does not market or sell health plans by agents licensed  
 840 by the department under chapter 626.

841 Section 11. Subsection (25) of section 624.501, Florida

Page 29 of 134

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

597-02914-23

20231158c1

842 Statutes, is amended to read:

843 624.501 Filing, license, appointment, and miscellaneous  
 844 fees.—The department, commission, or office, as appropriate,  
 845 shall collect in advance, and persons so served shall pay to it  
 846 in advance, fees, licenses, and miscellaneous charges as  
 847 follows:

848 (25) Reinsurance intermediary:

849 ~~(a) Application filing and license fee \$50.00~~

850 ~~(b) Original appointment and biennial renewal or~~  
 851 continuation thereof, appointment fee \$60.00

852 Section 12. Subsection (5) of section 626.015, Florida  
 853 Statutes, is amended to read:

854 626.015 Definitions.—As used in this part:

855 (5) "Association" includes the Florida Association of  
 856 Insurance Agents (FAIA), the National Association of Insurance  
 857 and Financial Advisors (NAIFA), the National Association of  
 858 Benefits and Insurance Professionals Florida Chapter (NABIP  
 859 Florida) ~~Florida Association of Health Underwriters (FAHU)~~, the  
 860 Latin American Association of Insurance Agencies (LAAIA), the  
 861 Florida Association of Public Insurance Adjusters (FAPIA), the  
 862 Florida Bail Agents Association (FBAA), or the Professional Bail  
 863 Agents of the United States (PBUS).

864 Section 13. Subsection (4) of section 626.171, Florida  
 865 Statutes, is amended to read:

866 626.171 Application for license as an agent, customer  
 867 representative, adjuster, service representative, or reinsurance  
 868 intermediary.—

869 (4) An applicant for a license issued by the department  
 870 under this chapter must submit a set of the individual

Page 30 of 134

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

597-02914-23 20231158c1

871 applicant's fingerprints, or, if the applicant is not an  
 872 individual, a set of the fingerprints of the sole proprietor,  
 873 majority owner, partners, officers, and directors, to the  
 874 department and must pay the fingerprint processing fee set forth  
 875 in s. 624.501. Fingerprints must be processed in accordance with  
 876 s. 624.34 and used to investigate the applicant's qualifications  
 877 pursuant to s. 626.201. The fingerprints must be taken by a law  
 878 enforcement agency, ~~designated examination center,~~ or other  
 879 department-approved entity. ~~The department shall require all~~  
 880 ~~designated examination centers to have fingerprinting equipment~~  
 881 ~~and to take fingerprints from any applicant or prospective~~  
 882 ~~applicant who pays the applicable fee.~~ The department may not  
 883 approve an application for licensure as an agent, customer  
 884 service representative, adjuster, service representative, or  
 885 reinsurance intermediary if fingerprints have not been  
 886 submitted.

887 Section 14. Paragraph (c) of subsection (1) of section  
 888 626.173, Florida Statutes, is amended to read:

889 626.173 Insurance agency closure; cancellation of  
 890 licenses.—

891 (1) If a licensed insurance agency permanently ceases the  
 892 transacting of insurance or ceases the transacting of insurance  
 893 for more than 30 days, the agent in charge, the director of the  
 894 agency, or other officer listed on the original application for  
 895 licensure must, within 35 days after the agency first ceases the  
 896 transacting of insurance, do all of the following:

897 (c) Notify all policyholders currently insured by a policy  
 898 written, produced, or serviced by the agency of the agency's  
 899 cessation of operations; the date on which operations ceased;

Page 31 of 134

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

597-02914-23 20231158c1

900 and the identity of the agency or agent to which the agency's  
 901 current book of business has been transferred or, if no transfer  
 902 has occurred, a statement directing the policyholder to contact  
 903 the insurance company for assistance in locating a licensed  
 904 agent to service the policy. This paragraph does not apply to  
 905 title insurance, life insurance, or annuity contracts.

906 Section 15. Subsection (8) of section 626.207, Florida  
 907 Statutes, is amended to read:

908 626.207 Disqualification of applicants and licensees;  
 909 penalties against licensees; rulemaking authority.—

910 (8) The department shall adopt rules establishing specific  
 911 penalties against licensees in accordance with ss. 626.641 and  
 912 626.651 for violations of s. 626.112(7) or (9), s. 626.611, s.  
 913 626.6115, s. 626.621, s. 626.6215, s. 626.7451, s. 626.8437, s.  
 914 626.844, s. 626.8695, s. 626.8697, s. 626.8698, s. 626.935, s.  
 915 634.181, s. 634.191, s. 634.320, s. 634.321, s. 634.422, s.  
 916 634.423, s. 642.041, or s. 642.043. The purpose of the  
 917 revocation or suspension is to provide a sufficient penalty to  
 918 deter future violations of the Florida Insurance Code. The  
 919 imposition of a revocation or the length of suspension shall be  
 920 based on the type of conduct and the probability that the  
 921 propensity to commit further illegal conduct has been overcome  
 922 at the time of eligibility for relicensure. The length of  
 923 suspension may be adjusted based on aggravating or mitigating  
 924 factors, established by rule and consistent with this purpose.

925 Section 16. Paragraph (j) of subsection (2) of section  
 926 626.221, Florida Statutes, is amended to read:

927 626.221 Examination requirement; exemptions.—

928 (2) However, an examination is not necessary for any of the

Page 32 of 134

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

597-02914-23

20231158c1

929 following:

930 (j) An applicant for license as an all-lines adjuster who  
 931 has the designation of Accredited Claims Adjuster (ACA) from a  
 932 regionally accredited postsecondary institution in this state;  
 933 Certified All Lines Adjuster (CALA) from Kaplan Financial  
 934 Education; Associate in Claims (AIC) from the Insurance  
 935 Institute of America; Professional Claims Adjuster (PCA) from  
 936 the Professional Career Institute; Professional Property  
 937 Insurance Adjuster (PPIA) from the HurriClaim Training Academy;  
 938 Certified Adjuster (CA) from ALL LINES Training; Certified  
 939 Claims Adjuster (CCA) from AE21 Incorporated; Claims Adjuster  
 940 Certified Professional (CACP) from WebCE, Inc.; Accredited  
 941 Insurance Claims Specialist (AICS) from Encore Claim Services;  
 942 Professional in Claims (PIC) from 2021 Training, LLC; or  
 943 Universal Claims Certification (UCC) from Claims and Litigation  
 944 Management Alliance (CLM) whose curriculum has been approved by  
 945 the department and which includes comprehensive analysis of  
 946 basic property and casualty lines of insurance and testing at  
 947 least equal to that of standard department testing for the all-  
 948 lines adjuster license. The department shall adopt rules  
 949 establishing standards for the approval of curriculum.

950 Section 17. Paragraphs (c) and (f) of subsection (3) of  
 951 section 626.2815, Florida Statutes, are amended to read:

952 626.2815 Continuing education requirements.—

953 (3) Each licensee except a title insurance agent must  
 954 complete a 4-hour update course every 2 years which is specific  
 955 to the license held by the licensee. The course must be  
 956 developed and offered by providers and approved by the  
 957 department. The content of the course must address all lines of

Page 33 of 134

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

597-02914-23

20231158c1

958 insurance for which examination and licensure are required and  
 959 include the following subject areas: insurance law updates,  
 960 ethics for insurance professionals, disciplinary trends and case  
 961 studies, industry trends, premium discounts, determining  
 962 suitability of products and services, and other similar  
 963 insurance-related topics the department determines are relevant  
 964 to legally and ethically carrying out the responsibilities of  
 965 the license granted. A licensee who holds multiple insurance  
 966 licenses must complete an update course that is specific to at  
 967 least one of the licenses held. Except as otherwise specified,  
 968 any remaining required hours of continuing education are  
 969 elective and may consist of any continuing education course  
 970 approved by the department under this section.

971 (c) A licensee who has been licensed for 25 years or more  
 972 and is a CLU or a CPCU or has a Bachelor of Science degree or  
 973 higher in risk management or insurance with evidence of 18 or  
 974 more semester hours in insurance-related courses must also  
 975 complete a minimum of 6 hours of elective continuing education  
 976 courses every 2 years.

977 (f) Elective continuing education courses for public  
 978 adjusters ~~may must~~ be any course related to commercial and  
 979 residential property coverages, claim adjusting practices, and  
 980 any other adjuster elective courses specifically designed for  
 981 ~~public adjusters and~~ approved by the department. Notwithstanding  
 982 this subsection, public adjusters for workers' compensation  
 983 insurance or health insurance are not required to take  
 984 continuing education courses pursuant to this section.

985 Section 18. Paragraphs (a), (b), and (e) of subsection (1)  
 986 of section 626.321, Florida Statutes, are amended, and paragraph

Page 34 of 134

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

597-02914-23

20231158c1

987 (i) is added to that subsection, to read:

988 626.321 Limited licenses and registration.—

989 (1) The department shall issue to a qualified applicant a  
990 license as agent authorized to transact a limited class of  
991 business in any of the following categories of limited lines  
992 insurance:

993 (a) *Motor vehicle physical damage and mechanical breakdown*  
994 *insurance.*—License covering insurance against only the loss of  
995 or damage to a motor vehicle that is designed for use upon a  
996 highway, including trailers and semitrailers designed for use  
997 with such vehicles. Such license also covers insurance against  
998 the failure of an original or replacement part to perform any  
999 function for which it was designed. ~~A licensee under this~~  
1000 ~~paragraph may not hold a license as an agent for any other or~~  
1001 ~~additional kind or class of insurance coverage except a limited~~  
1002 ~~license for credit insurance as provided in paragraph (c).~~  
1003 Effective October 1, 2012, all licensees holding such limited  
1004 license and appointment may renew the license and appointment,  
1005 but no new or additional licenses may be issued pursuant to this  
1006 paragraph, and a licensee whose limited license under this  
1007 paragraph has been terminated, suspended, or revoked may not  
1008 have such license reinstated.

1009 (b) *Industrial fire insurance or burglary insurance.*—  
1010 License covering only industrial fire insurance or burglary  
1011 insurance. ~~A licensee under this paragraph may not hold a~~  
1012 ~~license as an agent for any other or additional kind or class of~~  
1013 ~~insurance coverage except for life insurance and health~~  
1014 ~~insurance.~~ Effective July 1, 2019, all licensees holding such  
1015 limited license and appointment may renew the license and

Page 35 of 134

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

597-02914-23

20231158c1

1016 appointment, but no new or additional licenses may be issued  
1017 pursuant to this paragraph, and a licensee whose limited license  
1018 under this paragraph has been terminated, suspended, or revoked  
1019 may not have such license reinstated.

1020 (e) *Credit insurance.*—License covering credit life, credit  
1021 disability, credit property, credit unemployment, involuntary  
1022 unemployment, mortgage life, mortgage guaranty, mortgage  
1023 disability, guaranteed automobile protection (GAP) insurance,  
1024 and any other form of insurance offered in connection with an  
1025 extension of credit which is limited to partially or wholly  
1026 extinguishing a credit obligation that the department determines  
1027 should be designated a form of limited line credit insurance.  
1028 Effective October 1, 2012, all valid licenses held by persons  
1029 for any of the lines of insurance listed in this paragraph shall  
1030 be converted to a credit insurance license. ~~Licensees who wish~~  
1031 ~~to obtain a new license reflecting such change must request a~~  
1032 ~~duplicate license and pay a \$5 fee as specified in s.~~  
1033 ~~624.501(15).~~ The license may be issued only to an individual  
1034 employed by a life or health insurer as an officer or other  
1035 salaried or commissioned representative, to an individual  
1036 employed by or associated with a lending or financial  
1037 institution or creditor, or to a lending or financial  
1038 institution or creditor, and may authorize the sale of such  
1039 insurance only with respect to borrowers or debtors of such  
1040 lending or financing institution or creditor. However, only the  
1041 individual or entity whose tax identification number is used in  
1042 receiving or is credited with receiving the commission from the  
1043 sale of such insurance shall be the licensed agent of the  
1044 insurer. ~~No individual while so licensed shall hold a license as~~

Page 36 of 134

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



597-02914-23 20231158c1

1045 ~~an agent as to any other or additional kind or class of life or~~  
 1046 ~~health insurance coverage.~~

1047 (i) Preneed funeral agreement insurance.—Limited license  
 1048 for insurance covering only prearranged funeral, cremation, or  
 1049 cemetery agreements, or any combination thereof, funded by  
 1050 insurance and offered in connection with an establishment that  
 1051 holds a preneed license pursuant to s. 497.452. Such license may  
 1052 be issued without examination only to an individual who has  
 1053 filed with the department an application for a license in a form  
 1054 and manner prescribed by the department, who currently holds a  
 1055 valid preneed sales agent license pursuant to s. 497.466, who  
 1056 paid the applicable fees for a license as prescribed in s.  
 1057 624.501, who has been appointed under s. 626.112, and who paid  
 1058 the prescribed appointment fee under s. 624.501.

1059 Section 19. Paragraph (n) of subsection (1) of section  
 1060 626.611, Florida Statutes, is amended to read:

1061 626.611 Grounds for compulsory refusal, suspension, or  
 1062 revocation of agent's, title agency's, adjuster's, customer  
 1063 representative's, service representative's, or managing general  
 1064 agent's license or appointment.—

1065 (1) The department shall deny an application for, suspend,  
 1066 revoke, or refuse to renew or continue the license or  
 1067 appointment of any applicant, agent, title agency, adjuster,  
 1068 customer representative, service representative, or managing  
 1069 general agent, and it shall suspend or revoke the eligibility to  
 1070 hold a license or appointment of any such person, if it finds  
 1071 that as to the applicant, licensee, or appointee any one or more  
 1072 of the following applicable grounds exist:

1073 (n) Having been found guilty of or having pleaded guilty or

Page 37 of 134

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

597-02914-23 20231158c1

1074 nolo contendere to a misdemeanor directly related to the  
 1075 financial services business, any felony, or any a crime  
 1076 punishable by imprisonment of 1 year or more under the law of  
 1077 the United States of America or of any state thereof or under  
 1078 the law of any other country, without regard to whether a  
 1079 judgment of conviction has been entered by the court having  
 1080 jurisdiction of such cases.

1081 Section 20. Subsection (18) is added to section 626.621,  
 1082 Florida Statutes, to read:

1083 626.621 Grounds for discretionary refusal, suspension, or  
 1084 revocation of agent's, adjuster's, customer representative's,  
 1085 service representative's, or managing general agent's license or  
 1086 appointment.—The department may, in its discretion, deny an  
 1087 application for, suspend, revoke, or refuse to renew or continue  
 1088 the license or appointment of any applicant, agent, adjuster,  
 1089 customer representative, service representative, or managing  
 1090 general agent, and it may suspend or revoke the eligibility to  
 1091 hold a license or appointment of any such person, if it finds  
 1092 that as to the applicant, licensee, or appointee any one or more  
 1093 of the following applicable grounds exist under circumstances  
 1094 for which such denial, suspension, revocation, or refusal is not  
 1095 mandatory under s. 626.611:

1096 (18) Cancellation of the applicant's, licensee's, or  
 1097 appointee's resident license in a state other than Florida.

1098 Section 21. Paragraphs (d) and (g) of subsection (2) and  
 1099 paragraphs (a), (b), and (e) through (j) of subsection (3) of  
 1100 section 626.7492, Florida Statutes, are amended to read:

1101 626.7492 Reinsurance intermediaries.—

1102 (2) DEFINITIONS.—As used in this section:

Page 38 of 134

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

597-02914-23

20231158c1

1103 (d) "Producer" means a licensed ~~an~~ agent, broker, or  
 1104 insurance agency that is appointed as a reinsurance intermediary  
 1105 ~~licensed~~ pursuant to the applicable provision of the Florida  
 1106 Insurance Code.

1107 (g) "Reinsurance intermediary manager" means any person who  
 1108 has authority to bind, or manages all or part of, the assumed  
 1109 reinsurance business of a reinsurer, including the management of  
 1110 a separate division, department, or underwriting office, and  
 1111 acts as a representative ~~an agent~~ for the reinsurer whether  
 1112 known as a reinsurance intermediary manager, manager, or other  
 1113 similar term. Notwithstanding the above, none of the following  
 1114 persons is a reinsurance intermediary manager with respect to  
 1115 the reinsurer for the purposes of this section:

1116 1. An employee of the reinsurer;

1117 2. A manager of the United States branch of an alien  
 1118 reinsurer;

1119 3. An underwriting manager which, pursuant to contract,  
 1120 manages all the reinsurance operations of the reinsurer, is  
 1121 under common control with the reinsurer, subject to the holding  
 1122 company act, and whose compensation is not based on the volume  
 1123 of premiums written.

1124 4. The manager of a group, association, pool, or  
 1125 organization of insurers which engage in joint underwriting or  
 1126 joint reinsurance and who are subject to examination by the  
 1127 insurance regulatory authority of the state in which the  
 1128 manager's principal business office is located.

1129 (3) LICENSURE.—

1130 (a) No person shall act as a reinsurance intermediary  
 1131 broker in this state if the reinsurance intermediary broker

597-02914-23

20231158c1

1132 maintains an office either directly or as a member or employee  
 1133 of a firm or association, or an officer, director, or employee  
 1134 of a corporation:

1135 1. In this state, unless the reinsurance intermediary  
 1136 broker is a licensed producer in this state; or

1137 2. In another state, unless the reinsurance intermediary  
 1138 broker is a licensed producer in this state or in another state  
 1139 having a law substantially similar to this section or the  
 1140 reinsurance intermediary broker is licensed in this state as an  
 1141 insurance agency and appointed as a ~~nonresident~~ reinsurance  
 1142 intermediary.

1143 (b) No person shall act as a reinsurance intermediary  
 1144 manager:

1145 1. For a reinsurer domiciled in this state, unless the  
 1146 reinsurance intermediary manager is a licensed producer in this  
 1147 state;

1148 2. In this state, if the reinsurance intermediary manager  
 1149 maintains an office either directly or as a member or employee  
 1150 of a firm or association, or an officer, director, or employee  
 1151 of a corporation in this state, unless the reinsurance  
 1152 intermediary manager is a licensed producer in this state;

1153 3. In another state for a nondomestic insurer, unless the  
 1154 reinsurance intermediary manager is a licensed producer in this  
 1155 state or another state having a law substantially similar to  
 1156 this section, or the person is licensed in this state as a  
 1157 producer ~~nonresident reinsurance intermediary~~.

1158 (e) If the applicant for a reinsurance intermediary  
 1159 appointment ~~license~~ is a nonresident, the applicant, as a  
 1160 condition precedent to receiving or holding an appointment &

597-02914-23

20231158c1

1161 license, must designate the Chief Financial Officer as agent for  
 1162 service of process in the manner, and with the same legal  
 1163 effect, provided for by this section for designation of service  
 1164 of process upon unauthorized insurers. Such applicant shall also  
 1165 furnish the department with the name and address of a resident  
 1166 of this state upon whom notices or orders of the department or  
 1167 process affecting the nonresident reinsurance intermediary may  
 1168 be served. The licensee shall promptly notify the department in  
 1169 writing of each change in its designated agent for service of  
 1170 process, and the change shall not become effective until  
 1171 acknowledged by the department.

1172 (f) ~~The department may refuse to issue a reinsurance~~  
 1173 ~~intermediary license if, in its judgment, the applicant, anyone~~  
 1174 ~~named on the application, or any member, principal, officer, or~~  
 1175 ~~director of the applicant, has demonstrated a lack of fitness~~  
 1176 ~~and trustworthiness, or that any controlling person of the~~  
 1177 ~~applicant is not fit or trustworthy to act as a reinsurance~~  
 1178 ~~intermediary, or that any of the foregoing has given cause for~~  
 1179 ~~revocation or suspension of the license, or has failed to comply~~  
 1180 ~~with any prerequisite for the issuance of the license.~~

1181 ~~(g) Reinsurance intermediaries shall be licensed,~~  
 1182 ~~appointed, renewed, continued, reinstated, or terminated as~~  
 1183 ~~prescribed in this chapter for insurance representatives in~~  
 1184 ~~general, except that they shall be exempt from the photo,~~  
 1185 ~~education, and examination provisions. License, Appointment, and~~  
 1186 ~~other fees shall be those prescribed in s. 624.501.~~

1187 (g)(h) The grounds and procedures for refusal of an a  
 1188 license or appointment or suspension or revocation of a license  
 1189 or appointment issued to a reinsurance intermediary under this

Page 41 of 134

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

597-02914-23

20231158c1

1190 section are as set forth in ss. 626.611-626.691 for insurance  
 1191 representatives in general.

1192 ~~(h)(i)~~ An attorney licensed in this state, when acting in a  
 1193 professional capacity, is exempt from this subsection.

1194 ~~(i)(j)~~ The department may develop necessary rules to carry  
 1195 out this section.

1196 Section 22. Subsection (5) of section 626.752, Florida  
 1197 Statutes, is amended to read:

1198 626.752 Exchange of business.—

1199 (5) Within 15 days after the last day of each month, any  
 1200 insurer accepting business under this section shall report to  
 1201 the department the name, address, telephone number, and social  
 1202 security number of each agent from which the insurer received  
 1203 more than four personal lines risks during the calendar year,  
 1204 except for risks being removed from the Citizens Property  
 1205 Insurance Corporation and placed with that insurer by a  
 1206 brokering agent. Once the insurer has reported pursuant to this  
 1207 subsection an agent's name to the department, additional reports  
 1208 on the same agent shall not be required. However, the fee set  
 1209 forth in s. 624.501 must be paid for the agent by the insurer  
 1210 for each year until the insurer notifies the department that the  
 1211 insurer is no longer accepting business from the agent pursuant  
 1212 to this section. The insurer may require that the agent  
 1213 reimburse the insurer for the fee. If the insurer or employer  
 1214 does not pay the fees and taxes due pursuant to this subsection  
 1215 within 21 days after notice by the department, the department  
 1216 must suspend the insurer's or employer's authority to appoint  
 1217 licensees until all outstanding fees and taxes have been paid.

1218 Section 23. Subsection (3) of section 626.785, Florida

Page 42 of 134

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

597-02914-23

20231158c1

1219 Statutes, is amended to read:

1220 626.785 Qualifications for license.-

1221 (3) Notwithstanding any other provisions of this chapter, a  
 1222 funeral director, a direct disposer, or an employee of a funeral  
 1223 establishment that holds a preneed license pursuant to s.  
 1224 497.452 may obtain an agent's license or a limited license to  
 1225 sell only policies of life insurance covering the expense of a  
 1226 prearrangement for funeral services or merchandise so as to  
 1227 provide funds at the time the services and merchandise are  
 1228 needed. The face amount of insurance covered by any such policy  
 1229 shall not exceed \$21,000, plus an annual percentage increase  
 1230 based on the Annual Consumer Price Index compiled by the United  
 1231 States Department of Labor, beginning with the Annual Consumer  
 1232 Price Index announced by the United States Department of Labor  
 1233 for 2016.

1234 Section 24. Subsection (4) of section 626.793, Florida  
 1235 Statutes, is amended to read:

1236 626.793 Excess or rejected business.-

1237 (4) Within 15 days after the last day of each month, any  
 1238 insurer accepting business under this section shall report to  
 1239 the department the name, address, telephone number, and social  
 1240 security number of each agent from which the insurer received  
 1241 more than four risks during the calendar year. Once the insurer  
 1242 has reported an agent's name to the department pursuant to this  
 1243 subsection, additional reports on the same agent shall not be  
 1244 required. However, the fee set forth in s. 624.501 must be paid  
 1245 for the agent by the insurer for each year until the insurer  
 1246 notifies the department that the insurer is no longer accepting  
 1247 business from the agent pursuant to this section. The insurer

Page 43 of 134

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

597-02914-23

20231158c1

1248 may require that the agent reimburse the insurer for the fee. If  
 1249 the insurer or employer does not pay the fees and taxes due  
 1250 pursuant to this subsection within 21 days after notice by the  
 1251 department, the department must suspend the insurer's or  
 1252 employer's authority to appoint licensees until all outstanding  
 1253 fees and taxes have been paid.

1254 Section 25. Subsection (5) of section 626.837, Florida  
 1255 Statutes, is amended to read:

1256 626.837 Excess or rejected business.-

1257 (5) Within 15 days after the last day of each month, any  
 1258 insurer accepting business under this section shall report to  
 1259 the department the name, address, telephone number, and social  
 1260 security number of each agent from which the insurer received  
 1261 more than four risks during the calendar year. Once the insurer  
 1262 has reported pursuant to this subsection an agent's name to the  
 1263 department, additional reports on the same agent shall not be  
 1264 required. However, the fee set forth in s. 624.501 must be paid  
 1265 for the agent by the insurer for each year until the insurer  
 1266 notifies the department that the insurer is no longer accepting  
 1267 business from the agent pursuant to this section. The insurer  
 1268 may require that the agent reimburse the insurer for the fee. If  
 1269 the insurer or employer does not pay the fees and taxes due  
 1270 pursuant to this subsection within 21 days after notice by the  
 1271 department, the department must suspend the insurer's or  
 1272 employer's authority to appoint licensees until all outstanding  
 1273 fees and taxes have been paid.

1274 Section 26. Paragraph (e) is added to subsection (2) of  
 1275 section 626.8411, Florida Statutes, to read:

1276 626.8411 Application of Florida Insurance Code provisions

Page 44 of 134

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

597-02914-23

20231158c1

1277 to title insurance agents or agencies.—

1278 (2) The following provisions of part I do not apply to  
1279 title insurance agents or title insurance agencies:

1280 (e) Section 626.173(1)(c), relating to notifying  
1281 policyholders of the agency closure.

1282 Section 27. Present subsections (8) through (11) of section  
1283 626.8437, Florida Statutes, are redesignated as subsections (9)  
1284 through (12), respectively, and a new subsection (8) and  
1285 subsection (13) are added to that section, to read:

1286 626.8437 Grounds for denial, suspension, revocation, or  
1287 refusal to renew license or appointment.—The department shall  
1288 deny, suspend, revoke, or refuse to renew or continue the  
1289 license or appointment of any title insurance agent or agency,  
1290 and it shall suspend or revoke the eligibility to hold a license  
1291 or appointment of such person, if it finds that as to the  
1292 applicant, licensee, appointee, or any principal thereof, any  
1293 one or more of the following grounds exist:

1294 (8) Misappropriation, conversion, or improper withholding  
1295 of funds not legally entitled thereto and which are received in  
1296 a fiduciary capacity and held as part of an escrow agreement,  
1297 real estate sales contract, or as provided on a settlement  
1298 statement in a real estate transaction.

1299 (13) Revocation or cancellation of a licensee's resident  
1300 license in a jurisdiction other than this state.

1301 Section 28. Subsections (7) and (8) are added to section  
1302 626.844, Florida Statutes, to read:

1303 626.844 Grounds for discretionary refusal, suspension, or  
1304 revocation of license or appointment.—The department may, in its  
1305 discretion, deny, suspend, revoke, or refuse to renew or

Page 45 of 134

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

597-02914-23

20231158c1

1306 continue the license or appointment of any title insurance agent  
1307 or agency, and it may suspend or revoke the eligibility to hold  
1308 a license or appointment of any such title insurance agent or  
1309 agency if it finds that as to the applicant or licensee or  
1310 appointee, or any principal thereof, any one or more of the  
1311 following grounds exist under circumstances for which such  
1312 denial, suspension, revocation, or refusal is not mandatory  
1313 under s. 626.8437:

1314 (7) Having been the subject of, or having had a license,  
1315 permit, appointment, registration, or other authority to conduct  
1316 business subject to, any decision, finding, injunction,  
1317 suspension, prohibition, revocation, denial, judgment, final  
1318 agency action, or administrative order by any court of competent  
1319 jurisdiction, administrative law proceeding, state agency,  
1320 federal agency, national securities, commodities, or option  
1321 exchange, or national securities, commodities, or option  
1322 association involving a violation of any federal or state  
1323 securities or commodities law or any rule or regulation adopted  
1324 thereunder, or a violation of any rule or regulation of any  
1325 national securities, commodities, or options exchange or  
1326 national securities, commodities, or options association.

1327 (8) Revocation or cancellation of a licensee's resident  
1328 license in a jurisdiction other than this state.

1329 Section 29. Section 626.8473, Florida Statutes, is amended  
1330 to read:

1331 626.8473 Escrow; trust fund.—

1332 (1) A title insurance agency agent may engage in business  
1333 as an escrow agent as to funds received from others to be  
1334 subsequently disbursed ~~by the title insurance agent~~ in

Page 46 of 134

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

597-02914-23 20231158c1

1335 connection with real estate closing transactions involving the  
 1336 issuance of title ~~insurance binders~~, commitments, policies of  
 1337 title insurance, or guarantees of title, provided that a  
 1338 licensed and appointed title insurance agency agent complies  
 1339 with the requirements of ~~s. 626.8419 s. 626.8417~~, including such  
 1340 requirements added after the initial licensure of the agency  
 1341 agent.

1342 (2) All funds received by a title insurance agency agent as  
 1343 described in subsection (1) shall be trust funds received in a  
 1344 fiduciary capacity by the title insurance agency agent and shall  
 1345 be the property of the person or persons entitled thereto.

1346 (3) All funds received by a title insurance agency agent to  
 1347 be held in trust shall be immediately placed in a financial  
 1348 institution that is located within this state and is a member of  
 1349 the Federal Deposit Insurance Corporation or the National Credit  
 1350 Union Share Insurance Fund. These funds shall be invested in an  
 1351 escrow account in accordance with the investment requirements  
 1352 and standards established for deposits and investments of state  
 1353 funds in s. 17.57, where the funds shall be kept until  
 1354 disbursement thereof is properly authorized.

1355 (4) Funds required to be maintained in escrow trust  
 1356 accounts pursuant to this section shall not be subject to any  
 1357 debts of the title insurance agency agent and shall be used only  
 1358 in accordance with the terms of the individual, escrow,  
 1359 settlement, or closing instructions under which the funds were  
 1360 accepted.

1361 (5) The title insurance agency agents shall maintain  
 1362 separate records of all receipts and disbursements of escrow,  
 1363 settlement, or closing funds.

Page 47 of 134

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

597-02914-23 20231158c1

1364 (6) In the event that the department promulgates rules  
 1365 necessary to implement the requirements of this section pursuant  
 1366 to s. 624.308, the department shall consider reasonable  
 1367 standards necessary for the protection of funds held in trust,  
 1368 including, but not limited to, standards for accounting of  
 1369 funds, standards for receipt and disbursement of funds, and  
 1370 protection for the person or persons to whom the funds are to be  
 1371 disbursed.

1372 (7) A title insurance agency agent, or any officer,  
 1373 director, or employee thereof, or any person associated  
 1374 therewith as an independent contractor for bookkeeping or  
 1375 similar purposes, who converts or misappropriates funds received  
 1376 or held in escrow or in trust by such title insurance agency  
 1377 agent, or any person who knowingly receives or conspires to  
 1378 receive such funds, commits:

1379 (a) If the funds converted or misappropriated are \$300 or  
 1380 less, a misdemeanor of the first degree, punishable as provided  
 1381 in s. 775.082 or s. 775.083.

1382 (b) If the funds converted or misappropriated are more than  
 1383 \$300, but less than \$20,000, a felony of the third degree,  
 1384 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1385 (c) If the funds converted or misappropriated are \$20,000  
 1386 or more, but less than \$100,000, a felony of the second degree,  
 1387 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1388 (d) If the funds converted or misappropriated are \$100,000  
 1389 or more, a felony of the first degree, punishable as provided in  
 1390 s. 775.082, s. 775.083, or s. 775.084.

1391 (8) An attorney shall deposit and maintain all funds  
 1392 received in connection with transactions in which the attorney

Page 48 of 134

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

597-02914-23 20231158c1

1393 is serving as a title or real estate settlement agent into a  
 1394 separate trust account that is maintained exclusively for funds  
 1395 received in connection with such transactions and permit the  
 1396 account to be audited by its title insurers, unless maintaining  
 1397 funds in the separate account for a particular client would  
 1398 violate applicable rules of The Florida Bar.

1399 Section 30. Subsection (19) of section 626.854, Florida  
 1400 Statutes, is amended to read:

1401 626.854 "Public adjuster" defined; prohibitions.—The  
 1402 Legislature finds that it is necessary for the protection of the  
 1403 public to regulate public insurance adjusters and to prevent the  
 1404 unauthorized practice of law.

1405 (19) Except as otherwise provided in this chapter, no  
 1406 person, except an attorney at law or a licensed and appointed  
 1407 public adjuster, may for money, commission, or any other thing  
 1408 of value, directly or indirectly:

1409 (a) Prepare, complete, or file an insurance claim for an  
 1410 insured or a third-party claimant;

1411 (b) Act on behalf of or aid an insured or a third-party  
 1412 claimant in negotiating for or effecting the settlement of a  
 1413 claim for loss or damage covered by an insurance contract;

1414 (c) Offer to initiate or negotiate a claim on behalf of an  
 1415 insured;

1416 (d) Advertise services that require a license as a public  
 1417 adjuster; or

1418 (e) Solicit, investigate, or adjust a claim on behalf of a  
 1419 public adjuster, an insured, or a third-party claimant.

1420 Section 31. Section 626.874, Florida Statutes, is amended  
 1421 to read:

597-02914-23 20231158c1

1422 626.874 Catastrophe or emergency adjusters.—

1423 (1) In the event of a catastrophe or emergency, the  
 1424 department may issue a license, for the purposes and under the  
 1425 conditions and for the period of emergency as it shall  
 1426 determine, to persons who are residents or nonresidents of this  
 1427 state, who are at least 18 years of age, who are United States  
 1428 citizens or legal aliens who possess work authorization from the  
 1429 United States Bureau of Citizenship and Immigration Services,  
 1430 and who are not licensed adjusters under this part but who have  
 1431 been designated and certified to it as qualified to act as  
 1432 adjusters by an authorized insurer to adjust claims, losses, or  
 1433 damages under policies or contracts of insurance issued by such  
 1434 insurers, or by a licensed ~~the primary adjuster of an~~  
 1435 independent adjusting firm contracted with an authorized insurer  
 1436 to adjust claims on behalf of the insurer. The fee for the  
 1437 license is as provided in s. 624.501(12)(c).

1438 (2) If any person not a licensed adjuster who has been  
 1439 permitted to adjust such losses, claims, or damages under the  
 1440 conditions and circumstances set forth in subsection (1),  
 1441 engages in any of the misconduct described in or contemplated by  
 1442 chapter 626 ss. 626.611 and 626.621, the department, without  
 1443 notice and hearing, shall be authorized to issue its order  
 1444 denying such person the privileges granted under this section;  
 1445 and thereafter it shall be unlawful for any such person to  
 1446 adjust any such losses, claims, or damages in this state.

1447 Section 32. Subsection (2) of section 626.9892, Florida  
 1448 Statutes, is amended to read:

1449 626.9892 Anti-Fraud Reward Program; reporting of insurance  
 1450 fraud.—

597-02914-23

20231158c1

1451 (2) The department may pay rewards of up to \$25,000 to  
 1452 persons providing information leading to the arrest ~~and~~  
 1453 ~~conviction~~ of persons committing crimes investigated by the  
 1454 department arising from violations of s. 400.9935, s. 440.105,  
 1455 s. 624.15, s. 626.112, s. 626.8473, s. 626.8738, s. 626.9541, s.  
 1456 626.989, s. 790.164, s. 790.165, s. 790.166, s. 806.01, s.  
 1457 806.031, s. 806.10, s. 806.111, s. 812.014, s. 817.034, s.  
 1458 817.233, ~~s. 817.234, s. 817.236, s. 817.2361, s. 817.505, s.~~  
 1459 817.568, s. 831.01, s. 895.03, s. 895.04, or s. 896.101.

1460 Section 33. Present subsections (7) through (12) of section  
 1461 626.9957, Florida Statutes, are redesignated as subsections (8)  
 1462 through (13), respectively, and a new subsection (7) is added to  
 1463 that section, to read:

1464 626.9957 Conduct prohibited; denial, revocation,  
 1465 termination, expiration, or suspension of registration.-

1466 (7) If a navigator registered under this part fails to  
 1467 maintain an active, valid navigator's registration status with  
 1468 the Federal Government or an exchange, the navigator's  
 1469 registration issued under this part shall expire by operation of  
 1470 law. A navigator with an expired registration may not be granted  
 1471 subsequent registration until the navigator qualifies as a  
 1472 first-time applicant.

1473 Section 34. Paragraph (c) of subsection (4) of section  
 1474 627.351, Florida Statutes, is amended to read:

1475 627.351 Insurance risk apportionment plans.-

1476 (4) MEDICAL MALPRACTICE RISK APPORTIONMENT.-

1477 (c) The Joint Underwriting Association shall operate  
 1478 subject to the supervision and approval of a board of governors  
 1479 consisting of representatives of five of the insurers

597-02914-23

20231158c1

1480 participating in the Joint Underwriting Association, an attorney  
 1481 named by The Florida Bar, a physician named by the Florida  
 1482 Medical Association, a dentist named by the Florida Dental  
 1483 Association, and a hospital representative named by the Florida  
 1484 Hospital Association. The Chief Financial Officer shall select  
 1485 the representatives of the five insurers or other persons with  
 1486 experience in medical malpractice insurance as determined by the  
 1487 Chief Financial Officer. One insurer representative shall be  
 1488 selected from recommendations of the American Insurance  
 1489 Association. One insurer representative shall be selected from  
 1490 recommendations of the Property Casualty Insurers Association of  
 1491 America. One insurer representative shall be selected from  
 1492 recommendations of the Florida Insurance Council. Two insurer  
 1493 representatives shall be selected to represent insurers that are  
 1494 not affiliated with these associations. Vacancies on the board  
 1495 shall be filled for the remaining period of the term in the same  
 1496 manner as the initial appointments. During the first meeting of  
 1497 the board after June 30 of each year, the board shall choose one  
 1498 of its members to serve as chair of the board and another member  
 1499 to serve as vice chair of the board. There is no liability on  
 1500 the part of, and no cause of action shall arise against, any  
 1501 member insurer, self-insurer, or its agents or employees, the  
 1502 Joint Underwriting Association or its agents or employees,  
 1503 members of the board of governors, or the office or its  
 1504 representatives for any action taken by them in the performance  
 1505 of their powers and duties under this subsection.  
 1506 1. The Chief Financial Officer may remove a board member  
 1507 from office for misconduct, malfeasance, misfeasance, or neglect  
 1508 of duty. Any vacancy so created shall be filled as provided in



597-02914-23

20231158c1

1509 this paragraph.

1510 2. Board members are subject to the code of ethics under  
 1511 part III of chapter 112, including, but not limited to, the code  
 1512 of ethics and public disclosure and reporting of financial  
 1513 interests, pursuant to s. 112.3145. For purposes of applying  
 1514 part III of chapter 112 to activities of members of the board of  
 1515 governors, those persons are considered public officers and the  
 1516 Joint Underwriting Association is considered their agency.  
 1517 Notwithstanding s. 112.3143(2), a board member may not vote on  
 1518 any measure that he or she knows would inure to his or her  
 1519 special private gain or loss; that he or she knows would inure  
 1520 to the special private gain or loss of any principal by which he  
 1521 or she is retained, other than an agency as defined in s.  
 1522 112.312; or that he or she knows would inure to the special  
 1523 private gain or loss of a relative or business associate of the  
 1524 public officer. Before the vote is taken, such board member  
 1525 shall publicly state to the board the nature of his or her  
 1526 interest in the matter from which he or she is abstaining from  
 1527 voting and, within 15 days after the vote occurs, disclose the  
 1528 nature of his or her interest as a public record in a memorandum  
 1529 filed with the person responsible for recording the minutes of  
 1530 the meeting, who shall incorporate the memorandum in the  
 1531 minutes.

1532 3. Notwithstanding s. 112.3148, s. 112.3149, or any other  
 1533 law, a board member may not knowingly accept, directly or  
 1534 indirectly, any gift or expenditure from a person or entity, or  
 1535 an employee or representative of such person or entity, which  
 1536 has a contractual relationship with the Joint Underwriting  
 1537 Association or which is under consideration for a contract.

Page 53 of 134

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

597-02914-23

20231158c1

1538 4. A board member who fails to comply with subparagraph 2.  
 1539 or subparagraph 3. is subject to the penalties provided under  
 1540 ss. 112.317 and 112.3173.

1541 Section 35. Section 627.4215, Florida Statutes, is amended  
 1542 to read:

1543 627.4215 Disclosures to policyholders; coverage of  
 1544 behavioral health care services.—

1545 (1) A health insurer that offers behavioral health  
 1546 insurance coverages required by federal or state law shall make  
 1547 all of the following information available on its website:

1548 (a) The federal and state requirements for coverage of  
 1549 behavioral health care services.

1550 (b) Contact information for the Division of Consumer  
 1551 Services of the department, including a hyperlink, for consumers  
 1552 to submit inquiries or complaints relating to health insurer  
 1553 products or services regulated by the department or the office.

1554 (2) On an annual basis, a health insurer that offers  
 1555 behavioral health insurance coverage required by federal or  
 1556 state law shall provide a direct notice to insureds with  
 1557 behavioral health insurance coverages required by federal or  
 1558 state law which must include a description of the federal and  
 1559 state requirements for coverage of behavioral health care  
 1560 services. Such notice must also include the website address and  
 1561 statewide toll-free telephone number of the Division of Consumer  
 1562 Services of the department for receiving and logging complaints.

1563 Section 36. Subsection (5) is added to section 627.70132,  
 1564 Florida Statutes, to read:

1565 627.70132 Notice of property insurance claim.—

1566 (5) This section does not apply to loss assessment claims

Page 54 of 134

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

597-02914-23

20231158c1

1567 made under s. 627.714.

1568 Section 37. Subsections (2) and (3) of section 627.7015,  
1569 Florida Statutes, are amended to read:

1570 627.7015 Alternative procedure for resolution of disputed  
1571 property insurance claims.—

1572 (2) At the time of issuance and renewal of a policy or at  
1573 the time a first-party claim within the scope of this section is  
1574 filed by the policyholder, the insurer shall notify the  
1575 policyholder of its right to participate in the mediation  
1576 program under this section. A claim is not eligible for  
1577 mediation until an insurer has made a claim determination or  
1578 elected to repair pursuant to s. 627.70131. The department shall  
1579 prepare a consumer information pamphlet for distribution to  
1580 persons participating in mediation.

1581 (3) The costs of mediation must be reasonable, and the  
1582 insurer must bear all of the cost of conducting mediation  
1583 conferences, except as otherwise provided in this section. If a  
1584 policyholder fails to appear at the conference, the conference  
1585 must be rescheduled upon the policyholder's payment of the costs  
1586 of a rescheduled conference. If the insurer fails to appear at  
1587 the conference, the insurer must pay the policyholder's actual  
1588 cash expenses incurred in attending the conference if the  
1589 insurer's failure to attend was not due to a good cause  
1590 acceptable to the department. An insurer will be deemed to have  
1591 failed to appear if the insurer's representative lacks authority  
1592 to settle the full value of the claim. The insurer shall incur  
1593 an additional fee for a rescheduled conference necessitated by  
1594 the insurer's failure to appear at a scheduled conference. The  
1595 fees assessed by the department administrator must include a

Page 55 of 134

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

597-02914-23

20231158c1

1596 charge necessary to defray the expenses of the department  
1597 related to its duties under this section and must be deposited  
1598 in the Insurance Regulatory Trust Fund. The department may  
1599 suspend the insurer's authority to appoint licensees if the  
1600 insurer does not timely pay the required fees.

1601 Section 38. Subsection (18) is added to section 627.7074,  
1602 Florida Statutes, to read:

1603 627.7074 Alternative procedure for resolution of disputed  
1604 sinkhole insurance claims.—

1605 (18) The department may designate, by means of a written  
1606 contract or agreement, an entity or a person to serve as  
1607 administrator to carry out any of the provisions of this  
1608 section.

1609 Section 39. Subsection (1) of section 627.714, Florida  
1610 Statutes, is amended to read:

1611 627.714 Residential condominium unit owner coverage; loss  
1612 assessment coverage required.—

1613 (1) For policies issued or renewed on or after July 1,  
1614 2010, coverage under a unit owner's residential property policy  
1615 must include at least \$2,000 in property loss assessment  
1616 coverage for all assessments made as a result of the same direct  
1617 loss to the property, regardless of the number of assessments,  
1618 owned by all members of the association collectively if such  
1619 loss is of the type of loss covered by the unit owner's  
1620 residential property insurance policy, to which a deductible of  
1621 no more than \$250 per direct property loss applies. If a  
1622 deductible was or will be applied to other property loss  
1623 sustained by the unit owner resulting from the same direct loss  
1624 to the property, no deductible applies to the loss assessment

Page 56 of 134

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

597-02914-23 20231158c1

1625 coverage. For policies issued after January 1, 2024, a loss  
 1626 assessment claim is deemed to have occurred on the date of the  
 1627 notice of loss assessment sent by a unit owner's condominium  
 1628 association.

1629 Section 40. Section 627.745, Florida Statutes, is amended  
 1630 to read:

1631 627.745 Mediation of claims.—

1632 (1) (a) In any claim filed with an insurer for personal  
 1633 injury in an amount of \$10,000 or less or any claim for property  
 1634 damage in any amount, arising out of the ownership, operation,  
 1635 use, or maintenance of a motor vehicle, either party may demand  
 1636 mediation of the claim prior to the institution of litigation.

1637 (b) The costs of mediation must be reasonable, and the  
 1638 insurer must bear all of the cost of conducting mediation  
 1639 conferences, except as otherwise provided in this section. If a  
 1640 policyholder fails to appear at the conference, the conference  
 1641 must be rescheduled upon the policyholder's payment of the costs  
 1642 of a rescheduled conference. If the insurer fails to appear at  
 1643 the conference, the insurer must pay the policyholder's actual  
 1644 cash expenses incurred in attending the conference if the  
 1645 insurer's failure to attend was not due to a good cause  
 1646 acceptable to the department. An insurer is deemed to have  
 1647 failed to appear if the insurer's representative lacks authority  
 1648 to settle the full value of the claim. The insurer shall incur  
 1649 an additional fee, paid to the mediator, for a rescheduled  
 1650 conference necessitated by the insurer's failure to appear at a  
 1651 scheduled conference. The fees assessed by the department or  
 1652 administrator must include a charge necessary to defray the  
 1653 expenses of the department related to its duties under this

Page 57 of 134

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

597-02914-23 20231158c1

1654 section and must be deposited in the Insurance Regulatory Trust  
 1655 Fund. The department or administrator may request that the  
 1656 department suspend the insurer's authority to appoint licensees  
 1657 if the insurer does not timely pay the per-mediation-event  
 1658 administrative fee.

1659 ~~(b) A request for mediation shall be filed with the~~  
 1660 ~~department on a form approved by the department. The request for~~  
 1661 ~~mediation shall state the reason for the request for mediation~~  
 1662 ~~and the issues in dispute which are to be mediated. The filing~~  
 1663 ~~of a request for mediation tolls the applicable time~~  
 1664 ~~requirements for filing suit for a period of 60 days following~~  
 1665 ~~the conclusion of the mediation process or the time prescribed~~  
 1666 ~~in s. 95.11, whichever is later.~~

1667 (c) The insurance policy must specify in detail the terms  
 1668 and conditions for mediation of a first-party claim.

1669 ~~(d) The mediation shall be conducted as an informal process~~  
 1670 ~~in which formal rules of evidence and procedure need not be~~  
 1671 ~~observed. Any party participating in a mediation must have the~~  
 1672 ~~authority to make a binding decision. All parties must mediate~~  
 1673 ~~in good faith.~~

1674 ~~(e) The department shall randomly select mediators. Each~~  
 1675 ~~party may once reject the mediator selected, either originally~~  
 1676 ~~or after the opposing side has exercised its option to reject a~~  
 1677 ~~mediator.~~

1678 ~~(f) Costs of mediation shall be borne equally by both~~  
 1679 ~~parties unless the mediator determines that one party has not~~  
 1680 ~~mediated in good faith.~~

1681 ~~(g) Only one mediation may be requested for each claim,~~  
 1682 ~~unless all parties agree to further mediation.~~

Page 58 of 134

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

597-02914-23

20231158c1

1683 ~~(2) Upon receipt of a request for mediation, the department~~  
 1684 ~~shall refer the request to a mediator. The mediator shall notify~~  
 1685 ~~the applicant and all interested parties, as identified by the~~  
 1686 ~~applicant, and any other parties the mediator believes may have~~  
 1687 ~~an interest in the mediation, of the date, time, and place of~~  
 1688 ~~the mediation conference. The conference may be held by~~  
 1689 ~~telephone, if feasible. The mediation conference shall be held~~  
 1690 ~~within 45 days after the request for mediation.~~

1691 ~~(2) (a) (3) (a)~~ The department shall approve mediators to  
 1692 conduct mediations pursuant to this section. All mediators must  
 1693 file an application under oath for approval as a mediator.

1694 (b) To qualify for approval as a mediator, an individual  
 1695 must meet one of the following qualifications:

1696 1. Possess an active certification as a Florida Supreme  
 1697 Court certified circuit court mediator. A Florida Supreme Court  
 1698 certified circuit court mediator in a lapsed, suspended,  
 1699 sanctioned, or decertified status is not eligible to participate  
 1700 in the mediation program.

1701 2. Be an approved department mediator as of July 1, 2014,  
 1702 and have conducted at least one mediation on behalf of the  
 1703 department within 4 years immediately preceding that date.

1704 ~~(3) (4)~~ The department shall deny an application, or suspend  
 1705 or revoke its approval, of a mediator to serve in such capacity  
 1706 if the department finds that one or more of the following  
 1707 grounds exist:

1708 (a) Lack of one or more of the qualifications specified in  
 1709 this section for approval.

1710 (b) Material misstatement, misrepresentation, or fraud in  
 1711 obtaining or attempting to obtain the approval.

597-02914-23

20231158c1

1712 (c) Demonstrated lack of fitness or trustworthiness to act  
 1713 as a mediator.

1714 (d) Fraudulent or dishonest practices in the conduct of  
 1715 mediation or in the conduct of business in the financial  
 1716 services industry.

1717 (e) Violation of any provision of this code or of a lawful  
 1718 order or rule of the department, violation of the Florida Rules  
 1719 for Certified and Court-Appointed Mediators, or aiding,  
 1720 instructing, or encouraging another party in committing such a  
 1721 violation.

1722

The department may adopt rules to administer this subsection.

1723 (4) The department shall adopt by rule a motor vehicle  
 1724 claims insurance mediation program to be administered by the  
 1725 department or its designee. The department may also adopt  
 1726 special rules that are applicable in cases of an emergency  
 1727 within the state. The rules shall be modeled after practices and  
 1728 procedures set forth in mediation rules of procedure adopted by  
 1729 the Supreme Court. The rules must include:

1730 (a) Reasonable requirements for processing and scheduling  
 1731 of requests for mediation.

1732 (b) Provisions governing who may attend mediation  
 1733 conferences.

1734 (c) Selection of mediators.

1735 (d) Criteria for the conduct of mediation conferences.

1736 (e) Right to legal counsel.

1737 ~~(5) The department must adopt rules of procedure for claims~~  
 1738 ~~mediation, taking into consideration a system which:~~

1739 ~~(a) Is fair.~~  
 1740

597-02914-23

20231158c1

1741 ~~(b) Promotes settlement.~~  
 1742 ~~(c) Avoids delay.~~  
 1743 ~~(d) Is nonadversarial.~~  
 1744 ~~(e) Uses a framework for modern mediating technique.~~  
 1745 (f) Controls of costs and expenses of mediation.  
 1746 (5) The department may designate an entity or person to  
 1747 serve as an administrator to carry out any of the provisions of  
 1748 this section and may take this action by means of a written  
 1749 contract or agreement.  
 1750 (6) Disclosures and information divulged in the mediation  
 1751 process are not admissible in any subsequent action or  
 1752 proceeding relating to the claim or to the cause of action  
 1753 giving rise to the claim. A person demanding mediation under  
 1754 this section may not demand or request mediation after a suit is  
 1755 filed relating to the same facts already mediated.  
 1756 Section 41. Present subsections (7) through (12) of section  
 1757 631.141, Florida Statutes, are redesignated as subsections (8)  
 1758 through (13), respectively, and a new subsection (7) is added to  
 1759 that section, to read:  
 1760 631.141 Conduct of delinquency proceeding; domestic and  
 1761 alien insurers.—  
 1762 (7) In order to preserve as much as possible the right and  
 1763 interest of the policyholders whose insurance policies or  
 1764 similar contracts are affected by the receivership proceedings,  
 1765 the department as a domiciliary receiver may:  
 1766 (a) Use the property of the estate of the insurer to  
 1767 transfer the insurer's book of business, policies, or similar  
 1768 contracts of coverage, in whole or in part, to a solvent  
 1769 assuming insurer or insurers.

Page 61 of 134

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

597-02914-23

20231158c1

1770 (b) Notwithstanding s. 631.195, share records of the  
 1771 insurer with the prospective solvent assuming insurer or  
 1772 insurers, but only to the extent necessary to undertake due  
 1773 diligence for a transfer contemplated under this section.  
 1774 Section 42. Subsections (1) and (3) of section 631.252,  
 1775 Florida Statutes, are amended to read:  
 1776 631.252 Continuation of coverage.—  
 1777 (1) Unless another insurer, with approval of the  
 1778 receivership court, assumes or otherwise provides coverage for  
 1779 the policies of the insolvent insurer, all insurance policies or  
 1780 similar contracts of coverage, other than coverages defined in  
 1781 s. 631.713 or health maintenance organization coverage under  
 1782 part IV, issued by the insurer shall be canceled upon the  
 1783 earlier ~~earliest to occur~~ of the following:  
 1784 (a) The date of entry of the liquidation or, if the court  
 1785 so provides in its order, the expiration of 30 days from the  
 1786 date of entry of the liquidation order;  
 1787 (b) The normal expiration of the policy or contract  
 1788 coverage;  
 1789 (c) The replacement of the coverage by the insured, or the  
 1790 replacement of the policy or contract of coverage, with a policy  
 1791 or contract acceptable to the insured by the receiver with  
 1792 another insurer; ~~or~~  
 1793 (d) The date proposed by the receiver and approved by the  
 1794 receivership court to cancel coverage; or  
 1795 (e) ~~(d)~~ The termination of the coverage by the insured.  
 1796 (3) The 30-day coverage continuation period provided in  
 1797 paragraph (1) (a) and s. 631.57(1)(a)1. may not be extended  
 1798 unless the Chief Financial Officer ~~office~~ determines, based on a

Page 62 of 134

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

597-02914-23

20231158c1

1799 reasonable belief, that market conditions are such that policies  
1800 of residential property insurance coverage cannot be placed with  
1801 an authorized insurer within 30 days and that an additional 15  
1802 days is needed to place such coverage, ~~and~~ Failure of actual  
1803 notice to the policyholder of the insolvency of the insurer, of  
1804 commencement of a delinquency proceeding, or of expiration of  
1805 the extension period does not affect such expiration.

1806 Section 43. Subsection (1) of section 631.56, Florida  
1807 Statutes, is amended, and subsections (5) through (8) are added  
1808 to that section, to read:

1809 631.56 Board of directors.—

1810 (1) The board of directors of the association shall consist  
1811 of not less than five or more than nine persons serving terms as  
1812 established in the plan of operation. Three members of the board  
1813 must be representatives from domestic insurers and appointed by  
1814 the Chief Financial Officer. The department shall approve and  
1815 appoint to the board persons recommended by the member insurers  
1816 or other persons with experience in property and casualty  
1817 insurance or motor vehicle insurance as determined by the Chief  
1818 Financial Officer. ~~In the event the department finds that any~~  
1819 ~~recommended person does not meet the qualifications for service~~  
1820 ~~on the board, the department shall request the member insurers~~  
1821 ~~to recommend another person.~~ Each member shall serve for a 4-  
1822 year term and may be reappointed. Vacancies on the board shall  
1823 be filled for the remaining period of the term in the same  
1824 manner as initial appointments.

1825 (5) The Chief Financial Officer may remove a board member  
1826 from office for misconduct, malfeasance, misfeasance, or neglect  
1827 of duty. Any vacancy so created shall be filled as provided in

Page 63 of 134

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

597-02914-23

20231158c1

1828 subsection (1).

1829 (6) Board members are subject to the code of ethics under  
1830 part III of chapter 112, including, but not limited to, the code  
1831 of ethics and public disclosure and reporting of financial  
1832 interests, pursuant to s. 112.3145. For purposes of applying  
1833 part III of chapter 112 to activities of members of the board of  
1834 directors, those persons are considered public officers and the  
1835 association is considered their agency. Notwithstanding s.  
1836 112.3143(2), a board member may not vote on any measure that he  
1837 or she knows would inure to his or her special private gain or  
1838 loss; that he or she knows would inure to the special private  
1839 gain or loss of any principal by which he or she is retained,  
1840 other than an agency as defined in s. 112.312; or that he or she  
1841 knows would inure to the special private gain or loss of a  
1842 relative or business associate of the public officer. Before the  
1843 vote is taken, such member shall publicly state to the board the  
1844 nature of his or her interest in the matter from which he or she  
1845 is abstaining from voting and, within 15 days after the vote  
1846 occurs, disclose the nature of his or her interest as a public  
1847 record in a memorandum filed with the person responsible for  
1848 recording the minutes of the meeting, who shall incorporate the  
1849 memorandum in the minutes.

1850 (7) Notwithstanding s. 112.3148, s. 112.3149, or any other  
1851 law, a board member may not knowingly accept, directly or  
1852 indirectly, any gift or expenditure from a person or entity, or  
1853 an employee or representative of such person or entity, which  
1854 has a contractual relationship with the association or which is  
1855 under consideration for a contract.

1856 (8) A board member who fails to comply with subsection (6)

Page 64 of 134

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

597-02914-23 20231158c1

1857 or subsection (7) is subject to the penalties provided under ss.  
 1858 112.317 and 112.3173.

1859 Section 44. Paragraph (a) of subsection (1) of section  
 1860 631.716, Florida Statutes, is amended, and subsections (4)  
 1861 through (7) are added to that section, to read:

1862 631.716 Board of directors.—

1863 (1) (a) The board of directors of the association shall have  
 1864 at least 9, but no more than 11, members. The members shall  
 1865 consist ~~be comprised~~ of member insurers serving terms as  
 1866 established in the plan of operation and 1 Florida Health  
 1867 Maintenance Organization Consumer Assistance Plan director  
 1868 confirmed pursuant to paragraph (b), or other persons with  
 1869 experience in life and annuity or accident and health insurance  
 1870 as determined by the Chief Financial Officer. At all times, at  
 1871 least 1 ~~member of the board member~~ must be a domestic insurer as  
 1872 defined in s. 624.06(1). The ~~members of the board members~~ who  
 1873 are member insurers shall be elected by member insurers, subject  
 1874 to the approval of the department. Each board member shall serve  
 1875 for a 4-year term and may be reappointed.

1876 (4) The Chief Financial Officer may remove a board member  
 1877 from office for misconduct, malfeasance, misfeasance, or neglect  
 1878 of duty. Any vacancy so created shall be filled as provided in  
 1879 subsection (1).

1880 (5) Board members are subject to the code of ethics under  
 1881 part III of chapter 112, including, but not limited to, the code  
 1882 of ethics and public disclosure and reporting of financial  
 1883 interests, pursuant to s. 112.3145. For purposes of applying  
 1884 part III of chapter 112 to activities of members of the board of  
 1885 directors, those persons are considered public officers and the

597-02914-23 20231158c1

1886 association is considered their agency. Notwithstanding s.  
 1887 112.3143(2), a board member may not vote on any measure that he  
 1888 or she knows would inure to his or her special private gain or  
 1889 loss; that he or she knows would inure to the special private  
 1890 gain or loss of any principal by which he or she is retained,  
 1891 other than an agency as defined in s. 112.312; or that he or she  
 1892 knows would inure to the special private gain or loss of a  
 1893 relative or business associate of the public officer. Before the  
 1894 vote is taken, such member shall publicly state to the board the  
 1895 nature of his or her interest in the matter from which he or she  
 1896 is abstaining from voting and, within 15 days after the vote  
 1897 occurs, disclose the nature of his or her interest as a public  
 1898 record in a memorandum filed with the person responsible for  
 1899 recording the minutes of the meeting, who shall incorporate the  
 1900 memorandum in the minutes.

1901 (6) Notwithstanding s. 112.3148, s. 112.3149, or any other  
 1902 law, a board member may not knowingly accept, directly or  
 1903 indirectly, any gift or expenditure from a person or entity, or  
 1904 an employee or representative of such person or entity, which  
 1905 has a contractual relationship with the association or which is  
 1906 under consideration for a contract.

1907 (7) A board member who fails to comply with subsection (5)  
 1908 or subsection (6) is subject to the penalties provided under ss.  
 1909 112.317 and 112.3173.

1910 Section 45. Subsection (1) of section 631.816, Florida  
 1911 Statutes, is amended, and subsections (8) through (11) are added  
 1912 to that section, to read:

1913 631.816 Board of directors.—

1914 (1) The board of directors of the plan shall consist of not

597-02914-23

20231158c1

1915 less than five or more than nine persons serving terms as  
 1916 established in the plan of operation. The department shall  
 1917 approve and appoint to the board persons recommended by the  
 1918 member HMOs or other persons with experience in health insurance  
 1919 as determined by the Chief Financial Officer. ~~In the event the~~  
 1920 ~~department finds that any recommended person does not meet the~~  
 1921 ~~qualifications for service on the board, the department shall~~  
 1922 ~~request the member HMOs to recommend another person.~~ Each member  
 1923 shall serve for a 4-year term and may be reappointed, except  
 1924 that terms may be staggered as defined in the plan of operation.  
 1925 Vacancies on the board shall be filled for the remaining period  
 1926 of the term in the same manner as initial appointments. In  
 1927 determining voting rights, each HMO is entitled to vote on the  
 1928 basis of cumulative weighted voting based on the net written  
 1929 premium for non-Medicare and non-Medicaid policies.

1930 (8) The Chief Financial Officer may remove a board member  
 1931 from office for misconduct, malfeasance, misfeasance, or neglect  
 1932 of duty. Any vacancy so created shall be filled as provided in  
 1933 subsection (1).

1934 (9) Board members are subject to the code of ethics under  
 1935 part III of chapter 112, including, but not limited to, the code  
 1936 of ethics and public disclosure and reporting of financial  
 1937 interests, pursuant to s. 112.3145. For purposes of applying  
 1938 part III of chapter 112 to activities of members of the board of  
 1939 directors, those persons are considered public officers and the  
 1940 plan is considered their agency. Notwithstanding s. 112.3143(2),  
 1941 a board member may not vote on any measure that he or she knows  
 1942 would inure to his or her special private gain or loss; that he  
 1943 or she knows would inure to the special private gain or loss of

Page 67 of 134

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

597-02914-23

20231158c1

1944 any principal by which he or she is retained, other than an  
 1945 agency as defined in s. 112.312; or that he or she knows would  
 1946 inure to the special private gain or loss of a relative or  
 1947 business associate of the public officer. Before the vote is  
 1948 taken, such member shall publicly state to the board the nature  
 1949 of his or her interest in the matter from which he or she is  
 1950 abstaining from voting and, within 15 days after the vote  
 1951 occurs, disclose the nature of his or her interest as a public  
 1952 record in a memorandum filed with the person responsible for  
 1953 recording the minutes of the meeting, who shall incorporate the  
 1954 memorandum in the minutes.

1955 (10) Notwithstanding s. 112.3148, s. 112.3149, or any other  
 1956 law, a board member may not knowingly accept, directly or  
 1957 indirectly, any gift or expenditure from a person or entity, or  
 1958 an employee or representative of such person or entity, which  
 1959 has a contractual relationship with the plan or which is under  
 1960 consideration for a contract.

1961 (11) A board member who fails to comply with subsection (9)  
 1962 or subsection (10) is subject to the penalties provided under  
 1963 ss. 112.317 and 112.3173.

1964 Section 46. Subsection (1) of section 631.912, Florida  
 1965 Statutes, is amended, and subsections (4), (5), and (6) are  
 1966 added to that section, to read:

1967 631.912 Board of directors.—

1968 (1) The board of directors of the corporation shall consist  
 1969 of 11 persons, 1 of whom is the insurance consumer advocate  
 1970 appointed under s. 627.0613 or designee and 1 of whom is  
 1971 designated by the Chief Financial Officer. The department shall  
 1972 appoint to the board 6 persons selected by private carriers from

Page 68 of 134

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



597-02914-23 20231158c1

1973 among the 20 workers' compensation insurers with the largest  
 1974 amount of direct written premium as determined by the  
 1975 department, and 2 persons selected by the self-insurance funds  
 1976 or other persons with experience in workers' compensation  
 1977 insurance as determined by the Chief Financial Officer. The  
 1978 Governor shall appoint one person who has commercial insurance  
 1979 experience. At least two of the private carriers shall be  
 1980 foreign carriers authorized to do business in this state. The  
 1981 board shall elect a chairperson from among its members. The  
 1982 Chief Financial Officer may remove any board member for cause.  
 1983 Each board member shall be appointed to serve a 4-year term and  
 1984 may be reappointed. A vacancy on the board shall be filled for  
 1985 the remaining period of the term in the same manner by which the  
 1986 original appointment was made.

1987 (4) Board members are subject to the code of ethics under  
 1988 part III of chapter 112, including, but not limited to, the code  
 1989 of ethics and public disclosure and reporting of financial  
 1990 interests, pursuant to s. 112.3145. For purposes of applying  
 1991 part III of chapter 112 to activities of members of the board of  
 1992 directors, those persons are considered public officers and the  
 1993 corporation is considered their agency. Notwithstanding s.  
 1994 112.3143(2), a board member may not vote on any measure that he  
 1995 or she knows would inure to his or her special private gain or  
 1996 loss; that he or she knows would inure to the special private  
 1997 gain or loss of any principal by which he or she is retained,  
 1998 other than an agency as defined in s. 112.312; or that he or she  
 1999 knows would inure to the special private gain or loss of a  
 2000 relative or business associate of the public officer. Before the  
 2001 vote is taken, such member shall publicly state to the board the

Page 69 of 134

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

597-02914-23 20231158c1

2002 nature of his or her interest in the matter from which he or she  
 2003 is abstaining from voting and, within 15 days after the vote  
 2004 occurs, disclose the nature of his or her interest as a public  
 2005 record in a memorandum filed with the person responsible for  
 2006 recording the minutes of the meeting, who shall incorporate the  
 2007 memorandum in the minutes.

2008 (5) Notwithstanding s. 112.3148, s. 112.3149, or any other  
 2009 law, a board member may not knowingly accept, directly or  
 2010 indirectly, any gift or expenditure from a person or entity, or  
 2011 an employee or representative of such person or entity, which  
 2012 has a contractual relationship with the corporation or which is  
 2013 under consideration for a contract.

2014 (6) A board member who fails to comply with subsection (4)  
 2015 or subsection (5) is subject to the penalties provided under ss.  
 2016 112.317 and 112.3173.

2017 Section 47. Section 633.1423, Florida Statutes, is created  
 2018 to read:

2019 633.1423 State Fire Marshal direct-support organization.-

2020 (1) DEFINITION.-As used in this section, the term  
 2021 "organization" means the direct-support organization established  
 2022 under this section.

2023 (2) ORGANIZATION ESTABLISHED.-The division may establish a  
 2024 direct-support organization, to be known as the "State Fire  
 2025 Marshal Safety and Training Force," whose sole purpose is to  
 2026 support the safety and training of firefighters and to recognize  
 2027 exemplary service. The organization must:

2028 (a) Be a not-for-profit corporation incorporated under  
 2029 chapter 617 and approved by the Department of State.

2030 (b) Be organized and operated to raise funds; request and

Page 70 of 134

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

597-02914-23 20231158c1

2031 receive grants, gifts, and bequests of money; conduct programs  
 2032 and activities; acquire, receive, hold, invest, and administer,  
 2033 in its own name, securities, funds, or property; and make grants  
 2034 and expenditures to or for the direct or indirect benefit of the  
 2035 division. Grants and expenditures may include the cost of  
 2036 education or training of firefighters, or the recognition of  
 2037 exemplary service of firefighters.

2038 (c) Be determined by the division to operate in a manner  
 2039 that is:

2040 1. Consistent with the goals of the division and laws  
 2041 relating to the safety and training of firefighters.

2042 2. In the best interest of the state.

2043 3. In accordance with the adopted goals and mission of the  
 2044 division.

2045 (d) Use all of its grants and expenditures solely for the  
 2046 purpose of educating, training, and recognizing firefighters,  
 2047 and not for advertising using the likeness or name of any  
 2048 elected official nor for the purpose of lobbying as defined in  
 2049 s. 11.045(1).

2050 (e) Be subject to an annual financial audit in accordance  
 2051 with s. 215.981.

2052 (3) CONTRACT.—The organization shall operate under written  
 2053 contract with the division. The contract must provide for:

2054 (a) Certification by the division that the organization is  
 2055 complying with the terms of the contract and in a manner  
 2056 consistent with the goals and purposes of the department and in  
 2057 the best interest of the state. Such certification must be made  
 2058 annually and reported in the official minutes of a meeting of  
 2059 the organization.

597-02914-23 20231158c1

2060 (b) The reversion of moneys and property held by the  
 2061 organization for firefighter safety, training, and recognition  
 2062 to the division if the organization is no longer approved to  
 2063 operate by the division or if the organization ceases to exist,  
 2064 or to the state if the division ceases to exist.

2065 (4) BOARD OF DIRECTORS.—The organization shall be governed  
 2066 by a board of directors. The State Fire Marshal, or his or her  
 2067 designee, shall appoint a president of the board. The board of  
 2068 directors shall be appointed by the president of the board.

2069 (5) USE OF PROPERTY.—The division may authorize, without  
 2070 charge, appropriate use of fixed property and facilities of the  
 2071 division by the organization, subject to this subsection.

2072 (a) The department may prescribe any condition with which  
 2073 the organization must comply in order to use the division's  
 2074 property or facilities.

2075 (b) The department may not authorize the use of the  
 2076 division's property or facilities if the organization does not  
 2077 provide equal membership and employment opportunities to all  
 2078 persons regardless of race, religion, sex, age, or national  
 2079 origin.

2080 (c) The department shall adopt rules prescribing the  
 2081 procedures by which the organization is governed and any  
 2082 conditions with which the organization must comply to use the  
 2083 division's property or facilities.

2084 (6) DEPOSITORY ACCOUNT.—Any moneys received by the  
 2085 organization may be held in a separate depository account in the  
 2086 name of the organization and subject to the contract with the  
 2087 division.

2088 (7) ANNUAL BUDGETS AND REPORTS.—The organization shall

597-02914-23 20231158c1

2089 submit to the division its annual budget and financial reports,  
 2090 its federal Internal Revenue Service Application for Recognition  
 2091 of Exemption Form 1023, and its federal Internal Revenue Service  
 2092 Return of Organization Exempt from Income Tax Form 990.

2093 (8) ANNUAL AUDIT.—The organization shall provide for an  
 2094 annual financial audit in accordance with s. 215.981.

2095 (9) DIVISION'S RECEIPT OF PROCEEDS.—Proceeds received by  
 2096 the division from the organization shall be deposited into the  
 2097 Insurance Regulatory Trust Fund.

2098 (10) REPEAL.—This section is repealed October 1, 2028,  
 2099 unless reviewed and saved from repeal by the Legislature.

2100 Section 48. Section 634.181, Florida Statutes, is amended  
 2101 to read:

2102 634.181 Grounds for compulsory refusal, suspension, or  
 2103 revocation of license or appointment of salespersons.—

2104 (1) The department shall deny, suspend, revoke, or refuse  
 2105 to renew or continue the license or appointment of any such  
 2106 salesperson if it finds that as to the salesperson any one or  
 2107 more of the following applicable grounds exist:

2108 (a)(1) Material misstatement, misrepresentation, or fraud  
 2109 in obtaining or attempting to obtain the license or appointment.

2110 (b)(2) If the license or appointment is willfully used, or  
 2111 to be used, to circumvent any of the requirements or  
 2112 prohibitions of this part, any applicable provision of the  
 2113 Florida Insurance Code, or rule of the department or commission.

2114 (c)(3) Willful misrepresentation of any service agreement  
 2115 or willful deception with regard to any agreement, done either  
 2116 in person or by any form of dissemination of information or  
 2117 advertising.

597-02914-23 20231158c1

2118 (d)(4) If in the adjustment of claims arising out of  
 2119 service agreements, she or he has materially misrepresented to a  
 2120 service agreement holder or other interested party the terms and  
 2121 coverage of a service agreement with intent and for the purpose  
 2122 of effecting settlement of the claim on less favorable terms  
 2123 than those provided in and contemplated by the service  
 2124 agreement.

2125 (e)(5) For demonstrated lack of fitness or trustworthiness  
 2126 to engage in the service agreement business.

2127 (f)(6) For demonstrated lack of adequate knowledge and  
 2128 technical competence to engage in the transactions authorized by  
 2129 the license or appointment.

2130 (g)(7) Fraudulent or dishonest practices in the conduct of  
 2131 business under the license or appointment.

2132 (h)(8) Misappropriation, conversion, or unlawful  
 2133 withholding of moneys belonging to a service agreement company,  
 2134 insurer, or service agreement holder or to others and received  
 2135 in the conduct of business under the license or appointment.

2136 (i)(9) For unlawfully rebating, or attempt thereat, or for  
 2137 unlawfully dividing or offering to divide her or his commission  
 2138 with another.

2139 (j)(10) Willful failure to comply with, or willful  
 2140 violation of any proper order of the department or office, or  
 2141 willful violation of any provision of this part, or of any  
 2142 applicable provision of the insurance code, or applicable rule  
 2143 of the department or commission.

2144 (k)(11) Having been found guilty of, or having pleaded  
 2145 guilty or nolo contendere to, a felony or a crime punishable by  
 2146 imprisonment of 1 year or more under the law of the United

597-02914-23

20231158c1

2147 States of America or any state thereof or under the law of any  
 2148 other country which involves moral turpitude, without regard to  
 2149 whether a judgment of conviction has been entered by the court  
 2150 having jurisdiction of the cases.

2151 ~~(1)-(12)~~ Failure to refund unearned pro rata commission to  
 2152 the agreement holder or the service agreement company, if the  
 2153 service agreement company is making a full unearned pro rata  
 2154 refund to the agreement holder.

2155 (m) Having been the subject of, or having had a license,  
 2156 permit, appointment, registration, or other authority to conduct  
 2157 business subject to, any decision, finding, injunction,  
 2158 suspension, prohibition, revocation, denial, judgment, final  
 2159 agency action, or administrative order by any court of competent  
 2160 jurisdiction, administrative law proceeding, state agency,  
 2161 federal agency, national securities, commodities, or options  
 2162 exchange, or national securities, commodities, or options  
 2163 association involving a violation of any federal or state  
 2164 securities or commodities law or any rule or regulation adopted  
 2165 thereunder, or a violation of any rule or regulation of any  
 2166 national securities, commodities, or options exchange or  
 2167 national securities, commodities, or options association.

2168 (2) When a licensee is charged with a felony enumerated in  
 2169 s. 626.207(2), the department shall, immediately upon receipt of  
 2170 information on or indictment for the felony, temporarily suspend  
 2171 a license or appointment issued under this chapter. Such  
 2172 suspension shall continue if the licensee is found guilty of, or  
 2173 pleads guilty or nolo contendere to, the crime, regardless of  
 2174 whether a judgment or conviction is entered, during a pending  
 2175 appeal. A person may not transact insurance business after

Page 75 of 134

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

597-02914-23

20231158c1

2176 suspension of his or her license or appointment.

2177 (3) The department may adopt rules to administer this  
 2178 section.

2179 Section 49. Section 634.191, Florida Statutes, is amended  
 2180 to read:

2181 634.191 Grounds for discretionary refusal, suspension, or  
 2182 revocation of license or appointment of salespersons.—

2183 (1) The department may, in its discretion, deny, suspend,  
 2184 revoke, or refuse to renew or continue the license or  
 2185 appointment of any salesperson if it finds that as to the  
 2186 salesperson any one or more of the following applicable grounds  
 2187 exist under circumstances for which such denial, suspension,  
 2188 revocation, or refusal is not mandatory under s. 634.181:

2189 (a)-(1) For any cause for which granting of the license or  
 2190 appointment could have been refused had it then existed and been  
 2191 known to the department.

2192 (b)-(2) Violation of any provision of this part or of any  
 2193 other law applicable to the business of service agreements in  
 2194 the course of dealings under the license or appointment.

2195 (c)-(3) Violation of ~~Has violated~~ any lawful order or rule  
 2196 of the department or commission.

2197 (d)-(4) Failure or refusal, upon demand, to pay over to any  
 2198 company or insurer the salesperson represents or has represented  
 2199 any money coming into her or his hands belonging to the company  
 2200 or insurer.

2201 (e)-(5) If, in the conduct of business under the license or  
 2202 appointment, the salesperson has engaged in unfair methods of  
 2203 competition or in unfair or deceptive acts or practices, as such  
 2204 methods, acts, or practices are or may be defined under this

Page 76 of 134

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

597-02914-23

20231158c1

2205 part, or has otherwise shown herself or himself to be a source  
2206 of injury or loss to the public or detrimental to the public  
2207 interest.

2208 ~~(f)(6)~~ Failure to report to the department within 30 days  
2209 the final disposition of an administrative action taken against  
2210 a salesperson by a governmental agency or other regulatory  
2211 agency in this state or any other state or jurisdiction relating  
2212 to the business of insurance, the sale of securities, or an  
2213 activity involving fraud, dishonesty, trustworthiness, or breach  
2214 of a fiduciary duty. The salesperson must submit a copy of the  
2215 order, consent to order, or other relevant legal documents to  
2216 the department Having been found guilty of, or having pleaded  
2217 guilty or nolo contendere to, a felony or a crime punishable by  
2218 imprisonment of 1 year or more under the law of the United  
2219 States of America or any state thereof or under the law of any  
2220 other country, without regard to whether a judgment of  
2221 conviction has been entered by the court having jurisdiction of  
2222 the cases.

2223 (2) The department may adopt rules to administer this  
2224 section.

2225 Section 50. Section 634.320, Florida Statutes, is amended  
2226 to read:

2227 634.320 Grounds for compulsory refusal, suspension, or  
2228 revocation of license or appointment of sales representatives.—

2229 (1) The department shall deny, suspend, revoke, or refuse  
2230 to renew or continue the license or appointment of any sales  
2231 representative if it is found that any one or more of the  
2232 following grounds applicable to the sales representative exist:

2233 (a)(1) Material misstatement, misrepresentation, or fraud

Page 77 of 134

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

597-02914-23

20231158c1

2234 in obtaining or attempting to obtain a license or appointment.  
2235 ~~(b)(2)~~ The license or appointment is willfully used, or to  
2236 be used, to circumvent any of the requirements or prohibitions  
2237 of this part.

2238 ~~(c)(3)~~ Willful misrepresentation of any warranty contract  
2239 or willful deception with regard to any such contract, done  
2240 either in person or by any form of dissemination of information  
2241 or advertising.

2242 ~~(d)(4)~~ In the adjustment of claims arising out of  
2243 warranties, material misrepresentation to a warranty holder or  
2244 other interested party of the terms and coverage of a contract,  
2245 with the intent and for the purpose of effecting settlement of  
2246 such claim on less favorable terms than those provided in and  
2247 contemplated by the contract.

2248 ~~(e)(5)~~ Demonstrated lack of fitness or trustworthiness to  
2249 engage in the business of home warranty.

2250 ~~(f)(6)~~ Demonstrated lack of adequate knowledge and  
2251 technical competence to engage in the transactions authorized by  
2252 the license or appointment.

2253 ~~(g)(7)~~ Fraudulent or dishonest practices in the conduct of  
2254 business under the license or appointment.

2255 ~~(h)(8)~~ Misappropriation, conversion, or unlawful  
2256 withholding of moneys belonging to an association, insurer, or  
2257 warranty holder, or to others, and received in the conduct of  
2258 business under the license or appointment.

2259 ~~(i)(9)~~ Unlawfully rebating, or attempting to unlawfully  
2260 rebate, or unlawfully dividing, or offering to divide, her or  
2261 his commission with another.

2262 ~~(j)(10)~~ Willful failure to comply with, or willful

Page 78 of 134

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

597-02914-23 20231158c1

2263 violation of, any proper order or rule of the department or  
 2264 commission or willful violation of any provision of this part.  
 2265 ~~(k)(11)~~ Being found guilty of or pleading guilty or nolo  
 2266 contendere to a felony or a crime punishable by imprisonment of  
 2267 1 year or more under the law of the United States of America or  
 2268 any state thereof or under the law of any other country  
 2269 ~~involving moral turpitude~~, without regard to whether judgment of  
 2270 conviction has been entered by the court.  
 2271 (1) Having been the subject of, or having had a license,  
 2272 permit, appointment, registration, or other authority to conduct  
 2273 business subject to, any decision, finding, injunction,  
 2274 suspension, prohibition, revocation, denial, judgment, final  
 2275 agency action, or administrative order by any court of competent  
 2276 jurisdiction, administrative law proceeding, state agency,  
 2277 federal agency, national securities, commodities, or options  
 2278 exchange, or national securities, commodities, or options  
 2279 association involving a violation of any federal or state  
 2280 securities or commodities law or any rule or regulation adopted  
 2281 thereunder, or a violation of any rule or regulation of any  
 2282 national securities, commodities, or options exchange or  
 2283 national securities, commodities, or options association.  
 2284 (2) When a licensee is charged with a felony enumerated in  
 2285 s. 626.207(2), the department shall, immediately upon receipt of  
 2286 information on or indictment for the felony, temporarily suspend  
 2287 a license or appointment issued under this chapter. Such  
 2288 suspension shall continue if the licensee is found guilty of, or  
 2289 pleads guilty or nolo contendere to, the crime, regardless of  
 2290 whether a judgment or conviction is entered, during a pending  
 2291 appeal. A person may not transact insurance business after

Page 79 of 134

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

597-02914-23 20231158c1

2292 suspension of his or her license or appointment.  
 2293 (3) The department may adopt rules to administer this  
 2294 section.  
 2295 Section 51. Section 634.321, Florida Statutes, is amended  
 2296 to read:  
 2297 634.321 Grounds for discretionary refusal, suspension, or  
 2298 revocation of license or appointment of sales representatives.—  
 2299 (1) The department may, in its discretion, deny, suspend,  
 2300 revoke, or refuse to renew or continue the license or  
 2301 appointment of any sales representative if it is found that any  
 2302 one or more of the following grounds applicable to the sales  
 2303 representative exist under circumstances for which such denial,  
 2304 suspension, revocation, or refusal is not mandatory under s.  
 2305 634.320:  
 2306 (a)(1) Any cause for which granting of the license or  
 2307 appointment could have been refused had it then existed and been  
 2308 known to the department.  
 2309 (b)(2) Violation of any provision of this part, or of any  
 2310 other law applicable to the business of warranties, in the  
 2311 course of dealings under the license or appointment.  
 2312 (c)(3) Violation of any lawful order or rule of the  
 2313 department or commission.  
 2314 (d)(4) Failure or refusal to pay over, upon demand, to any  
 2315 home warranty association or insurer the sales representative  
 2316 represents or has represented any money coming into her or his  
 2317 hands which belongs to the association or insurer.  
 2318 (e)(5) In the conduct of business under the license or  
 2319 appointment, engaging in unfair methods of competition or in  
 2320 unfair or deceptive acts or practices, as such methods, acts, or

Page 80 of 134

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

597-02914-23

20231158c1

2321 practices are or may be defined under this part, or otherwise  
 2322 showing herself or himself to be a source of injury or loss to  
 2323 the public or detriment to the public interest.

2324 ~~(f)(6) Failure to report to the department within 30 days~~  
 2325 ~~the final disposition of an administrative action taken against~~  
 2326 ~~a sales representative by a governmental agency or other~~  
 2327 ~~regulatory agency in this state or any other state or~~  
 2328 ~~jurisdiction relating to the business of insurance, the sale of~~  
 2329 ~~securities, or an activity involving fraud, dishonesty,~~  
 2330 ~~trustworthiness, or breach of a fiduciary duty. The sales~~  
 2331 ~~representative must submit a copy of the order, consent to~~  
 2332 ~~order, or other relevant legal documents to the department. Being~~  
 2333 ~~found guilty of or pleading guilty or nolo contendere to a~~  
 2334 ~~felony or a crime punishable by imprisonment of 1 year or more~~  
 2335 ~~under the law of the United States of America or any state~~  
 2336 ~~thereof or under the law of any other country, without regard to~~  
 2337 ~~whether a judgment of conviction has been entered by the court.~~

2338 (2) The department may adopt rules to administer this  
 2339 section.

2340 Section 52. Section 634.419, Florida Statutes, is amended  
 2341 to read:

2342 634.419 License and appointment required.—No person or  
 2343 entity shall solicit, negotiate, advertise, or effectuate  
 2344 service warranty contracts in this state unless such person or  
 2345 entity is licensed and appointed as a sales representative.  
 2346 Sales representatives shall be responsible for the actions of  
 2347 persons under their supervision. However, a service warranty  
 2348 association licensed as such under this part shall not be  
 2349 required to be licensed and appointed as a sales representative

Page 81 of 134

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

597-02914-23

20231158c1

2350 to solicit, negotiate, advertise, or effectuate its products.  
 2351 Sections 501.021-501.055 do not apply to persons or entities  
 2352 licensed and appointed under this section, or their affiliates,  
 2353 which solicit the sale of a service warranty or related service  
 2354 or product in connection with a prearranged appointment at the  
 2355 request of the consumer.

2356 Section 53. Section 634.422, Florida Statutes, is amended  
 2357 to read:

2358 634.422 Grounds for compulsory refusal, suspension, or  
 2359 revocation of license or appointment of sales representatives.—

2360 (1) The department shall deny, suspend, revoke, or refuse  
 2361 to renew or continue the license or appointment of any sales  
 2362 representative if it is found that any one or more of the  
 2363 following grounds applicable to the sales representative exist:

2364 (a)(1) Material misstatement, misrepresentation, or fraud  
 2365 in obtaining or attempting to obtain a license or appointment.

2366 (b)(2) The license or appointment is willfully used, or to  
 2367 be used, to circumvent any of the requirements or prohibitions  
 2368 of this part.

2369 (c)(3) Willful misrepresentation of any service warranty  
 2370 contract or willful deception with regard to any such contract,  
 2371 done either in person or by any form of dissemination of  
 2372 information or advertising.

2373 (d)(4) In the adjustment of claims arising out of  
 2374 warranties, material misrepresentation to a service warranty  
 2375 holder or other interested party of the terms and coverage of a  
 2376 contract with the intent and for the purpose of effecting  
 2377 settlement of the claim on less favorable terms than those  
 2378 provided in and contemplated by the contract.

Page 82 of 134

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

597-02914-23

20231158c1

2379 (e)(5) Demonstrated lack of fitness or trustworthiness to  
 2380 engage in the business of service warranty.

2381 (f)(6) Demonstrated lack of adequate knowledge and  
 2382 technical competence to engage in the transactions authorized by  
 2383 the license or appointment.

2384 (g)(7) Fraudulent or dishonest practices in the conduct of  
 2385 business under the license or appointment.

2386 (h)(8) Misappropriation, conversion, or unlawful  
 2387 withholding of moneys belonging to an association, insurer, or  
 2388 warranty holder, or to others, and received in the conduct of  
 2389 business under the license or appointment.

2390 (i)(9) Unlawfully rebating, or attempting to unlawfully  
 2391 rebate, or unlawfully dividing, or offering to divide, her or  
 2392 his commission with another.

2393 (j)(10) Willful failure to comply with, or willful  
 2394 violation of, any proper order or rule of the department or  
 2395 commission, or willful violation of any provision of this part.

2396 (k)(11) Being found guilty of or pleading nolo contendere  
 2397 to a felony or a crime punishable by imprisonment of 1 year or  
 2398 more under the law of the United States of America or any state  
 2399 thereof or under the law of any other country ~~involving moral~~  
 2400 ~~turpitude~~, without regard to whether judgment of conviction has  
 2401 been entered by the court having jurisdiction of the case.

2402 (l) Having been the subject of, or having had a license,  
 2403 permit, appointment, registration, or other authority to conduct  
 2404 business subject to, any decision, finding, injunction,  
 2405 suspension, prohibition, revocation, denial, judgment, final  
 2406 agency action, or administrative order by any court of competent  
 2407 jurisdiction, administrative law proceeding, state agency,

Page 83 of 134

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

597-02914-23

20231158c1

2408 federal agency, national securities, commodities, or options  
 2409 exchange, or national securities, commodities, or options  
 2410 association involving a violation of any federal or state  
 2411 securities or commodities law or any rule or regulation adopted  
 2412 thereunder, or a violation of any rule or regulation of any  
 2413 national securities, commodities, or options exchange or  
 2414 national securities, commodities, or options association.

2415 (2) When a licensee is charged with a felony enumerated in  
 2416 s. 626.207(2), the department shall, immediately upon receipt of  
 2417 information on or indictment for the felony, temporarily suspend  
 2418 a license or appointment issued under this chapter. Such  
 2419 suspension shall continue if the licensee is found guilty of, or  
 2420 pleads guilty or nolo contendere to, the crime, regardless of  
 2421 whether a judgment or conviction is entered, during a pending  
 2422 appeal. A person may not transact insurance business after  
 2423 suspension of his or her license or appointment.

2424 (3) The department may adopt rules to administer this  
 2425 section.

2426 Section 54. Section 634.423, Florida Statutes, is amended  
 2427 to read:

2428 634.423 Grounds for discretionary refusal, suspension, or  
 2429 revocation of license or appointment of sales representatives.—

2430 (1) The department may deny, suspend, revoke, or refuse to  
 2431 renew or continue the license or appointment of any sales  
 2432 representative if it is found that any one or more of the  
 2433 following grounds applicable to the sales representative exist  
 2434 under circumstances for which such denial, suspension,  
 2435 revocation, or refusal is not mandatory under s. 634.422:

2436 (a)(1) Any cause for which granting of the license or

Page 84 of 134

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



597-02914-23 20231158c1

2437 appointment could have been refused had it then existed and been  
2438 known to the department.

2439 ~~(b)(2)~~ Violation of any provision of this part, or of any  
2440 other law applicable to the business of service warranties, in  
2441 the course of dealings under the license or appointment.

2442 ~~(c)(3)~~ Violation of any lawful order or rule of the  
2443 department or commission.

2444 ~~(d)(4)~~ Failure or refusal to pay over, upon demand, to any  
2445 service warranty association or insurer the sales representative  
2446 represents or has represented any money coming into her or his  
2447 hands which belongs to the association or insurer.

2448 ~~(e)(5)~~ In the conduct of business under the license or  
2449 appointment, engaging in unfair methods of competition or in  
2450 unfair or deceptive acts or practices, as such methods, acts, or  
2451 practices are or may be defined under this part, or otherwise  
2452 showing herself or himself to be a source of injury or loss to  
2453 the public or detriment to the public interest.

2454 ~~(f)(6)~~ Failure to report to the department within 30 days  
2455 the final disposition of an administrative action taken against  
2456 a sales representative by a governmental agency or other  
2457 regulatory agency in this state or any other state or  
2458 jurisdiction relating to the business of insurance, the sale of  
2459 securities, or an activity involving fraud, dishonesty,  
2460 trustworthiness, or breach of a fiduciary duty. The sales  
2461 representative must submit a copy of the order, consent to  
2462 order, or other relevant legal documents to the department ~~Being~~  
2463 ~~found guilty of or pleading guilty or nolo contendere to a~~  
2464 ~~felony or a crime punishable by imprisonment of 1 year or more~~  
2465 ~~under the law of the United States of America or any state~~

Page 85 of 134

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

597-02914-23 20231158c1

2466 ~~thereof or under the law of any other country, without regard to~~  
2467 ~~whether judgment of conviction has been entered by the court~~  
2468 ~~having jurisdiction of such case.~~

2469 (2) The department may adopt rules to administer this  
2470 section.

2471 Section 55. Section 648.25, Florida Statutes, is reordered  
2472 and amended to read:

2473 648.25 Definitions.—As used in this chapter, the term:

2474 (1) "Appointment" means the authority given by an insurer  
2475 or the managing general agent of an insurer through the  
2476 department to a licensee to transact insurance or adjust claims  
2477 on behalf of the insurer or managing general agent.

2478 ~~(2)(1)~~ "Bail bond agency" means:

2479 (a) The building where a licensee maintains an office and  
2480 where all records required by ss. 648.34 and 648.36 are  
2481 maintained; or

2482 (b) An entity that:

2483 1. Charges a fee or premium to release an accused defendant  
2484 or detainee from jail; or

2485 2. Engages in or employs others to engage in any activity  
2486 that may be performed only by a licensed and appointed bail bond  
2487 agent.

2488 ~~(3)(2)~~ "Bail bond agent" means a limited surety agent or a  
2489 professional bail bond agent as hereafter defined.

2490 ~~(7)(3)~~ "Managing general agent" means any individual,  
2491 partnership, association, or corporation appointed or employed  
2492 by an insurer to supervise or manage the bail bond business  
2493 written in this state by limited surety agents appointed by the  
2494 insurer.

Page 86 of 134

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

597-02914-23

20231158c1

2495 ~~(5)(4)~~ "Insurer" means any domestic, foreign, or alien  
 2496 surety company which has been authorized to transact surety  
 2497 business in this state.

2498 ~~(6)(5)~~ "Limited surety agent" means any individual  
 2499 appointed by an insurer by power of attorney to execute or  
 2500 countersign bail bonds in connection with judicial proceedings  
 2501 who receives or is promised money or other things of value  
 2502 therefor.

2503 ~~(4)(6)~~ "Primary Bail bond agent in charge" means a licensed  
 2504 bail bond agent who is responsible for the overall operation and  
 2505 management of a bail bond agency location and whose  
 2506 responsibilities include hiring and supervising all individuals  
 2507 within that location. A bail bond agent may be designated as the  
 2508 primary bail bond agent in charge for only one bail bond agency  
 2509 location.

2510 ~~(8)(7)~~ "Professional bail bond agent" means any person who  
 2511 pledges United States currency, United States postal money  
 2512 orders, or cashier's checks as security for a bail bond in  
 2513 connection with a judicial proceeding and receives or is  
 2514 promised therefor money or other things of value.

2515 ~~(9)(8)~~ "Temporary bail bond agent" means a person licensed  
 2516 before January 1, 2024, who is employed by a bail bond agent or  
 2517 agency, insurer, or managing general agent, and such licensee  
 2518 has the same authority as a licensed bail bond agent, including  
 2519 presenting defendants in court; apprehending, arresting, and  
 2520 surrendering defendants to the proper authorities, while  
 2521 accompanied by a supervising bail bond agent or an agent from  
 2522 the same agency; and keeping defendants under necessary  
 2523 surveillance. However, a temporary licensee may not execute or

597-02914-23

20231158c1

2524 sign bonds, handle collateral receipts, or deliver bonds to  
 2525 appropriate authorities. A temporary licensee may not operate an  
 2526 agency or branch agency separate from the location of the  
 2527 supervising bail bond agent, managing general agent, or insurer  
 2528 by whom the licensee is employed. This does not affect the right  
 2529 of a bail bond agent or insurer to hire counsel or to obtain the  
 2530 assistance of law enforcement officers. A temporary bail bond  
 2531 agent license expires 18 months after issuance and is no longer  
 2532 valid on or after June 30, 2025.

2533 Section 56. Subsection (3) of section 648.26, Florida  
 2534 Statutes, is amended to read:

2535 648.26 Department of Financial Services; administration.—

2536 (3) The papers, documents, reports, or any other  
 2537 investigatory records of the department are confidential and  
 2538 exempt from ~~the provisions of~~ s. 119.07(1) until such  
 2539 investigation is completed or ceases to be active. For the  
 2540 purpose of this section, an investigation is considered active  
 2541 ~~"active"~~ while the investigation is being conducted by the  
 2542 department with a reasonable, good faith belief that it may lead  
 2543 to the filing of administrative, civil, or criminal proceedings.  
 2544 An investigation does not cease to be active if the department  
 2545 is proceeding with reasonable dispatch and there is good faith  
 2546 belief that action may be initiated by the department or other  
 2547 administrative or law enforcement agency. This subsection does  
 2548 not prevent the department or office from disclosing the content  
 2549 of a complaint or such information as it deems necessary to  
 2550 conduct the investigation, to update the complainant as to the  
 2551 status and outcome of the complaint, or to share such  
 2552 information with any law enforcement agency or other regulatory

597-02914-23

20231158c1

2553 body.

2554 Section 57. Subsection (5) of section 648.27, Florida  
2555 Statutes, is amended to read:

2556 648.27 Licenses and appointments; general.—

2557 (5) ~~(a)~~ The license of a bail bond agent shall continue in  
2558 force, without further examination unless deemed necessary by  
2559 the department, until suspended, revoked, or otherwise  
2560 terminated.

2561 ~~(b) The license of a temporary bail bond agent shall~~  
2562 ~~continue in force until suspended, revoked, or otherwise~~  
2563 ~~terminated.~~

2564 Section 58. Section 648.285, Florida Statutes, is amended  
2565 to read:

2566 648.285 Bond agency; ownership requirements; applications  
2567 for bail bond agency licenses.—

2568 (1) A person may not own, control, manage, or otherwise  
2569 have a pecuniary interest in a bail bond agency unless such  
2570 individual is a licensed pursuant to s. 648.27, and appointed  
2571 through the department, and actively engaged as a bail bond  
2572 agent for at least the preceding 24 months. Any agency that is  
2573 not in compliance with this subsection is ~~shall be~~ subject to  
2574 the issuance of an immediate final order of suspension of its  
2575 license and all operations until the agency achieves compliance.

2576 (2) Effective January 1, 2024, the department may issue a  
2577 bail bond agency license to any person only after such person  
2578 files a written application with the department and qualifies  
2579 for such license.

2580 (3) An application for a bail bond agency license must be  
2581 signed by an individual required to be listed in the application

Page 89 of 134

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

597-02914-23

20231158c1

2582 under paragraph (a). A bail bond agency license may permit a  
2583 third party to complete, submit, and sign an application on the  
2584 bail bond agency's behalf; however, the bail bond agency is  
2585 responsible for ensuring that the information on the application  
2586 is true and correct, and the bail bond agency is accountable for  
2587 any misstatements or misrepresentations. The application for a  
2588 bail bond agency license must include:

2589 (a) The name and license number of each owner, partner,  
2590 officer, director, president, senior vice president, secretary,  
2591 treasurer, and limited liability company member who directs or  
2592 participates in the management or control of the bail bond  
2593 agency, whether through ownership of voting securities, by  
2594 contract, by ownership of any agency bank account, or otherwise.

2595 (b) The residence address of each person required to be  
2596 listed in the application under paragraph (a).

2597 (c) The name, principal business street address, and valid  
2598 e-mail address of the bail bond agency and the name, address,  
2599 and e-mail address of the agency's registered agent or person or  
2600 company authorized to accept service on behalf of the bail bond  
2601 agency.

2602 (d) The physical address of each branch bail bond agency,  
2603 including its name, e-mail address, and telephone number, and  
2604 the date that the branch location began transacting bail bond  
2605 business.

2606 (e) The name of the full-time bail bond agent in charge of  
2607 the agency office, including branch locations, and his or her  
2608 corresponding location.

2609 (f) Such additional information as the department requires  
2610 by rule to ascertain the trustworthiness and competence of

Page 90 of 134

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

597-02914-23

20231158c1

2611 persons required to be listed on the application and to  
 2612 ascertain that such persons meet the requirements of this code.  
 2613 However, the department may not require that credit or character  
 2614 reports be submitted for persons required to be listed on the  
 2615 application.

2616 (4) The department must issue a license to each agency upon  
 2617 approval of the application, and each agency location must  
 2618 display the license prominently in a manner that makes it  
 2619 clearly visible to any customer or potential customer who enters  
 2620 the agency location.

2621 (5) A bail bond agency that holds a current and valid  
 2622 registration number with the department shall have its  
 2623 registration automatically converted to a license on July 1,  
 2624 2024.

2625 (6) Section 112.011 does not apply to bail bond agencies or  
 2626 to applicants for licensure as owners of bail bond agencies.

2627 (7) ~~(2)~~ If the owner of a bail bond agency dies or becomes  
 2628 mentally incapacitated, a personal representative or legal  
 2629 guardian may be issued a temporary permit to manage the affairs  
 2630 of the bail bond agency. Such person must appoint or maintain  
 2631 the appointment of a ~~primary~~ bail bond agent in charge, as  
 2632 provided in s. 648.387, and may not engage in any activities as  
 2633 a licensed bail bond agent but must comply with s. 648.387  
 2634 during the administration of the estate or guardianship. A  
 2635 temporary permit is valid for a maximum of 24 months.

2636 (8) ~~(3)~~ Application for a temporary permit must be made by  
 2637 the personal representative or legal guardian upon statements  
 2638 and affidavits filed with the department on forms prescribed and  
 2639 furnished by it. The applicant must meet the qualifications for

Page 91 of 134

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

597-02914-23

20231158c1

2640 licensure as a bail bond agent, except for the residency,  
 2641 examination, education, and experience requirements.

2642 Section 59. Subsection (1) of section 648.30, Florida  
 2643 Statutes, is amended to read:

2644 648.30 Licensure and appointment required; prohibited acts;  
 2645 penalties.—

2646 (1) (a) A person or entity may not act in the capacity of a  
 2647 bail bond agent or ~~temporary~~ bail bond ~~agency agent~~ or perform  
 2648 any of the functions, duties, or powers prescribed for bail bond  
 2649 agents or ~~temporary~~ bail bond ~~agencies agents~~ under this chapter  
 2650 unless that person or entity is qualified, licensed, and  
 2651 appointed as provided in this chapter and employed by a bail  
 2652 bond agency.

2653 (b) A bail bond agent may not sell a bail bond issued by an  
 2654 insurer for which the agent and the agent's bail bond agency do  
 2655 not hold a current appointment.

2656 (c) Except as otherwise provided in this part, a person or  
 2657 entity, other than a bail bond agency or an employee of a bail  
 2658 bond agency, may not perform any of the functions of a bail bond  
 2659 agency without a bail bond agency license.

2660 Section 60. Section 648.31, Florida Statutes, is amended to  
 2661 read:

2662 648.31 Appointment taxes and fees.—The department shall  
 2663 collect in advance all appointment taxes and fees for the  
 2664 issuance of any appointment to a bail bond agent ~~or temporary~~  
 2665 ~~bail bond agent~~, as provided in s. 624.501. There is no fee for  
 2666 the issuance of any appointment to a bail bond agency.

2667 Section 61. Subsection (2) of section 648.34, Florida  
 2668 Statutes, is amended to read:

Page 92 of 134

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

597-02914-23

20231158c1

2669 648.34 Bail bond agents; qualifications.-

2670 (2) To qualify as a bail bond agent, it must affirmatively  
2671 appear at the time of application and throughout the period of  
2672 licensure that the applicant ~~has complied with the provisions of~~  
2673 ~~s. 648.355 and has obtained a temporary license pursuant to such~~  
2674 ~~section and:~~

2675 (a) ~~The applicant~~ Is a natural person who has reached the  
2676 age of 18 years and holds a high school diploma or its  
2677 equivalent.

2678 (b) ~~The applicant~~ Is a United States citizen or legal alien  
2679 who possesses work authorization from the United States Bureau  
2680 of Citizenship and Immigration Services and is a resident of  
2681 this state. An individual who is a resident of this state shall  
2682 be deemed to meet the residence requirement of this paragraph,  
2683 notwithstanding the existence, at the time of application for  
2684 license, of a license in the applicant's name on the records of  
2685 another state as a resident licensee of such other state, if the  
2686 applicant furnishes a letter of clearance satisfactory to the  
2687 department that his or her resident licenses have been canceled  
2688 or changed to a nonresident basis and that he or she is in good  
2689 standing.

2690 (c) Will maintain his or her ~~The~~ place of business of the  
2691 ~~applicant will be located~~ in this state and in the county where  
2692 the applicant will maintain his or her records and be actively  
2693 engaged in the bail bond business and work with a licensed  
2694 ~~maintain an~~ agency accessible to the public which is open for  
2695 reasonable business hours.

2696 (d) ~~The applicant~~ Is vouched for and recommended upon sworn  
2697 statements filed with the department by at least three reputable

597-02914-23

20231158c1

2698 citizens who are residents of the same counties in which the  
2699 applicant proposes to engage in the bail bond business.

2700 (e) ~~The applicant~~ Is a person of high character and  
2701 approved integrity and has not been convicted of or pleaded  
2702 guilty or no contest to a felony, a crime involving moral  
2703 turpitude, or a crime punishable by imprisonment of 1 year or  
2704 more under the law of any state, territory, or country, whether  
2705 or not a judgment or conviction has been entered.

2706 (f) Within 2 years immediately before applying for the  
2707 license, has successfully completed a basic certification course  
2708 in the criminal justice system which consists of at least 120  
2709 hours of classroom instruction with a passing grade of 80  
2710 percent or higher and has successfully completed a  
2711 correspondence course for bail bond agents approved by the  
2712 department.

2713 (g) ~~(f)~~ ~~The applicant~~ Has passed any required examination.  
2714 Section 62. Section 648.355, Florida Statutes, is amended  
2715 to read:

2716 648.355 ~~Temporary limited license as~~ Limited surety agents  
2717 and agent or professional bail bond agents agent; qualifications  
2718 pending examination.-

2719 (1) ~~The department may, in its discretion, issue a~~  
2720 ~~temporary license as a limited surety agent or professional bail~~  
2721 ~~bond agent, subject to the following conditions:~~

2722 (a) ~~The applicant is a natural person at least 18 years of~~  
2723 ~~age and holds a high school diploma or its equivalent.~~

2724 (b) ~~The applicant is a United States citizen or legal alien~~  
2725 ~~who possesses work authorization from the United States Bureau~~  
2726 ~~of Citizenship and Immigration Services and is a resident of~~

597-02914-23

20231158c1

2727 ~~this state. An individual who is a resident of this state shall~~  
 2728 ~~be deemed to meet the residence requirement of this paragraph,~~  
 2729 ~~notwithstanding the existence, at the time of application for~~  
 2730 ~~temporary license, of a license in the individual's name on the~~  
 2731 ~~records of another state as a resident licensee of such other~~  
 2732 ~~state, if the applicant furnishes a letter of clearance~~  
 2733 ~~satisfactory to the department that the individual's resident~~  
 2734 ~~licenses have been canceled or changed to a nonresident basis~~  
 2735 ~~and that the individual is in good standing.~~

2736 ~~(c) The applicant is a person of high character and~~  
 2737 ~~approved integrity and has never been convicted of or pleaded~~  
 2738 ~~guilty or no contest to a felony, a crime involving moral~~  
 2739 ~~turpitude, or a crime punishable by imprisonment of 1 year or~~  
 2740 ~~more under the law of any state, territory, or country, whether~~  
 2741 ~~or not a judgment or conviction is entered.~~

2742 ~~(d) Within 4 years prior to the date of application for a~~  
 2743 ~~temporary license, the applicant has successfully completed a~~  
 2744 ~~basic certification course in the criminal justice system,~~  
 2745 ~~consisting of not less than 120 hours of classroom instruction~~  
 2746 ~~with a passing grade of 80 percent or higher and has~~  
 2747 ~~successfully completed a correspondence course for bail bond~~  
 2748 ~~agents approved by the department.~~

2749 ~~(e) The applicant must be employed full time at the time of~~  
 2750 ~~licensure, and at all times throughout the existence of the~~  
 2751 ~~temporary license, by only one licensed and appointed~~  
 2752 ~~supervising bail bond agent, who supervises the work of the~~  
 2753 ~~applicant and is responsible for the licensee's conduct in the~~  
 2754 ~~bail bond business. The applicant must be appointed by the same~~  
 2755 ~~insurers as the supervising bail bond agent. The supervising~~

Page 95 of 134

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

597-02914-23

20231158c1

2756 ~~bail bond agent shall certify monthly to the department under~~  
 2757 ~~oath, on a form prescribed by the department, the names and~~  
 2758 ~~hours worked each week of all temporary bail bond agents. Filing~~  
 2759 ~~a false certification is grounds for the immediate suspension of~~  
 2760 ~~the license and imposition of a \$5,000 administrative fine. The~~  
 2761 ~~department may adopt rules that establish standards for the~~  
 2762 ~~employment requirements.~~

2763 ~~(f) The application must be accompanied by an affidavit~~  
 2764 ~~verifying proposed employment and a report as to the applicant's~~  
 2765 ~~integrity and moral character on a form prescribed by the~~  
 2766 ~~department and executed by the proposed employer.~~

2767 ~~(g) The applicant must file with the department statements~~  
 2768 ~~by at least three reputable citizens who are residents of the~~  
 2769 ~~same counties in which the applicant proposes to engage as a~~  
 2770 ~~temporary licensee.~~

2771 ~~(h) The applicant's employer is responsible for the bail~~  
 2772 ~~bonding acts of any licensee under this section.~~

2773 ~~(2) All applicable license fees, as prescribed in s.~~  
 2774 ~~624.501, must be paid before issuance of the temporary license.~~

2775 ~~(3) The temporary license shall be effective for 18 months,~~  
 2776 ~~subject to earlier termination at the request of the employer or~~  
 2777 ~~if suspended or revoked by the department.~~

2778 ~~(4) The applicant shall furnish, with the application for~~  
 2779 ~~temporary license, a complete set of the applicant's~~  
 2780 ~~fingerprints in accordance with s. 626.171(4) and a recent~~  
 2781 ~~credential-sized, fullface photograph of the applicant. The~~  
 2782 ~~department may shall not issue a temporary license under this~~  
 2783 ~~section until the department has received a report from the~~  
 2784 ~~Department of Law Enforcement and the Federal Bureau of~~

Page 96 of 134

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

597-02914-23

20231158c1

2785 Investigation relative to the existence or nonexistence of a  
 2786 criminal history report based on the applicant's fingerprints.  
 2787 ~~(2)(5)~~ The department may collect a fee necessary to cover  
 2788 the cost of a character and credit report made by an established  
 2789 and reputable independent reporting service. The fee shall be  
 2790 deposited to the credit of the Insurance Regulatory Trust Fund.  
 2791 (3)(6) Effective July 1, 2023, any individual licensed by  
 2792 the department as a temporary bail bond agent may take the  
 2793 required bail bond agent's licensure examination, may file an  
 2794 application for a bail bond agent's license if otherwise  
 2795 qualified for licensure, and may take the required bail bond  
 2796 agent's licensure examination After licensure as a temporary  
 2797 licensee for at least 12 months, such licensee may file an  
 2798 application for and become eligible for a regular bail bond  
 2799 agent's license based on the licensee's experience in the bail  
 2800 bond business and education pursuant to paragraph (1)(d) and, if  
 2801 otherwise qualified, take the required bail bond agent's  
 2802 licensure examination. The applicant and supervising bail bond  
 2803 agent must each file an affidavit under oath, on a form  
 2804 prescribed by the department, verifying the required employment  
 2805 of the temporary agent before issuance of the license.  
 2806 ~~(7) In no event shall a temporary licensee licensed under~~  
 2807 ~~this section perform any of the functions for which a bail bond~~  
 2808 ~~agent's license is required after expiration of the temporary~~  
 2809 ~~license without having passed the written examination as for a~~  
 2810 ~~regular bail bond agent's license.~~  
 2811 ~~(8)(a) A temporary licensee has the same authority as a~~  
 2812 ~~licensed bail bond agent, including presenting defendants in~~  
 2813 ~~court; apprehending, arresting, and surrendering defendants to~~

Page 97 of 134

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

597-02914-23

20231158c1

2814 ~~the proper authorities; and keeping defendants under necessary~~  
 2815 ~~surveillance. However, a temporary licensee must be accompanied~~  
 2816 ~~by a supervising bail bond agent or an agent from the same~~  
 2817 ~~agency when apprehending, arresting, or surrendering defendants~~  
 2818 ~~to authorities.~~  
 2819 ~~(b) A temporary licensee may not execute or sign bonds,~~  
 2820 ~~handle collateral receipts, deliver bonds to appropriate~~  
 2821 ~~authorities, or operate an agency or branch agency separate from~~  
 2822 ~~the location of the supervising bail bond agent, managing~~  
 2823 ~~general agent, or insurer by whom the licensee is employed.~~  
 2824 (4)(9) Effective July 1, 2023, the department may not issue  
 2825 a temporary bail bond agent's license. An individual currently  
 2826 licensed as a temporary bail bond agent may continue to be  
 2827 licensed in accordance with this chapter. A temporary bail bond  
 2828 agent's license may not be reinstated if the license expires or  
 2829 is terminated, suspended, or revoked The department shall not  
 2830 issue a temporary bail bond agent's license to any individual  
 2831 who has held such a temporary license in this state within 2  
 2832 years after the expiration of such temporary bail bond agent's  
 2833 license.  
 2834 Section 63. Subsections (1) through (4) of section 648.382,  
 2835 Florida Statutes, are amended to read:  
 2836 648.382 Appointment of bail bond agents and bail bond  
 2837 agencies temporary bail bond agents; effective date of  
 2838 appointment.-  
 2839 (1)(a) Each insurer or appointing a bail bond agent and  
 2840 each insurer, managing general agent, or bail bond agent  
 2841 appointing a temporary bail bond agent or bail bond agency in  
 2842 this state must file the appointment with the department and, at

Page 98 of 134

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

597-02914-23 20231158c1

2843 the same time, pay the applicable appointment fees and taxes. A  
 2844 person appointed under this section must hold a valid bail bond  
 2845 agent's or ~~temporary~~ bail bond agency's agent's license.

2846 (b) Effective July 1, 2025, each insurer or managing  
 2847 general agent appointing a bail bond agency in this state must  
 2848 file the appointment with the department. An entity appointed  
 2849 under this section must hold a valid bail bond agency's license.

2850 (2) ~~Before~~ ~~Prior to~~ any appointment, an appropriate officer  
 2851 or official of the appointing insurer ~~in the case of a bail bond~~  
 2852 ~~agent or an insurer, managing general agent, or bail bond agent~~  
 2853 ~~in the case of a temporary bail bond agent~~ must submit:

2854 (a) A certified statement or affidavit to the department  
 2855 stating what investigation has been made concerning the proposed  
 2856 appointee and the proposed appointee's background and the  
 2857 appointing person's opinion to the best of his or her knowledge  
 2858 and belief as to the moral character and reputation of the  
 2859 proposed appointee. In lieu of such certified statement or  
 2860 affidavit, by authorizing the effectuation of an appointment for  
 2861 a licensee, the appointing entity certifies to the department  
 2862 that such investigation has been made and that the results of  
 2863 the investigation and the appointing person's opinion is that  
 2864 the proposed appointee is a person of good moral character and  
 2865 reputation and is fit to engage in the bail bond business;

2866 (b) An affidavit under oath on a form prescribed by the  
 2867 department, signed by the proposed appointee, stating that  
 2868 premiums are not owed to any insurer and that the appointee will  
 2869 discharge all outstanding forfeitures and judgments on bonds  
 2870 previously written. If the appointee does not satisfy or  
 2871 discharge such forfeitures or judgments, the former insurer

Page 99 of 134

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

597-02914-23 20231158c1

2872 shall file a notice, with supporting documents, with the  
 2873 appointing insurer, the former agent or agency, and the  
 2874 department, stating under oath that the licensee has failed to  
 2875 timely satisfy forfeitures and judgments on bonds written and  
 2876 that the insurer has satisfied the forfeiture or judgment from  
 2877 its own funds. Upon receipt of such notification and supporting  
 2878 documents, the appointing insurer shall immediately cancel the  
 2879 licensee's appointment. The licensee may be reappointed only  
 2880 upon certification by the former insurer that all forfeitures  
 2881 and judgments on bonds written by the licensee have been  
 2882 discharged. The appointing insurer or former agent or agency  
 2883 may, within 10 days, file a petition with the department seeking  
 2884 relief from this paragraph. Filing of the petition stays the  
 2885 duty of the appointing insurer to cancel the appointment until  
 2886 the department grants or denies the petition; ~~and~~

2887 (c) Any other information that the department reasonably  
 2888 requires concerning the proposed appointee; and

2889 (d) Effective January 1, 2025, a certification that the  
 2890 appointing entity obtained from each appointee the following  
 2891 sworn statement:

2892  
 2893 Pursuant to section 648.382(2)(b), Florida Statutes, I  
 2894 do solemnly swear that I owe no premium to any insurer  
 2895 and that I will discharge all outstanding forfeitures  
 2896 and judgments on bonds that have been previously  
 2897 written. I acknowledge that failure to do this will  
 2898 result in my active appointments being canceled.

2899  
 2900 An appointed bail bond agency must have the attestation under

Page 100 of 134

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



597-02914-23

20231158c1

2901 this paragraph signed by its owner.

2902 (3) By authorizing the effectuation of an appointment for a  
2903 licensee, the appointing insurer certifies to the department  
2904 that the insurer will be bound by the acts of the bail bond  
2905 agent or bail bond agency acting within the scope of the agent's  
2906 or agency's ~~his or her~~ appointment, and, ~~in the case of a~~  
2907 ~~temporary bail bond agent, the appointing insurer, managing~~  
2908 ~~general agent, or bail bond agent, as the case may be, must~~  
2909 ~~certify to the department that he or she will supervise the~~  
2910 ~~temporary bail bond agent's activities.~~

2911 (4) Each appointing insurer ~~or~~, managing general agent, ~~or~~  
2912 ~~bail bond agent~~ must advise the department in writing within 5  
2913 days after receiving notice or learning that an appointee has  
2914 been arrested for, pled guilty or nolo contendere to, or been  
2915 found guilty of, a felony or other offense punishable by  
2916 imprisonment of 1 year or more under the law of any  
2917 jurisdiction, whether judgment was entered or withheld by the  
2918 court.

2919 Section 64. Present subsections (1) through (4) of section  
2920 648.386, Florida Statutes, are redesignated as subsections (2)  
2921 through (5), respectively, a new subsection (1) is added to that  
2922 section, and present subsection (2) of that section is amended,  
2923 to read:

2924 648.386 Qualifications for prelicensing and continuing  
2925 education schools and instructors.—

2926 (1) DEFINITION OF "CLASSROOM INSTRUCTION".—As used in this  
2927 section, the term "classroom instruction" means a course  
2928 designed to be presented to a group of students by a live  
2929 instructor using lecture, video, webcast, or virtual or other

597-02914-23

20231158c1

2930 audio-video presentation.

2931 ~~(3)(2)~~ SCHOOLS AND CURRICULUM FOR CONTINUING EDUCATION  
2932 SCHOOLS.—In order to be considered for approval and  
2933 certification as an approved limited surety agent and  
2934 professional bail bond agent continuing education school, such  
2935 entity must:

2936 (a) Provide a minimum of three classroom-instruction  
2937 continuing education classes per calendar year.

2938 (b) Submit a course curriculum to the department for  
2939 approval.

2940 (c) Offer continuing education classes that comprise ~~which~~  
2941 ~~are comprised of~~ a minimum of 2 hours of approved classroom-  
2942 instruction coursework and are taught by an approved supervising  
2943 instructor or guest lecturer approved by the entity or the  
2944 supervising instructor.

2945 Section 65. Section 648.387, Florida Statutes, is amended  
2946 to read:

2947 648.387 ~~Primary~~ Bail bond agent in charge ~~agents~~; duties.—

2948 (1) The owner or operator of a bail bond agency shall  
2949 designate a ~~primary~~ bail bond agent in charge for each location,  
2950 and shall file with the department the name and license number  
2951 of the person and the address of the location on a form approved  
2952 by the department. The designation of the ~~primary~~ bail bond  
2953 agent in charge may be changed if the department is notified  
2954 immediately. Failure to notify the department within 10 working  
2955 days after such change is grounds for disciplinary action  
2956 pursuant to s. 648.45.

2957 (2) The ~~primary~~ bail bond agent in charge is responsible  
2958 for the overall operation and management of a bail bond agency

597-02914-23 20231158c1

2959 location, whose responsibilities may include, without  
 2960 limitations, hiring and supervising of all individuals within  
 2961 the location, whether they deal with the public in the  
 2962 solicitation or negotiation of bail bond contracts or in the  
 2963 collection or accounting of moneys. A person may be designated  
 2964 as the primary bail bond agent in charge for only one agency and  
 2965 location.

2966 (3) The department may suspend or revoke the license of the  
 2967 owner, bail bond agent in charge ~~operator~~, and primary bail bond  
 2968 agency agent if the a bail bond agency employs, contracts with,  
 2969 or uses the services of a person who has had a license denied or  
 2970 whose license is currently suspended or revoked. However, a  
 2971 person who has been denied a license for failure to pass a  
 2972 required examination may be employed to perform clerical or  
 2973 administrative functions for which licensure is not required.

2974 (4) An owner, a bail bond agent in charge ~~operator~~, or a  
 2975 bail bond agency ~~primary agent~~ may not employ, contract with, or  
 2976 use the services of any person in a bail bond agency who has  
 2977 been charged with, found guilty of, or pled guilty or nolo  
 2978 contendere to a felony or a crime punishable by imprisonment of  
 2979 1 year or more under the law of any jurisdiction, without regard  
 2980 to whether judgment was entered or withheld by the court.

2981 (5) A bail bond agency location may not conduct surety  
 2982 business unless a ~~primary~~ bail bond agent in charge is  
 2983 designated by, and provides services to, the bail bond agency at  
 2984 all times. If the bail bond agent in charge designated with the  
 2985 department ends his or her affiliation with the bail bond agency  
 2986 for any reason, and the bail bond agency fails to designate  
 2987 another bail bond agent in charge within the 10-day period under

Page 103 of 134

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

597-02914-23 20231158c1

2988 subsection (1) and such failure continues for 90 days, the bail  
 2989 bond agency license automatically expires on the 91st day after  
 2990 the date the designated bail bond agent in charge ended his or  
 2991 her affiliation with the agency ~~The failure to designate a~~  
 2992 ~~primary agent on a form prescribed by the department, within 10~~  
 2993 ~~working days after an agency's inception or a change of primary~~  
 2994 ~~agent, is a violation of this chapter, punishable as provided in~~  
 2995 ~~s. 648.45.~~

2996 Section 66. Section 648.3875, Florida Statutes, is created  
 2997 to read:

2998 648.3875 Bail bond agent in charge; qualifications.-

2999 (1) An application for designation as a bail bond agent in  
 3000 charge must be submitted on forms prescribed by the department.  
 3001 The application must include the applicant's full name and the  
 3002 applicant's license number issued pursuant to s. 648.27.

3003 (2) To qualify as a bail bond agent in charge, it must  
 3004 affirmatively appear that, at the time of application and  
 3005 throughout the period of licensure, the applicant has complied  
 3006 with s. 648.285 and that the applicant has been licensed as a  
 3007 bail bond agent for the 24 months immediately preceding the  
 3008 appointment as the bail bond agent in charge.

3009 Section 67. Section 648.39, Florida Statutes, is amended to  
 3010 read:

3011 648.39 Termination of appointment of managing general  
 3012 agents, bail bond agents, and ~~temporary~~ bail bond  
 3013 agents.-

3014 (1) An insurer ~~that who~~ terminates the appointment of a  
 3015 managing general agent, bail bond agent, or ~~temporary~~ bail bond  
 3016 agency agent shall, within 10 days after such termination, file

Page 104 of 134

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

597-02914-23

20231158c1

3017 written notice thereof with the department together with a  
 3018 statement that it has given or mailed notice to the terminated  
 3019 agent or agency. Such notice filed with the department must  
 3020 state the reasons, if any, for such termination. Information so  
 3021 furnished to the department is confidential and exempt from ~~the~~  
 3022 ~~provisions of~~ s. 119.07(1).

3023 (2) Each insurer shall, within 5 days after terminating the  
 3024 appointment of any managing general agent, bail bond agent, or  
 3025 ~~temporary~~ bail bond agency agent, give written notice thereof to  
 3026 each clerk of the circuit court and sheriff with whom such  
 3027 person is registered.

3028 (3) An insurer that terminates the appointment of a  
 3029 managing general agent ~~or~~ bail bond agent, ~~or temporary bail~~  
 3030 ~~bond agent~~ may authorize such person to continue to attempt the  
 3031 arrest and surrender of a defendant for whom a surety bond had  
 3032 been written by the bail bond agent before ~~prior to~~ termination  
 3033 and to seek discharge of forfeitures and judgments as provided  
 3034 in chapter 903.

3035 Section 68. Section 648.41, Florida Statutes, is repealed.

3036 Section 69. Section 648.42, Florida Statutes, is amended to  
 3037 read:

3038 648.42 Registration of bail bond agents.—A bail bond agent  
 3039 may not become a surety on an undertaking unless he or she has  
 3040 registered in the office of the sheriff and with the clerk of  
 3041 the circuit court in the county in which the bail bond agent  
 3042 resides. The bail bond agent may register in a like manner in  
 3043 any other county, and any bail bond agent shall file a certified  
 3044 copy of his or her appointment by power of attorney from each  
 3045 insurer which he or she represents as a bail bond agent with

597-02914-23

20231158c1

3046 each of such officers. Registration and filing of a certified  
 3047 copy of renewed power of attorney shall be performed by April 1  
 3048 of each odd-numbered year. The clerk of the circuit court and  
 3049 the sheriff ~~may shall~~ not permit the registration of a bail bond  
 3050 agent unless such bail bond agent is currently licensed by the  
 3051 department and appointed by an insurer ~~the department~~. ~~Nothing~~  
 3052 ~~in this section shall prevent the registration of a temporary~~  
 3053 ~~licensee at the jail for the purposes of enabling the licensee~~  
 3054 ~~to perform the duties under such license as set forth in this~~  
 3055 ~~chapter.~~

3056 Section 70. Subsections (1) and (2) and paragraphs (c) and  
 3057 (d) of subsection (8) of section 648.44, Florida Statutes, are  
 3058 amended to read:

3059 648.44 Prohibitions; penalty.—

3060 (1) A bail bond agent or ~~temporary~~ bail bond agency agent  
 3061 may not:

3062 (a) Suggest or advise the employment of, or name for  
 3063 employment, any particular attorney or attorneys to represent  
 3064 his or her principal.

3065 (b) Directly or indirectly solicit business in or on the  
 3066 property or grounds of a jail, prison, or other place where  
 3067 prisoners are confined or in or on the property or grounds of  
 3068 any court. The term "solicitation" includes the distribution of  
 3069 business cards, print advertising, or other written or oral  
 3070 information directed to prisoners or potential indemnitors,  
 3071 unless a request is initiated by the prisoner or a potential  
 3072 indemnitor. Permissible print advertising in the jail is  
 3073 strictly limited to a listing in a telephone directory and the  
 3074 posting of the bail bond agent's or agency's name, address, e-

597-02914-23

20231158c1

3075 mail address, web address, and telephone number in a designated  
3076 location within the jail.

3077 (c) Initiate in-person or telephone solicitation after 9:00  
3078 p.m. or before 8:00 a.m., ~~in the case of domestic violence~~  
3079 ~~cases,~~ at the residence of the detainee or the detainee's  
3080 family. Any solicitation ~~not prohibited by this chapter~~ must  
3081 comply with the telephone solicitation requirements in ss.  
3082 501.059(2) and (4), 501.613, and 501.616(6).

3083 (d) Wear or display any identification other than the  
3084 department issued or approved license or approved department  
3085 identification, which includes a citation of the licensee's  
3086 arrest powers, in or on the property or grounds of a jail,  
3087 prison, or other place where prisoners are confined or in or on  
3088 the property or grounds of any court.

3089 (e) Pay a fee or rebate or give or promise anything of  
3090 value to a jailer, police officer, peace officer, or committing  
3091 trial court judge or any other person who has power to arrest or  
3092 to hold in custody or to any public official or public employee  
3093 in order to secure a settlement, compromise, remission, or  
3094 reduction of the amount of any bail bond or estreatment thereof.

3095 (f) Pay a fee or rebate or give anything of value to an  
3096 attorney in a bail bond matter, except in defense of any action  
3097 on a bond.

3098 (g) Pay a fee or rebate or give or promise anything of  
3099 value to the principal or anyone in his or her behalf.

3100 (h) Participate in the capacity of an attorney at a trial  
3101 or hearing of one on whose bond he or she is surety.

3102 (i) Loiter in or about a jail, courthouse, or where  
3103 prisoners are confined.

Page 107 of 134

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

597-02914-23

20231158c1

3104 (j) Accept anything of value from a principal for providing  
3105 a bail bond except the premium and transfer fee authorized by  
3106 the office, except that the bail bond agent or bail bond agency  
3107 may accept collateral security or other indemnity from the  
3108 principal or another person in accordance with ~~the provisions of~~  
3109 s. 648.442, together with documentary stamp taxes, if  
3110 applicable. No fees, expenses, or charges of any kind shall be  
3111 permitted to be deducted from the collateral held or any return  
3112 premium due, except as authorized by this chapter or rule of the  
3113 department or commission. A bail bond agent or bail bond agency  
3114 may, upon written agreement with another party, receive a fee or  
3115 compensation for returning to custody an individual who has fled  
3116 the jurisdiction of the court or caused the forfeiture of a  
3117 bond.

3118 (k) Write more than one power of attorney per charge on a  
3119 bond, except in the case of a cosurety, unless the power of  
3120 attorney prohibits a cosurety.

3121 (l) Execute a bond in this state on his or her own behalf.

3122 (m) Execute a bond in this state if a judgment has been  
3123 entered on a bond executed by the bail bond agent or the bail  
3124 bond agency is a named party on the judgment, which has remained  
3125 unpaid for 35 days, unless the full amount of the judgment is  
3126 deposited with the clerk in accordance with s. 903.27(5).

3127 (n) Make a statement or representation to a court, unless  
3128 such statement or representation is under oath. Such statement  
3129 or representation may not be false, misleading, or deceptive.

3130 (o) Attempt to collect, through threat or coercion, amounts  
3131 due for the payment of any indebtedness related to the issuance  
3132 of a bail bond in violation of s. 559.72.

Page 108 of 134

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

597-02914-23

20231158c1

3133 (p) Conduct bail bond business with any person, other than  
3134 the defendant, on the grounds of the jail or courthouse for the  
3135 purpose of executing a bond.

3136 (2) The following persons or classes ~~may shall~~ not be bail  
3137 bond agents, ~~temporary bail bond agents~~, or employees of a bail  
3138 bond agent or a bail bond agency business and ~~may shall~~ not  
3139 directly or indirectly receive any benefits from the execution  
3140 of any bail bond:

3141 (a) Jailers or persons employed in any jail.

3142 (b) Police officers or employees of any police department  
3143 or law enforcement agency.

3144 (c) Committing trial court judges, employees of a court, or  
3145 employees of the clerk of any court.

3146 (d) Sheriffs and deputy sheriffs or employees of any  
3147 sheriff's department.

3148 (e) Attorneys.

3149 (f) Persons having the power to arrest or persons who have  
3150 authority over or control of federal, state, county, or  
3151 municipal prisoners.

3152 (8)

3153 (c) Any law enforcement agency, state attorney's office,  
3154 court clerk, or insurer that is aware that a bail bond agent ~~or~~  
3155 ~~temporary bail bond agent~~ has been convicted of or who has  
3156 pleaded guilty or no contest to a crime as described in  
3157 paragraph (a) shall notify the department of this fact.

3158 (d) Upon the filing of an information or indictment against  
3159 a bail bond agent ~~or temporary bail bond agent~~, the state  
3160 attorney or clerk of the circuit court shall immediately furnish  
3161 the department a certified copy of the information or

597-02914-23

20231158c1

3162 indictment.

3163 Section 71. Subsection (1) of section 648.441, Florida  
3164 Statutes, is amended to read:

3165 648.441 Furnishing supplies to unlicensed bail bond agent  
3166 prohibited; civil liability and penalty.-

3167 (1) An insurer, managing general agent, bail bond agent, or  
3168 ~~temporary bail bond agency agent~~ appointed under this chapter  
3169 may not furnish to any person any blank forms, applications,  
3170 stationery, business card, or other supplies to be used in  
3171 soliciting, negotiating, or effecting bail bonds until such  
3172 person has received from the department a license to act as a  
3173 bail bond agent and is appointed by the insurer. This section  
3174 does not prohibit an unlicensed employee, under the direct  
3175 supervision and control of a licensed and appointed bail bond  
3176 agent, from possessing or executing in the bail bond agency, any  
3177 forms, except for powers of attorney, bond forms, and collateral  
3178 receipts, while acting within the scope of his or her  
3179 employment.

3180 Section 72. Subsection (3) of section 648.46, Florida  
3181 Statutes, is amended to read:

3182 648.46 Procedure for disciplinary action against  
3183 licensees.-

3184 (3) The complaint and all information obtained pursuant to  
3185 the investigation of the department are confidential and exempt  
3186 from the provisions of s. 119.07(1) until such investigation is  
3187 completed or ceases to be active. For the purpose of this  
3188 section, an investigation is considered "active" while the  
3189 investigation is being conducted by the department with a  
3190 reasonable, good faith belief that it may lead to the filing of

597-02914-23

20231158c1

3191 administrative, civil, or criminal proceedings. An investigation  
 3192 does not cease to be active if the department is proceeding with  
 3193 reasonable dispatch and there is good faith belief that action  
 3194 may be initiated by the department or other administrative or  
 3195 law enforcement agency. This subsection does not prevent the  
 3196 department or office from disclosing the complaint or such  
 3197 information as it deems necessary to conduct the investigation,  
 3198 to update the complainant as to the status and outcome of the  
 3199 complaint, or to share such information with any law enforcement  
 3200 agency or other regulatory body.

3201 Section 73. Section 648.50, Florida Statutes, is amended to  
 3202 read:

3203 648.50 Effect of suspension, revocation upon associated  
 3204 licenses and licensees.—

3205 (1) Upon the suspension, revocation, or refusal to renew or  
 3206 continue any license or appointment or the eligibility to hold a  
 3207 license or appointment of a bail bond agent or ~~temporary~~ bail  
 3208 bond agency agent, the department shall at the same time  
 3209 likewise suspend or revoke all other licenses or appointments  
 3210 and the eligibility to hold any other such licenses or  
 3211 appointments which may be held by the licensee under the Florida  
 3212 Insurance Code.

3213 (2) In case of the suspension or revocation of the license  
 3214 or appointment, or the eligibility to hold a license or  
 3215 appointment, of any bail bond agent, the license, appointment,  
 3216 or eligibility of any and all bail bond agents who are members  
 3217 of a bail bond agency, whether incorporated or unincorporated,  
 3218 ~~and any and all temporary bail bond agents employed by such bail~~  
 3219 ~~bond agency~~, who knowingly are parties to the act which formed

Page 111 of 134

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

597-02914-23

20231158c1

3220 the ground for the suspension or revocation may likewise be  
 3221 suspended or revoked.

3222 (3) ~~A No~~ person whose license as a bail bond agent ~~or~~  
 3223 ~~temporary bail bond agent~~ has been revoked or suspended may not  
 3224 ~~shall~~ be employed by any bail bond agent, have any ownership  
 3225 interest in any business involving bail bonds, or have any  
 3226 financial interest of any type in any bail bond business during  
 3227 the period of revocation or suspension.

3228 Section 74. Subsections (4) and (6) of section 717.135,  
 3229 Florida Statutes, are amended to read:

3230 717.135 Recovery agreements and purchase agreements for  
 3231 claims filed by a claimant's representative; fees and costs.—

3232 (4) A claimant's representative must use the Unclaimed  
 3233 Property Recovery Agreement or the Unclaimed Property Purchase  
 3234 Agreement as the exclusive means of entering into an agreement  
 3235 or a contract engaging with a claimant or seller to file a claim  
 3236 with the department.

3237 (6) A claimant's representative may not use or distribute  
 3238 any other agreement of any type, conveyed by any method, form,  
 3239 ~~or other media~~ with respect to the claimant or seller which  
 3240 relates, directly or indirectly, to unclaimed property accounts  
 3241 held by the department or the Chief Financial Officer other than  
 3242 the agreements authorized by this section. Any engagement,  
 3243 authorization, recovery, or fee agreement that is not authorized  
 3244 by this section is void. A claimant's representative is subject  
 3245 to administrative and civil enforcement under s. 717.1322 if he  
 3246 or she uses an agreement that is not authorized by this section.  
 3247 This subsection does not prohibit lawful nonagreement,  
 3248 noncontractual, or advertising communications between or among

Page 112 of 134

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

597-02914-23

20231158c1

3249 the parties.

3250 Section 75. Paragraph (a) of subsection (4) of section  
3251 843.021, Florida Statutes, is amended to read:

3252 843.021 Unlawful possession of a concealed handcuff key.—

3253 (4) (a) It is a defense to a charge of violating this  
3254 section that the person in custody and in possession of a  
3255 concealed handcuff key is:

3256 1. A federal, state, or local law enforcement officer,  
3257 including a reserve or auxiliary officer, a licensed security  
3258 officer, or a private investigator as defined in s. 493.6101; or

3259 2. A professional bail bond agent, ~~temporary bail bond~~  
3260 ~~agent, runner,~~ or limited surety agent as defined in s. 648.25.

3261 Section 76. Section 903.28, Florida Statutes, is amended to  
3262 read:

3263 903.28 Remission of forfeiture; conditions.—

3264 (1) On application within 2 years from forfeiture, the  
3265 court shall order remission of the forfeiture if it determines  
3266 that there was no breach of the bond.

3267 (2) If the defendant surrenders or is apprehended or  
3268 deceased within 90 days after forfeiture, the court, on motion  
3269 at a hearing upon notice having been given to the clerk of the  
3270 circuit court and the state attorney as required in subsection  
3271 (9) (8), shall direct remission of ~~up to, but not more than,~~ 100  
3272 percent of a forfeiture if the surety apprehended and  
3273 surrendered the defendant or if the apprehension or surrender of  
3274 the defendant was substantially procured or caused by the  
3275 surety; ~~or~~ the surety has substantially attempted to procure or  
3276 cause the apprehension or surrender of the defendant; or the  
3277 defendant is deceased, and the delay has not thwarted the proper

597-02914-23

20231158c1

3278 ~~prosecution of the defendant.~~ In addition, remission shall be  
3279 granted when the surety did not substantially participate or  
3280 attempt to participate in the apprehension or surrender of the  
3281 defendant when the costs of returning the defendant to the  
3282 jurisdiction of the court, as provided in s. 903.21(3), have  
3283 been deducted from the remission ~~and when the delay has not~~  
3284 ~~thwarted the proper prosecution of the defendant.~~

3285 (3) If the defendant surrenders or is apprehended or  
3286 deceased within 180 days after forfeiture, the court, on motion  
3287 at a hearing upon notice having been given to the clerk of the  
3288 circuit court and the state attorney as required in subsection  
3289 (9) (8), shall direct remission of ~~up to, but not more than,~~ 95  
3290 percent of a forfeiture if the surety apprehended and  
3291 surrendered the defendant or if the apprehension or surrender of  
3292 the defendant was substantially procured or caused by the  
3293 surety; ~~or~~ the surety has substantially attempted to procure or  
3294 cause the apprehension or surrender of the defendant; or the  
3295 defendant is deceased, and the delay has not thwarted the proper  
3296 ~~prosecution of the defendant.~~ In addition, remission shall be  
3297 granted when the surety did not substantially participate or  
3298 attempt to participate in the apprehension or surrender of the  
3299 defendant when the costs of returning the defendant to the  
3300 jurisdiction of the court, as provided in s. 903.21(3), have  
3301 been deducted from the remission ~~and when the delay has not~~  
3302 ~~thwarted the proper prosecution of the defendant.~~

3303 (4) If the defendant surrenders or is apprehended or  
3304 deceased within 270 days after forfeiture, the court, on motion  
3305 at a hearing upon notice having been given to the clerk of the  
3306 circuit court and the state attorney as required in subsection

597-02914-23

20231158c1

3307 ~~(9) (8)~~, shall direct remission of ~~up to, but not more than~~, 90  
 3308 percent of a forfeiture if the surety apprehended and  
 3309 surrendered the defendant or if the apprehension or surrender of  
 3310 the defendant was substantially procured or caused by the  
 3311 surety; ~~or~~ the surety has substantially attempted to procure or  
 3312 cause the apprehension or surrender of the defendant; or the  
 3313 defendant is deceased, and the delay has not ~~thwarted the proper~~  
 3314 ~~prosecution of the defendant~~. In addition, remission shall be  
 3315 granted when the surety did not substantially participate or  
 3316 attempt to participate in the apprehension or surrender of the  
 3317 defendant when the costs of returning the defendant to the  
 3318 jurisdiction of the court, as provided in s. 903.21(3), have  
 3319 been deducted from the remission and when the delay has not  
 3320 ~~thwarted the proper prosecution of the defendant~~.

3321 (5) If the defendant surrenders or is apprehended or  
 3322 deceased within 1 year after forfeiture, the court, on motion at  
 3323 a hearing upon notice having been given to the clerk of the  
 3324 circuit court and the state attorney as required in subsection  
 3325 ~~(9) (8)~~, shall direct remission of ~~up to, but not more than~~, 85  
 3326 percent of a forfeiture if the surety apprehended and  
 3327 surrendered the defendant or if the apprehension or surrender of  
 3328 the defendant was substantially procured or caused by the  
 3329 surety; ~~or~~ the surety has substantially attempted to procure or  
 3330 cause the apprehension or surrender of the defendant; or the  
 3331 defendant is deceased, and the delay has not ~~thwarted the proper~~  
 3332 ~~prosecution of the defendant~~. In addition, remission shall be  
 3333 granted when the surety did not substantially participate or  
 3334 attempt to participate in the apprehension or surrender of the  
 3335 defendant when the costs of returning the defendant to the

Page 115 of 134

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

597-02914-23

20231158c1

3336 jurisdiction of the court, as provided in s. 903.21(3), have  
 3337 been deducted from the remission and when the delay has not  
 3338 ~~thwarted the proper prosecution of the defendant~~.

3339 (6) If the defendant surrenders or is apprehended or  
 3340 deceased within 2 years after forfeiture, the court, on motion  
 3341 at a hearing upon notice having been given to the clerk of the  
 3342 circuit court and the state attorney as required in subsection  
 3343 ~~(9) (8)~~, shall direct remission of ~~up to, but not more than~~, 50  
 3344 percent of a forfeiture if the surety apprehended and  
 3345 surrendered the defendant or if the apprehension or surrender of  
 3346 the defendant was substantially procured or caused by the  
 3347 surety; ~~or~~ the surety has substantially attempted to procure or  
 3348 cause the apprehension or surrender of the defendant; or the  
 3349 defendant is deceased, and the delay has not ~~thwarted the proper~~  
 3350 ~~prosecution of the defendant~~. In addition, remission shall be  
 3351 granted when the surety did not substantially participate or  
 3352 attempt to participate in the apprehension or surrender of the  
 3353 defendant when the costs of returning the defendant to the  
 3354 jurisdiction of the court, as provided in s. 903.21(3), have  
 3355 been deducted from the remission and when the delay has not  
 3356 ~~thwarted the proper prosecution of the defendant~~.

3357 (7) Within 2 years after the date of forfeiture, if the  
 3358 state is unwilling to seek extradition of the defendant from any  
 3359 jail or prison after a request by the surety agent or the surety  
 3360 company, and contingent upon the surety agent or surety company  
 3361 consenting to pay all costs incurred by an official in returning  
 3362 the defendant to the jurisdiction of the court, as provided in  
 3363 s. 903.21(3), up to the penal amount of the bond, the court  
 3364 shall direct remission of 100 percent of the forfeiture.

Page 116 of 134

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



597-02914-23

20231158c1

3365 (8) The remission of a forfeiture may not be ordered for  
3366 any reason other than as specified herein.

3367 ~~(9)~~ An application for remission must be accompanied by  
3368 affidavits setting forth the facts on which it is founded;  
3369 however, the surety must establish by further documentation or  
3370 other evidence any claimed attempt at procuring or causing the  
3371 apprehension or surrender of the defendant before the court may  
3372 order remission based upon an attempt to procure or cause such  
3373 apprehension or surrender. The clerk of the circuit court and  
3374 the state attorney must be given 20 days' notice before a  
3375 hearing on an application and be furnished copies of all papers,  
3376 applications, and affidavits. Remission shall be granted on the  
3377 condition of payment of costs as provided in s. 903.21(3),  
3378 unless the ground for remission is that there was no breach of  
3379 the bond.

3380 (10)~~(9)~~ The clerk of the circuit court may enter into a  
3381 contract with a private attorney or into an interagency  
3382 agreement with a governmental agency to represent the clerk of  
3383 the court in an action for the remission of a forfeiture under  
3384 this section.

3385 (11)~~(10)~~ The clerk of the circuit court is the real party  
3386 in interest for all appeals arising from an action for the  
3387 remission of a forfeiture under this section.

3388 Section 77. Paragraph (b) of subsection (6) of section  
3389 28.2221, Florida Statutes, is amended to read:

3390 28.2221 Electronic access to official records.—

3391 (6)

3392 (b)1. For the purpose of conducting a title search, as  
3393 defined in s. 627.7711(4), of the Official Records, as described

Page 117 of 134

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

597-02914-23

20231158c1

3394 in s. 28.222(2), and upon presentation of photo identification  
3395 and affirmation by sworn affidavit consistent with s. 92.50 to  
3396 the county recorder, information restricted from public display,  
3397 inspection, or copying under paragraph (5) (a) pursuant to a  
3398 request for removal made under s. 119.071(4) (d) may be disclosed  
3399 to:

3400 a. A title insurer authorized pursuant to s. 624.401 and  
3401 its affiliates as defined in s. 624.10;

3402 b. A title insurance agent or title insurance agency as  
3403 those terms are defined in s. 626.841 ~~s. 626.841(1) and (2)~~,  
3404 ~~respectively~~; or

3405 c. An attorney duly admitted to practice law in this state  
3406 and in good standing with The Florida Bar.

3407 2. The photo identification and affirmation by sworn  
3408 affidavit may be delivered in person, by mail, or by electronic  
3409 transmission to the county recorder.

3410 3. The affiant requestor must attest to his or her  
3411 authority and the authorized purpose to access exempt  
3412 information pursuant to this section for the property specified  
3413 within the sworn affidavit.

3414 4. The affiant requestor must identify the Official Records  
3415 book and page number, instrument number, or the clerk's file  
3416 number for each document requested within the sworn affidavit  
3417 and must include a description of the lawful purpose and  
3418 identify the individual or property that is the subject of the  
3419 search within the sworn affidavit.

3420 5. Affidavits submitted by a title insurer, title insurance  
3421 agent, or title insurance agency must include the Florida  
3422 Company Code or the license number, as applicable, and an

Page 118 of 134

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

597-02914-23 20231158c1

3423 attestation to the affiant requestor's authorization to transact  
 3424 business in this state. Affidavits submitted by an attorney  
 3425 authorized under this section must include the affiant  
 3426 requestor's Florida Bar number and a statement that the affiant  
 3427 requestor has an agency agreement with a title insurer directly  
 3428 or through his or her law firm.

3429 6. The county recorder must record such affidavit in the  
 3430 Official Records, as described in s. 28.222(2), but may not  
 3431 place the image or copy of the affidavit on a publicly available  
 3432 Internet website for general public display.

3433 7. Upon providing a document disclosing redacted  
 3434 information to an affiant requestor under this section, the  
 3435 county recorder must provide a copy of the affidavit requesting  
 3436 disclosure of the redacted information to each affected party at  
 3437 the address listed on the document or on the request for removal  
 3438 made by the affected party under s. 119.071. The county recorder  
 3439 must prepare a certificate of mailing to be affixed to the  
 3440 affidavit and must receive the statutory service charges as  
 3441 prescribed by s. 28.24 from the affiant requestor.

3442 8. Any party making a false attestation under this section  
 3443 is subject to the penalty of perjury under s. 837.012.

3444 Section 78. Paragraph (d) of subsection (4) of section  
 3445 119.071, Florida Statutes, is amended to read:

3446 119.071 General exemptions from inspection or copying of  
 3447 public records.—

3448 (4) AGENCY PERSONNEL INFORMATION.—

3449 (d)1. For purposes of this paragraph, the term:

3450 a. "Home addresses" means the dwelling location at which an  
 3451 individual resides and includes the physical address, mailing

597-02914-23 20231158c1

3452 address, street address, parcel identification number, plot  
 3453 identification number, legal property description, neighborhood  
 3454 name and lot number, GPS coordinates, and any other descriptive  
 3455 property information that may reveal the home address.

3456 b. "Telephone numbers" includes home telephone numbers,  
 3457 personal cellular telephone numbers, personal pager telephone  
 3458 numbers, and telephone numbers associated with personal  
 3459 communications devices.

3460 2.a. The home addresses, telephone numbers, dates of birth,  
 3461 and photographs of active or former sworn law enforcement  
 3462 personnel or of active or former civilian personnel employed by  
 3463 a law enforcement agency, including correctional and  
 3464 correctional probation officers, personnel of the Department of  
 3465 Children and Families whose duties include the investigation of  
 3466 abuse, neglect, exploitation, fraud, theft, or other criminal  
 3467 activities, personnel of the Department of Health whose duties  
 3468 are to support the investigation of child abuse or neglect, and  
 3469 personnel of the Department of Revenue or local governments  
 3470 whose responsibilities include revenue collection and  
 3471 enforcement or child support enforcement; the names, home  
 3472 addresses, telephone numbers, photographs, dates of birth, and  
 3473 places of employment of the spouses and children of such  
 3474 personnel; and the names and locations of schools and day care  
 3475 facilities attended by the children of such personnel are exempt  
 3476 from s. 119.07(1) and s. 24(a), Art. I of the State  
 3477 Constitution.

3478 b. The home addresses, telephone numbers, dates of birth,  
 3479 and photographs of current or former nonsworn investigative  
 3480 personnel of the Department of Financial Services whose duties

597-02914-23 20231158c1

3481 include the investigation of fraud, theft, workers' compensation  
 3482 coverage requirements and compliance, other related criminal  
 3483 activities, or state regulatory requirement violations; the  
 3484 names, home addresses, telephone numbers, dates of birth, and  
 3485 places of employment of the spouses and children of such  
 3486 personnel; and the names and locations of schools and day care  
 3487 facilities attended by the children of such personnel are exempt  
 3488 from s. 119.07(1) and s. 24(a), Art. I of the State  
 3489 Constitution.

3490 c. The home addresses, telephone numbers, dates of birth,  
 3491 and photographs of current or former nonsworn investigative  
 3492 personnel of the Office of Financial Regulation's Bureau of  
 3493 Financial Investigations whose duties include the investigation  
 3494 of fraud, theft, other related criminal activities, or state  
 3495 regulatory requirement violations; the names, home addresses,  
 3496 telephone numbers, dates of birth, and places of employment of  
 3497 the spouses and children of such personnel; and the names and  
 3498 locations of schools and day care facilities attended by the  
 3499 children of such personnel are exempt from s. 119.07(1) and s.  
 3500 24(a), Art. I of the State Constitution.

3501 d. The home addresses, telephone numbers, dates of birth,  
 3502 and photographs of current or former firefighters certified in  
 3503 compliance with s. 633.408; the names, home addresses, telephone  
 3504 numbers, photographs, dates of birth, and places of employment  
 3505 of the spouses and children of such firefighters; and the names  
 3506 and locations of schools and day care facilities attended by the  
 3507 children of such firefighters are exempt from s. 119.07(1) and  
 3508 s. 24(a), Art. I of the State Constitution.

3509 e. The home addresses, dates of birth, and telephone

Page 121 of 134

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

597-02914-23 20231158c1

3510 numbers of current or former justices of the Supreme Court,  
 3511 district court of appeal judges, circuit court judges, and  
 3512 county court judges; the names, home addresses, telephone  
 3513 numbers, dates of birth, and places of employment of the spouses  
 3514 and children of current or former justices and judges; and the  
 3515 names and locations of schools and day care facilities attended  
 3516 by the children of current or former justices and judges are  
 3517 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
 3518 Constitution.

3519 f. The home addresses, telephone numbers, dates of birth,  
 3520 and photographs of current or former state attorneys, assistant  
 3521 state attorneys, statewide prosecutors, or assistant statewide  
 3522 prosecutors; the names, home addresses, telephone numbers,  
 3523 photographs, dates of birth, and places of employment of the  
 3524 spouses and children of current or former state attorneys,  
 3525 assistant state attorneys, statewide prosecutors, or assistant  
 3526 statewide prosecutors; and the names and locations of schools  
 3527 and day care facilities attended by the children of current or  
 3528 former state attorneys, assistant state attorneys, statewide  
 3529 prosecutors, or assistant statewide prosecutors are exempt from  
 3530 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

3531 g. The home addresses, dates of birth, and telephone  
 3532 numbers of general magistrates, special magistrates, judges of  
 3533 compensation claims, administrative law judges of the Division  
 3534 of Administrative Hearings, and child support enforcement  
 3535 hearing officers; the names, home addresses, telephone numbers,  
 3536 dates of birth, and places of employment of the spouses and  
 3537 children of general magistrates, special magistrates, judges of  
 3538 compensation claims, administrative law judges of the Division

Page 122 of 134

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

597-02914-23

20231158c1

3539 of Administrative Hearings, and child support enforcement  
 3540 hearing officers; and the names and locations of schools and day  
 3541 care facilities attended by the children of general magistrates,  
 3542 special magistrates, judges of compensation claims,  
 3543 administrative law judges of the Division of Administrative  
 3544 Hearings, and child support enforcement hearing officers are  
 3545 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
 3546 Constitution.

3547 h. The home addresses, telephone numbers, dates of birth,  
 3548 and photographs of current or former human resource, labor  
 3549 relations, or employee relations directors, assistant directors,  
 3550 managers, or assistant managers of any local government agency  
 3551 or water management district whose duties include hiring and  
 3552 firing employees, labor contract negotiation, administration, or  
 3553 other personnel-related duties; the names, home addresses,  
 3554 telephone numbers, dates of birth, and places of employment of  
 3555 the spouses and children of such personnel; and the names and  
 3556 locations of schools and day care facilities attended by the  
 3557 children of such personnel are exempt from s. 119.07(1) and s.  
 3558 24(a), Art. I of the State Constitution.

3559 i. The home addresses, telephone numbers, dates of birth,  
 3560 and photographs of current or former code enforcement officers;  
 3561 the names, home addresses, telephone numbers, dates of birth,  
 3562 and places of employment of the spouses and children of such  
 3563 personnel; and the names and locations of schools and day care  
 3564 facilities attended by the children of such personnel are exempt  
 3565 from s. 119.07(1) and s. 24(a), Art. I of the State  
 3566 Constitution.

3567 j. The home addresses, telephone numbers, places of

Page 123 of 134

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

597-02914-23

20231158c1

3568 employment, dates of birth, and photographs of current or former  
 3569 guardians ad litem, as defined in s. 39.820; the names, home  
 3570 addresses, telephone numbers, dates of birth, and places of  
 3571 employment of the spouses and children of such persons; and the  
 3572 names and locations of schools and day care facilities attended  
 3573 by the children of such persons are exempt from s. 119.07(1) and  
 3574 s. 24(a), Art. I of the State Constitution.

3575 k. The home addresses, telephone numbers, dates of birth,  
 3576 and photographs of current or former juvenile probation  
 3577 officers, juvenile probation supervisors, detention  
 3578 superintendents, assistant detention superintendents, juvenile  
 3579 justice detention officers I and II, juvenile justice detention  
 3580 officer supervisors, juvenile justice residential officers,  
 3581 juvenile justice residential officer supervisors I and II,  
 3582 juvenile justice counselors, juvenile justice counselor  
 3583 supervisors, human services counselor administrators, senior  
 3584 human services counselor administrators, rehabilitation  
 3585 therapists, and social services counselors of the Department of  
 3586 Juvenile Justice; the names, home addresses, telephone numbers,  
 3587 dates of birth, and places of employment of spouses and children  
 3588 of such personnel; and the names and locations of schools and  
 3589 day care facilities attended by the children of such personnel  
 3590 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
 3591 Constitution.

3592 l. The home addresses, telephone numbers, dates of birth,  
 3593 and photographs of current or former public defenders, assistant  
 3594 public defenders, criminal conflict and civil regional counsel,  
 3595 and assistant criminal conflict and civil regional counsel; the  
 3596 names, home addresses, telephone numbers, dates of birth, and

Page 124 of 134

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

597-02914-23 20231158c1

3597 places of employment of the spouses and children of current or  
 3598 former public defenders, assistant public defenders, criminal  
 3599 conflict and civil regional counsel, and assistant criminal  
 3600 conflict and civil regional counsel; and the names and locations  
 3601 of schools and day care facilities attended by the children of  
 3602 current or former public defenders, assistant public defenders,  
 3603 criminal conflict and civil regional counsel, and assistant  
 3604 criminal conflict and civil regional counsel are exempt from s.  
 3605 119.07(1) and s. 24(a), Art. I of the State Constitution.

3606 m. The home addresses, telephone numbers, dates of birth,  
 3607 and photographs of current or former investigators or inspectors  
 3608 of the Department of Business and Professional Regulation; the  
 3609 names, home addresses, telephone numbers, dates of birth, and  
 3610 places of employment of the spouses and children of such current  
 3611 or former investigators and inspectors; and the names and  
 3612 locations of schools and day care facilities attended by the  
 3613 children of such current or former investigators and inspectors  
 3614 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
 3615 Constitution.

3616 n. The home addresses, telephone numbers, and dates of  
 3617 birth of county tax collectors; the names, home addresses,  
 3618 telephone numbers, dates of birth, and places of employment of  
 3619 the spouses and children of such tax collectors; and the names  
 3620 and locations of schools and day care facilities attended by the  
 3621 children of such tax collectors are exempt from s. 119.07(1) and  
 3622 s. 24(a), Art. I of the State Constitution.

3623 o. The home addresses, telephone numbers, dates of birth,  
 3624 and photographs of current or former personnel of the Department  
 3625 of Health whose duties include, or result in, the determination

Page 125 of 134

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

597-02914-23 20231158c1

3626 or adjudication of eligibility for social security disability  
 3627 benefits, the investigation or prosecution of complaints filed  
 3628 against health care practitioners, or the inspection of health  
 3629 care practitioners or health care facilities licensed by the  
 3630 Department of Health; the names, home addresses, telephone  
 3631 numbers, dates of birth, and places of employment of the spouses  
 3632 and children of such personnel; and the names and locations of  
 3633 schools and day care facilities attended by the children of such  
 3634 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of  
 3635 the State Constitution.

3636 p. The home addresses, telephone numbers, dates of birth,  
 3637 and photographs of current or former impaired practitioner  
 3638 consultants who are retained by an agency or current or former  
 3639 employees of an impaired practitioner consultant whose duties  
 3640 result in a determination of a person's skill and safety to  
 3641 practice a licensed profession; the names, home addresses,  
 3642 telephone numbers, dates of birth, and places of employment of  
 3643 the spouses and children of such consultants or their employees;  
 3644 and the names and locations of schools and day care facilities  
 3645 attended by the children of such consultants or employees are  
 3646 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
 3647 Constitution.

3648 q. The home addresses, telephone numbers, dates of birth,  
 3649 and photographs of current or former emergency medical  
 3650 technicians or paramedics certified under chapter 401; the  
 3651 names, home addresses, telephone numbers, dates of birth, and  
 3652 places of employment of the spouses and children of such  
 3653 emergency medical technicians or paramedics; and the names and  
 3654 locations of schools and day care facilities attended by the

Page 126 of 134

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

597-02914-23 20231158c1

3655 children of such emergency medical technicians or paramedics are  
 3656 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
 3657 Constitution.

3658 r. The home addresses, telephone numbers, dates of birth,  
 3659 and photographs of current or former personnel employed in an  
 3660 agency's office of inspector general or internal audit  
 3661 department whose duties include auditing or investigating waste,  
 3662 fraud, abuse, theft, exploitation, or other activities that  
 3663 could lead to criminal prosecution or administrative discipline;  
 3664 the names, home addresses, telephone numbers, dates of birth,  
 3665 and places of employment of spouses and children of such  
 3666 personnel; and the names and locations of schools and day care  
 3667 facilities attended by the children of such personnel are exempt  
 3668 from s. 119.07(1) and s. 24(a), Art. I of the State  
 3669 Constitution.

3670 s. The home addresses, telephone numbers, dates of birth,  
 3671 and photographs of current or former directors, managers,  
 3672 supervisors, nurses, and clinical employees of an addiction  
 3673 treatment facility; the home addresses, telephone numbers,  
 3674 photographs, dates of birth, and places of employment of the  
 3675 spouses and children of such personnel; and the names and  
 3676 locations of schools and day care facilities attended by the  
 3677 children of such personnel are exempt from s. 119.07(1) and s.  
 3678 24(a), Art. I of the State Constitution. For purposes of this  
 3679 sub-subparagraph, the term "addiction treatment facility" means  
 3680 a county government, or agency thereof, that is licensed  
 3681 pursuant to s. 397.401 and provides substance abuse prevention,  
 3682 intervention, or clinical treatment, including any licensed  
 3683 service component described in s. 397.311(26).

Page 127 of 134

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

597-02914-23 20231158c1

3684 t. The home addresses, telephone numbers, dates of birth,  
 3685 and photographs of current or former directors, managers,  
 3686 supervisors, and clinical employees of a child advocacy center  
 3687 that meets the standards of s. 39.3035(2) and fulfills the  
 3688 screening requirement of s. 39.3035(3), and the members of a  
 3689 Child Protection Team as described in s. 39.303 whose duties  
 3690 include supporting the investigation of child abuse or sexual  
 3691 abuse, child abandonment, child neglect, and child exploitation  
 3692 or to provide services as part of a multidisciplinary case  
 3693 review team; the names, home addresses, telephone numbers,  
 3694 photographs, dates of birth, and places of employment of the  
 3695 spouses and children of such personnel and members; and the  
 3696 names and locations of schools and day care facilities attended  
 3697 by the children of such personnel and members are exempt from s.  
 3698 119.07(1) and s. 24(a), Art. I of the State Constitution.

3699 u. The home addresses, telephone numbers, places of  
 3700 employment, dates of birth, and photographs of current or former  
 3701 staff and domestic violence advocates, as defined in s.  
 3702 90.5036(1)(b), of domestic violence centers certified by the  
 3703 Department of Children and Families under chapter 39; the names,  
 3704 home addresses, telephone numbers, places of employment, dates  
 3705 of birth, and photographs of the spouses and children of such  
 3706 personnel; and the names and locations of schools and day care  
 3707 facilities attended by the children of such personnel are exempt  
 3708 from s. 119.07(1) and s. 24(a), Art. I of the State  
 3709 Constitution.

3710 3. An agency that is the custodian of the information  
 3711 specified in subparagraph 2. and that is not the employer of the  
 3712 officer, employee, justice, judge, or other person specified in

Page 128 of 134

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

597-02914-23

20231158c1

3713 subparagraph 2. must maintain the exempt status of that  
 3714 information only if the officer, employee, justice, judge, other  
 3715 person, or employing agency of the designated employee submits a  
 3716 written and notarized request for maintenance of the exemption  
 3717 to the custodial agency. The request must state under oath the  
 3718 statutory basis for the individual's exemption request and  
 3719 confirm the individual's status as a party eligible for exempt  
 3720 status.

3721 4.a. A county property appraiser, as defined in s.  
 3722 192.001(3), or a county tax collector, as defined in s.  
 3723 192.001(4), who receives a written and notarized request for  
 3724 maintenance of the exemption pursuant to subparagraph 3. must  
 3725 comply by removing the name of the individual with exempt status  
 3726 and the instrument number or Official Records book and page  
 3727 number identifying the property with the exempt status from all  
 3728 publicly available records maintained by the property appraiser  
 3729 or tax collector. For written requests received on or before  
 3730 July 1, 2021, a county property appraiser or county tax  
 3731 collector must comply with this sub-subparagraph by October 1,  
 3732 2021. A county property appraiser or county tax collector may  
 3733 not remove the street address, legal description, or other  
 3734 information identifying real property within the agency's  
 3735 records so long as a name or personal information otherwise  
 3736 exempt from inspection and copying pursuant to this section are  
 3737 not associated with the property or otherwise displayed in the  
 3738 public records of the agency.

3739 b. Any information restricted from public display,  
 3740 inspection, or copying under sub-subparagraph a. must be  
 3741 provided to the individual whose information was removed.

Page 129 of 134

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

597-02914-23

20231158c1

3742 5. An officer, an employee, a justice, a judge, or other  
 3743 person specified in subparagraph 2. may submit a written request  
 3744 for the release of his or her exempt information to the  
 3745 custodial agency. The written request must be notarized and must  
 3746 specify the information to be released and the party authorized  
 3747 to receive the information. Upon receipt of the written request,  
 3748 the custodial agency must release the specified information to  
 3749 the party authorized to receive such information.

3750 6. The exemptions in this paragraph apply to information  
 3751 held by an agency before, on, or after the effective date of the  
 3752 exemption.

3753 7. Information made exempt under this paragraph may be  
 3754 disclosed pursuant to s. 28.2221 to a title insurer authorized  
 3755 pursuant to s. 624.401 and its affiliates as defined in s.  
 3756 624.10; a title insurance agent or title insurance agency as  
 3757 those terms are defined in s. 626.841 s. 626.841(1) or (2),  
 3758 ~~respectively;~~ or an attorney duly admitted to practice law in  
 3759 this state and in good standing with The Florida Bar.

3760 8. The exempt status of a home address contained in the  
 3761 Official Records is maintained only during the period when a  
 3762 protected party resides at the dwelling location. Upon  
 3763 conveyance of real property after October 1, 2021, and when such  
 3764 real property no longer constitutes a protected party's home  
 3765 address as defined in sub-subparagraph 1.a., the protected party  
 3766 must submit a written request to release the removed information  
 3767 to the county recorder. The written request to release the  
 3768 removed information must be notarized, must confirm that a  
 3769 protected party's request for release is pursuant to a  
 3770 conveyance of his or her dwelling location, and must specify the

Page 130 of 134

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

597-02914-23 20231158c1

3771 Official Records book and page, instrument number, or clerk's  
3772 file number for each document containing the information to be  
3773 released.

3774 9. Upon the death of a protected party as verified by a  
3775 certified copy of a death certificate or court order, any party  
3776 can request the county recorder to release a protected  
3777 decedent's removed information unless there is a related request  
3778 on file with the county recorder for continued removal of the  
3779 decedent's information or unless such removal is otherwise  
3780 prohibited by statute or by court order. The written request to  
3781 release the removed information upon the death of a protected  
3782 party must attach the certified copy of a death certificate or  
3783 court order and must be notarized, must confirm the request for  
3784 release is due to the death of a protected party, and must  
3785 specify the Official Records book and page number, instrument  
3786 number, or clerk's file number for each document containing the  
3787 information to be released. A fee may not be charged for the  
3788 release of any document pursuant to such request.

3789 10. This paragraph is subject to the Open Government Sunset  
3790 Review Act in accordance with s. 119.15 and shall stand repealed  
3791 on October 2, 2024, unless reviewed and saved from repeal  
3792 through reenactment by the Legislature.

3793 Section 79. Subsection (4) of section 631.152, Florida  
3794 Statutes, is amended to read:

3795 631.152 Conduct of delinquency proceeding; foreign  
3796 insurers.—

3797 (4) Section 631.141(10)(b) ~~631.141(9)(b)~~ applies to  
3798 ancillary delinquency proceedings opened for the purpose of  
3799 obtaining records necessary to adjudicate the covered claims of

Page 131 of 134

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

597-02914-23 20231158c1

3800 Florida policyholders.

3801 Section 80. Paragraph (b) of subsection (3) of section  
3802 631.398, Florida Statutes, is amended to read:

3803 631.398 Prevention of insolvencies.—To aid in the detection  
3804 and prevention of insurer insolvencies or impairments:

3805 (3)

3806 (b) For an insolvency involving a domestic property  
3807 insurer, the department shall:

3808 1. Begin an analysis of the history and causes of the  
3809 insolvency once the department is appointed by the court as  
3810 receiver.

3811 2. Submit an initial report analyzing the history and  
3812 causes of the insolvency to the Governor, the President of the  
3813 Senate, the Speaker of the House of Representatives, and the  
3814 office. The initial report must be submitted no later than 4  
3815 months after the department is appointed as receiver. The  
3816 initial report shall be updated at least annually until the  
3817 submission of the final report. The report may not be used as  
3818 evidence in any proceeding brought by the department or others  
3819 to recover assets on behalf of the receivership estate as part  
3820 of its duties under s. 631.141(9) ~~s. 631.141(8)~~. The submission  
3821 of a report under this subparagraph shall not be considered a  
3822 waiver of any evidentiary privilege the department may assert  
3823 under state or federal law.

3824 3. Provide a special report to the Governor, the President  
3825 of the Senate, the Speaker of the House of Representatives, and  
3826 the office, within 10 days upon identifying any condition or  
3827 practice that may lead to insolvency in the property insurance  
3828 marketplace.

Page 132 of 134

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



597-02914-23

20231158c1

3829 4. Submit a final report analyzing the history and causes  
3830 of the insolvency and the review of the Office of Insurance  
3831 Regulation's regulatory oversight of the insurer to the  
3832 Governor, the President of the Senate, the Speaker of the House  
3833 of Representatives, and the office within 30 days of the  
3834 conclusion of the insolvency proceeding.

3835 5. Review the Office of Insurance Regulation's regulatory  
3836 oversight of the insurer.

3837 Section 81. Subsection (2) of section 903.09, Florida  
3838 Statutes, is amended to read:

3839 903.09 Justification of sureties.—

3840 (2) A bond agent, as defined in s. 648.25 ~~s. 648.25(2)~~,  
3841 shall justify her or his suretyship by attaching a copy of the  
3842 power of attorney issued by the company to the bond or by  
3843 attaching to the bond United States currency, a United States  
3844 postal money order, or a cashier's check in the amount of the  
3845 bond; but the United States currency, United States postal money  
3846 order, or cashier's check cannot be used to secure more than one  
3847 bond. Nothing herein shall prohibit two or more qualified  
3848 sureties from each posting any portion of a bond amount, and  
3849 being liable for only that amount, so long as the total posted  
3850 by all cosureties is equal to the amount of bond required.

3851 Section 82. (1) The following rule is ratified for the sole  
3852 and exclusive purpose of satisfying any condition on the  
3853 effectiveness imposed under s. 120.541(3), Florida Statutes:  
3854 Rule 69L-7.020, Florida Administrative Code, titled "Florida  
3855 Workers' Compensation Health Care Provider Reimbursement Manual"  
3856 as filed for adoption with the Department of State pursuant to  
3857 the certification package dated October 22, 2021.

Page 133 of 134

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

597-02914-23

20231158c1

3858 (2) This section serves no other purpose and may not be  
3859 codified in the Florida Statutes. After this section becomes  
3860 law, its enactment and effective dates shall be noted in the  
3861 Florida Administrative Code, the Florida Administrative  
3862 Register, or both, as appropriate. This section does not alter  
3863 rulemaking additions delegated by prior law, does not constitute  
3864 legislative preemption of or exception to any provision of law  
3865 governing adoption or enforcement of the rule cited, and is  
3866 intended to preserve the status of any cited rule as a rule  
3867 under chapter 120, Florida Statutes. This section does not cure  
3868 any rulemaking defect or preempt any challenge based on a lack  
3869 of authority or a violation of the legal requirements governing  
3870 the adoption of any rule cited.

3871 (3) This section takes effect July 1, 2023.

3872 Section 83. Except as otherwise expressly provided in this  
3873 act, this act shall take effect upon becoming a law.

Page 134 of 134

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



The Florida Senate

## Committee Agenda Request

**To:** Senator Jason Brodeur, Chair  
Committee on Appropriations Committee on Agriculture, Environment, and  
General Government

**Subject:** Committee Agenda Request

**Date:** March 22, 2023

---

I respectfully request that **Senate Bill #1158**, relating to Department of Financial Services be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in blue ink that reads "Nick DiCeglie".

---

Senator Nick DiCeglie  
Florida Senate, District 18

4-12-23

The Florida Senate  
**APPEARANCE RECORD**

SB 1158

Meeting Date

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

Bill Number or Topic

Gen. Gov't Committee

Committee

Amendment Barcode (if applicable)

Name

Reggie Garcia

Phone

933-7150

Address

P.O. Box 11069

Email

reggiegarcia Law  
@icloud.com

Street

Tallahassee Fla 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:

Florida Justice Association

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. [2020-2022 Joint Rules.pdf](#) (flsenate.gov)

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

The Florida Senate

# APPEARANCE RECORD

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

4/12/23

Meeting Date

SO 1158

Bill Number or Topic

As Approves Sub

Committee

~~As Approves Sub~~

Amendment Barcode (if applicable)

Name

Daniel Olson

Phone

Address

300 S. Duval St.

Email

Street

Tallahassee

City

FL

State

32303

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:

Asurion

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. [2020-2022 Joint Rules.pdf](#) [flsenate.gov](#)

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

The Florida Senate

# APPEARANCE RECORD

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

4/12

Meeting Date

1158

Bill Number or Topic

AEGG

Committee

Amendment Barcode (if applicable)

Name AUSTIN STOWERS

Phone 850 413 5939

Address 200 E GAINES  
Street

Email austin.stowers@myfloridaleg.com

TALLAHASSEE  
City

FL  
State

32399  
Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Department of Financial Services

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, 2020-2022 Joint Rules. [df.flsenate.gov](http://df.flsenate.gov)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

4/12/23

Meeting Date

1158

Bill Number or Topic

A, Approps

Committee

Amendment Barcode (if applicable)

Name Stephen Cain

Phone 305-458-8544

Address 218 S. Monroe

Street

Email scain@stAbLaw.com

Tallahassee

City

FL

State

32301

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.

**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 Appropriations Committee on Agriculture, Environment, and General Government

---

BILL: CS/SB 1164

INTRODUCER: Appropriations Committee on Agriculture, Environment, and General Government: and Senator Collins

SUBJECT: Department of Agriculture and Consumer Services

DATE: April 14, 2023

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Burse</u>	<u>Becker</u>	<u>AG</u>	<b>Favorable</b>
2.	<u>Blizzard</u>	<u>Betta</u>	<u>AEG</u>	<b>Favorable</b>
3.	_____	_____	<u>FP</u>	_____

---

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

---

**I. Summary:**

CS/SB 1164 addresses various issues related to agriculture and certain powers and duties of the Department of Agriculture and Consumer Services (department). The bill:

- Creates specific tax exemptions and a Farm Tax Exempt Agricultural Materials (TEAM) card for use by the farmer to claim sales tax exemptions.
- Requires state agencies, universities, and colleges to give preference to food commodities grown or produced in the state in certain purchasing agreements.
- Amends definitions, including but not limited to “milk,” “dairy farm,” “frozen dessert,” “milk transport tank,” and “pasteurization.”
- Permits the department to collect samples for testing from all facilities engaged in the production, processing, holding, or transfer of milk and milk products.
- Removes the prohibition of a person to test for milkfat content. It also removes the prohibition for a person to re-pasteurize milk.
- Decreases the timeline for when the department shall provide written notice and renewal forms for apiary registrations from 60 to 30 days.
- Grants the department the authority to regulate the development of aquaculture.
- Eliminates certain rules related to the aquaculture certificate of registration.
- Increases the estimated value threshold for the appraisal of specified conservation easement acquisitions.
- Revises the composition of the Aquaculture Review Council.

- Revises the composition of the Viticulture Advisory Council.
- Eliminates certain agricultural advisory councils.
- Authorizes a non-law enforcement employee of the department, for all lawful purposes within the department's authority, to use drones.

The bill will have an insignificant impact on state revenues and expenditures related to the Department of Agriculture and Consumer Services. The bill appropriates \$143,104 to the Department of Revenue for modifications to the System for Unified Tax (SUNTAX). See Section V. Fiscal Impact Statement.

The bill is effective July 1, 2023.

## II. Present Situation:

### Farm Tax Exempt Agricultural Materials

Florida law allows for certain farm or irrigation equipment that is used exclusively on a farm or in a forest in the agricultural production of crops or products produced by those agricultural industries included in s. 570.02(1), F.S., or for fire prevention and suppression work with respect to such crops or products to be exempt from sales tax.<sup>1</sup> In order to be tax exempt the purchaser, renter, or lessee signs a certificate stating that the farm equipment is to be used exclusively as required by law.<sup>2</sup> The purchaser must submit the exemption certificate to the Department of Revenue.<sup>3</sup>

### Georgia Agriculture Tax Exemption (GATE)

The Georgia Agriculture Tax Exemption (GATE) is a program created through legislation, which offers qualified agriculture producers a sales tax exemption on agricultural equipment and production inputs. Qualified farmers and agricultural producers can apply to receive a certificate showing that they are eligible for this exemption.<sup>4</sup> Wallet-sized plastic cards are issued to cardholders and listed additional users. Cards are mailed annually to all active accounts in order to signify the current year of eligibility.<sup>5</sup>

As of the 2019 production year, cards will be issued for a three-year term. This will be implemented through a three-year phase-in process. All applications will be processed electronically and will be charged a fee based on the expiration date of the card. A full three-year exemption will cost \$150.<sup>6</sup>

---

<sup>1</sup> Section 212.08(3)(a), F.S.

<sup>2</sup> Section 212.08(3)(c), F.S.

<sup>3</sup> Section 212.08, F.S.

<sup>4</sup> See <https://forms.agr.georgia.gov/gate/> (Last visited March 7, 2023).

<sup>5</sup> See <https://forms.agr.georgia.gov/GATE/downloads/2023-Program-Changes.pdf> (Last visited March 7, 2023).

<sup>6</sup> *Id.*



## Florida Commodity Preference

The primary mission of the Department of Management Services (DMS) is to support agencies and current and former state employees with workforce and business-related functions.<sup>7</sup> DMS is divided into two major services areas: Business Operations and Workforce Operations. The business operations area includes the Division of State Purchasing, which develops and oversees the procedures under which agencies purchase commodities and services.

Under current law, commodities manufactured, grown, or produced within the state must be given preference whenever there are two or more sealed competitive bids that are otherwise equal with respect to price, quality, and service. A commodity includes any of the various supplies, materials, goods, merchandise, food, equipment, information technology, and other personal property purchased, leased, or otherwise contracted for by the state and its agencies.<sup>8</sup>

## Florida Farm to You Program

In 2020, Florida Farm to You was created by the department as a tool to connect buyers directly to farmers and producers of Florida-grown commodities. Buyers ranged from individuals seeking locally grown products, to food banks searching for fresh produce in their own communities to serve families in need during the COVID-19 pandemic.<sup>9</sup>

Soon after the launch, the Florida Farm to You site was improved by adding an interactive, searchable map, along with functionality to help agriculture producers find transportation for their crops from field to market. Gradually, the short-term solution to a need during a pandemic has transformed into a permanent, user-friendly resource to help bring buyers and producers together.<sup>10</sup>

## Division of Food Safety

The Division of Food Safety (division) is directly responsible for assuring the public of a safe, wholesome and properly represented food supply. This is accomplished through the permitting and inspection of food establishments, inspection and evaluation of food products, and the performance of specialized laboratory testing on a variety of food products sold and/or produced in Florida.<sup>11</sup>

The division proactively monitors food from manufacturing and distribution to retail. The division administers and enforces the food, poultry and egg laws, supports the enforcement of other food safety laws, and investigates consumer complaints related to food.<sup>12</sup>

---

<sup>7</sup> See [https://www.dms.myflorida.com/about\\_us](https://www.dms.myflorida.com/about_us)

<sup>8</sup> “Commodity” also includes interest on deferred-payment commodity contracts approved pursuant to s. 287.063, F.S., entered into by an agency for the purchase of other commodities. However, commodities purchased for resale are excluded from this definition. Printing of publications must be considered a commodity if procured pursuant to s. 283.33, F.S., whether purchased for resale or not. Section 287.012(5), F.S.

<sup>9</sup> See [https://floridafarm.wpengine.com/?page\\_id=8](https://floridafarm.wpengine.com/?page_id=8) (Last visited March 7, 2023).

<sup>10</sup> *Id.*

<sup>11</sup> See <https://www.fdacs.gov/Divisions-Offices/Food-Safety> (Last visited March 7, 2023).

<sup>12</sup> *Id.*

## Dairy Industry Inspections

The department is charged with the regulation of all dairy facilities and related operations in the state. The department provides oversight of all Grade “A” dairy farms, Grade “A” processing plants, single service facilities, tanker washes, bulk milk haulers, manufactured milk processing plants, dairy distribution facilities and wholesale frozen dessert and/or ice cream mix facilities.<sup>13</sup>

The Grade “A” dairy program is a cooperative program with the U.S. Food and Drug Administration (FDA). The department and the FDA work together to ensure the safety of all dairy products produced in Florida. To ensure the program is being administered in accordance with FDA and the National Conference on Interstate Milk Shipments, FDA Regional Milk Specialists conduct routine inspections and program evaluations to evaluate the effective implementation of the Pasteurized Milk Ordinance, as adopted in Florida Administrative Code.<sup>14</sup>

## Dairy Industry Technical Council

The Dairy Industry Technical Council is created within the department and shall be composed of seven members, including:

- Two citizens of the state, one of whom shall be associated with the Agricultural Extension Service of the University of Florida, and the other with the College of Agricultural and Life Sciences of the University of Florida.
- An employee of the Department of Health.
- Two dairy farmers who are actively engaged in the production of milk in this state, and who earn a major portion of their income from the production of milk.
- Two distributors of milk. “Distributor” means a milk dealer who operates a milk gathering station or processing plant where milk is collected and bottled, or otherwise processed and prepared for sale.<sup>15</sup>

As an advisory committee of the department, s. 570.232, F.S., outlines the meeting and recordkeeping requirements, powers and duties, and procedures of the Dairy Industry Technical Council.<sup>16</sup>

## State Agricultural Advisory Council

The State Agricultural Advisory Council was created within the department, and is composed of 33 members, with an alternate for each member to be appointed by the Commissioner of Agriculture (commissioner).<sup>17</sup> There is one at-large member and one alternate representing the views of the general public toward agriculture and its activities, and one member and alternate, qualified to represent 32 agricultural or trade interests.<sup>18</sup> As an advisory committee of the

---

<sup>13</sup> See <https://www.fdacs.gov/Business-Services/Food/Dairy-Industry-Inspections> (Last visited March 7, 2023).

<sup>14</sup> *Id.*

<sup>15</sup> Section 502.301, F.S.

<sup>16</sup> Section 502.301, F.S.

<sup>17</sup> Section 570.23, F.S.

<sup>18</sup> *Id.*

department, s. 570.232, F.S., outlines the meeting and recordkeeping requirements, powers and duties, and procedures of the State Agricultural Advisory Council.<sup>19</sup>

### **Conservation Easements**

A conservation easement is a voluntary, legally binding agreement between a landowner and a government or nongovernment conservation organization that keeps land in agricultural or open space uses. A conservation easement is customized to meet the landowner's objectives and, in most cases, is perpetual. Under a conservation easement, a landowner sells his or her right to develop all or part of their land for non-agricultural or non-open space uses.

The Rural and Family Lands Protection Program (RFLPP) is a land preservation program within the department that was created to protect agricultural lands through the acquisition of permanent agricultural land conservation easements.<sup>20</sup> Through the RFLPP, the department, on behalf of the Board of Trustees of the Internal Improvement Trust Fund, is authorized to allocate money to acquire perpetual, less-than-fee interests in land, enter into agricultural protection agreements, and enter into resource conservation agreements.

The department must follow certain appraisal procedures prior to purchasing a less-than-fee simple title to property under the RFLPP. Each parcel to be acquired must have at least one appraisal.<sup>21</sup> Two appraisals are required when the estimated value of the parcel exceeds \$1 million.

### **Florida Young Farmer and Rancher Advisory Council**

The Florida Young Farmer and Rancher Advisory Council was created within the department and is composed of 12 members appointed by the commissioner.<sup>22</sup> The council may submit to the commissioner, annually, findings and recommendations for mitigating challenges facing aspiring farmers and ranchers in the early stages of their careers. The council may examine issues that include, but are not limited to, access to land, availability of credit and capital, and access to business skills training.<sup>23</sup>

### **Industrial Hemp Advisory Council**

The Industrial Hemp Advisory Council was established to provide advice and expertise to the department with respect to plans, policies, and procedures applicable to the administration of the state hemp program.<sup>24</sup> The council is composed of 15 members including two members appointed by the Governor, two members appointed by the President of the Senate, two members appointed by the Speaker of the House of Representatives, and others.<sup>25</sup>

---

<sup>19</sup> *Id.*

<sup>20</sup> <https://www.fdacs.gov/Consumer-Resources/Protect-Our-Environment/Rural-and-Family-Lands-Protection-Program>

<sup>21</sup> Section 570.715(1)(b), F.S.

<sup>22</sup> Section 570.843, F.S.

<sup>23</sup> *Id.*

<sup>24</sup> Section 581.217(14), F.S.

<sup>25</sup> *Id.*

## **Animal Industry Technical Council**

The Animal Industry Technical Council is created within the department and is composed of 14 members representing various areas in the animal industry, including beef cattle, swine, dairy, horses, and meat processing and packing establishments.<sup>26</sup> As an advisory committee of the department, s. 570.232, F.S., outlines the meetings and recordkeeping requirements, powers and duties, and procedures of the Animal Industry Technical Council.<sup>27</sup>

## **Fertilizer**

When domestic wastewater is treated, a solid byproduct accumulates, which is called biosolids or is more commonly known as “sewage sludge.” This byproduct is high in organic content and contains moderate amounts of nutrients that are needed by plants. These characteristics make biosolids valuable as a soil conditioner and fertilizer.<sup>28</sup>

Properly treated biosolids may be used as a fertilizer supplement or soil amendment, subject to regulatory requirements that have been established to protect public health and the environment. These requirements include pollutant limits, treatment to destroy harmful microorganisms, and management practices for land application sites. Biosolids may be used by application to land in farming and ranching operations, forest lands, and public areas such as parks, or in land reclamation projects such as restoration of mining properties. The highest quality of biosolids, known in Florida as “Class AA,” are distributed and marketed like other commercial fertilizers.<sup>29,30</sup>

Lawn and garden fertilizers are typically manufactured with three primary nutrients: nitrogen (N), phosphorus (P), and potassium (K), all of which are required for plant growth. However, if applied in excess or at the wrong time, such as before a rainstorm, they may be transported to ground or surface waters. These nutrients can cause problems when they reach waterways by causing increased growth of harmful algae which can smother corals or block sunlight needed for coral growth.<sup>31</sup>

## **Aquaculture Review Council**

The Aquaculture Review Council (ARC) was created to provide a means of communication between the aquaculture industry and the department. The council consists of eight members including the aquaculture representative on the State Agriculture Advisory Council, and seven additional members appointed by the commissioner.<sup>32</sup>

---

<sup>26</sup> Section 585.008, F.S.

<sup>27</sup> *Id.*

<sup>28</sup> See <https://floridadep.gov/water/domestic-wastewater/content/domestic-wastewater-biosolids> (Last visited March 7, 2023).

<sup>29</sup> See <https://floridadep.gov/water/domestic-wastewater/content/domestic-wastewater-biosolids> (Last visited March 7, 2023).

<sup>30</sup> See [Chapter 62-640, F.A.C.](#)

<sup>31</sup> See [https://floridadep.gov/sites/default/files/LBSP\\_24\\_Fertilizer.pdf](https://floridadep.gov/sites/default/files/LBSP_24_Fertilizer.pdf) (Last visited March 7, 2023).

<sup>32</sup> See <https://www.fdacs.gov/About-Us/Advisory-Councils-and-Committees/Aquaculture-Review-Council> (Last visited March 7, 2023).

The ARC meets at least quarterly. It is the responsibility of the ARC to recommend rules and policies governing the aquaculture industry to the commissioner. The ARC annually submits a list of recommendations for short-term research projects designed to address research priorities identified in the state aquaculture plan. It reviews and discusses problems that act as barriers to the growth and development of aquaculture and has been key in the continued growth of the aquaculture industry in Florida.<sup>33</sup>

### **Viticulture Advisory Council**

The commissioner, in consultation with the Viticulture Advisory Council, develops and coordinates the implementation of the State Viticulture Plan, which identifies problems and constraints of the viticulture industry, proposes possible solutions to those problems, and develops planning mechanisms for the orderly growth of the industry, including but not limited to:

- Criteria for viticultural research, service, and management priorities;
- The potential for viticulture products in terms of market and needs for development;
- Evaluation of wine policy alternatives, including, but not limited to, continued improvement in wine quality, blending considerations, promotion and advertising, labeling and vineyard designations, and development of production and marketing strategies;
- Research and service priorities for further development of the viticulture industry; and
- Business planning, investment potential, financial risks, and economics of production and utilization.<sup>34</sup>

### **Aquaculture**

The Florida Aquaculture Policy Act established that aquaculture is agriculture, and consolidated state regulatory responsibilities under the department. Florida's aquaculture industry produces the greatest variety of aquatic species of any state in the nation. Moreover, aquaculture is Florida's most diverse agribusiness. The state's subtropical climate, extensive marine and freshwater resources, cargo shipping infrastructure, and extensive coastline have made the state's aquaculture industry uniquely diverse. There are approximately 1,000 certified aquaculture farms located in every region of the state, which produce an estimated 1,500 varieties of fish, aquatic plants, mollusks, crustaceans, turtles, amphibians, and alligators for ornamental, food and bait markets, as well as for sporting, conservation, and educational purposes.<sup>35,36</sup>

### **Drones**

Section 934.50, F.S., provides the guidelines for law enforcement and non-law enforcement use of drones.<sup>37</sup> Currently an employee of the Fish and Wildlife Conservation Commission or of the

---

<sup>33</sup> *Id.*

<sup>34</sup> Section 599.003, F.S.

<sup>35</sup> See <https://www.fdacs.gov/content/download/91723/file/FDACS-P-02145-2020FLAquacultureIndustryOverview.pdf> (last visited March 7, 2023).

<sup>36</sup> Ch. 597, F.S.

<sup>37</sup> Section 934.50, F.S.

Florida Forest Service may use drones for the purposes of managing and eradicating invasive exotic plants or animals on public lands and suppressing and mitigating wildfire threats.<sup>38</sup>

### III. Effect of Proposed Changes:

**Section 1** creates s. 212.0802, F.S., to create specific tax exemptions and a farm Tax Exempt Agricultural Materials (TEAM) card for use by a farmer to claim the applicable sales tax exemptions. The Department of Agriculture and Consumer Services (department) shall adopt these rules by January 1, 2024.

**Section 2** grants the Department of Revenue (DOR) the authority to adopt emergency rules for the purpose of implementing the TEAM card.

**Section 3** amends s. 213.053, F.S., to grant the DOR to make information available to the department for the purpose of administering or issuing the TEAM card.

**Section 4** creates s. 287.0823, F.S., to require state agencies, universities, and colleges to give preference to food commodities grown or produced in the state in certain purchasing agreements and provides conditions for such a preference.

**Section 5** amends s. 500.03, F.S., to revise the definition of “bottled water,” removing the reference to the Code of Federal Regulations. It removes the definitions of “convenience store,” “food outlet,” “food service establishment,” and “retail food store.”

**Section 6** amends s. 500.032, F.S., to revise the charge of the department to include the storage of food.

**Section 7** amends s. 500.12, F.S., to remove retail food stores from statute as the “retail food stores” definition has been deleted. It also establishes expiration periods for new or existing food permits.

**Section 8** amends s. 500.121, F.S., to remove retail food stores from statute as the “retail food stores” definition has been deleted.

**Section 9** amends s. 500.147, F.S., to conform to the revision of the definition of “bottled water,” removing the reference to the Code of Federal Regulations and replacing it with department rule.

**Section 10** amends s. 500.172, F.S., to add “misabeled” to list of potential violations in chapter.

**Section 11** amends s. 502.012, F.S., to define “bulk milk hauler/sampler” to mean a person who collects official samples and transports raw milk. It also revises the definitions of “bulk milk pickup tanker,” “dairy farm,” “frozen dessert,” “frozen desserts plant,” “milk plant,” “milk transport tank,” “raw milk,” “reconstituted milk or milk products” or “recombined milk or milk products,” “retail,” “ultra-pasteurization,” and “wholesale.” The following definitions are removed from statute: “frozen desserts manufacturer,” “frozen desserts retail establishment,” and

---

<sup>38</sup> *Id.*

“frozen dietary dairy dessert” “quiescently frozen confection,” “quiescently frozen dairy confection.”

**Section 12** amends s. 502.013, F.S., to delete the purpose of the section regulating the shelf life of milk and milk products in the state.

**Section 13** amends s. 502.014, F.S., to permit the department to collect samples for testing from all facilities engaged in the production, processing, holding, or transfer of milk and milk products.

**Section 14** amends s. 502.042, F.S., to delete provisions related to shelf-life studies.

**Section 15** amends s. 502.053, F.S., to revise the requirement of which facilities must apply to the department for a permit to operate. It deletes certain reporting requirements for frozen dessert plant permit holders. It also amends exemptions to milk hauler permit requirements.

**Section 16** amends s. 502.181, F.S., to remove the prohibition for a person to test for milkfat content. It also removes the prohibition for a person to re-pasteurize milk.

**Section 17** amends s. 502.231, F.S., to revise requirements for the imposition of an administrative fine.

**Section 18** eliminates the Dairy Industry Technical Council.

**Section 19** creates s. 570.161, F.S., to require each licensee to notify the department of the licensee’s email address and provides conditions for violations and notices.

**Section 20** eliminates the State Agricultural Advisory Council.

**Section 21** amends s. 570.71, F.S., to create a requirement that the department submit a purchase agreement for conservation easements, for approval, if the purchase price exceeds \$5 million.

**Section 22** amends s. 570.715, F.S., to increase the estimated value threshold that requires two appraisals to be conducted for a conservation easement acquisition from \$1 million to \$5 million.

**Section 23** eliminates the Florida Young Farmer and Rancher Advisory Council.

**Section 24** amends s. 570.93, F.S., which is a technical amendment with the additional requirement of s. 403.067(7)(c), F.S.

**Section 25** amends s. 576.011, F.S., to define “controlled release fertilizers” and “fertilizer material.” It also revises definitions for “grade” and “slow release fertilizer.”

**Section 26** eliminates the Industrial Hemp Advisory Council.

**Section 27** eliminates the Animal Industry Technical Council.

**Section 28** amends s. 586.045, F.S., to decrease the timeframe of when the department shall provide written notice and renewal forms from 60 to 30 days.

**Section 29** amends s. 595.404, F.S., to add the authority to adopt and implement an exemption waiver process by rule, as required by federal regulations, for sponsors under the programs implemented pursuant to this chapter, notwithstanding s. 120.542, F.S., to the powers and duties of the department.

**Section 30** amends s. 597.003, F.S., to grant the department with the authority to regulate the development of aquaculture, and require the department, upon appropriation by the legislature, to submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives, the list of proposed research projects identified in the state aquaculture plan.

**Section 31** amends s. 597.004, F.S., to eliminate certain rules related to the aquaculture certificate of registration. It provides the licensing authorities for shellfish processing facilities, facilities operated by various agencies, and facilities culturing crocodilians of the order of *Crocodylia*. It also provides that aquaculture products may be sold without restriction as long as product origin is identified, with the exception of shellfish and prohibited and restricted nonnative species identified in the Aquaculture Best Management Practices manual.

**Section 32** amends s. 597.005, F.S., to revise the composition of the Aquaculture Review Council. It also requires the council to submit to the commissioner, upon appropriation of funds to the legislature, a prioritized list of proposed research projects.

**Section 33** amends s. 599.002, F.S., to revise the composition of the Viticulture Advisory Council.

**Section 34** amends s. 934.50, F.S., to authorize a non-law enforcement employee of the Department of Agriculture and Consumer Services, for all lawful purposes within the department's authority, the use of drones.

**Section 35** amends s. 259.105, F.S., to conform provisions of this section to changes made in the bill.

**Section 36** reenacts s. 373.016, F.S., to conform provisions of this section to changes made in the bill.

**Section 37** reenacts s. 373.223, F.S., to conform provisions of this section to changes made in the bill.

**Section 38** reenacts s. 373.701, F.S., to conform provisions of this section to changes made in the bill.

**Section 39** provides an appropriation of \$143,104, in nonrecurring funds, for the 2023-2024 fiscal year from the Operating Trust Fund to the Department of Revenue, for the purpose of modifying the System for Unified Taxation to implement the Florida farm TEAM card, as created by this act.



**Section 40** provides that this act shall take effect July 1, 2023.

**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:

Requiring state agencies, universities, and colleges to give preference to Florida grown food commodities will positively impact local farms and communities.

C. Government Sector Impact:

The bill may have an indeterminate, but insignificant impact on the Department of Agriculture and Consumer Services (department) related to the printing and dissemination of the TEAM card. These expenditures will be handled within existing resources.

The Department of Revenue (DOR) will require additional resources for modifications to the System for Unified Tax (SUNTAX) related to the TEAM card. The bill appropriates \$143,104 in nonrecurring funds from the Operating Trust Fund to the DOR for Fiscal Year 2023-2024.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill amends the following sections of the Florida Statutes: 212.08, 213.053, 259.105, 500.03, 500.032, 500.12, 500.121, 500.147, 500.172, 502.012, 502.013, 502.014, 502.042, 502.053, 502.181, 502.231, 570.71, 570.715, 570.93, 576.011, 586.045, 595.404, 597.003, 597.004, 597.005, 599.002, and 934.50.

This bill creates the following sections of the Florida Statutes: 212.0802, 287.0823, and 570.161.

This bill repeals the following sections of the Florida Statutes: 502.301, 570.23, 570.843, 581.217, and 585.008.

The bill re-enacts the following sections of the Florida Statutes: 373.016, 373.223, and 373.701.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Appropriations Committee on Agriculture, Environment, and General Government on April 12, 2023:**

The committee substitute:

- Specifies that, for items purchased tax exempt, proof of acceptance by a selling dealer of a Florida farm TEAM card from a purchaser relieves that selling dealer of the responsibility of collecting the sales tax on such items.
- Permits the Department of Agriculture and Consumer Services (department) to adopt, by rule, a form that must be submitted to the department and the deadlines for submission.
- Authorizes the department to charge a prorated permit fee for a food permit issued before September 1, 2023.
- Permits the department to give preference, for the competitive solicitation for the purchase of food commodities, to a responsive and responsible vendor who agrees to fulfill the contract through use of food commodities grown or produced in this state.
- Requires the department to submit a purchase agreement for a conservation easement to the Board of Trustees of the Internal Improvement Trust Fund for approval, if the purchase price exceeds \$5 million.
- Increases the estimated value threshold that requires two appraisals to be conducted for a conservation easement acquisition from \$1 million to \$5 million.
- Appropriates funds to the Department of Revenue for modifications to the System for Unified Taxation in order to implement the Florida farm TEAM card.

**B. Amendments:**

None.

---

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

---



169752

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/13/2023	.	
	.	
	.	
	.	

---

The Appropriations Committee on Agriculture, Environment, and General Government (Collins) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 121 - 345

and insert:

Section 1. Subsection (19) is added to section 212.08, Florida Statutes, to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the



169752

10 rental, the use, the consumption, the distribution, and the  
11 storage to be used or consumed in this state of the following  
12 are hereby specifically exempt from the tax imposed by this  
13 chapter.

14 (19) FLORIDA FARM TEAM CARD.—

15 (a) Notwithstanding any other law, a farmer whose property  
16 has been classified as agricultural pursuant to s. 193.461 or  
17 who has implemented agricultural best management practices  
18 adopted by the Department of Agriculture and Consumer Services  
19 pursuant to s. 403.067(7)(c)2. may apply to the department for a  
20 Florida farm tax exempt agricultural materials (TEAM) card to  
21 claim the applicable sales tax exemptions provided in this  
22 section. A farmer may present the Florida farm TEAM card to a  
23 selling dealer in lieu of a certificate or affidavit otherwise  
24 required by this chapter.

25 (b) The Florida farm TEAM card is subject to the review and  
26 expiration provisions of s. 212.084. The department shall adopt  
27 rules to administer this subsection. The Department of  
28 Agriculture and Consumer Services may take all actions necessary  
29 for the administration, issuance, and distribution of the  
30 Florida farm TEAM cards to farmers registered with the  
31 department.

32 (c) For items purchased tax exempt pursuant to this  
33 subsection, proof of acceptance by a selling dealer of a Florida  
34 farm TEAM card from a purchaser relieves the selling dealer of  
35 the responsibility of collecting the tax on the sale of such  
36 items, and the department shall look solely to the purchaser for  
37 recovery of the tax if it determines that the purchaser was not  
38 entitled to the exemption.



169752

39           (d) The Department of Revenue shall accept Florida farm  
40 TEAM card applications beginning on January 1, 2024.

41           Section 2. (1) The Department of Revenue may, and all  
42 conditions are deemed met to, adopt emergency rules pursuant to  
43 s. 120.54(4), Florida Statutes, for the purpose of implementing  
44 s. 212.08(19), Florida Statutes.

45           (2) Notwithstanding any other law, emergency rules adopted  
46 pursuant to this section are effective for 6 months after  
47 adoption and may be renewed during the pendency of procedures to  
48 adopt permanent rules addressing the subject of the emergency  
49 rules.

50           Section 3. Subsection (24) is added to section 213.053,  
51 Florida Statutes, to read:

52           213.053 Confidentiality and information sharing.—

53           (24) The department may make available to the Department of  
54 Agriculture and Consumer Services, exclusively for official  
55 purposes, information for the purposes of administering or  
56 issuing the Florida farm TEAM card pursuant to s. 212.08(19).

57           Section 4. Section 287.0823, Florida Statutes, is created  
58 to read:

59           287.0823 Preference to commodities grown or produced in  
60 Florida.—

61           (1) By 2025 or upon expiration of any existing food service  
62 contract, whichever is earlier, all food commodities purchased  
63 by an agency, a state university, a Florida College System  
64 institution, or any contracted food service provider thereof  
65 must be grown or produced in this state when available,  
66 practical, and feasible.

67           (2) Notwithstanding any other provision of this section,



169752

68 and to the extent authorized by federal law, such state  
69 agencies, state universities, Florida College System  
70 institutions, and contracted food service providers thereof  
71 shall give preference to food commodities grown or produced in  
72 this state when purchasing food commodities, including farm  
73 products as defined in s. 823.14, of any class, variety, or use  
74 thereof in their natural state or as processed by a farm  
75 operation or processor for the purpose of marketing such  
76 product.

77 (3) A purchasing agreement, state term contract, or  
78 contract for the purchase of food commodities required to be  
79 awarded to the lowest responsive and responsible vendor may give  
80 preference over other vendors to an otherwise qualified vendor  
81 who agrees to fulfill the contract through the use of food  
82 commodities grown or produced in this state over other vendors,  
83 provided that the price included in the bid, proposal, or reply  
84 for the food commodities grown or produced in this state is not  
85 more than 10 percent greater than the price included in a bid,  
86 proposal, or reply for food commodities grown or produced  
87 outside of this state.

88 (4) By November 1, 2023, and each November 1 thereafter,  
89 the department shall prepare and submit a report to the Governor  
90 and Cabinet, the President of the Senate, and the Speaker of the  
91 House of Representatives which describes the amount of food  
92 commodities grown or produced in this state which were purchased  
93 according to the requirements of this section. Any agency, state  
94 university, Florida College System institution, or contracted  
95 food service provider thereof that purchases food commodities  
96 shall cooperate with the department to provide the information



169752

97 required to prepare this report. The report must contain, at a  
98 minimum, all of the following information:

99 (a) The total expenditures on, and the quantity purchased  
100 of, food commodities by each agency, state university, and  
101 Florida College System institution.

102 (b) The total expenditures on, and the quantity purchased  
103 of, food commodities grown or produced in this state by each  
104 agency, state university, and Florida College System  
105 institution.

106 (c) The total expenditures of each agency, state  
107 university, and Florida College System institution on food  
108 commodities grown or produced outside of this state.

109 (d) A statement and an assessment of the good faith efforts  
110 of, and any failures by, each state agency, state university, or  
111 Florida College System institution, or any contracted food  
112 service provider thereof, to comply with this section.

113 Section 5. Paragraphs (d), (i), (p), (q), (r), and (bb) of  
114 subsection (1) and subsection (3) of section 500.03, Florida  
115 Statutes, are amended to read:

116 500.03 Definitions; construction; applicability.—

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

118 (d) "Bottled water" means water intended for human  
119 consumption and sealed in a bottle or other container with no  
120 added ingredients, except that it may contain safe and suitable  
121 antimicrobial agents a beverage, as described in 21 C.F.R. part  
122 ~~165 (2006), that is processed in compliance with 21 C.F.R. part~~  
123 ~~129 (2006).~~

124 ~~(i) "Convenience store" means a business that is engaged~~  
125 ~~primarily in the retail sale of groceries or motor fuels or~~





169752

126 ~~special fuels and may offer food services to the public.~~  
127 ~~Businesses providing motor fuel or special fuel to the public~~  
128 ~~which also offer groceries or food service are included in the~~  
129 ~~definition of a convenience store.~~

130       ~~(o)~~ ~~(p)~~ "Food establishment" means a factory, food outlet,  
131 or other facility manufacturing, processing, packing, holding,  
132 storing, or preparing food or selling food at wholesale or  
133 retail. The term does not include a business or activity ~~that is~~  
134 regulated under s. 413.051, s. 500.80, chapter 509, or chapter  
135 601. The term includes tomato packinghouses and repackers but  
136 does not include any other establishments that pack fruits and  
137 vegetables in their raw or natural states, including those  
138 fruits or vegetables that are washed, colored, or otherwise  
139 treated in their unpeeled, natural form before they are  
140 marketed.

141       ~~(q)~~ ~~"Food outlet"~~ means ~~any grocery store; convenience~~  
142 ~~store; minor food outlet; meat, poultry, or fish and related~~  
143 ~~aquatic food market; fruit or vegetable market; food warehouse;~~  
144 ~~refrigerated storage facility; freezer locker; salvage food~~  
145 ~~facility; or any other similar place storing or offering food~~  
146 ~~for sale.~~

147       ~~(r)~~ ~~"Food service establishment"~~ means ~~any place where food~~  
148 ~~is prepared and intended for individual portion service, and~~  
149 ~~includes the site at which individual portions are provided. The~~  
150 ~~term includes any such place regardless of whether consumption~~  
151 ~~is on or off the premises and regardless of whether there is a~~  
152 ~~charge for the food. The term includes delicatessens that offer~~  
153 ~~prepared food in individual service portions. The term does not~~  
154 ~~include schools, institutions, fraternal organizations, private~~



169752

155 ~~homes where food is prepared or served for individual family~~  
156 ~~consumption, retail food stores, the location of food vending~~  
157 ~~machines, cottage food operations, and supply vehicles, nor does~~  
158 ~~the term include a research and development test kitchen limited~~  
159 ~~to the use of employees and which is not open to the general~~  
160 ~~public.~~

161 ~~(bb) "Retail food store" means any establishment or section~~  
162 ~~of an establishment where food and food products are offered to~~  
163 ~~the consumer and intended for off-premises consumption. The term~~  
164 ~~includes delicatessens that offer prepared food in bulk~~  
165 ~~quantities only. The term does not include establishments which~~  
166 ~~handle only prepackaged, nonpotentially hazardous foods;~~  
167 ~~roadside markets that offer only fresh fruits and fresh~~  
168 ~~vegetables for sale; food service establishments; or food and~~  
169 ~~beverage vending machines.~~

170 (3) For the purpose of this chapter, the selling of food  
171 includes the manufacture, production, processing, packing,  
172 exposure, offer, possession, and holding of any article of food  
173 for sale; the sale, dispensing, and giving of any article of  
174 food; and the supplying to or applying of food in the conduct of  
175 any food establishment.

176 Section 6. Subsection (1) of section 500.032, Florida  
177 Statutes, is amended to read:

178 500.032 Declaration of policy and cooperation among  
179 departments.-

180 (1) The department shall administer and enforce ~~is charged~~  
181 ~~with the administration and enforcement of~~ this chapter in order  
182 to prevent fraud, harm, adulteration, misbranding, or false  
183 advertising in the preparation, manufacture, storage, or sale of



169752

184 articles of food. The department shall ~~It is further charged to~~  
185 enforce the provisions of this chapter relating to the  
186 production, manufacture, transportation, storage, and sale of  
187 food, as well as articles entering into, and intended for use as  
188 ingredients in the preparation of, food.

189 Section 7. Paragraphs (a), (b), and (e) of subsection (1),  
190 subsection (2), paragraph (a) of subsection (5), and subsection  
191 (8) of section 500.12, Florida Statutes, are amended to read:

192 500.12 Food permits; building permits.—

193 (1) (a) A food permit from the department is required of any  
194 person who operates a food establishment ~~or retail food store,~~  
195 except:

196 1. Persons operating minor food outlets that sell food that  
197 is commercially prepackaged, not potentially hazardous, and not  
198 time or temperature controlled for safety, if the shelf space  
199 for those items does not exceed 12 total linear feet and no  
200 other food is sold by the minor food outlet.

201 2. Persons subject to continuous, onsite federal or state  
202 inspection.

203 3. Persons selling only legumes in the shell, either  
204 parched, roasted, or boiled.

205 4. Persons selling sugar cane or sorghum syrup that has  
206 been boiled and bottled on a premise located within this ~~the~~  
207 state. Such bottles must contain a label listing the producer's  
208 name and street address, all added ingredients, the net weight  
209 or volume of the product, and a statement that reads, "This  
210 product has not been produced in a facility permitted by the  
211 Florida Department of Agriculture and Consumer Services."

212 (b) Each food establishment ~~and retail food store~~ regulated



169752

213 under this chapter must apply for and receive a food permit  
214 before operation begins. An application for a food permit from  
215 the department must be accompanied by a fee in an amount  
216 determined by department rule. The department shall adopt by  
217 rule a schedule of fees to be paid by each food establishment  
218 ~~and retail food store~~ as a condition of issuance or renewal of a  
219 food permit. Such fees may not exceed \$650 and must ~~shall~~ be  
220 used solely for the recovery of costs for the services provided,  
221 except that the fee accompanying an application for a food  
222 permit for operating a bottled water plant may not exceed \$1,000  
223 and the fee accompanying an application for a food permit for  
224 operating a packaged ice plant may not exceed \$250. The fee for  
225 operating a bottled water plant or a packaged ice plant must  
226 ~~shall~~ be set by rule of the department. Food permits are not  
227 transferable from one person or physical location to another.  
228 Food permits must be renewed in accordance with subparagraphs  
229 1., 2., and 3. annually on or before January 1. If an  
230 application for renewal of a food permit is not received by the  
231 department on or before ~~within 30 days after~~ its due date, a  
232 late fee not exceeding \$100 must be paid in addition to the food  
233 permit fee before the department may issue the food permit. The  
234 moneys collected must ~~shall~~ be deposited in the General  
235 Inspection Trust Fund.

236 1. A food permit issued to a new food establishment on or  
237 after September 1, 2023, is valid for 1 calendar year after the  
238 date of issuance and must be renewed annually on or before that  
239 date thereafter.

240 2. Effective January 1, 2024, a food permit issued before  
241 September 1, 2023, expires on the month and day the initial



169752

242 permit was issued to the food establishment and must be renewed  
243 annually on or before that date thereafter. The department may  
244 charge a prorated permit fee for purposes of this subparagraph.

245

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

247 And the title is amended as follows:

248 Delete lines 3 - 40

249 and insert:

250 Consumer Services; amending s. 212.08, F.S.;

251 authorizing farmers whose property meets certain

252 requirements to apply to the Department of Revenue for

253 a Florida farm tax exempt agricultural materials

254 (TEAM) card; providing the purpose of the Florida farm

255 TEAM card; providing that the Florida farm TEAM card

256 is subject to certain review and expiration

257 provisions; requiring the Department of Revenue to

258 adopt rules; authorizing the Department of Agriculture

259 and Consumer Services to take certain administrative

260 actions regarding the Florida farm TEAM card;

261 requiring the Department of Revenue to accept Florida

262 farm TEAM card applications beginning on a specified

263 date; authorizing the Department of Revenue to adopt

264 emergency rules; providing for the expiration of such

265 authority; amending s. 213.053, F.S.; authorizing the

266 Department of Revenue to make certain information

267 available to the Department of Agriculture and

268 Consumer Services for the purpose of administering the

269 Florida farm TEAM card; creating s. 287.0823, F.S.;

270 requiring by a specified date all food commodities



169752

271 purchased by certain state entities to be grown or  
272 produced in this state under certain circumstances;  
273 requiring such state entities to give preference to  
274 certain food commodities; authorizing certain  
275 agreements or state contracts to give preference to  
276 certain vendors; requiring the Department of  
277 Management Services to provide an annual report to the  
278 Governor, the Cabinet, and the Legislature by a  
279 specified date; providing requirements for the report;  
280 amending s. 500.03, F.S.; revising and deleting terms;  
281 revising construction regarding the selling of food;  
282 amending s. 500.032, F.S.; requiring the Department of  
283 Agriculture and Consumer Services to administer and  
284 enforce certain provisions relating to the storage of  
285 food; amending s. 500.12, F.S.; revising the types of  
286 entities required to obtain food permits from the  
287 department; conforming provisions to changes made by  
288 the act; requiring food permits to be annually renewed  
289 in accordance with certain provisions ; authorizing  
290 the department to charge a prorated permit fee for  
291 specified purposes; requiring late



937820

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/13/2023	.	
	.	
	.	
	.	

---

The Appropriations Committee on Agriculture, Environment, and General Government (Collins) recommended the following:

1           **Senate Amendment to Amendment (169752) (with title**  
2 **amendment)**

3  
4           Delete lines 77 - 97  
5 and insert:

6           (3) A competitive solicitation for the purchase of food  
7 commodities may give preference over other vendors to a  
8 responsive and responsible vendor who agrees to fulfill the  
9 contract through the use of food commodities grown or produced  
10 in this state, provided that such preference does not exceed 10



11 percent of the total score allocated to price or does not result  
12 in a price increase greater than 10 percent.

13 (4) By November 1, 2024, and each November 1 biennially  
14 thereafter, the department shall prepare and submit a report to  
15 the Governor, the Cabinet, the President of the Senate, and the  
16 Speaker of the House of Representatives which describes the  
17 amount of food commodities grown or produced in this state which  
18 were purchased according to the requirements of this section. In  
19 order to compile such report, the department shall adopt by rule  
20 a form to be submitted to the department by each state agency,  
21 state university, Florida College System institution, or  
22 contracted food service provider thereof which purchases food  
23 commodities. Such state entities shall submit the form to the  
24 department by August 1, 2024, and each August 1 biennially  
25 thereafter. The report must contain, at a

26  
27 ===== T I T L E A M E N D M E N T =====

28 And the title is amended as follows:

29 Delete lines 275 - 279

30 and insert:

31 competitive solicitations to give preference to  
32 certain vendors under certain circumstances; requiring  
33 the Department of Management Services to provide a  
34 biennial report to the Governor, the Cabinet, and the  
35 Legislature by a specified date; requiring the  
36 department to adopt by rule a specified form;  
37 requiring certain state entities to submit the form to  
38 the department biennially by a specified date;  
39 providing requirements for the report;





591224

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/13/2023	.	
	.	
	.	
	.	

---

The Appropriations Committee on Agriculture, Environment, and General Government (Collins) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 748 and 749  
insert:

Section 21. Present subsections (10) through (13) of section 570.71, Florida Statutes, are redesignated as subsections (11) through (14), respectively, and a new subsection (10) is added to that section, to read:

570.71 Conservation easements and agreements.—

(10) Notwithstanding any other law or rule, the department



591224

11 shall submit a purchase agreement authorized by this section to  
12 the Board of Trustees of the Internal Improvement Trust Fund for  
13 approval if the purchase price exceeds \$5 million.

14 Section 22. Paragraph (b) of subsection (1) of section  
15 570.715, Florida Statutes, is amended to read:

16 570.715 Conservation easement acquisition procedures.—

17 (1) For less than fee simple acquisitions pursuant to s.  
18 570.71, the Department of Agriculture and Consumer Services  
19 shall comply with the following acquisition procedures:

20 (b) Before approval by the board of trustees of an  
21 agreement to purchase less than fee simple title to land  
22 pursuant to s. 570.71, an appraisal of the parcel shall be  
23 required as follows:

24 1. Each parcel to be acquired shall have at least one  
25 appraisal. Two appraisals are required when the estimated value  
26 of the parcel exceeds \$5 ~~\$1~~ million. However, when both  
27 appraisals exceed \$5 ~~\$1~~ million and differ significantly, a  
28 third appraisal may be obtained.

29 2. Appraisal fees and associated costs shall be paid by the  
30 department. All appraisals used for the acquisition of less than  
31 fee simple interest in lands pursuant to this section shall be  
32 prepared by a state-certified appraiser who meets the standards  
33 and criteria established by rule of the board of trustees. Each  
34 appraiser selected to appraise a particular parcel shall, before  
35 contracting with the department or a participant in a multiparty  
36 agreement, submit to the department or participant an affidavit  
37 substantiating that he or she has no vested or fiduciary  
38 interest in such parcel.

39 Section 23. Paragraph (i) of subsection (3) of section



591224

40 259.105, Florida Statutes, is amended to read:

41 259.105 The Florida Forever Act.—

42 (3) Less the costs of issuing and the costs of funding  
43 reserve accounts and other costs associated with bonds, the  
44 proceeds of cash payments or bonds issued pursuant to this  
45 section shall be deposited into the Florida Forever Trust Fund  
46 created by s. 259.1051. The proceeds shall be distributed by the  
47 Department of Environmental Protection in the following manner:

48 (i) Three and five-tenths percent to the Department of  
49 Agriculture and Consumer Services for the acquisition of  
50 agricultural lands, through perpetual conservation easements and  
51 other perpetual less than fee techniques, which will achieve the  
52 objectives of Florida Forever and s. 570.71. Rules concerning  
53 the application, acquisition, and priority ranking process for  
54 such easements shall be developed pursuant to s. 570.71(11) ~~s.~~  
55 ~~570.71(10)~~ and as provided by this paragraph. The board shall  
56 ensure that such rules are consistent with the acquisition  
57 process provided for in s. 570.715. The rules developed pursuant  
58 to s. 570.71(11) ~~s. 570.71(10)~~, shall also provide for the  
59 following:

60 1. An annual priority list shall be developed pursuant to  
61 s. 570.71(11) ~~s. 570.71(10)~~, submitted to the council for  
62 review, and approved by the board pursuant to s. 259.04.

63 2. Terms of easements and acquisitions proposed pursuant to  
64 this paragraph shall be approved by the board and may not be  
65 delegated by the board to any other entity receiving funds under  
66 this section.

67 3. All acquisitions pursuant to this paragraph shall  
68 contain a clear statement that they are subject to legislative



591224

69 appropriation.

70

71 Funds provided under this paragraph may not be expended until  
72 final adoption of rules by the board pursuant to s. 570.71.

73

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

75 And the title is amended as follows:

76 Delete lines 76 - 79

77 and insert:

78 circumstances; repealing s. 570.23, F.S., relating to  
79 the State Agricultural Advisory Council; amending s.  
80 570.71, F.S.; requiring the department to submit  
81 specified conservation easement purchase agreements to  
82 the Board of Trustees of the Internal Improvement  
83 Trust Fund for approval; amending s. 570.715, F.S.;  
84 increasing the estimated value threshold for the  
85 appraisal of specified conservation easement  
86 acquisitions; repealing s. 570.843, F.S., relating to  
87 the Florida Young Farmer and Rancher Advisory Council;  
88 amending s. 259.105, F.S.; conforming cross-  
89 references; amending s. 570.93, F.S.;



759608

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/13/2023	.	
	.	
	.	
	.	

---

The Appropriations Committee on Agriculture, Environment, and General Government (Collins) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 1166 and 1167

insert:

Section 36. For the 2023-2024 fiscal year, the sum of \$143,104 in nonrecurring funds is appropriated from the Operating Trust Fund to the Department of Revenue for the purpose of modifying the System for Unified Taxation to implement the Florida farm TEAM card, as created by this act.



759608

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

12 And the title is amended as follows:

13       Delete line 117

14 and insert:

15       thereto; providing an appropriation; providing an  
16       effective date.

By Senator Collins

14-01283-23

20231164\_\_

1 A bill to be entitled  
 2 An act relating to the Department of Agriculture and  
 3 Consumer Services; creating s. 212.0802, F.S.;  
 4 authorizing farmers whose property meets certain  
 5 requirements to apply to the Department of Revenue for  
 6 a Florida farm tax exempt agricultural materials  
 7 (TEAM) card; providing the purpose of the Florida farm  
 8 TEAM card; providing that the Florida farm TEAM card  
 9 is subject to certain review and expiration  
 10 provisions; requiring the department to adopt rules;  
 11 authorizing the Department of Agriculture and Consumer  
 12 Services to take certain administrative actions  
 13 regarding the Florida farm TEAM card; authorizing the  
 14 Department of Revenue to adopt emergency rules;  
 15 providing for the expiration of such authority;  
 16 amending s. 213.053, F.S.; authorizing the Department  
 17 of Revenue to make certain information available to  
 18 the Department of Agriculture and Consumer Services  
 19 for the purpose of administering the Florida farm TEAM  
 20 card; creating s. 287.0823, F.S.; requiring by a  
 21 specified date all food commodities purchased by  
 22 certain state entities to be grown or produced in this  
 23 state under certain circumstances; requiring such  
 24 state entities to give preference to certain food  
 25 commodities; authorizing certain agreements or state  
 26 contracts to give preference to certain vendors;  
 27 requiring the Department of Management Services to  
 28 provide an annual report to the Governor, the Cabinet,  
 29 and the Legislature by a specified date; providing

Page 1 of 41

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

14-01283-23

20231164\_\_

30 requirements for the report; amending s. 500.03, F.S.;  
 31 revising, redefining, and deleting terms; revising  
 32 construction regarding the selling of food; amending  
 33 s. 500.032, F.S.; requiring the Department of  
 34 Agriculture and Consumer Services to administer and  
 35 enforce certain provisions relating to the storage of  
 36 food; amending s. 500.12, F.S.; revising the types of  
 37 entities required to obtain food permits from the  
 38 department; conforming provisions to changes made by  
 39 the act; requiring food permits to be annually renewed  
 40 in accordance with certain provisions; requiring late  
 41 fees for applications not received on or before their  
 42 due date; amending s. 500.121, F.S.; conforming  
 43 provisions to changes made by the act; amending s.  
 44 500.147, F.S.; requiring bottled water to be processed  
 45 in conformance with department rule; amending s.  
 46 500.172, F.S.; authorizing an agent of the department  
 47 to take specified actions regarding mislabeled food;  
 48 reordering and amending s. 502.012, F.S.; defining,  
 49 revising, and redefining terms; amending s. 502.013,  
 50 F.S.; revising the purpose of certain provisions  
 51 regarding milk and milk products; amending s. 502.014,  
 52 F.S.; revising the authority of the department to  
 53 permit and collect samples of products for testing at  
 54 certain facilities; amending s. 502.042, F.S.;  
 55 deleting a provision requiring the department to  
 56 periodically conduct certain shelf-life studies and to  
 57 sample certain milk products; making technical  
 58 changes; amending s. 502.053, F.S.; revising the milk

Page 2 of 41

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

14-01283-23

20231164\_\_

59 facilities required to apply for a permit to operate;  
 60 requiring operating permits for certain frozen dessert  
 61 plants; deleting a requirement that frozen dessert  
 62 plant permitholders submit specified reports to the  
 63 department; conforming provisions to changes made by  
 64 the act; amending s. 502.181, F.S.; deleting  
 65 prohibitions against certain testing for milkfat  
 66 content and for repasteurizing milk; amending s.  
 67 502.231, F.S.; conforming a provision to changes made  
 68 by the act; repealing s. 502.301, F.S., relating to  
 69 the Dairy Industry Technical Council; creating s.  
 70 570.161, F.S.; requiring certain licensees or permit  
 71 holders to notify the department in writing of the  
 72 person's e-mail address; providing civil penalties;  
 73 providing that service by e-mail constitutes adequate  
 74 and sufficient notice; authorizing the department to  
 75 achieve service by other specified means under certain  
 76 circumstances; repealing ss. 570.23 and 570.843, F.S.,  
 77 relating to the State Agricultural Advisory Council  
 78 and the Florida Young Farmer and Rancher Advisory  
 79 Council, respectively; amending s. 570.93, F.S.;  
 80 revising the required contents of the department's  
 81 agricultural water conservation program; amending s.  
 82 576.011, F.S.; defining and redefining terms;  
 83 repealing ss. 581.217(14) and 585.008, F.S., relating  
 84 to the Industrial Hemp Advisory Council and the Animal  
 85 Industry Technical Council, respectively; amending s.  
 86 586.045, F.S.; revising the timeframe during which the  
 87 department is required to provide written notice and

Page 3 of 41

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

14-01283-23

20231164\_\_

88 forms to beekeepers for annual certificate of  
 89 registration renewals; amending s. 595.404, F.S.;  
 90 requiring the department to adopt and implement an  
 91 exemption, waiver, and variance process by rule for  
 92 sponsors of certain school food and other nutrition  
 93 programs; amending s. 597.003, F.S.; revising the  
 94 powers and duties of the department regarding the  
 95 regulation of aquaculture in this state; providing  
 96 construction; amending s. 597.004, F.S.; deleting  
 97 requirements for rules adopted by the department for  
 98 aquaculture certificates of registration; deleting  
 99 provisions authorizing certain alligator producers to  
 100 be issued aquaculture certificates of registration;  
 101 providing legislative intent; preempting to the  
 102 department the regulatory and permitting authority for  
 103 all aquaculture products; providing construction;  
 104 revising the types of aquaculture products that may be  
 105 sold by an aquaculture producer under certain  
 106 circumstances; amending s. 597.005, F.S.; revising the  
 107 composition and responsibilities of the Aquaculture  
 108 Review Council; amending s. 599.002, F.S.; revising  
 109 the composition of the Viticulture Advisory Council;  
 110 amending s. 934.50, F.S.; authorizing non-law  
 111 enforcement employees of the department to use drones  
 112 for specified purposes; reenacting ss. 373.016(4)(a),  
 113 373.223(3), and 373.701(2)(a), F.S., relating to  
 114 declarations of state water policy and conditions for  
 115 a permit, respectively, to incorporate the amendment  
 116 made by this act to s. 500.03, F.S., in references

Page 4 of 41

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



14-01283-23 20231164\_\_

117 thereto; providing an effective date.

118

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

120

121 Section 1. Section 212.0802, Florida Statutes, is created  
122 to read:

123 212.0802 Florida Farm Tax Exempt Agricultural Materials  
124 Card.—

125 (1) Notwithstanding any other law, a farmer whose property  
126 has been classified as agricultural pursuant to s. 193.461 or  
127 who has implemented agricultural best management practices  
128 adopted by the Department of Agriculture and Consumer Services  
129 pursuant to s. 403.067(7)(c)2. may apply to the Department of  
130 Revenue for a Florida farm tax exempt agricultural materials  
131 (TEAM) card to claim the applicable sales tax exemptions  
132 provided by s. 212.08. A farmer may present the Florida farm  
133 TEAM card to a selling dealer in lieu of a certificate or  
134 affidavit otherwise required by this chapter.

135 (2) The Florida farm TEAM card is subject to the review and  
136 expiration provisions of s. 212.084.

137 (3) The department shall adopt rules to administer this  
138 section. The Department of Agriculture and Consumer Services may  
139 take all actions necessary for the administration, issuance, and  
140 distribution of the Florida farm TEAM cards to farmers  
141 registered with the department.

142 Section 2. (1) The Department of Revenue may, and all  
143 conditions are deemed met to, adopt emergency rules pursuant to  
144 s. 120.54(4), Florida Statutes, for the purpose of implementing  
145 s. 212.0802, Florida Statutes.

Page 5 of 41

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

14-01283-23 20231164\_\_

146 (2) Notwithstanding any other law, emergency rules adopted  
147 pursuant to this section are effective for 6 months after  
148 adoption and may be renewed during the pendency of procedures to  
149 adopt permanent rules addressing the subject of the emergency  
150 rules.

151 Section 3. Subsection (24) is added to section 213.053,  
152 Florida Statutes, to read:

153 213.053 Confidentiality and information sharing.—

154 (24) The department may make available to the Department of  
155 Agriculture and Consumer Services, exclusively for official  
156 purposes, information for the purposes of administering or  
157 issuing the Florida farm tax exempt agricultural materials card  
158 pursuant to s. 212.0802.

159 Section 4. Section 287.0823, Florida Statutes, is created  
160 to read:

161 287.0823 Preference to commodities grown or produced in  
162 Florida.—

163 (1) By 2025 or upon expiration of any existing food service  
164 contract, whichever is earlier, all food commodities purchased  
165 by an agency, a state university, a Florida College System  
166 institution, or any contracted food service provider thereof  
167 must be grown or produced in this state when available,  
168 practical, and feasible.

169 (2) Notwithstanding any other provision of this section,  
170 and to the extent authorized by federal law, such state  
171 agencies, state universities, Florida College System  
172 institutions, and contracted food service providers thereof  
173 shall give preference to food commodities grown or produced in  
174 this state when purchasing food commodities, including farm

Page 6 of 41

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

14-01283-23 20231164\_\_

175 products as defined in s. 823.14, produced in this state of any  
 176 class, variety, or use thereof in their natural state or as  
 177 processed by a farm operation or processor for the purpose of  
 178 marketing such product.

179 (3) A purchasing agreement, state term contract, or  
 180 contract for the purchase of food commodities required to be  
 181 awarded to the lowest responsive and responsible vendor may give  
 182 preference over other vendors to an otherwise qualified vendor  
 183 who agrees to fulfill the contract through the use of food  
 184 commodities grown or produced in this state over other vendors,  
 185 provided that the price included in the bid, proposal, or reply  
 186 for the food commodities grown or produced in this state is not  
 187 more than 10 percent greater than the price included in a bid,  
 188 proposal, or reply for food commodities grown or produced  
 189 outside of this state.

190 (4) By November 1, 2023, and each November 1 thereafter,  
 191 the department shall prepare and submit a report to the Governor  
 192 and Cabinet, the President of the Senate, and the Speaker of the  
 193 House of Representatives which describes the amount of food  
 194 commodities grown or produced in this state which were purchased  
 195 according to the requirements of this section. Any agency, state  
 196 university, Florida College System institution, or contracted  
 197 food service provider thereof that purchases food commodities  
 198 shall cooperate with the department to provide the information  
 199 required to prepare this report. The report must contain, at a  
 200 minimum, all of the following information:

201 (a) The total expenditures on, and the quantity purchased  
 202 of, food commodities by each agency, state university, and  
 203 Florida College System institution.

Page 7 of 41

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

14-01283-23 20231164\_\_

204 (b)The total expenditures on, and the quantity purchased  
 205 of, food commodities grown or produced in this state by each  
 206 agency, state university, and Florida College System  
 207 institution.

208 (c) The total expenditures of each agency, state  
 209 university, and Florida College System institution on food  
 210 commodities grown or produced outside of this state.

211 (d) A statement and assessment of the good faith efforts  
 212 of, and any failures by, each state agency, state university, or  
 213 Florida College System institution, or any contracted food  
 214 service provider thereof, to comply with this section.

215 Section 5. Paragraphs (d), (i), (p), (q), (r), and (bb) of  
 216 subsection (1) and subsection (3) of section 500.03, Florida  
 217 Statutes, are amended to read:

218 500.03 Definitions; construction; applicability.—

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

220 (d) "Bottled water" means water intended for human  
 221 consumption and sealed in a bottle or other container with no  
 222 added ingredients, except that it may contain safe and suitable  
 223 antimicrobial agents a beverage, as described in 21 C.F.R. part  
 224 165 (2006), that is processed in compliance with 21 C.F.R. part  
 225 129 (2006).

226 ~~(i) "Convenience store" means a business that is engaged~~  
 227 ~~primarily in the retail sale of groceries or motor fuels or~~  
 228 ~~special fuels and may offer food services to the public.~~  
 229 ~~Businesses providing motor fuel or special fuel to the public~~  
 230 ~~which also offer groceries or food service are included in the~~  
 231 ~~definition of a convenience store.~~

232 ~~(o) (p)~~ "Food establishment" means a factory, food outlet,

Page 8 of 41

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

14-01283-23 20231164\_\_  
 233 or other facility manufacturing, processing, packing, holding,  
 234 storing, or preparing food or selling food at wholesale or  
 235 retail. The term does not include a business or activity that ~~is~~  
 236 regulated under s. 413.051, s. 500.80, chapter 509, or chapter  
 237 601. The term includes tomato packinghouses and repackers but  
 238 does not include any other establishments that pack fruits and  
 239 vegetables in their raw or natural states, including those  
 240 fruits or vegetables that are washed, colored, or otherwise  
 241 treated in their unpeeled, natural form before they are  
 242 marketed.

243 ~~(q) "Food outlet" means any grocery store; convenience~~  
 244 ~~store; minor food outlet; meat, poultry, or fish and related~~  
 245 ~~aquatic food market; fruit or vegetable market; food warehouse;~~  
 246 ~~refrigerated storage facility; freezer locker; salvage food~~  
 247 ~~facility; or any other similar place storing or offering food~~  
 248 ~~for sale.~~

249 ~~(r) "Food service establishment" means any place where food~~  
 250 ~~is prepared and intended for individual portion service, and~~  
 251 ~~includes the site at which individual portions are provided. The~~  
 252 ~~term includes any such place regardless of whether consumption~~  
 253 ~~is on or off the premises and regardless of whether there is a~~  
 254 ~~charge for the food. The term includes delicatessens that offer~~  
 255 ~~prepared food in individual service portions. The term does not~~  
 256 ~~include schools, institutions, fraternal organizations, private~~  
 257 ~~homes where food is prepared or served for individual family~~  
 258 ~~consumption, retail food stores, the location of food vending~~  
 259 ~~machines, cottage food operations, and supply vehicles, nor does~~  
 260 ~~the term include a research and development test kitchen limited~~  
 261 ~~to the use of employees and which is not open to the general~~

14-01283-23 20231164\_\_  
 262 ~~public.~~  
 263 ~~(bb) "Retail food store" means any establishment or section~~  
 264 ~~of an establishment where food and food products are offered to~~  
 265 ~~the consumer and intended for off-premises consumption. The term~~  
 266 ~~includes delicatessens that offer prepared food in bulk~~  
 267 ~~quantities only. The term does not include establishments which~~  
 268 ~~handle only prepackaged, nonpotentially hazardous foods;~~  
 269 ~~roadside markets that offer only fresh fruits and fresh~~  
 270 ~~vegetables for sale; food service establishments; or food and~~  
 271 ~~beverage vending machines.~~

272 (3) For the purpose of this chapter, the selling of food  
 273 includes the manufacture, production, processing, packing,  
 274 exposure, offer, possession, and holding of any article of food  
 275 for sale; the sale, dispensing, and giving of any article of  
 276 food; and the supplying to or applying of food in the conduct of  
 277 any food establishment.

278 Section 6. Subsection (1) of section 500.032, Florida  
 279 Statutes, is amended to read:

280 500.032 Declaration of policy and cooperation among  
 281 departments.—

282 (1) The department shall administer and enforce ~~is charged~~  
 283 ~~with the administration and enforcement of~~ this chapter in order  
 284 to prevent fraud, harm, adulteration, misbranding, or false  
 285 advertising in the preparation, manufacture, storage, or sale of  
 286 articles of food. The department shall ~~It is further charged to~~  
 287 enforce the provisions of this chapter relating to the  
 288 production, manufacture, transportation, storage, and sale of  
 289 food, as well as articles entering into, and intended for use as  
 290 ingredients in the preparation of, food.

14-01283-23

20231164\_\_

291 Section 7. Paragraphs (a), (b), and (e) of subsection (1),  
 292 subsection (2), paragraph (a) of subsection (5), and subsection  
 293 (8) of section 500.12, Florida Statutes, are amended to read:

294 500.12 Food permits; building permits.—

295 (1) (a) A food permit from the department is required of any  
 296 person who operates a food establishment ~~or retail food store~~,  
 297 except:

298 1. Persons operating minor food outlets that sell food that  
 299 is commercially prepackaged, not potentially hazardous, and not  
 300 time or temperature controlled for safety, if the shelf space  
 301 for those items does not exceed 12 total linear feet and no  
 302 other food is sold by the minor food outlet.

303 2. Persons subject to continuous, onsite federal or state  
 304 inspection.

305 3. Persons selling only legumes in the shell, either  
 306 parched, roasted, or boiled.

307 4. Persons selling sugar cane or sorghum syrup that has  
 308 been boiled and bottled on a premise located within this the  
 309 state. Such bottles must contain a label listing the producer's  
 310 name and street address, all added ingredients, the net weight  
 311 or volume of the product, and a statement that reads, "This  
 312 product has not been produced in a facility permitted by the  
 313 Florida Department of Agriculture and Consumer Services."

314 (b) Each food establishment ~~and retail food store~~ regulated  
 315 under this chapter must apply for and receive a food permit  
 316 before operation begins. An application for a food permit from  
 317 the department must be accompanied by a fee in an amount  
 318 determined by department rule. The department shall adopt by  
 319 rule a schedule of fees to be paid by each food establishment

Page 11 of 41

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

14-01283-23

20231164\_\_

320 ~~and retail food store~~ as a condition of issuance or renewal of a  
 321 food permit. Such fees may not exceed \$650 and ~~must shall~~ be  
 322 used solely for the recovery of costs for the services provided,  
 323 except that the fee accompanying an application for a food  
 324 permit for operating a bottled water plant may not exceed \$1,000  
 325 and the fee accompanying an application for a food permit for  
 326 operating a packaged ice plant may not exceed \$250. The fee for  
 327 operating a bottled water plant or a packaged ice plant must  
 328 ~~shall~~ be set by rule of the department. Food permits are not  
 329 transferable from one person or physical location to another.  
 330 Food permits must be renewed in accordance with subparagraphs  
 331 1., 2., and 3. annually on or before January 1. If an  
 332 application for renewal of a food permit is not received by the  
 333 department on or before ~~within 30 days after~~ its due date, a  
 334 late fee not exceeding \$100 must be paid in addition to the food  
 335 permit fee before the department may issue the food permit. The  
 336 moneys collected must shall be deposited in the General  
 337 Inspection Trust Fund.

338 1. A food permit issued to a new food establishment on or  
 339 after September 1, 2023, is valid for 1 calendar year after the  
 340 date of issuance and must be renewed annually on or before that  
 341 date thereafter.

342 2. Beginning December 31, 2023, a food permit issued before  
 343 September 1, 2023, expires on the month and day the initial  
 344 permit was issued to the food establishment and must be renewed  
 345 annually on or before that date thereafter.

346 3. The owner of 100 or more permitted food establishment  
 347 locations may elect to set the expiration of food permits for  
 348 such establishments as December 31 of each calendar year.

Page 12 of 41

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

14-01283-23

20231164\_\_

349 (e) The department is the exclusive regulatory and  
 350 permitting authority for all ~~food outlets, retail food stores,~~  
 351 ~~food establishments, convenience stores,~~ and minor food outlets  
 352 in accordance with this section. Application for a food permit  
 353 must be made on forms provided by the department, which forms  
 354 must also contain provision for application for registrations  
 355 and permits issued by other state agencies and for collection of  
 356 the food permit fee and any other fees associated with  
 357 registration, licensing, or applicable surcharges. The details  
 358 of the application must ~~shall~~ be prescribed by department rule.

359 (2) When any person applies for a building permit to  
 360 construct, convert, or remodel any food establishment, ~~food~~  
 361 ~~outlet, or retail food store,~~ the authority issuing such permit  
 362 shall make available to the applicant a printed statement,  
 363 provided by the department, regarding the applicable sanitation  
 364 requirements for such establishments. A building permitting  
 365 authority, or municipality or county under whose jurisdiction a  
 366 building permitting authority operates, may not be held liable  
 367 for a food establishment, ~~food outlet, or retail food store~~ that  
 368 does not comply with the applicable sanitation requirements due  
 369 to failure of the building permitting authority to provide the  
 370 information as provided in this subsection.

371 (a) The department shall furnish, for distribution, a  
 372 statement that includes the checklist to be used by the food  
 373 inspector in any preoperational inspections to assure that the  
 374 food establishment is constructed and equipped to meet the  
 375 applicable sanitary guidelines. Such preoperational inspection  
 376 is ~~shall be~~ a prerequisite for obtaining a food permit in  
 377 accordance with this section.

Page 13 of 41

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

14-01283-23

20231164\_\_

378 (b) The department may provide assistance, when requested  
 379 by the applicant, in the review of any construction or  
 380 remodeling plans for food establishments. The department may  
 381 charge a fee for such assistance which covers the cost of  
 382 providing the assistance and which must ~~shall~~ be deposited in  
 383 the General Inspection Trust Fund for use in funding the food  
 384 safety program.

385 (c) A building permitting authority or other subdivision of  
 386 local government may not require the department to approve  
 387 construction or remodeling plans for food establishments and  
 388 ~~retail food stores~~ as a condition of any permit or license at  
 389 the local level.

390 (5) It is the intent of the Legislature to eliminate  
 391 duplication of regulatory inspections of food. Regulatory and  
 392 permitting authority over any food establishment is preempted to  
 393 the department, except as provided in chapter 379.

394 (a) Food establishments ~~or retail food stores~~ that have  
 395 ancillary food service activities shall be permitted and  
 396 inspected by the department.

397 (8) A person who applies for or renews a local business tax  
 398 certificate to engage in business as a food establishment ~~or~~  
 399 ~~retail food store~~ must exhibit a current food permit or an  
 400 active letter of exemption from the department before the local  
 401 business tax certificate may be issued or renewed.

402 Section 8. Subsection (1) of section 500.121, Florida  
 403 Statutes, is amended to read:

404 500.121 Disciplinary procedures.—

405 (1) In addition to the suspension procedures provided in s.  
 406 500.12, if applicable, the department may impose an

Page 14 of 41

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

14-01283-23 20231164\_\_

407 administrative fine in the Class II category pursuant to s.  
 408 570.971 against any ~~retail food store~~, food establishment, or  
 409 cottage food operation that violates this chapter, which fine,  
 410 when imposed and paid, ~~must shall~~ be deposited by the department  
 411 into the General Inspection Trust Fund. The department may  
 412 revoke or suspend the permit of any such ~~retail food store or~~  
 413 food establishment if it is satisfied that the ~~retail food store~~  
 414 ~~or~~ food establishment has:

415 (a) Violated this chapter.

416 (b) Violated or aided or abetted in the violation of any  
 417 law of this state governing or applicable to ~~retail food stores~~  
 418 ~~or~~ food establishments or any lawful rules of the department.

419 (c) Knowingly committed, or been a party to, any material  
 420 fraud, misrepresentation, conspiracy, collusion, trick, scheme,  
 421 or device whereby another person, lawfully relying upon the  
 422 word, representation, or conduct of a ~~retail food store or~~ food  
 423 establishment, acts to her or his injury or damage.

424 (d) Committed any act or conduct of the same or different  
 425 character than that enumerated which constitutes fraudulent or  
 426 dishonest dealing.

427 Section 9. Paragraph (a) of subsection (3) of section  
 428 500.147, Florida Statutes, is amended to read:

429 500.147 Inspection of food establishments, food records,  
 430 and vehicles.—

431 (3) For bottled water plants:

432 (a) Bottled water must be from an approved source. Bottled  
 433 water must be processed in conformance with department rule 21  
 434 C.F.R. part 129 (2006), and ~~must conform to 21 C.F.R. part 165~~  
 435 ~~(2006)~~. A person operating a bottled water plant is shall be

14-01283-23 20231164\_\_

436 responsible for all water sampling and analyses required by this  
 437 chapter.

438 Section 10. Subsection (1) of section 500.172, Florida  
 439 Statutes, is amended to read:

440 500.172 Embargoing, detaining, destroying of food, food  
 441 processing equipment, or areas that are in violation.—

442 (1) When the department, or its duly authorized agent who  
 443 has received appropriate education and training regarding the  
 444 legal requirements of this chapter, finds or has probable cause  
 445 to believe that any food, food processing equipment, food  
 446 processing area, or food storage area is in violation of this  
 447 chapter or any rule adopted under this chapter so as to be  
 448 dangerous, unwholesome, mislabeled, fraudulent, or insanitary  
 449 within the meaning of this chapter, an agent of the department  
 450 may issue and enforce a stop-sale, stop-use, removal, or hold  
 451 order, which order gives notice that such article, processing  
 452 equipment, processing area, or storage area is or is suspected  
 453 of being in violation and has been detained or embargoed and  
 454 which order warns all persons not to remove, use, or dispose of  
 455 such article, processing equipment, processing area, or storage  
 456 area by sale or otherwise until permission for removal, use, or  
 457 disposal is given by the department or the court. A person may  
 458 not remove, use, or dispose of such detained or embargoed  
 459 article, processing equipment, processing area, or storage area  
 460 by sale or otherwise without such permission.

461 Section 11. Section 502.012, Florida Statutes, is reordered  
 462 and amended to read:

463 502.012 Definitions.—As used in this chapter, the term:

464 (1) "Bulk milk hauler/sampler" means a person who collects

14-01283-23

20231164\_\_

465 official samples and transports raw milk from a farm or raw milk  
 466 products to or from a milk plant, receiving station, or transfer  
 467 station and is permitted to sample the milk products by any  
 468 state regulatory agency charged with implementing the United  
 469 States Food and Drug Administration's Grade "A" program.

470 (2) "Bulk milk pickup tanker" means a vehicle, including  
 471 the truck and tank, and those appurtenances necessary for its  
 472 use necessary attachments, that is used by a milk hauler to  
 473 transport bulk raw milk for pasteurization, ultra-  
 474 pasteurization, aseptic processing and packaging, or retort  
 475 processing after packaging from a dairy farm to a milk plant,  
 476 receiving station, or transfer station.

477 (3)(2) "Dairy farm" means any place or premises where one  
 478 or more lactating animals, including cows, goats, sheep, water  
 479 buffalo, or other hooved mammals, are kept for milking purposes,  
 480 and from which a part or all of the milk is provided, sold, or  
 481 offered for sale.

482 (4)(3) "Department" means the Department of Agriculture and  
 483 Consumer Services.

484 (5)(4) "Frozen dessert" means a specific standardized  
 485 frozen dessert described in 21 C.F.R. part 135, excluding part  
 486 135.160 and any other food defined by rule of the department  
 487 that resembles such standardized frozen dessert but does not  
 488 conform to the specific description of such standardized frozen  
 489 dessert in 21 C.F.R. part 135. The term includes, but is not  
 490 limited to, a quiescently frozen confection, a quiescently  
 491 frozen dairy confection, a frozen dietary dairy dessert, and a  
 492 frozen dietary dessert.

493 (5) "Frozen desserts manufacturer" means a person who

14-01283-23

20231164\_\_

494 ~~manufactures, processes, converts, partially freezes, or freezes~~  
 495 ~~any mix or frozen dessert for distribution or sale.~~

496 (6) "Frozen desserts plant" means any place that  
 497 pasteurizes dairy products or receives raw milk for the purpose  
 498 of manufacturing or processing frozen desserts location or  
 499 premises at which frozen desserts or mix are manufactured,  
 500 processed, or frozen for distribution or sale at wholesale.

501 ~~(7) "Frozen desserts retail establishment" means any~~  
 502 ~~location or premises, including a retail store, stand, hotel,~~  
 503 ~~boardinghouse, restaurant, vehicle, or mobile unit, at which~~  
 504 ~~frozen desserts are frozen, partially frozen, or dispensed for~~  
 505 ~~sale at retail.~~

506 ~~(8) "Frozen dietary dairy dessert" or "frozen dietary~~  
 507 ~~dessert" means a food for any special dietary use, prepared by~~  
 508 ~~freezing, with or without agitation, and composed of a~~  
 509 ~~pasteurized mix that may contain fat, protein, carbohydrates,~~  
 510 ~~natural or artificial sweeteners, flavoring, stabilizers,~~  
 511 ~~emulsifiers, vitamins, and minerals.~~

512 ~~(9) "Grade 'A' pasteurized milk ordinance" means the~~  
 513 ~~document entitled "Grade 'A' Pasteurized Milk Ordinance, United~~  
 514 ~~States Department of Health and Human Services, Public Health~~  
 515 ~~Service, Food and Drug Administration," including all associated~~  
 516 ~~appendices, as adopted by department rule.~~

517 (8)(10) "Imitation milk and imitation milk products" means  
 518 those foods that have the physical characteristics, such as  
 519 taste, flavor, body, texture, or appearance, of milk or milk  
 520 products as defined in this chapter and the Grade "A"  
 521 pasteurized milk ordinance but do not come within the definition  
 522 of "milk" or "milk products" and are nutritionally inferior to

14-01283-23

20231164\_\_

523 the product imitated.

524 ~~(9)-(11)~~ "Milk" means the lacteal secretion, practically  
525 free from colostrum, obtained by the complete milking of one or  
526 more healthy cows, goats, sheep, water buffalo, or other hooved  
527 mammals.

528 ~~(10)-(12)~~ "Milk distributor" means any person who offers for  
529 sale or sells to another person any milk or milk product.

530 ~~(15)-(13)~~ "Milk products" means products made with milk that  
531 is processed in some manner, including being whipped, acidified,  
532 cultured, concentrated, lactose-reduced, or sodium-reduced or  
533 aseptically processed, or having the addition or subtraction of  
534 milkfat, the addition of safe and suitable microbial organisms,  
535 or the addition of safe and suitable optional ingredients for  
536 protein, vitamin, or mineral fortification. The term does "Milk  
537 products" do not include products such as evaporated milk,  
538 condensed milk, eggnog in a rigid metal container, dietary  
539 products, infant formula, or ice cream and other desserts.

540 ~~(18)-(14)~~ "Milkfat" or "butterfat" means the fat contained  
541 in milk.

542 ~~(11)-(15)~~ "Milk hauler" means any person who transports raw  
543 milk or raw milk products to or from a milk plant, receiving  
544 station, or transfer station.

545 ~~(12)-(16)~~ "Milk plant" means any place, premises, or  
546 establishment where milk or milk products are collected,  
547 handled, processed, stored, pasteurized, ultra-pasteurized,  
548 aseptically processed and packaged, retort processed after  
549 packaging, condensed, dried, packaged, bottled, or prepared for  
550 distribution.

551 ~~(13)-(17)~~ "Milk plant operator" means any person responsible

Page 19 of 41

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

14-01283-23

20231164\_\_

552 for receiving, processing, pasteurizing, or packaging milk and  
553 milk products, or performing any other related operation.

554 ~~(14)-(18)~~ "Milk producer" means any person who operates a  
555 dairy farm and provides, sells, or offers for sale milk to a  
556 milk plant, receiving station, or transfer station.

557 ~~(16)-(19)~~ "Milk tank truck" means either a bulk milk pickup  
558 tanker or a milk transport tank.

559 ~~(17)-(20)~~ "Milk transport tank" means a vehicle, including  
560 the truck and tank, used by a bulk milk hauler/sampler or a milk  
561 hauler to transport bulk shipments of milk from a milk plant,  
562 receiving station, or transfer station to another milk plant,  
563 receiving station, or transfer station.

564 ~~(21)~~ "Quiescently frozen confection" means a clean and  
565 wholesome frozen, sweetened, flavored product that, while being  
566 frozen, was not stirred or agitated (generally known as  
567 quiescent freezing). ~~The confection may be acidulated with food-~~  
568 ~~grade acid, may contain milk solids or water, or may be made~~  
569 ~~with or without added harmless pure or imitation flavoring and~~  
570 ~~with or without harmless coloring. The finished product must not~~  
571 ~~contain more than 0.5 percent by weight of stabilizer composed~~  
572 ~~of wholesome, edible material and must not contain less than 17~~  
573 ~~percent by weight of total food solids. In the production of the~~  
574 ~~confection, processing or mixing before quiescent freezing that~~  
575 ~~develops in the finished confection mix any physical expansion~~  
576 ~~in excess of 10 percent may not be used.~~

577 ~~(22)~~ "Quiescently frozen dairy confection" means a clean  
578 and wholesome frozen product made from water, milk products, and  
579 sugar, with added harmless pure or imitation flavoring, with or  
580 without added harmless coloring, with or without added

Page 20 of 41

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



14-01283-23 20231164\_\_

581 ~~stabilizer, or with or without added emulsifier, that, while~~  
 582 ~~being frozen, was not stirred or agitated (generally known as~~  
 583 ~~quiescent freezing). The confection must not contain less than~~  
 584 ~~13 percent by weight of total milk solids, less than 33 percent~~  
 585 ~~by weight of total food solids, more than 0.5 percent by weight~~  
 586 ~~of stabilizer, or more than 0.2 percent by weight of emulsifier.~~  
 587 ~~Stabilizer and emulsifier must be composed of wholesome, edible~~  
 588 ~~material. In the production of a quiescently frozen dairy~~  
 589 ~~confection, processing or mixing before quiescently freezing~~  
 590 ~~that develops in the finished confection mix any physical~~  
 591 ~~expansion in excess of 10 percent may not be used.~~

592 (19)(23) "Raw milk" means unpasteurized unprocessed milk.

593 (20)(24) "Receiving station" means any place, premises, or  
 594 establishment where raw milk is received, collected, handled,  
 595 stored, or cooled and is prepared for further transporting.

596 (21) "Reconstituted milk or milk products" or "recombined  
 597 milk or milk products" means milk or milk products that result  
 598 from reconstituting or recombining milk constituents with  
 599 potable water.

600 (22) "Retail" means the sale of goods to the public for use  
 601 or consumption rather than for resale.

602 (23)(25) "Substitute milk and substitute milk products"  
 603 means those foods that have the physical characteristics, such  
 604 as taste, flavor, body, texture, or appearance, of milk or milk  
 605 products as defined in this chapter and the Grade "A"  
 606 pasteurized milk ordinance but do not come within the definition  
 607 of "milk" or "milk products" and are nutritionally equivalent to  
 608 the product for which they are substitutes.

609 (24)(26) "Transfer station" means any place, premises, or

14-01283-23 20231164\_\_

610 establishment where milk or milk products are transferred  
 611 directly from one milk tank truck to another.

612 (25) "Ultra-pasteurization (UP)" means a process in which  
 613 milk or milk product is thermally processed at or above 138  
 614 degrees Celsius or 280 degrees Fahrenheit for at least 2  
 615 seconds, before or after packaging, so as to produce a milk or  
 616 milk product that has an extended shelf life under refrigerated  
 617 conditions.

618 (26)(27) "Washing station" means any place, premises, or  
 619 establishment where milk tank trucks are cleaned and sanitized.

620 (27) "Wholesale" means the selling of goods in quantity to  
 621 be retailed by others.

622 Section 12. Paragraph (d) of subsection (1) of section  
 623 502.013, Florida Statutes, is amended to read:

624 502.013 Purpose; intent.—

625 (1) PURPOSE.—The purpose of this chapter is to:

626 ~~(d) Ensure the normal flow of fresh wholesome milk and milk~~  
 627 ~~products from the farmer to the consumer by uniform regulation~~  
 628 ~~of the shelf life of milk and milk products in this state.~~

629 Section 13. Paragraph (a) of subsection (2) of section  
 630 502.014, Florida Statutes, is amended to read:

631 502.014 Powers and duties.—

632 (2) (a) The department shall permit, conduct onsite  
 633 inspections of, and collect samples for testing from all  
 634 facilities engaged in the production, processing, holding, or  
 635 transfer of milk and milk products dairy farms, milk plants, and  
 636 frozen dessert plants and collect test samples of milk, milk  
 637 products, and frozen desserts as required by this chapter.

638 Section 14. Section 502.042, Florida Statutes, is amended

14-01283-23

20231164\_\_

639 to read:

640 502.042 Labeling of shelf life.—To ensure consumers full  
 641 disclosure of the date beyond which milk or milk products may no  
 642 longer be offered for sale, all dairy processors ~~must shall~~  
 643 establish, and legibly label as prescribed by rule of the  
 644 department, the maximum shelf-life period during which milk and  
 645 milk products may be offered for sale. For purposes of this  
 646 requirement, the term ~~to~~ “legibly label” means to label the  
 647 package or container with conspicuous and easily readable  
 648 boldfaced print or type in distinct contrast to the background,  
 649 by color. ~~The department shall periodically conduct shelf-life~~  
 650 ~~studies to review the keeping quality of milk and milk products~~  
 651 ~~and shall sample periodically the products of the dairy~~  
 652 ~~processors to determine if the shelf-life dating used by the~~  
 653 ~~processors complies with the minimum standards of quality.~~

654 Section 15. Paragraphs (a) and (b) of subsection (1),  
 655 paragraph (d) of subsection (3), and paragraphs (a) and (c) of  
 656 subsection (4) of section 502.053, Florida Statutes, are amended  
 657 to read:

658 502.053 Permits and fees; requirements; exemptions;  
 659 temporary permits.—

660 (1) PERMITS.—

661 (a) All facilities engaged in the production, processing,  
 662 holding, or transfer of milk and milk products ~~Each Grade “A”~~  
 663 ~~milk plant, whether located in the state or outside the state,~~  
 664 ~~and each manufacturing milk plant, milk producer, milk hauler,~~  
 665 ~~milk hauling service, washing station operator, milk plant~~  
 666 ~~operator, milk distributor, single service container~~  
 667 ~~manufacturer, receiving station, and transfer station in this~~

Page 23 of 41

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

14-01283-23

20231164\_\_

668 ~~the state~~ must shall apply to the department for a permit to  
 669 operate. The application must shall be on forms developed by the  
 670 department.

671 (b) Each frozen dessert plant, ~~whether located in the state~~  
 672 ~~or outside the state,~~ that manufactures frozen desserts or other  
 673 products defined in this chapter and offers these products for  
 674 wholesale ~~for sale~~ in this state must apply to the department  
 675 for a permit to operate. The application must be submitted on a  
 676 form ~~forms~~ prescribed by the department. All frozen dessert  
 677 permits expire on June 30 of each year.

678 (3) REQUIREMENTS.—

679 ~~(d) Each frozen dessert plant permit holder must report~~  
 680 ~~monthly, quarterly, semiannually, or annually, as required by~~  
 681 ~~the department, the number of gallons of frozen dessert or~~  
 682 ~~frozen dessert mix sold or manufactured by the permit holder in~~  
 683 ~~this state.~~

684 (4) EXEMPTIONS.—

685 (a) The following persons are shall be exempt from bulk  
 686 milk hauler/sampler hauler permit requirements:

687 1. Milk producers who transport milk or milk products only  
 688 from their own dairy farms.

689 2. Employees of a milk distributor or milk plant operator  
 690 who possesses a valid permit.

691 3. Drivers of bulk milk tank trucks between locations who  
 692 do not collect milk from farms.

693 ~~(c) Frozen desserts retail establishments as defined in s.~~  
 694 ~~502.012 are exempt from this chapter.~~

695 Section 16. Subsections (1) and (4) of section 502.181,  
 696 Florida Statutes, are amended to read:

Page 24 of 41

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

14-01283-23 20231164\_\_

697 502.181 Prohibited acts.—It is unlawful for any person in  
 698 this state to:

699 (1) Engage in the business of producing, hauling,  
 700 transferring, receiving, processing, packaging, or distributing  
 701 milk, milk products, or frozen desserts or operating a washing  
 702 station, manufacturing single-service containers, or  
 703 manufacturing imitation or substitute milk or milk products, ~~or~~  
 704 ~~testing for milkfat content~~, without first obtaining a permit or  
 705 license from the department.

706 ~~(4) Repasteurize milk.~~

707 Section 17. Paragraph (b) of subsection (1) of section  
 708 502.231, Florida Statutes, is amended to read:

709 502.231 Penalty and injunction.—

710 (1) The department may enter an order imposing one or more  
 711 of the following penalties against any person who violates any  
 712 provision of this chapter:

713 (b) Imposition of an administrative fine:

714 1. In the Class II category pursuant to s. 570.971 for each  
 715 violation in the case of a frozen dessert licensee; or  
 716 2. ~~Ten percent of the license fee or \$100, whichever is~~  
 717 ~~greater, for failure to report the information described in s.~~  
 718 ~~502.053(3)(d); or~~

719 ~~3.~~ In the Class I category pursuant to s. 570.971 for each  
 720 occurrence for any other violation.

721

722 When imposing a fine under this paragraph, the department must  
 723 consider the degree and extent of harm caused by the violation,  
 724 the cost of rectifying the damage, the benefit to the violator,  
 725 whether the violation was committed willfully, and the

14-01283-23 20231164\_\_

726 violator's compliance record.

727 Section 18. Section 502.301, Florida Statutes, is repealed.

728 Section 19. Section 570.161, Florida Statutes, is created  
 729 to read:

730 570.161 E-mail address of record.—

731 (1) In addition to any other requirement set forth in law,  
 732 each person licensed or permitted by the department shall notify  
 733 the department in writing of the person's e-mail address. The  
 734 failure to notify the department of a change in any e-mail  
 735 address provided to the department constitutes a violation of  
 736 this section and may be subject to the penalties provided in s.  
 737 570.971(3).

738 (2) (a) Notwithstanding any other provision of law, service  
 739 by e-mail to a person's e-mail address of record constitutes  
 740 adequate and sufficient notice when required by law, except when  
 741 other service is required pursuant to s. 120.60.

742 (b) If the department receives notification that service by  
 743 e-mail, as authorized by this section, has failed, the  
 744 department may provide notice to the person by calling the  
 745 person's last known telephone number of record, mailing the  
 746 notice to the last known address, or posting a short, plain  
 747 notice to the person on the department's website.

748 Section 20. Section 570.23, Florida Statutes, is repealed.

749 Section 21. Section 570.843, Florida Statutes, is repealed.

750 Section 22. Upon the expiration and reversion of the  
 751 amendment made to section 570.93, Florida Statutes, pursuant to  
 752 section 63 of chapter 2022-157, Laws of Florida, paragraph (a)  
 753 of subsection (1) of section 570.93, Florida Statutes, is  
 754 amended to read:

14-01283-23

20231164\_\_

755 570.93 Department of Agriculture and Consumer Services;  
756 agricultural water conservation and agricultural water supply  
757 planning.—

758 (1) The department shall establish an agricultural water  
759 conservation program that includes the following:

760 (a) A cost-share program, coordinated ~~where appropriate~~  
761 with the United States Department of Agriculture and other  
762 federal, state, regional, and local agencies, when appropriate,  
763 for irrigation system retrofit and application of mobile  
764 irrigation laboratory evaluations, and for water conservation as  
765 provided in this section and, where applicable, for water  
766 quality improvement pursuant to s. 403.067(7)(c).

767 Section 23. Present subsections (8) through (13) and (14)  
768 through (44) of section 576.011, Florida Statutes, are  
769 redesignated as subsections (9) through (14) and (16) through  
770 (46), respectively, new subsections (8) and (15) are added to  
771 that section, and present subsections (15), (19), and (36) of  
772 that section are amended, to read:

773 576.011 Definitions.—When used in this chapter, the term:

774 (8) "Controlled release fertilizers" means a slow release  
775 fertilizer engineered to provide nutrients over time at a  
776 predictable rate under specified conditions.

777 (15) "Fertilizer material" means a fertilizer that meets  
778 one of the following requirements:

779 (a) Contains important quantities of no more than one of  
780 the primary nutrients: nitrogen (N), phosphate (P<sub>2</sub>O<sub>5</sub>), and potash  
781 (K<sub>2</sub>O).

782 (b) Has 85 percent or more of its plant nutrient content  
783 present in the form of a single chemical compound.

14-01283-23

20231164\_\_

784 (c) Is derived from a plant or an animal residue or  
785 byproduct or a natural material deposit that has been processed  
786 in such a way that its content of plant nutrients has not been  
787 materially changed except by purification and concentration.

788 ~~(17)(15)~~ "Grade" means the percentages in fertilizer of  
789 total nitrogen expressed as N, available phosphorus expressed as  
790 P<sub>2</sub>O<sub>5</sub>, and soluble potassium expressed as K<sub>2</sub>O, stated in whole  
791 numbers in the same terms, order, and percentages as in the  
792 guaranteed analysis. However, specialty fertilizer may be  
793 guaranteed in fractional units of less than 1 percent of total  
794 nitrogen, available phosphate, and soluble potash. Fertilizer  
795 materials, bone meal, manures, and similar materials may be  
796 guaranteed in fractional units in that order.

797 ~~(21)(19)~~ "Labeling" means all labels and other written,  
798 printed, or graphic matters upon an article or any of its  
799 containers or wrappers, ~~or~~ accompanying such article.

800 ~~(38)(36)~~ "Slow ~~or~~ controlled release fertilizer" means a  
801 fertilizer in a form that releases, or converts to a plant-  
802 available form, plant nutrients at a slower rate relative to an  
803 appropriate reference soluble product containing a plant  
804 nutrient in a form which delays its availability for plant  
805 uptake and use after application, or which extends its  
806 availability to the plant significantly longer than a reference  
807 "rapidly available nutrient fertilizer," such as ammonium  
808 nitrate or urea, ammonium phosphate, or potassium chloride.

809 Section 24. Subsection (14) of section 581.217, Florida  
810 Statutes, is repealed.

811 Section 25. Section 585.008, Florida Statutes, is repealed.

812 Section 26. Subsection (4) of section 586.045, Florida

14-01283-23 20231164\_\_

813 Statutes, is amended to read:

814 586.045 Certificates of registration and inspection.—

815 (4) The department shall provide to each person subject to

816 this section written notice and renewal forms at least 30 60

817 days before prior to the annual renewal date informing the

818 person of the certificate of registration renewal date and the

819 application fee.

820 Section 27. Subsection (16) is added to section 595.404,

821 Florida Statutes, to read:

822 595.404 School food and other nutrition programs; powers

823 and duties of the department.—The department has the following

824 powers and duties:

825 (16) To adopt and implement an exemption, waiver, and

826 variance process by rule, as required by federal regulations,

827 for sponsors under the programs implemented pursuant to this

828 chapter, notwithstanding s. 120.542.

829 Section 28. Section 597.003, Florida Statutes, is amended

830 to read:

831 597.003 Powers and duties of Department of Agriculture and

832 Consumer Services.—

833 (1) The department is ~~hereby designated as~~ the lead agency

834 in regulating and encouraging the development of aquaculture in

835 this the state and has shall have and shall exercise the

836 following functions, powers, and duties with regard to

837 aquaculture:

838 (a) Issue or deny aquaculture certificates that identify

839 aquaculture producers and aquaculture products, and collect all

840 related fees. The department may revoke an aquaculture

841 certificate of registration issued pursuant to s. 597.004 upon a

14-01283-23 20231164\_\_

842 finding that aquaculture is not the primary purpose of the

843 certified entity's operation.

844 (b) Coordinate the development, annual revision, and

845 implementation of a state aquaculture plan. The plan ~~must shall~~

846 include prioritized recommendations for research and development

847 as suggested by the Aquaculture Review Council and public and

848 private institutional research, extension, and service programs.

849 (c) Develop memoranda of agreement, as needed, with the

850 Department of Environmental Protection, the Fish and Wildlife

851 Conservation Commission, the Florida Sea Grant Program, and

852 other groups as provided in the state aquaculture plan.

853 (d) Provide staff for the Aquaculture Review Council.

854 (e) Forward the annually revised state aquaculture plan to

855 the commissioner and to the chairs of the House Committee on

856 Agriculture and Consumer Services and the Senate Committee on

857 Agriculture 1 month ~~before prior to~~ submission of the

858 department's legislative budget request to the Governor.

859 (f) Upon the appropriation of funds by the Legislature,

860 submit the list of research and development projects proposed to

861 be funded through the department as identified in the state

862 aquaculture plan, ~~along with the department's legislative budget~~

863 ~~request~~ to the Governor, the President of the Senate, and the

864 Speaker of the House of Representatives. ~~If funded,~~ These

865 projects ~~must shall~~ be contracted for by the Division of

866 Aquaculture and ~~must shall~~ require public-private partnerships,

867 when appropriate. The contracts ~~must shall~~ require a percentage

868 of the profit generated by the project to be deposited into the

869 General Inspection Trust Fund solely for funding aquaculture

870 projects recommended by the Aquaculture Review Council.

14-01283-23

20231164\_\_

871 (g) Provide developmental assistance to the various sectors  
872 of the aquaculture industry as determined in the state  
873 aquaculture plan.

874 (h) Assist persons seeking to engage in aquaculture when  
875 applying for the necessary permits and serve as ombudsman to  
876 resolve complaints or otherwise resolve problems arising between  
877 aquaculture producers and regulatory agencies.

878 (i) Develop and propose to the Legislature legislation  
879 necessary to implement the state aquaculture plan or to  
880 otherwise encourage the development of aquaculture in this the  
881 state.

882 (j) Issue or deny any license or permit authorized or  
883 delegated to the department by the Legislature or through  
884 memorandum of understanding with other state or federal agencies  
885 that furthers the intent of the Legislature to place the  
886 regulation of aquaculture in the department.

887 (k) Make available state lands and the water column for the  
888 purpose of producing aquaculture products when the aquaculture  
889 activity is compatible with state resource management goals,  
890 environmental protection, and proprietary interest and when such  
891 state lands and waters are determined to be suitable for  
892 aquaculture development by the Board of Trustees of the Internal  
893 Improvement Trust Fund pursuant to s. 253.68; provide training  
894 as necessary to lessees; and be responsible for all saltwater  
895 aquaculture activities located on sovereignty submerged land or  
896 in the water column above such land and adjacent facilities  
897 directly related to the aquaculture activity.

898 1. The department shall act in cooperation with other state  
899 and local agencies and programs to identify and designate

Page 31 of 41

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

14-01283-23

20231164\_\_

900 sovereignty lands and waters that would be suitable for  
901 aquaculture development.

902 2. The department shall identify and evaluate specific  
903 tracts of sovereignty submerged lands and water columns in  
904 various areas of the state to determine where such lands and  
905 waters are suitable for leasing for aquaculture purposes.  
906 ~~Nothing in~~ This subparagraph or subparagraph 1. does not shall  
907 preclude the applicant from applying for sites identified by the  
908 applicant.

909 3. The department shall provide assistance in developing  
910 technologies applicable to aquaculture activities, evaluate  
911 practicable production alternatives, and provide agreements to  
912 develop innovative culture practices.

913 (1) Act as a clearinghouse for aquaculture applications,  
914 and act as a liaison between the Fish and Wildlife Conservation  
915 Commission, the Division of State Lands, the Department of  
916 Environmental Protection district offices, other divisions  
917 within the Department of Environmental Protection, and the water  
918 management districts. The Department of Agriculture and Consumer  
919 Services is shall be responsible for regulating marine  
920 aquaculture producers, except as specifically provided herein.

921 (2) The specific delegation of authority granted under  
922 subsection (1) is intended to place responsibility and may not  
923 be construed so as to prevent the respective state agencies from  
924 cooperating with each other by exchanging information and  
925 providing copies of reports when deemed advisable.

926 (3) The department may employ such persons as are necessary  
927 to perform its duties under this chapter.

928 Section 29. Present subsections (3) through (6) of section

Page 32 of 41

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

14-01283-23 20231164\_\_

929 597.004, Florida Statutes, are redesignated as subsections (4)  
 930 through (7), respectively, a new subsection (3) is added to that  
 931 section, and paragraphs (b) and (g) of subsection (2), present  
 932 subsection (3), and paragraph (a) of present subsection (5) of  
 933 that section are amended, to read:

934 597.004 Aquaculture certificate of registration.—

935 (2) RULES.—

936 ~~(b) Rules adopted pursuant to this subsection shall become~~  
 937 ~~effective pursuant to the applicable provisions of chapter 120,~~  
 938 ~~but must be submitted to the President of the Senate and the~~  
 939 ~~Speaker of the House of Representatives for review by the~~  
 940 ~~Legislature. The rules shall be referred to the appropriate~~  
 941 ~~committees of substance and scheduled for review during the~~  
 942 ~~first available regular session following adoption. Except as~~  
 943 ~~otherwise provided by operation of law, such rules shall remain~~  
 944 ~~in effect until rejected or modified by act of the Legislature.~~

945 ~~(g) Any alligator producer with an alligator farming~~  
 946 ~~license and permit to establish and operate an alligator farm~~  
 947 ~~shall be issued an aquaculture certificate of registration~~  
 948 ~~pursuant to this section. This chapter does not supersede the~~  
 949 ~~authority under chapter 379 to regulate alligator farms and~~  
 950 ~~alligator farmers.~~

951 (3) INSPECTIONS OF AQUACULTURE PRODUCTS.—The Legislature  
 952 intends to eliminate duplication of regulatory inspections of  
 953 aquaculture products. The regulatory and permitting authority  
 954 over all aquaculture products as defined in s. 597.0015 is  
 955 preempted to the department.

956 (a) Shellfish processing facilities are licensed pursuant  
 957 to s. 597.020.

14-01283-23 20231164\_\_

958 (b) Facilities operated by state agencies, local  
 959 governments, educational institutions, research institutions, or  
 960 restoration organizations which maintain aquaculture products  
 961 for educational, scientific, demonstration, experimental, or  
 962 restoration activities related to aquaculture are licensed  
 963 pursuant to this section.

964 (c) Facilities culturing crocodylians of the order  
 965 Crocodylia are dually regulated by the department and the Fish  
 966 and Wildlife Conservation Commission. Any alligator producer  
 967 issued an aquaculture certificate of registration pursuant to  
 968 this section must also maintain an alligator farming license  
 969 from the Fish and Wildlife Conservation Commission. This chapter  
 970 does not supersede the authority under chapter 379 to regulate  
 971 alligator farms and alligator farmers.

972 (4)(3) FEES.—Effective July 1, 1997, All fees collected  
 973 pursuant to this section shall be deposited into the General  
 974 Inspection Trust Fund in the Department of Agriculture and  
 975 Consumer Services.

976 (6)(5) SALE OF AQUACULTURE PRODUCTS.—

977 (a) Aquaculture products, except shellfish, snook, and any  
 978 fish of the genus *Micropterus*, excluding *Micropterus salmoides*  
 979 *floridanus*, and prohibited and restricted nonnative freshwater  
 980 and marine species identified in the Aquaculture Best Management  
 981 Practices manual by rules of the Fish and Wildlife Conservation  
 982 Commission, may be sold by an aquaculture producer certified  
 983 pursuant to this section or by a dealer licensed pursuant to  
 984 part VII of chapter 379 without restriction so long as the  
 985 product origin can be identified.

986 Section 30. Subsection (1) and paragraph (c) of subsection

14-01283-23 20231164\_\_

987 (3) of section 597.005, Florida Statutes, are amended, and  
988 paragraph (e) of subsection (3) of that section is reenacted, to  
989 read:

990 597.005 Aquaculture Review Council.—

991 (1) COMPOSITION.—There is created within the department the  
992 Aquaculture Review Council to consist of eight members ~~as~~  
993 ~~follows: the chair of the State Agricultural Advisory Council or~~  
994 ~~designee and seven additional members to be~~ appointed by the  
995 commissioner, including an alligator farmer, a food fish farmer,  
996 a shellfish farmer, a tropical fish farmer, an aquatic plant  
997 farmer, a representative of the commercial fishing industry, and  
998 a representative of the aquaculture industry at large. Members  
999 shall be appointed for 4-year terms. Each member shall be  
1000 selected from no fewer than two or more than three nominees  
1001 submitted by recognized statewide organizations representing  
1002 each industry segment or the aquaculture industry at large. In  
1003 the absence of nominees, the commissioner shall appoint persons  
1004 who otherwise meet the qualifications for appointment to the  
1005 council. Members shall serve until their successors are duly  
1006 qualified and appointed. An appointment to fill a vacancy shall  
1007 be for the unexpired portion of the term.

1008 (3) RESPONSIBILITIES.—The primary responsibilities of the  
1009 Aquaculture Review Council are to:

1010 (c) Submit to the commissioner on an annual basis:

1011 1. Upon the appropriation of funds by the Legislature, a  
1012 prioritized list of research projects to be funded by the  
1013 department included in the department's legislative budget  
1014 request. Each year, the council shall review the aquaculture  
1015 legislative budget requests submitted to the department and rank

14-01283-23 20231164\_\_

1016 them according to the state aquaculture plan.

1017 2. Recommendations to be forwarded to the Speaker of the  
1018 House of Representatives and the President of the Senate on  
1019 legislation needed to help the aquaculture industry.

1020 3. Recommendations on aquaculture projects, activities,  
1021 research, and regulation and other needs to further the  
1022 development of the aquaculture industry.

1023 (e) Assist the department in carrying out duties identified  
1024 in s. 597.003 by studying aquaculture issues and making  
1025 recommendations for regulating and permitting aquaculture and in  
1026 the development, revision, and implementation of the state  
1027 aquaculture plan.

1028 Section 31. Subsection (1) of section 599.002, Florida  
1029 Statutes, is amended to read:

1030 599.002 Viticulture Advisory Council.—

1031 (1) There is created within the Department of Agriculture  
1032 and Consumer Services the Viticulture Advisory Council, to  
1033 consist of eight members as follows: the president of the  
1034 Florida Grape Growers' Association or a designee thereof; ~~the~~  
1035 ~~viticulture representative of the State Agricultural Advisory~~  
1036 ~~Council~~; a representative from the Institute of Food and  
1037 Agricultural Sciences; a representative from the viticultural  
1038 science program at Florida Agricultural and Mechanical  
1039 University; and five ~~four~~ additional commercial members, to be  
1040 appointed for a 2-year term each by the Commissioner of  
1041 Agriculture, including a wine producer, a fresh fruit producer,  
1042 a nonwine product (juice, jelly, pie fillings, etc.) producer,  
1043 and a viticultural nursery operator.

1044 Section 32. Paragraph (q) is added to subsection (4) of



14-01283-23 20231164\_\_

1045 section 934.50, Florida Statutes, to read:  
 1046 934.50 Searches and seizure using a drone.—  
 1047 (4) EXCEPTIONS.—This section does not prohibit the use of a  
 1048 drone:

1049 (g) By a non-law enforcement employee of the Department of  
 1050 Agriculture and Consumer Services for activities for the  
 1051 purposes of managing and eradicating plant or animal diseases.

1052 Section 33. For the purpose of incorporating the amendment  
 1053 made by this act to section 500.03, Florida Statutes, in a  
 1054 reference thereto, paragraph (a) of subsection (4) of section  
 1055 373.016, Florida Statutes, is reenacted to read:

1056 373.016 Declaration of policy.—  
 1057 (4) (a) Because water constitutes a public resource  
 1058 benefiting the entire state, it is the policy of the Legislature  
 1059 that the waters in the state be managed on a state and regional  
 1060 basis. Consistent with this directive, the Legislature  
 1061 recognizes the need to allocate water throughout the state so as  
 1062 to meet all reasonable-beneficial uses. However, the Legislature  
 1063 acknowledges that such allocations have in the past adversely  
 1064 affected the water resources of certain areas in this state. To  
 1065 protect such water resources and to meet the current and future  
 1066 needs of those areas with abundant water, the Legislature  
 1067 directs the department and the water management districts to  
 1068 encourage the use of water from sources nearest the area of use  
 1069 or application whenever practicable. Such sources shall include  
 1070 all naturally occurring water sources and all alternative water  
 1071 sources, including, but not limited to, desalination,  
 1072 conservation, reuse of nonpotable reclaimed water and  
 1073 stormwater, and aquifer storage and recovery. Reuse of potable

Page 37 of 41

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

14-01283-23 20231164\_\_

1074 reclaimed water and stormwater shall not be subject to the  
 1075 evaluation described in s. 373.223(3) (a)-(g). However, this  
 1076 directive to encourage the use of water, whenever practicable,  
 1077 from sources nearest the area of use or application shall not  
 1078 apply to the transport and direct and indirect use of water  
 1079 within the area encompassed by the Central and Southern Florida  
 1080 Flood Control Project, nor shall it apply anywhere in the state  
 1081 to the transport and use of water supplied exclusively for  
 1082 bottled water as defined in s. 500.03(1) (d), nor shall it apply  
 1083 to the transport and use of reclaimed water for electrical power  
 1084 production by an electric utility as defined in s. 366.02(4).

1085 Section 34. For the purpose of incorporating the amendment  
 1086 made by this act to section 500.03, Florida Statutes, in a  
 1087 reference thereto, subsection (3) of section 373.223, Florida  
 1088 Statutes, is reenacted to read:

1089 373.223 Conditions for a permit.—  
 1090 (3) Except for the transport and use of water supplied by  
 1091 the Central and Southern Florida Flood Control Project, and  
 1092 anywhere in the state when the transport and use of water is  
 1093 supplied exclusively for bottled water as defined in s.  
 1094 500.03(1) (d), any water use permit applications pending as of  
 1095 April 1, 1998, with the Northwest Florida Water Management  
 1096 District and self-suppliers of water for which the proposed  
 1097 water source and area of use or application are located on  
 1098 contiguous private properties, when evaluating whether a  
 1099 potential transport and use of ground or surface water across  
 1100 county boundaries is consistent with the public interest,  
 1101 pursuant to paragraph (1) (c), the governing board or department  
 1102 shall consider:

Page 38 of 41

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

14-01283-23

20231164\_\_

1103 (a) The proximity of the proposed water source to the area  
 1104 of use or application.

1105 (b) All impoundments, streams, groundwater sources, or  
 1106 watercourses that are geographically closer to the area of use  
 1107 or application than the proposed source, and that are  
 1108 technically and economically feasible for the proposed transport  
 1109 and use.

1110 (c) All economically and technically feasible alternatives  
 1111 to the proposed source, including, but not limited to,  
 1112 desalination, conservation, reuse of nonpotable reclaimed water  
 1113 and stormwater, and aquifer storage and recovery.

1114 (d) The potential environmental impacts that may result  
 1115 from the transport and use of water from the proposed source,  
 1116 and the potential environmental impacts that may result from use  
 1117 of the other water sources identified in paragraphs (b) and (c).

1118 (e) Whether existing and reasonably anticipated sources of  
 1119 water and conservation efforts are adequate to supply water for  
 1120 existing legal uses and reasonably anticipated future needs of  
 1121 the water supply planning region in which the proposed water  
 1122 source is located.

1123 (f) Consultations with local governments affected by the  
 1124 proposed transport and use.

1125 (g) The value of the existing capital investment in water-  
 1126 related infrastructure made by the applicant.

1127  
 1128 Where districtwide water supply assessments and regional water  
 1129 supply plans have been prepared pursuant to ss. 373.036 and  
 1130 373.709, the governing board or the department shall use the  
 1131 applicable plans and assessments as the basis for its

Page 39 of 41

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

14-01283-23

20231164\_\_

1132 consideration of the applicable factors in this subsection.

1133 Section 35. For the purpose of incorporating the amendment  
 1134 made by this act to section 500.03, Florida Statutes, in a  
 1135 reference thereto, paragraph (a) of subsection (2) of section  
 1136 373.701, Florida Statutes, is reenacted to read:

1137 373.701 Declaration of policy.—It is declared to be the  
 1138 policy of the Legislature:

1139 (2) (a) Because water constitutes a public resource  
 1140 benefiting the entire state, it is the policy of the Legislature  
 1141 that the waters in the state be managed on a state and regional  
 1142 basis. Consistent with this directive, the Legislature  
 1143 recognizes the need to allocate water throughout the state so as  
 1144 to meet all reasonable-beneficial uses. However, the Legislature  
 1145 acknowledges that such allocations have in the past adversely  
 1146 affected the water resources of certain areas in this state. To  
 1147 protect such water resources and to meet the current and future  
 1148 needs of those areas with abundant water, the Legislature  
 1149 directs the department and the water management districts to  
 1150 encourage the use of water from sources nearest the area of use  
 1151 or application whenever practicable. Such sources shall include  
 1152 all naturally occurring water sources and all alternative water  
 1153 sources, including, but not limited to, desalination,  
 1154 conservation, reuse of nonpotable reclaimed water and  
 1155 stormwater, and aquifer storage and recovery. Reuse of potable  
 1156 reclaimed water and stormwater shall not be subject to the  
 1157 evaluation described in s. 373.223(3) (a)-(g). However, this  
 1158 directive to encourage the use of water, whenever practicable,  
 1159 from sources nearest the area of use or application shall not  
 1160 apply to the transport and direct and indirect use of water

Page 40 of 41

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

14-01283-23

20231164\_

1161 within the area encompassed by the Central and Southern Florida  
1162 Flood Control Project, nor shall it apply anywhere in the state  
1163 to the transport and use of water supplied exclusively for  
1164 bottled water as defined in s. 500.03(1)(d), nor shall it apply  
1165 to the transport and use of reclaimed water for electrical power  
1166 production by an electric utility as defined in s. 366.02(4).

1167 Section 36. This act shall take effect July 1, 2023.



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Agriculture, *Chair*  
Appropriations Committee on Education  
Appropriations Committee on Transportation, Tourism,  
and Economic Development  
Education Postsecondary  
Education Pre-K -12  
Fiscal Policy  
Military and Veterans Affairs, Space, and  
Domestic Security

### SELECT COMMITTEE:

Select Committee on Resiliency

### JOINT COMMITTEE:

Joint Select Committee on Collective Bargaining

### SENATOR JAY COLLINS

14th District

March 13, 2023

Senator Jason Brodeur  
405 Senate Building  
404 South Monroe Street  
Tallahassee, FL 32399

Chair Brodeur,

I respectfully request that SB 1164 – Department of Agriculture and Consumer Services be heard in the Appropriations Committee on Agriculture, Environment, and General Government at your earliest convenience. This bill codifies industry regulations and helps modernize practices at FDACS.

Should you have any questions or concerns, please feel free to contact my office. Thank you in advance for your consideration.

Thank you,

A handwritten signature in black ink, appearing to read "Jay Collins", written over a horizontal line.

Jay Collins  
Senator, District 14

CC: Giovanni Betta, Staff Director  
Julie Brass, Committee Administrative Assistant

### REPLY TO:

- 405 North Reo Street, Suite 170, Tampa, Florida 33609 (813) 281-2538
- 305 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 387-4014

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**KATHLEEN PASSIDOMO**  
President of the Senate

**DENNIS BAXLEY**  
President Pro Tempore

The Florida Senate

APPEARANCE RECORD

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

4/12/23

Meeting Date

1164

Bill Number or Topic

AEGG

Committee

Amendment Barcode (if applicable)

Name Kelly Friend

Phone (250) 617-7700

Address 400 S. Monroe St.

Email /

Street

Tallahassee

FL

32344

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:

FDAC

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.

The Florida Senate

# APPEARANCE RECORD

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

4/12/23

Meeting Date

1164

Bill Number or Topic

Ag. Approps.

Committee

Amendment Barcode (if applicable)

Name

Courtney Larkin

Phone

850-209-0061

Address

310 W College Avenue

Email

Courtney.Larkin@ffbf.org

Street

Tallahassee

City

FL

State

32303

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 Farm Bureau Federation

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

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

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

S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

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

4/12/23

Meeting Date

Approps. Cmte on A.E.G.G

Committee

1164

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Isabelle Garbarino**

Phone **(850) 617-7700**

Address **400 S. Monroe St.**

Street

Email **Isabelle.Garbarino@FDACS.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:

**FL Department of Agriculture (FDACS)**

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. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

The Florida Senate

# APPEARANCE RECORD

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

4/12

Meeting Date

SB 1164

Bill Number or Topic

Ag, Environment, +

Committee

General Gov't

Amendment Barcode (if applicable)

Name Landon Hoffman

Phone 850 508 1236

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:

Florida Citrus Mutual

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.



4/12/2023

Meeting Date

# The Florida Senate APPEARANCE RECORD

1164

Bill Number or Topic

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

Agriculture Appropriations  
Committee

Amendment Barcode (if applicable)

Name Tripp Hunter

Phone 850-408-6092

Address 119 S. Monroe Street

Email tripp.hunter@FFva.com

Street

Tallahassee

City

FL

State

32308

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 Fruit & Vegetable Assn.

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. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

4/12/23

Meeting Date

SB 1164

Bill Number or Topic

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

Ag, Env + GG Appropriation

Committee

Amendment Barcode (if applicable)

Name David Shepp

Phone 863 581-4250

Address 123 S. Adams Street

Email shepp@thesoutherngroup.com

Street

Tallahassee FL 32312

City

State

Zip

Speaking: [ ] For [ ] Against [ ] Information OR Waive Speaking: [x] In Support [ ] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[ ] I am appearing without compensation or sponsorship.

[x] I am a registered lobbyist, representing:

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

Florida Tropical Fish Farm Association

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. 2020-2022 Joint Rules.pdf flsenate.gov

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

The Florida Senate

APPEARANCE RECORD

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

4/12/23

Meeting Date

1164

Bill Number or Topic

Ag & Env. Approps

Committee

Amendment Barcode (if applicable)

Name Jim SPRATT

Phone 850 228 1296

Address 119 S. Monroe St.  
Street

Email jim@masnoliastrategiesllc.com

City TLAH State FL Zip 32301

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 Aquaculture 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. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

**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 Appropriations Committee on Agriculture, Environment, and General Government

---

BILL: SB 1170

INTRODUCER: Senators Calatayud and Garcia

SUBJECT: Flooding and Sea Level Rise Vulnerability Studies

DATE: April 11, 2023

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Barriero</u>	<u>Rogers</u>	<u>EN</u>	<u>Favorable</u>
2.	<u>Reagan</u>	<u>Betta</u>	<u>AEG</u>	<u>Favorable</u>
3.	_____	_____	<u>FP</u>	_____

---

**I. Summary:**

SB 1170 amends the Resilient Florida Program to authorize the Department of Environmental Protection (DEP) to provide grants to counties or municipalities for feasibility studies and the cost of permitting for innovative measures that reduce the impact of flooding and sea level rise and focus on nature-based solutions. The bill authorizes water management districts, in support of local government adaptation planning, to receive grants under the Resilient Florida Grant Program for the purpose of supporting the Florida Flood Hub for Applied Research and Innovation and the DEP for data creation and collection, modeling, and the implementation of statewide standards.

The bill substantially expands the geographical area where a sea level impact projection (SLIP) study is required and changes the types of structures that this requirement applies to. Currently, a SLIP study must be conducted before beginning construction of a new coastal structure within the coastal building zone. The bill amends this requirement by providing that, beginning July 1, 2024, a SLIP study must be conducted before beginning construction of a “potentially at-risk structure or infrastructure” in an area at risk due to sea level rise, regardless of whether it is within the coastal building zone.

The bill directs the DEP to update its SLIP study rules to provide for the changes required under this bill. In addition to the requirements for the existing rule, the revised rules must include a requirement that state-financed constructors assess the risk of flooding, inundation, and wave action damage to potentially at-risk structures or infrastructure and provide a list of flood mitigation strategies for consideration as part of the structure or infrastructure’s design.

The DEP will incur indeterminate costs to develop rules regarding when a state-financed constructor must conduct a SLIP study. These costs can be handled within existing resources.

The effective date of the bill is July 1, 2023.

## II. Present Situation:

### Flooding and Sea Level Rise

Given Florida's flat topography<sup>1</sup> and extreme rainfall events, flooding has been an issue throughout the state's history.<sup>2</sup> The effects of climate change—including sea level rise, increased storm intensity, and increased frequency and severity of extreme rainfall events—have increased flooding in inland and coastal areas.<sup>3</sup>

Sea level rise is a direct effect of climate change, resulting from a combination of thermal expansion of warming ocean waters and the addition of water mass into the ocean, largely associated with the loss of ice from glaciers and ice sheets.<sup>4</sup> The global mean sea level has risen about eight to nine inches since 1880, and the rate of rise is accelerating: 0.06 inches per year throughout most of the twentieth century, 0.14 inches per year from 2006–2015, and 0.24 inches per year from 2018–2019.<sup>5</sup> In 2021, global sea levels set a new record high—3.8 inches above 1993 levels.<sup>6</sup>

The latest projections from the National Oceanic and Atmospheric Administration (NOAA) estimate that an average of two feet sea level rise can be expected over the next 50 years.<sup>7</sup> All coastal areas of Florida will be affected under this scenario.<sup>8</sup> Miami-Dade and Monroe Counties, including the Florida Keys, are projected to be most impacted.<sup>9</sup> Even under a more conservative scenario of one-foot sea level rise, three of Monroe County's four medical facilities, 65 percent of Monroe's schools, and 71 percent of emergency shelters will be below sea level.<sup>10</sup> More than 81 miles of roadway from Miami-Dade through Palm Beach County would also be below sea level under the one-foot sea level rise scenario.<sup>11</sup>

---

<sup>1</sup> The Florida coastline has an average elevation of approximately 15 to 20 feet above mean sea level (MSL) with barrier islands typically at elevation zero to five feet above MSL. The southern portion of the state (south of Lake Okeechobee) is typically lower than 15 feet MSL. U.S. Army Corps of Engineers, *South Atlantic Coastal Study: Florida Appendix*, 3-26 (2022), available at

[https://www.sad.usace.army.mil/Portals/60/siteimages/SACS/SACS\\_FL\\_Appendix\\_508\\_20220812.pdf?ver=XGRM8v-69\\_bdLAFPXEmlOg%3d%3d](https://www.sad.usace.army.mil/Portals/60/siteimages/SACS/SACS_FL_Appendix_508_20220812.pdf?ver=XGRM8v-69_bdLAFPXEmlOg%3d%3d).

<sup>2</sup> Florida Office of Economic and Demographic Research (EDR), *Annual Assessment of Flooding and Sea Level Rise*, 2 (2023), available at [http://edr.state.fl.us/Content/natural-resources/2023\\_AnnualAssessmentFloodingandSeaLevelRise\\_Chapter6.pdf](http://edr.state.fl.us/Content/natural-resources/2023_AnnualAssessmentFloodingandSeaLevelRise_Chapter6.pdf).

<sup>3</sup> National Aeronautics and Space Administration (NASA), *The Effects of Climate Change*, <https://climate.nasa.gov/effects/> (last visited Mar. 6, 2023).

<sup>4</sup> National Oceanic and Atmospheric Administration (NOAA) et al., *Global and Regional Sea Level Rise Scenarios for the U.S.*, (2022) available at <https://oceanservice.noaa.gov/hazards/sealevelrise/sealevelrise-tech-report.html>;

<sup>5</sup> NOAA, *Climate Change: Global Sea Level*, <https://www.climate.gov/news-features/understanding-climate/climate-change-global-sea-level> (last visited Mar. 6, 2023).

<sup>6</sup> *Id.*

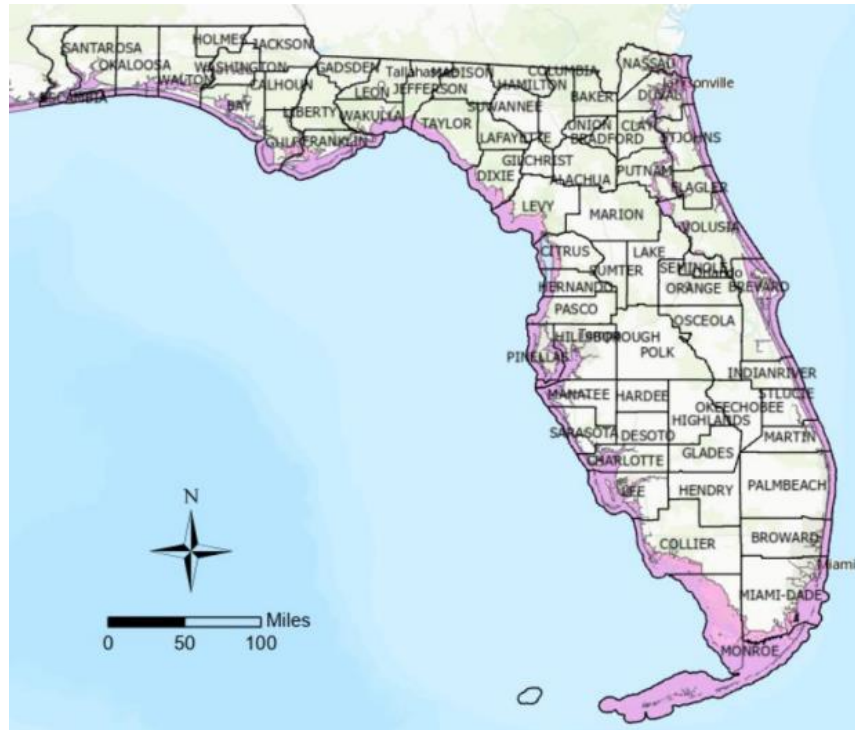
<sup>7</sup> EDR, *Annual Assessment of Flooding and Sea Level Rise* at 20; NOAA, *Global and Regional Sea Level Rise Scenarios for the U.S.*, (2022) available at <https://oceanservice.noaa.gov/hazards/sealevelrise/sealevelrise-tech-report.html>;

<sup>8</sup> EDR, *Annual Assessment of Flooding and Sea Level Rise* at 21.

<sup>9</sup> *Id.* at 21.

<sup>10</sup> *Id.* at 38.

<sup>11</sup> *Id.* at 39.



*Projection of 2 ft. Sea Level Rise<sup>12</sup>*

Over five million structures are estimated to be affected by flooding under a two-foot sea level rise scenario. The estimated value of these at-risk properties exceeds \$576 billion.<sup>13</sup>

Analyses of medical facilities, schools, and fire stations located in the two-foot sea level rise impact area indicate that the actual number of structures that may be completely or partially inundated are few.<sup>14</sup> However, in low-lying areas, and especially on barrier islands, the submergence of the connecting routes to residential areas may greatly impact the continued use and occupation of these structures. In these cases, some neighborhoods may be disconnected from the services that this type of infrastructure provides. In addition, infrastructure on the barrier islands may be cut off from the mainland.<sup>15</sup>

Due to its porous geology, economic and property value, and the potential impact of various flooding hazards, southeast Florida is the area most at risk from sea level rise.<sup>16</sup> The effects of sea level rise are already apparent in this region and pose a threat to lives, livelihoods, economies, and the environment.<sup>17</sup> Physical impacts of sea level rise include coastal inundation and erosion, increased frequency of flooding in vulnerable coastal and inland areas due to

<sup>12</sup> *Id.* at 21.

<sup>13</sup> *Id.* at 24, 25.

<sup>14</sup> *Id.* at 27. For example, accessibility to 53 medical facilities in the coastal areas of Florida may be disrupted; eight school buildings may be partially or completely inundated; and at least seven fire stations in the coastal areas from Jacksonville to Apalachicola may be partially or completely inundated. *Id.* at 31.

<sup>15</sup> *Id.*

<sup>16</sup> EDR, *Annual Assessment of Flooding and Sea Level Rise* at 2.

<sup>17</sup> Sea Level Rise Ad Hoc Work Group, Southeast Florida Regional Climate Change Compact (SFRCCC), *Unified Sea Level Rise Projection: Southeast Florida*, 5 (2019), available at [https://southeastfloridaclimatecompact.org/wp-content/uploads/2020/04/Sea-Level-Rise-Projection-Guidance-Report\\_FINAL\\_02212020.pdf](https://southeastfloridaclimatecompact.org/wp-content/uploads/2020/04/Sea-Level-Rise-Projection-Guidance-Report_FINAL_02212020.pdf).

impairment of the region’s largely gravity-driven stormwater infrastructure system, reduced soil infiltration capacity, and saltwater intrusion of drinking-water supply. Moreover, the impacts of surge from tropical storms or hurricanes are exacerbated by sea level rise. Increased pollution and contamination from flooding degrades natural resources critical to the region’s economy. Sea level rise can also result in displacement, decrease in property values and tax base, increases in insurance costs, loss of services, and impairment of infrastructure such as roads and septic systems.<sup>18</sup>

### Sea Level Rise Projections

Entities from the international to the local level use scientific data and modeling to create projections of future sea level rise for planning and decision-making. The NOAA operates tide gauges along the nation’s coasts and satellites that measure changes in sea level. In 2017 and 2022, the NOAA published sea level rise projections for the U.S.<sup>19</sup> The NOAA’s projections include observation-based extrapolations and five scenarios ranging from “low” to “high.”<sup>20</sup> Interactive maps have been developed to depict local conditions under each NOAA scenario.<sup>21</sup>

### Resilience and Nature-Based Solutions

Resilience is the ability of a community to prepare for anticipated natural hazards, adapt to changing conditions, and withstand and recover rapidly from disruptions.<sup>22</sup> Resilience planning includes preparing for hazard events, risk mitigation, and post-event recovery and should be proactive, continuous, and integrated into other community goals and plans.<sup>23</sup>

Nature-based solutions (NBSs) are an important part of resilience planning. NBSs use natural features and processes to combat climate change, reduce flood risks, improve water quality, protect coastal property, restore and protect wetlands, and stabilize shorelines.<sup>24</sup> Examples of NBSs include:

---

<sup>18</sup> Sea Level Rise Ad Hoc Work Group, Southeast Florida Regional Climate Change Compact (SFRCCC), *Unified Sea Level Rise Projection: Southeast Florida*, 5 (2019), available at [https://southeastfloridaclimatecompact.org/wp-content/uploads/2020/04/Sea-Level-Rise-Projection-Guidance-Report\\_FINAL\\_02212020.pdf](https://southeastfloridaclimatecompact.org/wp-content/uploads/2020/04/Sea-Level-Rise-Projection-Guidance-Report_FINAL_02212020.pdf).

<sup>19</sup> NOAA, *Global and Regional Sea Level Rise Scenarios for the United States*, (2017), available at [https://tidesandcurrents.noaa.gov/publications/techrpt83\\_Global\\_and\\_Regional\\_SLR\\_Scenarios\\_for\\_the\\_US\\_final.pdf](https://tidesandcurrents.noaa.gov/publications/techrpt83_Global_and_Regional_SLR_Scenarios_for_the_US_final.pdf);

NOAA, *Global and Regional Sea Level Rise Scenarios for the United States*, (2022), available at <https://aambpublicoceanservice.blob.core.windows.net/oceanserviceprod/hazards/sealevelrise/noaa-nos-techrpt01-global-regional-SLR-scenarios-US.pdf>.

<sup>20</sup> NOAA, *Global and Regional Sea Level Rise Scenarios for the United States*, 15 (2022). The 2017 projections also included an “extreme” scenario, which has been removed from the 2022 report. See NOAA, *Global and Regional Sea Level Rise Scenarios for the United States*, 23 (2017).

<sup>21</sup> University of Florida, *Florida Sea Level Scenario Sketch Planning Tool*, <https://sls.geoplan.ufl.edu/viewer/> (last visited Mar. 9, 2023).

<sup>22</sup> Federal Emergency Management Agency (FEMA), *National Risk Index: Community Resilience*, <https://hazards.fema.gov/nri/community-resilience> (last visited Mar. 8, 2023).

<sup>23</sup> National Institute of Standards and Technology, U.S. Dep’t of Commerce, *Community Resilience Planning Guide for Buildings and Infrastructure Systems*, 1 (2016), available at <https://nvlpubs.nist.gov/nistpubs/SpecialPublications/NIST.SP.1190v1.pdf>.

<sup>24</sup> FEMA, *FEMA Resources for Climate Resilience*, 5 (2021), available at [https://www.fema.gov/sites/default/files/documents/fema\\_resources-climate-resilience.pdf](https://www.fema.gov/sites/default/files/documents/fema_resources-climate-resilience.pdf).

- Living shorelines, which stabilize a shore by combining living components, such as plants, with structural elements, such as rock or sand. Living shorelines can slow waves, reduce erosion, and protect coastal property.
- Oyster reefs. Oysters are often referred to as “ecosystem engineers” because of their tendency to attach to hard surfaces and create large reefs made of thousands of individuals. In addition to offering shelter and food to coastal species, oyster reefs buffer coasts from waves and filter surrounding waters.
- Dunes, which often have dune grasses or other vegetation and serve as a barrier between the water’s edge and inland areas.<sup>25</sup>

### Statewide Resilience Programs

The Florida Legislature has established several statewide resilience programs, including the Resilient Florida Grant Program, the Comprehensive Statewide Flood Vulnerability and Sea Level Rise Data Set, and the Statewide Flooding and Sea Level Rise Resilience Plan.

The Resilient Florida Grant Program provides grants to counties or municipalities for community resilience planning, including vulnerability assessments, plan development, and projects to adapt critical assets.<sup>26</sup> In the programs first two years, 263 implementation projects have been awarded a total of nearly \$954 million.<sup>27</sup> Vulnerability assessments funded through this program must encompass the entire county or municipality; use the most recent publicly available Digital Elevation Model and dynamic modeling techniques, if available; and analyze the vulnerability of and risks to critical assets,<sup>28</sup> including regionally significant assets.<sup>29</sup> In addition, vulnerability assessments must include, where applicable:

- Peril of flood comprehensive plan amendments that address the requirements of s. 163.3178(2)(f), F.S.,<sup>30</sup> if the county or municipality is subject to, but has not complied with, such requirements;
- The depth of tidal flooding, current and future storm surge flooding, rainfall-induced flooding (including for a 100-year and 500-year storm), and compound flooding or the combination of tidal, storm surge, and rainfall-induced flooding; and
- The following scenarios and standards:

<sup>25</sup> FEMA, *Types of Nature-Based Solutions*, <https://www.fema.gov/emergency-managers/risk-management/nature-based-solutions/types> (last visited Mar. 8, 2023).

<sup>26</sup> Section 380.093(2)(a), F.S. “Critical asset” is defined to include broad lists of assets relating to transportation, critical infrastructure, emergency facilities, natural resources, and historical and cultural resources.

<sup>27</sup> This figure includes \$270 million of state funding for the Statewide Flooding and Sea Level Resilience Plan. DEP, *Presentation to the Florida Senate Committee on Environment and Natural Resources* (Feb. 23, 2023), available at [https://www.flsenate.gov/Committees/Show/SSHR/MeetingPacket/5700/10150\\_MeetingPacket\\_5700\\_2.23.23.pdf](https://www.flsenate.gov/Committees/Show/SSHR/MeetingPacket/5700/10150_MeetingPacket_5700_2.23.23.pdf).

<sup>28</sup> Critical assets include transportation assets and evacuation routes (airports, bridges, bus terminals, major roadways, etc.), critical infrastructure (wastewater and stormwater treatment facilities, drinking water facilities, solid and hazardous waste facilities, etc.), critical community and emergency facilities (schools, correctional facilities, fire stations, hospitals, etc.), and natural, cultural, and historical resources (conservation lands, parks, shorelines, wetlands, etc.). Section 380.093(2)(a), F.S.

<sup>29</sup> Section 380.093(3)(c), F.S. Regionally significant assets are critical assets that support the needs of communities spanning multiple geopolitical jurisdictions. Section 380.093(2)(d), F.S.

<sup>30</sup> This section provides that, in communities abutting the Gulf of Mexico or Atlantic Ocean or other coastal areas defined by statute, a local government’s comprehensive plan must include a coastal management element. Sections 163.3178(2) and 163.3177(6)(g), F.S. This element must contain a redevelopment component that outlines the principles that must be used to eliminate inappropriate and unsafe development in the coastal areas when opportunities arise. Section 163.3178(2)(f), F.S.



- All analyses in the North American Vertical Datum of 1988;<sup>31</sup>
- At least two local sea level rise scenarios, which must include the 2017 NOAA intermediate-low and intermediate-high sea level rise projections;
- At least two planning horizons that include planning horizons for the years 2040 and 2070; and
- Local sea level data that has been interpolated between the two closest NOAA tide gauges.<sup>32</sup>

The Comprehensive Statewide Flood Vulnerability and Sea Level Rise Data Set and Assessment will provide information necessary to determine the risks to inland and coastal communities.<sup>33</sup> By July 1, 2023, the DEP must develop a data set providing statewide sea level rise projections and information necessary to determine the risks of flooding and sea level rise to inland and coastal communities. By July 1, 2024, the DEP must develop a statewide assessment (using the statewide data set) identifying vulnerable infrastructure, geographic areas, and communities. The statewide assessment must include an inventory of critical assets and be updated every five years.<sup>34</sup>

The Statewide Flooding and Sea Level Rise Resilience Plan consists of ranked projects that address risks of flooding and sea level rise to coastal and inland communities.<sup>35</sup> Examples of projects include construction of living shorelines, seawalls, and pump stations, elevation projects, and infrastructure hardening.<sup>36</sup> Counties, municipalities, water management districts, regional water supply authorities, and other entities may submit to the DEP an annual list of proposed projects. Each project must have a minimum 50 percent cost share, unless the project assists or is within a financially disadvantaged community.<sup>37</sup> The DEP ranks the projects using a four-tier scoring system.<sup>38</sup> The DEP has adopted rules to implement s. 380.093, F.S., relating to the Statewide Flooding and Sea Level Rise Resilience Plan and project submittal requirements. These rules can be found in Chapter 62S-8 of the Florida Administrative Code.<sup>39</sup> In December

---

<sup>31</sup> A vertical datum is a surface of zero elevation to which heights of various points are referenced. Traditionally, vertical datums have used classical survey methods to measure height differences (i.e. geodetic leveling) to best fit the surface of the earth. The current vertical datum for the contiguous United States and Alaska is the North American Vertical Datum of 1988. NOAA, *National Geodetic Survey: Vertical Datums*,

<https://www.ngs.noaa.gov/datums/vertical/#:~:text=TABLE%20%3A%20Current%20Vertical%20Datums%20for%20Unit ed%20States,%20%202002-present%20%20%20more%20rows%20> (last visited Mar. 9, 2023).

<sup>32</sup> Section 380.093(3)(d)

<sup>33</sup> Section 380.093(4), F.S.; DEP, *Resilient Florida Program – Statewide Assessment*, <https://floridadep.gov/rcp/resilient-florida-program/content/resilient-florida-program-statewide-assessment> (last visited Mar. 9, 2023).

<sup>34</sup> *Id.* See also DEP, *Resilient Florida Program – Statewide Assessment*, <https://floridadep.gov/rcp/resilient-florida-program/content/resilient-florida-program-statewide-assessment> (last visited Mar. 7, 2023).

<sup>35</sup> Section 380.093(5), F.S.

<sup>36</sup> DEP, *2022-2023 Statewide Flooding and Sea Level Rise Resilience Plan*, available at [https://floridadep.gov/sites/default/files/FY22.23%20Statewide%20Flooding%20and%20Sea%20Level%20Rise%20Resilience%20Plan\\_0.pdf](https://floridadep.gov/sites/default/files/FY22.23%20Statewide%20Flooding%20and%20Sea%20Level%20Rise%20Resilience%20Plan_0.pdf).

<sup>37</sup> Section 380.093(5)(e), F.S. A financially disadvantaged small community is a municipality with a population of 10,000 or fewer, or a county with a population of 50,000 or fewer, where the per capita annual income is less than the state's per capita annual income. *Id.*

<sup>38</sup> Section 380.093(5)(h), F.S.

<sup>39</sup> Fla. Admin. Code Chapter 62S-8, available at [https://floridadep.gov/sites/default/files/Final%20Rule%20Language\\_0.pdf](https://floridadep.gov/sites/default/files/Final%20Rule%20Language_0.pdf).

2022, the DEP submitted the Fiscal Year 23-24 Statewide Flooding and Sea Level Rise Resilience Plan totaling nearly \$408 million over the next three years.<sup>40</sup>

The DEP may also provide funding for regional resilience entities to assist local governments with planning for the resilience needs of communities and coordinating intergovernmental solutions to mitigate adverse impacts of flooding and sea level rise.<sup>41</sup> To date, \$4 million has been appropriated to regional resilience entities.<sup>42</sup>

In 2022, the Statewide Office of Resilience was created within the Executive Office of the Governor for the purpose of reviewing all flood resilience and mitigation activities in the state and coordinating flood resilience and mitigation efforts with federal, state, and local governmental entities and other stakeholders. The office's Chief Resilience Officer and the DEP worked together to provide the Governor and Legislature with a report on flood resilience and mitigation efforts across Florida. The report includes:

- A list of local governments that are required to comply with the requirements of s. 163.3178(2)(f), F.S.,<sup>43</sup> but are not in compliance, as reported by the Department of Economic Opportunity;
- A list of local governments that have completed vulnerability assessments in compliance with the requirements of the Resilient Florida grant program in s. 380.093(3), F.S.;<sup>44</sup>
- An overview of the geographic distribution of entities with funded projects in the Statewide Flooding and Sea Level Rise Resilience Plan,<sup>45</sup> and
- A statewide inventory of basin-level flooding assessments and other related basin-level planning efforts self-reported by water management districts or special districts authorized to submit projects pursuant to s. 380.093(5), F.S.<sup>46</sup>

### **Florida Flood Hub for Applied Research and Innovation**

The Florida Flood Hub for Applied Research and Innovation was established within the University of South Florida College of Marine Science to coordinate efforts between the

---

<sup>40</sup> DEP and Florida Statewide Office of Resilience, *2022 Flood Resilience and Mitigation Efforts Across Florida*, 9, available at

[https://floridadep.gov/sites/default/files/2022%20Flood%20Resilience%20and%20Mitigation%20Efforts%20Report%20Only\\_0.pdf](https://floridadep.gov/sites/default/files/2022%20Flood%20Resilience%20and%20Mitigation%20Efforts%20Report%20Only_0.pdf)

<sup>41</sup> Section 380.093(6), F.S.

<sup>42</sup> DEP, *Presentation to the Florida Senate Committee on Environment and Natural Resources*, 18 (Feb. 23, 2023), available at [https://www.flsenate.gov/Committees/Show/SSHR/MeetingPacket/5700/10150\\_MeetingPacket\\_5700\\_2.23.23.pdf](https://www.flsenate.gov/Committees/Show/SSHR/MeetingPacket/5700/10150_MeetingPacket_5700_2.23.23.pdf).

<sup>43</sup> Section 163.3178(2)(f), F.S., requires local coastal governments to include a redevelopment component within their comprehensive plans' coastal management element, which outlines the principles that must be used to eliminate inappropriate and unsafe development in the coastal areas when opportunities arise. See DEP and Florida Statewide Office of Resilience, *2022 Flood Resilience and Mitigation Efforts Across Florida*, 2, available at

[https://floridadep.gov/sites/default/files/2022%20Flood%20Resilience%20and%20Mitigation%20Efforts%20Report%20Only\\_0.pdf](https://floridadep.gov/sites/default/files/2022%20Flood%20Resilience%20and%20Mitigation%20Efforts%20Report%20Only_0.pdf); Letter from Department of Economic Opportunity to DEP, 1-2 (Nov. 9, 2022), available at

[https://floridadep.gov/DEO\\_PoF\\_Letter2022](https://floridadep.gov/DEO_PoF_Letter2022).

<sup>44</sup> DEP and Florida Statewide Office of Resilience, *2022 Flood Resilience and Mitigation Efforts Across Florida*, 3, available at

[https://floridadep.gov/sites/default/files/2022%20Flood%20Resilience%20and%20Mitigation%20Efforts%20Report%20Only\\_0.pdf](https://floridadep.gov/sites/default/files/2022%20Flood%20Resilience%20and%20Mitigation%20Efforts%20Report%20Only_0.pdf)

<sup>45</sup> *Id.* at 7-9.

<sup>46</sup> *Id.* at 10-12.

academic and research institutions of the state.<sup>47</sup> The Florida Flood Hub is tasked with, among other things, organizing existing data needs for a comprehensive statewide flood vulnerability and sea level rise analysis and performing gap analyses to determine data needs; developing statewide open source hydrologic models for physically based flood frequency estimation and real-time forecasting of flood; establishing community-based programs to improve flood monitoring and prediction along major waterways; and providing tidal and storm surge flooding data to counties and municipalities for vulnerability assessments.<sup>48</sup>

### Sea Level Impact Projection (SLIP) Studies

SLIP studies analyze the potential impact of sea level rise and other coastal hazards on state-funded coastal construction projects.<sup>49</sup> These studies are critical to understanding the safety and economic impacts of sea level rise and coastal flooding.<sup>50</sup>

State-financed constructors<sup>51</sup> must conduct a SLIP study before commencing construction of a new coastal structure within the coastal building zone.<sup>52</sup> Coastal structures include major structures and uninhabitable major structures:

- Major structure means houses, mobile homes, apartment buildings, condominiums, motels, hotels, restaurants, towers, other types of residential, commercial, or public buildings, and other construction having the potential for substantial impact on coastal zones.<sup>53</sup>
- Uninhabitable major structure means swimming pools; parking garages; pipelines; piers; canals, lakes, ditches, drainage structures, and other water retention structures; water and sewage treatment plants; electrical power plants, and all related structures or facilities, transmission lines, distribution lines, transformer pads, vaults, and substations; roads, bridges, streets, and highways; and underground storage tanks.

SLIP studies are only required within the coastal building zone. The coastal building zone includes:

- The land area from the seasonal high-water line landward to a line 1,500 feet landward from the coastal construction control line (CCCL) as established pursuant to s. 161.053, F.S., and, for those coastal areas fronting on the Gulf of Mexico, Atlantic Ocean, Florida Bay, or Straits of Florida and not included under s. 161.053, F.S., the land area seaward of the most landward velocity zone (V-zone) line as established by the Federal Emergency Management Agency and shown on flood insurance rate maps;
- On coastal barrier islands, it includes the land area from the seasonal high-water line to a line 5,000 feet landward from the CCCL or the entire island, whichever is less; and
- All land area in the Florida Keys located within Monroe County.<sup>54</sup>

<sup>47</sup> Section 380.0933(1), F.S.

<sup>48</sup> Section 380.0933(2) and (3), F.S.

<sup>49</sup> DEP, *Slip Studies*, <https://floridadep-slip.org/AboutSLIPStudies.aspx> (last visited Mar. 6, 2023).

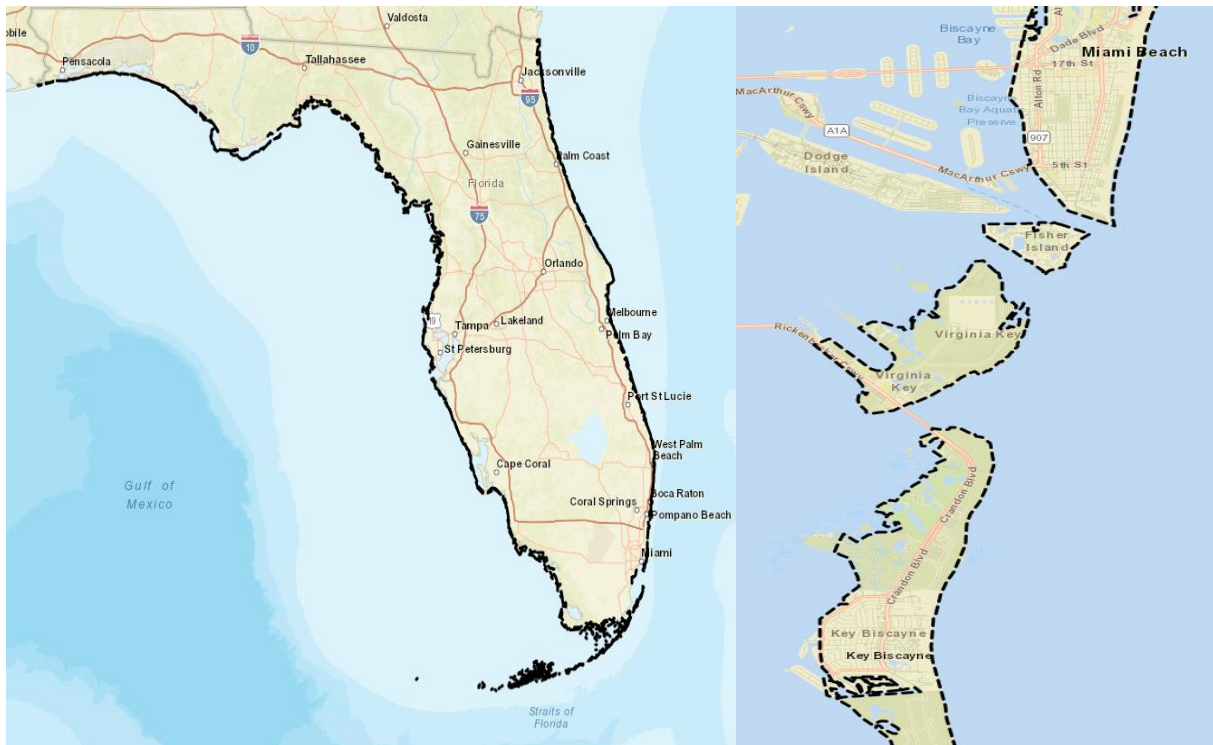
<sup>50</sup> *Id.*

<sup>51</sup> “State-financed constructor” is defined as a public entity that commissions or manages a construction project using funds appropriated from the state. Section 161.551(1)(d), F.S.

<sup>52</sup> Section 161.551, F.S.; Fla. Admin. Code R. 62S-7.011(1).

<sup>53</sup> Section 161.54(6)(a), F.S.

<sup>54</sup> Fla. Admin. Code R. 62S-7.010; section 161.54(1), F.S.



*Coastal Building Zone for Florida and parts of Miami-Dade County<sup>55</sup>*

At a minimum, a SLIP study must include:<sup>56</sup>

- A systematic, interdisciplinary, and scientifically accepted approach in the natural sciences and construction design in conducting the study;
- Alternatives for the coastal structure’s design and siting, including discussion of how such alternatives would affect the potential public safety and environmental impacts assessed in the study, as well as the risks and costs associated with maintaining, repairing, and constructing the coastal structure; and
- An assessment of the flooding, inundation, and wave action damage risks relating to the coastal structure over its expected life or 50 years, whichever is less. This assessment must:
  - Take into account potential sea-level rise and increased storm risk during the expected life of the coastal structure or 50 years, whichever is less;
  - Provide scientific and engineering evidence of the risk to the coastal structure and methods used to mitigate, adapt to, or reduce this risk;
  - Use available scientific research and generally accepted industry practices;
  - Provide the mean average annual chance of substantial flood damage over the expected life of the coastal structure or 50 years, whichever is less; and
  - Analyze potential public safety and environmental impacts resulting from damage to the coastal structure including, but not limited to, leakage of pollutants, electrocution and explosion hazards, and hazards resulting from floating or flying structural debris.<sup>57</sup>

<sup>55</sup> DEP, *SLIP Tool*, <https://floridadep-slip.org/Map.aspx> (last visited Mar. 9, 2023).

<sup>56</sup> Section 161.551(3), F.S.

<sup>57</sup> Section 161.551(3), F.S.

“Substantial flood damage” as used in this section means flood, inundation, or wave action damage resulting from a single event, such as a flood or tropical weather system, where such damage exceeds 25 percent of the market value of the coastal structure at the time of the event.<sup>58</sup>

The SLIP study must be submitted to the DEP and published on the DEP’s website before construction can commence.<sup>59</sup> If a state-financed constructor begins construction of a coastal structure without first submitting a SLIP study, the DEP is authorized to institute a civil action for injunctive relief to cease further construction of the coastal structure and recovery of all or a portion of state funds expended on the coastal structure.<sup>60</sup> The DEP is required to maintain a copy of all SLIP studies on its website for ten years.<sup>61</sup>

The DEP has adopted Chapter 62S-7 of the Florida Administrative Code, which implements s. 161.551, F.S., and provides for the requirements for state-financed constructors, SLIP study standards, and the implementation and enforcement of SLIP study requirements. These rules went into effect July 1, 2022. In addition, the DEP created a SLIP Study Tool that provides an interactive map with information on coastal flooding spatial data and details on current SLIP studies.<sup>62</sup>

### III. Effect of Proposed Changes:

**Section 1** authorizes the Department of Environmental Protection (DEP) to provide Resilient Florida Program grants to counties or municipalities for feasibility studies and the cost of permitting for innovative measures that reduce the impact of flooding and sea level rise and focus on nature-based solutions. The bill provides that the water management districts are eligible to receive grants under the Resilient Florida Program for the purpose of supporting the Florida Flood Hub for Applied Research and Innovation and the DEP through data creation and collection, modeling, and the implementation of statewide standards.

**Section 2** substantially revises the existing sea level impact projection (SLIP) study requirements under s. 161.551, F.S. The bill redesignates the statute from s. 161.551, F.S., in the chapter of law dealing with beach and shore preservation to s. 380.0937, F.S., in the chapter of law addressing land and water management.

The bill substantially expands the geographical area where SLIP studies are required and changes the types of structures that this requirement applies to. Currently, a SLIP study must be conducted before a state-financed constructor begins construction of a new coastal structure within the coastal building zone. The bill amends this requirement by providing that, beginning July 1, 2024, a SLIP study must be conducted before a state-financed constructor begins construction of a certain critical assets (called “potentially at-risk structure or infrastructure”) in an “area at risk due to sea level rise.”

---

<sup>58</sup> Section 161.551(1)(e), F.S.

<sup>59</sup> Section 161.551(6)(a), F.S.

<sup>60</sup> Section 161.551(4), F.S.

<sup>61</sup> Section 161.551(6)(a), F.S.

<sup>62</sup> DEP, *SLIP Studies*, <https://floridadep-slip.org/AboutSLIPStudies.aspx> (last visited Mar. 8, 2023); DEP, *SLIP Map*, <https://floridadep-slip.org/Map.aspx> (last visited Mar. 8, 2023).

The bill defines “area at risk due to sea level rise” as any location projected to be below the threshold for tidal flooding within the next 50 years by adding sea level rise using the highest of the sea level rise projections required under s. 380.093(3)(d)3.b., F.S.<sup>63</sup> For the purposes of this definition, the threshold for tidal flooding is two feet above the mean higher high water.<sup>64</sup> The bill defines “potentially at-risk structure or infrastructure” to mean certain types of critical assets when those assets are within an area at risk due to sea level rise. The types of critical assets for which a slip study would be required include:

- Transportation assets and evacuation routes, including airports, bridges, bus terminals, ports, major roadways, marinas, rail facilities, and railroad bridges;
- Critical infrastructure, including wastewater treatment facilities and lift stations, stormwater treatment facilities and pump stations, drinking water facilities, water utility conveyance systems, electric production and supply facilities, solid and hazardous waste facilities, military installations, communications facilities, and disaster debris management sites;
- Critical community and emergency facilities, including schools, colleges, universities, community centers, correctional facilities, disaster recovery centers, emergency medical service facilities, emergency operation centers, fire stations, health care facilities, hospitals, law enforcement facilities, local government facilities, logistical staging areas, affordable public housing, risk shelter inventory, and state government facilities; and
- Historical or cultural assets.

The bill will require the DEP to update its SLIP rules. The bill retains existing rule requirements with the following changes. The bill:

- Replaces the phrase “mean average annual change of substantial flood damage” with “estimated probability of significant flood damage” in the context of the assessment; and
- Adds a requirement that the state-financed constructor provide a list of flood mitigation strategies evaluated as part of the design of the potentially at-risk structure or infrastructure and identify appropriate flood mitigation strategies for consideration as part of the potentially at-risk structure or infrastructure design.

The bill revises the definition of “substantial flood damage” to “significant flood damage.” The bill adds the term erosion as a type of damage covered in the definition and clarifies that the damage can result from a “discrete or compound natural hazard event” rather than a single event. Under the bill, the damage must exceed:

- Twenty-five percent of the “replacement cost” (existing law uses market value) of the potentially at-risk structure or infrastructure at the time of the event; or
- A defined threshold established by the DEP, in coordination with the Department of Transportation and the water management districts, for a potentially at-risk structure or infrastructure for which replacement cost is not an appropriate metric, such as roadways. The threshold must be established by July 1, 2024.

<sup>63</sup> This section requires vulnerability assessments to provide at least two local sea level rise scenarios, which must include the 2017 National Oceanic and Atmospheric Administration (NOAA) intermediate-low and intermediate-high sea level rise projections. Section 380.093(3)(d)3.b., F.S.

<sup>64</sup> Higher high water means the higher of the two high waters of a tidal day where the tide is of the semidiurnal or mixed type. NOAA, *NOAA Shoreline: Glossary*, <https://shoreline.noaa.gov/glossary.html#partg> (last visited Mar. 9, 2023). An area has a semidiurnal tidal cycle if it experiences two high and two low tides of approximately equal size every lunar day. Many areas on the eastern coast of North America experience these tidal cycles. NOAA, *Tides and Water Levels*, [https://oceanservice.noaa.gov/education/tutorial\\_tides/tides07\\_cycles.html](https://oceanservice.noaa.gov/education/tutorial_tides/tides07_cycles.html) (last visited Mar. 9, 2023).

**Section 3** provides an effective date of July 1, 2023.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Department of Environmental Protection may incur costs to develop rules regarding when a state-financed constructor must conduct a sea level impact projection (SLIP) study. These costs can be handled within existing resources. State-financed constructors may also incur costs to conduct additional SLIP studies.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 380.093 of the Florida Statutes.

This bill repeals section 161.551 of the Florida Statutes and replaces it with a new section 380.0937 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 Calatayud

38-00767A-23

20231170\_\_

1 A bill to be entitled  
 2 An act relating to flooding and sea level rise  
 3 vulnerability studies; amending s. 380.093, F.S.;  
 4 revising the purposes for which the Department of  
 5 Environmental Protection may provide grants under the  
 6 Resilient Florida Grant Program to counties or  
 7 municipalities; authorizing the department to provide  
 8 such grants to water management districts for a  
 9 specified purpose; providing for the prioritization of  
 10 such grants; transferring, renumbering, and amending  
 11 s. 161.551, F.S.; defining and redefining terms;  
 12 requiring state-financed constructors to take  
 13 specified actions before commencing construction of  
 14 potentially at-risk structures or infrastructure  
 15 beginning on a specified date; revising requirements  
 16 for the sea level impact projection study standard the  
 17 department is required to develop by rule; conforming  
 18 provisions to changes made by the act; providing an  
 19 effective date.

20  
 21 Be It Enacted by the Legislature of the State of Florida:

22  
 23 Section 1. Paragraph (b) of subsection (3) of section  
 24 380.093, Florida Statutes, is amended to read:  
 25 380.093 Resilient Florida Grant Program; comprehensive  
 26 statewide flood vulnerability and sea level rise data set and  
 27 assessment; Statewide Flooding and Sea Level Rise Resilience  
 28 Plan; regional resilience entities.—  
 29 (3) RESILIENT FLORIDA GRANT PROGRAM.—

Page 1 of 8

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

38-00767A-23

20231170\_\_

30 (b) Subject to appropriation, the department may provide  
 31 grants to all of the following entities:  
 32 1. A county or municipality to fund:  
 33 a.1- The costs of community resilience planning and  
 34 necessary data collection for such planning, including  
 35 comprehensive plan amendments and necessary corresponding  
 36 analyses that address the requirements of s. 163.3178(2)(f).  
 37 b.2- Vulnerability assessments that identify or address  
 38 risks of inland or coastal flooding and sea level rise.  
 39 c.3- The development of projects, plans, and policies that  
 40 allow communities to prepare for threats from flooding and sea  
 41 level rise.  
 42 d.4- Preconstruction activities for projects to be  
 43 submitted for inclusion in the Statewide Flooding and Sea Level  
 44 Rise Resilience Plan that are located in a municipality that has  
 45 a population of 10,000 or fewer or a county that has a  
 46 population of 50,000 or fewer, according to the most recent  
 47 April 1 population estimates posted on the Office of Economic  
 48 and Demographic Research's website.  
 49 e. Feasibility studies and the cost of permitting for  
 50 innovative measures that reduce the impact of flooding and sea  
 51 level rise and focus on nature-based solutions.  
 52 2. In support of local government adaptation planning, a  
 53 water management district as identified in s. 373.069, either  
 54 directly or through contracted services. Such grants must be  
 55 used for the express purpose of supporting the Florida Flood Hub  
 56 for Applied Research and Innovation and the department in  
 57 implementing this section through data creation and collection,  
 58 modeling, and the implementation of statewide standards.

Page 2 of 8

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

38-00767A-23

20231170\_\_

59 Priority must be given to filling critical data gaps identified  
 60 by the Florida Flood Hub for Applied Research and Innovation  
 61 under s. 380.0933(2)(a).

62 Section 2. Section 161.551, Florida Statutes, is  
 63 transferred, renumbered as section 380.0937, Florida Statutes,  
 64 and amended to read:

65 380.0937 ~~161.551~~ Public financing of construction projects  
 66 within areas at risk due to sea level rise ~~the coastal building~~  
 67 ~~zone.~~

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

69 (a) "Area at risk due to sea level rise" means any location  
 70 projected to be below the threshold for tidal flooding within  
 71 the next 50 years by adding sea level rise using the highest of  
 72 the sea level rise projections required by s. 380.093(3)(d)3.b.  
 73 For purposes of this paragraph, the threshold for tidal flooding  
 74 is 2 feet above mean higher high water.

75 (b) "Department" means the Department of Environmental  
 76 Protection.

77 (c) ~~(a)~~ "Potentially at-risk ~~Coastal~~ structure or  
 78 infrastructure" means any of the following when within an area  
 79 at risk due to sea level rise:

80 1. A critical asset as defined in s. 380.093(2)(a)1., 2.,  
 81 or 3.

82 2. A historical or cultural asset ~~a major structure or~~  
 83 ~~nonhabitable major structure within the coastal building zone.~~

84 (d) ~~(b)~~ "Public entity" means the state or any of its  
 85 political subdivisions, or any municipality, county, agency,  
 86 special district, authority, or other public body corporate of  
 87 the state which is demonstrated to perform a public function or

38-00767A-23

20231170\_\_

88 to serve a governmental purpose that could properly be performed  
 89 or served by an appropriate governmental unit.

90 (f) ~~(e)~~ "SLIP study" means a sea level impact projection  
 91 study as established by the department pursuant to subsection  
 92 (3).

93 (g) ~~(d)~~ "State-financed constructor" means a public entity  
 94 that commissions or manages a construction project using funds  
 95 appropriated from the state.

96 (e) "Significant ~~Substantial~~ flood damage" means flood,  
 97 erosion, inundation, or wave action damage resulting from a  
 98 discrete or compound natural hazard ~~single~~ event, such as a  
 99 flood or tropical weather system, where such damage exceeds:

100 1. Twenty-five ~~25~~ percent of the replacement cost ~~market~~  
 101 value of the potentially at-risk ~~coastal~~ structure or  
 102 infrastructure at the time of the event; or

103 2. A defined threshold established by the department by  
 104 rule, in coordination with the Department of Transportation and  
 105 water management districts, for a potentially at-risk structure  
 106 or infrastructure for which replacement cost is not an  
 107 appropriate metric, such as roadways. The threshold must be  
 108 established by July 1, 2024.

109 (2) Beginning July 1, 2024 ~~1 year after the date the rule~~  
 110 ~~developed by the department pursuant to subsection (3) is~~  
 111 ~~finalized and is otherwise in effect~~, a state-financed  
 112 constructor may not commence construction of a potentially at-  
 113 risk ~~coastal~~ structure or infrastructure without:

114 (a) Conducting a SLIP study that meets the requirements  
 115 established by the department;

116 (b) Submitting the study to the department; and

38-00767A-23

20231170\_\_

117 (c) Receiving notification from the department that the  
 118 study was received and that it has been published on the  
 119 department's website pursuant to paragraph (6) (a) for at least  
 120 30 days. The state-financed constructor is solely responsible  
 121 for ensuring that the study submitted to the department for  
 122 publication meets the requirements under subsection (3).

123 (3) The department shall develop by rule a standard by  
 124 which a state-financed constructor must conduct a SLIP study and  
 125 may require that a professional engineer sign off on the study.  
 126 The rule ~~must be effective 1 year after the date it is finalized~~  
 127 ~~and~~ applies only to projects not yet commenced as of the date  
 128 the rule is finalized. The rule may not apply retroactively to  
 129 projects that commenced before the date the rule is finalized.  
 130 At a minimum, the standard must require that a state-financed  
 131 constructor do all of the following:

132 (a) Use a systematic, interdisciplinary, and scientifically  
 133 accepted approach in the natural sciences and construction  
 134 design in conducting the study.

135 (b) Assess the flooding, inundation, and wave action damage  
 136 risks relating to the potentially at-risk coastal structure or  
 137 infrastructure over its expected life or 50 years, whichever is  
 138 less.

139 1. The assessment must take into account potential relative  
 140 local sea level sea-level rise and increased storm risk during  
 141 the expected life of the potentially at-risk coastal structure  
 142 or infrastructure or 50 years, whichever is less, and, to the  
 143 extent possible, account for the contribution of sea level sea-  
 144 level rise versus land subsidence to the relative local sea  
 145 level sea-level rise.

38-00767A-23

20231170\_\_

146 2. The assessment must provide scientific and engineering  
 147 evidence of the risk to the potentially at-risk coastal  
 148 structure or infrastructure and methods used to mitigate, adapt  
 149 to, or reduce this risk.

150 3. The assessment must use and consider available  
 151 scientific research and generally accepted industry practices.

152 4. The assessment must provide an estimated probability of  
 153 significant the mean average annual chance of substantial flood  
 154 damage to the potentially at-risk structure or infrastructure  
 155 over the expected life of the coastal structure or  
 156 infrastructure or 50 years, whichever is less.

157 5. The assessment must analyze potential public safety and  
 158 environmental impacts resulting from damage to the potentially  
 159 at-risk coastal structure or infrastructure, including, but not  
 160 limited to, leakage of pollutants, electrocution and explosion  
 161 hazards, and hazards resulting from floating or flying  
 162 structural debris.

163 (c) Provide alternatives for the ~~coastal structure's~~ design  
 164 and siting of the potentially at-risk structure or  
 165 infrastructure, and analyze how such alternatives would impact  
 166 the risks specified in subparagraph (b)5. as well as the risk  
 167 and cost associated with maintaining, repairing, and  
 168 constructing the potentially at-risk coastal structure or  
 169 infrastructure.

170 (d) Provide a list of flood mitigation strategies evaluated  
 171 as part of the design of the potentially at-risk structure or  
 172 infrastructure and identify appropriate flood mitigation  
 173 strategies for consideration as part of the potentially at-risk  
 174 structure or infrastructure design.

38-00767A-23

20231170\_\_

175  
 176 If multiple potentially at-risk ~~coastal~~ structures or  
 177 infrastructure are to be built concurrently within one project,  
 178 a state-financed constructor may conduct and submit one SLIP  
 179 study for the entire project for publication by the department.  
 180 (4) If a state-financed constructor commences construction  
 181 of a potentially at-risk ~~coastal~~ structure or infrastructure but  
 182 has not complied with the SLIP study requirement under  
 183 subsection (2), the department may institute a civil action in a  
 184 court of competent jurisdiction to:  
 185 (a) Seek injunctive relief to cease further construction of  
 186 the potentially at-risk ~~coastal~~ structure or infrastructure or  
 187 to enforce compliance with this section or with rules adopted by  
 188 the department pursuant to this section.  
 189 (b) If the potentially at-risk ~~coastal~~ structure or  
 190 infrastructure has been completed or has been substantially  
 191 completed, seek recovery of all or a portion of state funds  
 192 expended on the potentially at-risk ~~coastal~~ structure or  
 193 infrastructure.  
 194 (5) This section does not ~~may not be construed to~~ create a  
 195 cause of action for damages or otherwise authorize the  
 196 imposition of penalties by a public entity for failure to  
 197 implement what is contained in the SLIP study.  
 198 (6) The department:  
 199 (a) Shall publish and maintain a copy of each SLIP study  
 200 ~~all SLIP studies~~ submitted pursuant to this section on its  
 201 website for at least 10 years after the date the department  
 202 receives the study receipt. However, any portion of a study  
 203 containing information that is exempt from s. 119.07(1) and s.

Page 7 of 8

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

38-00767A-23

20231170\_\_

204 24(a), Art. I of the State Constitution must be redacted by the  
 205 department before publication.  
 206 (b) Shall adopt rules as necessary to administer this  
 207 section.  
 208 (7) The department may enforce the requirements of this  
 209 section.  
 210 Section 3. This act shall take effect July 1, 2023.

Page 8 of 8

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



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

**SENATOR Alexis M. Calatayud**  
38th District

### COMMITTEES:

Community Affairs, Chair  
Appropriations Committee on Education  
Appropriations Committee of Health and Human  
Services  
Education Pre-K 12  
Fiscal Policy  
Health Policy  
Military and Veterans Affairs, Space and Domestic  
Security  
Select Committee on Resiliency

March 20th, 2023

Honorable Senator Jason Brodeur  
Chair  
Committee on Agriculture, Environment, and General Government

Honorable Chair Brodeur,

I respectfully request SB 1170 Flooding and Sea Level Rise Vulnerability Studies be placed on the next committee agenda.

The bill revises the purposes for which the Department of Environmental Protection may provide grants under the Resilient Florida Grant Program to counties or municipalities; authorizing the department to provide such grants to water management districts for a specified purpose; requiring state-financed constructors to take specified actions before commencing construction of potentially at-risk structures or infrastructure beginning on a specified date.

Sincerely,

*Alexis M. Calatayud*

---

Senator Alexis M. Calatayud  
Florida Senate, District 38

CC: Giovanni Betta, Staff Director  
Julie Brass, Committee Administrative Assistant

### REPLY TO:

- 11011 SW 101<sup>st</sup> St, STE 5101, Miami Florida 33176 (305) 596-3002
- 324 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5038

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**Kathleen Passidomo**  
President of the Senate

**Dennis Baxley**  
President Pro Tempore

The Florida Senate

APPEARANCE RECORD

SB 1170

4/12/2023

Meeting Date

Bill Number or Topic

APPROPS - AG, ENV, GEN GOVT

Committee

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

Amendment Barcode (if applicable)

Name ELIZABETH ALVI

Phone

Address 308 N. MONROE

Email Beth.Alvi@AUDUBON.ORG

Street

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:

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 Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

4/12/23

110sb

Meeting Date

# The Florida Senate APPEARANCE RECORD

1170

Bill Number or Topic

AEGG

Committee

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

Amendment Barcode (if applicable)

Name **David Cullen**

Phone **941-323-2404**

Address **2838 Little Deal Rd**

Email **cullenasea@gmail.com**

Street

**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:

**Sierra Club 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. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)*

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

S-001 (08/10/2021)

The Florida Senate  
**APPEARANCE RECORD**

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

4/12/23  
Meeting Date  
SEN APP APP  
Committee

SB 1170  
Bill Number or Topic

Amendment Barcode (if applicable)

Name Ramon, MARY

Phone 850 222 1568

Address P.O. Box 10245  
Street

Email rm@ramonmary.com

TALL 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:

AANR-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. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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



The Florida Senate

APPEARANCE RECORD

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

4/12/23

Meeting Date

1170

Bill Number or Topic

Approps. Comm. Ag. Nat Res

Committee

Amendment Barcode (if applicable)

Name Paul Owens

Phone 407-222-2301

Address 308 N. Monroe St.

Street

Email POWENS@1000f.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:

1000 Friends of Florida

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

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

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

The Florida Senate  
**APPEARANCE RECORD**

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

4/12/2023

Meeting Date

1170

Bill Number or Topic

AEG-Approps

Committee

Amendment Barcode (if applicable)

Name Pepper Uchino

Phone (850) 906-9227

Address P.O. Box 13146

Street

Email pepper@fsbpa.com

Tallahassee

City

FL

State

32317

Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without  
compensation or sponsorship.

I am a registered lobbyist,  
representing:

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

FL Shore & Beach Preservation Assoc. (FSBPA)

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. [2020-2022 Joint Rules.pdf](#) [flsenate.gov](#)

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

S-001 (08/10/2021)

9/12/23

Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

SB 1170

Bill Number or Topic

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

Committee

Name

Kate Wesner

Phone

501.722.3654

Amendment Barcode (if applicable)

Address

1501 Mt. Washington E

Email

Kate@foodcoalition.org

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:

American Food 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. [2020-2022 Joint Rules.pdf](#) ifsenate.gov

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

**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 Appropriations Committee on Agriculture, Environment, and General Government

---

BILL: SB 1608

INTRODUCER: Senator Rodriguez

SUBJECT: Retail Fresh Market Farm Stand Signage

DATE: April 11, 2023

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Burse</u>	<u>Becker</u>	<u>AG</u>	<u>Favorable</u>
2.	<u>Blizzard</u>	<u>Betta</u>	<u>AEG</u>	<u>Favorable</u>
3.	_____	_____	<u>FP</u>	_____

---

**I. Summary:**

SB 1608 defines the term “retail fresh market farm stand.” The bill establishes the Fresh From Florida Retail Fresh Market Farm Stand Signage Program (program) within the Department of Agriculture and Consumer Services (department) to provide directional signage for certified retail fresh market farm stands. The bill authorizes the Commissioner of Agriculture to designate certified retail fresh market farm stands as state tourist attractions. The bill also permits the Department of Transportation to place directional signage on interstate highways and roads. It establishes the Fresh From Florida Retail Fresh Market Farm Stand Advisory Council within the department.

The bill has an indeterminate fiscal impact on state expenditures. See Section V. Fiscal Impact for more information.

The bill takes effect July 1, 2023.

**II. Present Situation:**

**Fresh From Florida**

The “Fresh From Florida” program promotes Florida agricultural products through consumer marketing campaigns, partnerships with over 100 domestic and international retailers, and an established presence at prominent industry tradeshow<sup>1</sup>.

By joining the “Fresh From Florida” program, both small and large producers can benefit from the widely recognized brand, marketing campaigns, retail partnerships and industry outreach

---

<sup>1</sup> See <https://www.fdacs.gov/Agriculture-Industry/Fresh-From-Florida-Industry-Membership> (last visited March 15, 2023)

conducted by the department. There are two types of memberships: Paid Membership \$50/year and Non-Paid Membership.<sup>2</sup>

### **Division of Marketing and Development**

The Division of Marketing and Development (division) within the department, administers the "Fresh From Florida" program to help Florida growers and producers market their products. The division partners with retail grocery stores on product promotions and encourages the use of the "Fresh From Florida" logo for advertising to increase the purchase of Florida-grown commodities.<sup>3</sup>

The division's culinary team develops healthy recipes using Florida products and educates consumers about the importance of making nutritious food choices.<sup>4</sup>

The division also operates 12 state farmers markets, promotes and issues permits for county fairs and livestock shows, and gathers agricultural data to assist producers in making production and marketing decisions.<sup>5</sup>

### **III. Effect of Proposed Changes:**

SB 1608 defines "retail fresh market farm stand" to mean any facility located on a farm and used to market farm products defined in s. 823.14(3), F.S. The bill establishes the Fresh From Florida Retail Fresh Market Farm Stand Signage Program (program) within the department to provide directional signage for certified retail fresh market farm stands. The bill also provides the requirements to qualify as a certified retail fresh market, participate in the program, and maintain designation as a certified retail fresh market farm stand. It excludes agricultural facilities that produce wine, but do not have a growing area on the property from qualifying for the program.

The bill permits the commissioner to officially recognize a certified retail fresh market farm stand as a state tourist attraction.

The bill authorizes the department, in consultation with the Fresh From Florida Retail Fresh Market Farm Stand Advisory Council, to develop uniform directional signage with a uniform Fresh From Florida Retail Fresh Market Farm Stand logo and emblem. The bill also authorizes the Department of Transportation to, upon request from a certified retail fresh market farm stand, to place directional signage with market farm stand logo and emblems on the rights-of-way of interstate highways and primary and secondary roads.

The bill requires the department to adopt rules to implement this program.

The bill creates the Fresh From Florida Retail Fresh Market Farm Stand Advisory Council (council). The council shall consist of 12 members to be appointed by the commissioner. Initially, six members shall be appointed by the commissioner for a one-year term and six

---

<sup>2</sup> Id.

<sup>3</sup> See <https://www.fdacs.gov/Divisions-Offices/Marketing-and-Development> (last visited March 15, 2023).

<sup>4</sup> Id.

<sup>5</sup> Id.

members for a two-year term. Thereafter, members shall be appointed for two-year terms. The bill permits the council to annually submit recommendations related to the program to the commissioner.

The bill takes effect July 1, 2023.

#### **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 department estimates that the fiscal impact on the private sector is unknown, although increased awareness through directional roadside signage will likely increase the customer base of the participating farms.

Owners and operators of qualified retail fresh market farm stands will have to pay application and registration fees to apply to the program. They will also have to pay a fee if they want additional signage on interstate highways, primary and secondary roads.

C. Government Sector Impact:

The bill may have an indeterminate fiscal impact on the Department of Agriculture and Consumer Services (department) and the Department of Transportation. Resources will likely be needed to administer the signage program, though the extent of coordination and

industry participation are unknown. The department reports they would likely implement the program with existing resources in the first year and evaluate the appropriate staffing levels for a legislative budget request in the next fiscal year.

The department estimates the fiscal impact on local governments is indeterminate because the number of qualifying farms is unknown and participation in the program is voluntary.

This bill is linked to SB 1610 (2023 Regular Session) which requires the department to include application, permit, placement, and removal fees in rules implementing the Fresh From Florida Retail Fresh Market Farm Stand Signage Program.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates sections 570.851 and 570.8511 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.

By Senator Rodriguez

40-01535A-23

20231608\_\_

A bill to be entitled

An act relating to retail fresh market farm stand signage; creating s. 570.851, F.S.; defining the term "retail fresh market farm stand"; establishing the Fresh From Florida Retail Fresh Market Farm Stand Signage Program within the Department of Agriculture and Consumer Services to provide directional signage for certified retail fresh market farm stands; providing qualification and certification requirements; providing an exception; authorizing the Commissioner of Agriculture to designate certified retail fresh market farm stands as state tourist attractions; requiring the department, in consultation with the Fresh From Florida Retail Fresh Market Farm Stand Advisory Council, to develop uniform directional signage; requiring the Department of Transportation, upon request, to place signage at specified locations; requiring owners and operators of certified retail fresh market farm stands to pay specified fees; requiring the department to adopt rules; providing construction; creating s. 570.8511, F.S.; establishing the Fresh From Florida Retail Fresh Market Farm Stand Advisory Council within the department; providing for council membership, meetings, powers, duties, and procedures; providing an effective date.

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

Section 1. Section 570.851, Florida Statutes, is created to

Page 1 of 4

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

40-01535A-23

20231608\_\_

read:

570.851 Fresh From Florida Retail Fresh Market Farm Stand Signage Program.—

(1) As used in this section, the term "retail fresh market farm stand" means any facility located on a farm and used to market farm products as those terms are defined in s. 823.14(3).

(2) The Fresh From Florida Retail Fresh Market Farm Stand Signage Program is established within the department to provide directional signage for certified retail fresh market farm stands.

(3) (a) To qualify as a certified retail fresh market farm stand, a stand must:

1. Offer farm products for sale that are produced on the premises.

2. Be open for business at least 4 days a week, 10 months of the year.

3. Have an actual growing area of at least 87,120 square feet.

4. Offer tours of the growing area located on the premises.

5. Display permanent signage on the premises specifying the times for the tours and hours of operation of the agricultural facility.

(b) To participate in the program, the owner or operator of a qualified retail fresh market farm stand must apply to the department to register as a certified retail fresh market farm stand and pay application and registration fees.

(c) To maintain designation as a certified retail fresh market farm stand, a stand must annually meet the requirements under paragraphs (a) and (b).

Page 2 of 4

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



40-01535A-23

20231608\_\_

59 (d) An agricultural facility that produces wine or other  
 60 agricultural products but does not have a growing area on the  
 61 property does not qualify for the program.

62 (e) The commissioner may officially recognize a certified  
 63 retail fresh market farm stand as a state tourist attraction.

64 (4)(a) The department, in consultation with the Fresh From  
 65 Florida Retail Fresh Market Farm Stand Advisory Council, shall  
 66 develop uniform directional signage bearing a uniform Fresh From  
 67 Florida retail fresh market farm stand logo and emblem.

68 (b) Upon request of a certified retail fresh market farm  
 69 stand, the Department of Transportation shall place directional  
 70 signage bearing the uniform Fresh From Florida retail fresh  
 71 market farm stand logo and emblem on the rights-of-way of  
 72 interstate highways and primary and secondary roads. The owner  
 73 or operator of the certified retail fresh market farm stand must  
 74 pay a fee for the signage placement.

75 (5) The department shall adopt rules to implement this  
 76 section.

77 (6) This section does not prevent retail fresh market farm  
 78 stands from qualifying as an agritourism activity as defined in  
 79 s. 570.86.

80 Section 2. Section 570.8511, Florida Statutes, is created  
 81 to read:

82 570.8511 Fresh From Florida Retail Fresh Market Farm Stand  
 83 Advisory Council.—

84 (1) The Fresh From Florida Retail Fresh Market Farm Stand  
 85 Advisory Council, an advisory council as defined in s. 20.03(7),  
 86 is established within the department. The council shall consist  
 87 of 12 members to be appointed by the commissioner. Initially, 6

Page 3 of 4

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

40-01535A-23

20231608\_\_

88 members shall be appointed by the commissioner for a 1-year term  
 89 and 6 members for a 2-year term. Thereafter, members shall be  
 90 appointed for 2-year terms.

91 (2) The meetings, powers, duties, procedures, and  
 92 recordkeeping of the advisory council shall be pursuant to s.  
 93 570.232.

94 (3) The council may annually submit to the commissioner  
 95 recommendations relating to the Fresh From Florida Retail Fresh  
 96 Market Farm Stand Signage Program.

97 Section 3. This act shall take effect July 1, 2023.

Page 4 of 4

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



The Florida Senate

## Committee Agenda Request

**To:** Senator Jason Brodeur, Chair  
Appropriations Committee on Agriculture, Environment, and General  
Government

**Subject:** Committee Agenda Request

**Date:** March 20, 2023

---

I respectfully request that **CS/SB 1608**, relating to Retail Fresh Market Farm Stand Signage be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in black ink, appearing to read "Ana Maria Rodriguez".

---

Senator Ana Maria Rodriguez  
Florida Senate, District 40

**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 Appropriations Committee on Agriculture, Environment, and General Government

---

BILL: CS/SB 1610

INTRODUCER: Agriculture Committee and Senator Rodriguez

SUBJECT: Fees/Fresh From Florida Retail Fresh Market Farm Stand Signage Program

DATE: April 11, 2023

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Burse</u>	<u>Becker</u>	<u>AG</u>	<u>Fav/CS</u>
2.	<u>Blizzard</u>	<u>Betta</u>	<u>AEG</u>	<u>Favorable</u>
3.	_____	_____	<u>FP</u>	_____

---

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

---

**I. Summary:**

CS/SB 1610 requires the Department of Agriculture and Consumer Services to include specified application, permit, placement, and removal fees in rules implementing the Fresh From Florida Retail Fresh Market Farm Stand Signage Program.

The bill may have an indeterminate, but insignificant fiscal impact on state revenues and expenditures. See Section V. Fiscal Impact Statement.

The bill will take effect on the same date that SB 1608 (2023 Regular Session) or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

**II. Present Situation:**

***SB 1608 (2023 Regular Session)***

SB 1608 (2023 Regular Session) by Senator Rodriguez, defines the term “retail fresh market farm stand.” The bill establishes the Fresh From Florida Retail Fresh Market Farm Stand Signage Program (program) within the Department of Agriculture and Consumer Services (department) to provide directional signage for certified retail fresh market farm stands. The bill authorizes the Commissioner of Agriculture to designate certified retail fresh market farm stands as state tourist attractions. The bill also permits the Department of Transportation to place directional signage promoting on interstate highways and roads. Establishes the Fresh From

Florida Retail Fresh Market Farm Stand Advisory Council within the department. SB 1608 does not authorize the assessment of any fees or taxes.

If passed and signed into law, the bill takes effect July 1, 2023.

### III. Effect of Proposed Changes:

**Section 1** amends s. 570.851, F.S., as created by SB 1608 (2023 Regular Session), requiring the department to adopt rules to implement the Fresh From Florida Retail Fresh Market Farm Stand Signage Program. The rules must include the following fees:

- An annual application and permit fee, not to exceed \$50.
- A signage placement fee, not to exceed \$250.
- A signage removal fee, not to exceed \$100.

**Section 2** provides that the bill will take effect on the same date that SB 1608 (2023) or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

### 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:

Section 19, Art. VII of the State Constitution limits the authority of the legislature to enact legislation that imposes or raises a state tax or fee by requiring such legislation to be approved by a 2/3 vote of each chamber of the legislature.<sup>1</sup> Such state tax or fee imposed, authorized, or raised must be contained in a separate bill that contains no other subject.<sup>2</sup>

The constitution defines “fee” to mean any charge or payment required by law, including any fee for service, fee or cost for licenses, and charge for service.<sup>3</sup>

The bill authorizes the department to adopt, by rule, an annual application fee of \$50, a signage placement fee, not to exceed \$250 and a signage removal fee, not to exceed \$100.

---

<sup>1</sup> FLA. CONST. art. VII, s. 19(a)(b)

<sup>2</sup> FLA. CONST. art. VII, s. 19(e)

<sup>3</sup> FLA. CONST. art. VII, s. 19(d)(1)

The department does not have authority under current law so the provisions of Section 19, Art. VII of the State Constitution appear to apply, requiring this legislation to be approved by a 2/3 vote of each house of the legislature.

E. **Other Constitutional Issues:**

None.

V. **Fiscal Impact Statement:**

A. **Tax/Fee Issues:**

None.

B. **Private Sector Impact:**

Owners and operators of qualified retail fresh market farm stands will have to pay an annual application fee of \$50, a signage placement fee, not to exceed \$250 and possibly a signage removal fee, not to exceed \$100.

C. **Government Sector Impact:**

This bill is linked to SB 1608 (2023 Regular Session) which requires the Department of Agriculture and Consumer Services (department) to implement the Fresh From Florida Retail Fresh Market Farm Stand Signage Program. This bill requires the department to develop rules and adopt fees to implement the program. The department estimates an indeterminate, yet negligible fiscal impact.

VI. **Technical Deficiencies:**

None.

VII. **Related Issues:**

None.

VIII. **Statutes Affected:**

This bill substantially amends section 570.851 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 Agriculture on March 20, 2023:**

The committee substitute links this bill with SB 1608 (2023) to make them both effective on the same date.

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 Agriculture; and Senator Rodriguez

575-02798-23

20231610c1

1 A bill to be entitled  
2 An act relating to fees; amending s. 570.851, F.S.;  
3 requiring the Department of Agriculture and Consumer  
4 Services to include specified application, permit,  
5 placement, and removal fees in rules implementing the  
6 Fresh From Florida Retail Fresh Market Farm Stand  
7 Signage Program; providing a contingent effective  
8 date.

9  
10 Be It Enacted by the Legislature of the State of Florida:

11  
12 Section 1. Subsection (5) of section 570.851, Florida  
13 Statutes, as created by SB 1608 or similar legislation, is  
14 amended to read:

15 570.851 Fresh From Florida Retail Fresh Market Farm Stand  
16 Signage Program.—

17 (5) The department shall adopt rules to implement this  
18 section. The rules must include the following fees:

19 (a) An annual application and permit fee, not to exceed  
20 \$50.

21 (b) A signage placement fee, not to exceed \$250.

22 (c) A signage removal fee, not to exceed \$100.

23 Section 2. This act shall take effect on the same date that  
24 SB 1608 or similar legislation takes effect, if such legislation  
25 is adopted in the same legislative session or an extension  
26 thereof and becomes a law.



The Florida Senate

## Committee Agenda Request

**To:** Senator Jason Brodeur, Chair  
Appropriations Committee on Agriculture, Environment, and General  
Government

**Subject:** Committee Agenda Request

**Date:** March 20, 2023

---

I respectfully request that **CS/SB 1610**, relating to Fees/Fresh From Florida Retail Fresh Market Farm Stand Signage Program, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in black ink, appearing to read "Ana Maria Rodriguez".

---

Senator Ana Maria Rodriguez  
Florida Senate, District 40



# CourtSmart Tag Report

Room: SB 110

Case No.:

Type:

Caption: Senate Appropriations Committee on Agriculture, Environment, and General Government

Judge:

Started: 4/12/2023 11:33:16 AM

Ends: 4/12/2023 12:49:02 PM

Length: 01:15:47

11:33:17 AM Sen. Brodeur (Chair)  
11:34:07 AM S 1150  
11:34:18 AM Sen. Ingoglia  
11:35:15 AM Am. 599600  
11:35:37 AM S 1150 (cont.)  
11:35:46 AM Isabelle Garbarino, FL Dept. of Agriculture (waives in support)  
11:36:01 AM Sen. Stewart  
11:37:24 AM Sen. Brodeur  
11:37:37 AM S 100  
11:37:39 AM Sen. Garcia  
11:38:15 AM Am. 525582  
11:38:37 AM S 100 (cont.)  
11:38:42 AM Sen. Osgood  
11:38:59 AM Sen. Garcia  
11:39:32 AM Sen. Osgood  
11:39:49 AM John Moyle, FL Inland Navigation District (waives in support)  
11:39:57 AM Pepper Uchino, FL Shore & Beach Preservation Association (waives in support)  
11:40:13 AM Sen. Garcia  
11:41:14 AM S 724  
11:41:25 AM Sen. Boyd  
11:42:30 AM Am. 544822  
11:42:58 AM Am. 131862  
11:43:25 AM Am. 431188  
11:43:28 AM Sen. Grall  
11:44:21 AM Sen. Berman (Vice Chair)  
11:44:32 AM Sen. Grall  
11:44:54 AM Sen. Boyd  
11:45:08 AM S 724 (cont.)  
11:45:19 AM David Shepp, Mote Marine Laboratory (waives in support)  
11:45:24 AM P. Uchino (waives in support)  
11:45:36 AM Sen. Mayfield  
11:46:39 AM Sen. Boyd  
11:48:02 AM S 194  
11:48:11 AM Sen. Hooper  
11:49:23 AM Kevin Cleary, Sunshine Water Services (waives in support)  
11:49:28 AM Chris Hansen, FL Rural Water Association (waives in support)  
11:49:33 AM Lance Pierce, Association of FL Conservation Districts (waives in support)  
11:50:30 AM S 536  
11:50:33 AM Sen. Garcia  
11:52:30 AM Barney Bishop III, FL Smart Justice (waives in support)  
11:52:34 AM Alec Yarger, FL Dept. of Revenue (waives in support)  
11:53:31 AM S 702  
11:53:38 AM Sen. Simon  
11:55:32 AM Ramon Maury, American Association for Nude Recreation FL (waives in support)  
11:56:30 AM S 546  
11:56:34 AM Sen. Avila  
11:57:56 AM David Cullen, Sierra Club FL (waives in support)  
11:58:01 AM R. Maury (waives in support)  
11:58:05 AM P. Uchino (waives in support)  
11:59:02 AM S 748  
11:59:06 AM Sen. Boyd  
12:00:42 PM Tasha Carter, The Office of the Insurance Consumer Advocate (waives in support)

12:00:47 PM Nick Mayor, American Association of Retired Persons FL (waives in support)  
12:00:52 PM Austin Stowers, Office of CFO Jimmy Patronis (waives in support)  
12:01:05 PM Sen. Garcia  
12:01:22 PM Sen. Boyd  
12:02:05 PM S 658  
12:02:13 PM Sen. Burgess  
12:03:09 PM Josh Aubuchon, FL Brewers Guild (waives in support)  
12:03:24 PM Sen. Garcia  
12:04:06 PM S 1164  
12:04:19 PM Sen. Collins  
12:06:16 PM Am. 169752  
12:06:41 PM Am. 937820  
12:07:32 PM Am. 169752 (cont.)  
12:07:50 PM Am. 591224  
12:08:37 PM Am. 759608  
12:09:06 PM S 1164 (cont.)  
12:09:16 PM Sen. Berman  
12:09:33 PM Sen. Collins  
12:10:14 PM Courtney Larken, FL Farm Bureau (waives in support)  
12:10:18 PM I. Garbarino (waives in support)  
12:10:26 PM Landon Hoffman, FL Citrus Mutual (waives in support)  
12:10:31 PM Tripp Hunter, FL Fruit & Vegetable Association (waives in support)  
12:10:36 PM D. Shepp, FL Tropical Fish Farm Association (waives in support)  
12:10:42 PM Jim Spratt, FL Aquaculture Association (waives in support)  
12:11:07 PM Kelly Friend, Director of Division of Agricultural Environmental Services, FL Dept. of Agriculture and Consumer Services  
12:11:18 PM Sen. Berman  
12:11:36 PM K. Friend  
12:12:28 PM Sen. Berman  
12:12:33 PM K. Friend  
12:13:25 PM Sen. Boyd  
12:14:09 PM Sen. Collins  
12:15:07 PM S 1170  
12:15:19 PM Sen. Calatayud  
12:16:28 PM Elizabeth Alvi, Director of Policy, Audubon FL (waives in support)  
12:16:34 PM D. Cullen (waives in support)  
12:16:37 PM R. Maury (waives in support)  
12:16:41 PM Paul Owens, 1000 Friends of FL (waives in support)  
12:16:45 PM P. Uchino (waives in support)  
12:16:49 PM Kate Wesner, American Flood Coalition (waives in support)  
12:17:02 PM Sen. Berman  
12:17:34 PM Sen. Stewart  
12:18:34 PM S 1608  
12:18:41 PM Sen. Rodriguez  
12:19:40 PM S 1610  
12:19:49 PM Sen. Rodriguez  
12:20:55 PM S 136  
12:21:01 PM Sen. Gruters  
12:22:16 PM Am. 137842  
12:22:38 PM Sen. Boyd  
12:22:43 PM Sen. Gruters  
12:23:37 PM S 136 (cont.)  
12:23:46 PM B. Bishop III (waives in support)  
12:24:10 PM Mac Hadow, Senior Fellow on Public Policy, American Kratom Association  
12:26:34 PM Sen. Berman  
12:26:38 PM M. Hadow  
12:26:39 PM Sen. Berman  
12:26:44 PM M. Hadow  
12:27:16 PM R. Maury (waives in support)  
12:27:30 PM Sen. Berman  
12:28:02 PM Sen. Osgood  
12:28:37 PM Sen. Stewart

12:29:01 PM Sen. Gruters  
12:30:43 PM S 1158  
12:30:47 PM Sen. DiCeglie  
12:31:36 PM Am. 688170  
12:32:14 PM Sen. Berman  
12:32:19 PM Sen. DiCeglie  
12:32:21 PM Sen. Berman  
12:32:41 PM Sen. DiCeglie  
12:32:57 PM S 1158 (cont.)  
12:33:05 PM Daniel Olson, Asurion (waives in support)  
12:33:08 PM A. Stowers, Dept. of Financial Services (waives in support)  
12:33:14 PM Stephen Cain  
12:33:28 PM Reggie Garcia, FL Justice Association  
12:35:01 PM Sen. DiCeglie  
12:36:21 PM Sen. Berman (Chair)  
12:36:31 PM S 880  
12:36:38 PM Sen. Brodeur  
12:38:03 PM John November, Public Trust for Conservation  
12:41:08 PM E. Alvi  
12:42:31 PM Roxanne Groover, Executive Director, FL Onsite Wastewater Association  
12:44:53 PM P. Owens (waives in support)  
12:44:57 PM Eric Draper (waives in support)  
12:45:11 PM Sen. Brodeur  
12:47:26 PM Sen. Brodeur (Chair)  
12:47:33 PM Sen. Rodriguez  
12:47:45 PM Sen. DiCeglie  
12:48:16 PM Sen. Trumbull  
12:48:25 PM Sen. Polsky  
12:48:29 PM Sen. Albritton  
12:48:51 PM Sen. Brodeur