Tab 2	**SB 354** by **McClain;** Similar to CS/H 00299 Blue Ribbon Projects

922876	A	S	CA, McClain	Delete L.91 - 92:	01/12 12:02 PM
535486	A	S	CA, McClain	btw L.227 - 228:	01/12 12:02 PM

Tab 3	**SB 504** by **Burgess;** Identical to H 00509 Code Inspector Body Cameras

Tab 5	**SB 526** by **Grall;** Similar to CS/H 00405 Commercial Construction Projects

Tab 1	**SB 330** by **Bradley;** Compare to H 00739 Disability Provisions for Firefighters and Law Enforcement and Correctional Officers

804174	A	S	CA, Bradley	btw L.217 - 218:	01/12 10:22 AM

Tab 7	**SB 840** by **DiCeglie;** Compare to H 01465 Land Use Regulations for Local Governments Affected by Natural Disasters

Tab 6	**SB 594** by **Burton;** Identical to H 00267 Local Housing Assistance Plans

Tab 4	**SB 506** by **Burgess;** Identical to H 00511 Public Records/Body Camera Recordings Recorded by a Code Inspector

The Florida Senate

COMMITTEE MEETING EXPANDED AGENDA

COMMUNITY AFFAIRS
Senator McClain, Chair
Senator Massullo, Vice Chair

MEETING DATE: Tuesday, January 13, 2026
TIME: 1:30—3:30 p.m.
PLACE: *Mallory Horne Committee Room,* 37 Senate Building

MEMBERS: Senator McClain, Chair; Senator Massullo, Vice Chair; Senators Jones, Leek, Passidomo, Pizzo, Sharief, and Trumbull

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	**SB 330** Bradley (Compare H 739)	Disability Provisions for Firefighters and Law Enforcement and Correctional Officers; Defining the terms “employing agency” and “heart disease”; providing that a certain previously conducted physical examination satisfies a requirement for a presumption; authorizing law enforcement officers, correctional officers, and correctional probation officers, under a specified condition, to use a physical examination from a former employer for the purpose of claiming a specified presumption, etc. CA 01/13/2026 GO AP	
2	**SB 354** McClain (Similar CS/H 299)	Blue Ribbon Projects; Requiring that a development project meet certain requirements to qualify as a blue ribbon project; specifying maximum residential density and nonresidential intensity permitted within the development area of a blue ribbon project; requiring that a blue ribbon project have a blue ribbon plan; requiring that a project receive dollar-for-dollar credits from a local government under certain circumstances; specifying that a project may be located on land with any future land use designation or zoning designation, etc. CA 01/13/2026 ATD RC	
3	**SB 504** Burgess (Identical H 509, Compare H 511, H 539, Linked S 506)	Code Inspector Body Cameras; Requiring a governmental entity that permits its code inspectors to wear body cameras to establish certain policies and procedures; requiring such governmental entity to ensure that certain training occurs, to retain certain data in accordance with public records laws, and to perform a periodic review of actual body camera practices; providing that certain provisions relating to the interception of wire, electronic, and oral communications do not apply to body camera recordings made by code inspectors, etc. CA 01/13/2026 ACJ RC	

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	**SB 506** Burgess (Similar H 541, Identical H 511, Compare H 509, Linked S 504)	Public Records/Body Camera Recordings Recorded by a Code Inspector; Providing an exemption from public records requirements for body camera recordings recorded by a code inspector under certain circumstances; providing exceptions; requiring a local government to retain body camera recordings for a specified timeframe; providing for future legislative review and repeal of the exemption; providing a statement of public necessity, etc. CA 01/13/2026 ACJ RC	
5	**SB 526** Grall (Similar CS/H 405)	Commercial Construction Projects; Defining the term “awarding body”; providing that provisions contained in public construction contracts which purport to waive, release, or extinguish certain rights of a contractor are void and unenforceable under specified circumstances; providing construction; requiring the Florida Building Commission, in consultation with the Department of Business and Professional Regulation, to create a uniform commercial building permit application; defining the term “commercial construction project”; requiring local enforcement agencies to reduce permit fees for commercial construction projects by certain percentages under certain circumstances, etc. CA 01/13/2026 GO RC	
6	**SB 594** Burton (Identical H 267)	Local Housing Assistance Plans; Authorizing counties and eligible municipalities to expend certain funds on lot rental assistance for mobile home owners for a specified time period; requiring each county and eligible municipality to include in its local housing assistance plan certain strategies; authorizing counties and eligible municipalities to provide certain funds to mobile home owners for rehabilitation and emergency repairs, etc. CA 01/13/2026 ATD RC	

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	**SB 840** DiCeglie	Land Use Regulations for Local Governments Affected by Natural Disasters; Prohibiting impacted local governments from enforcing certain moratoriums, requiring the repair or reconstruction of certain improvements to meet certain requirements, or enforcing changes to specified procedures; revising circumstances under which impacted local governments may enforce certain amendments, site plans, development permits, or development orders; deleting provisions related to filing suit against an impacted local government for injunctive relief, etc. CA 01/13/2026 JU RC	

Other Related Meeting Documents

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL:	SB 354
INTRODUCER:	Senator McClain
SUBJECT:	Blue Ribbon Projects
DATE:	January 12, 2026
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hackett	Fleming	CA	**Pre-meeting**
2.			ATD	
3.			RC	

I. Summary:

SB 354 creates a framework for "Blue Ribbon Projects," large scale development projects which trade state preemption over local governments' comprehensive planning and land use regulations in exchange for a certain amount of "reserve area." Such projects must include at least 10,000 acres of land, with at least 60 percent reserved for uses such as environmental protection, agriculture, recreation, and utilities sites, while the remainder may be developed over 50 years into towns and cities regardless of underlying comprehensive planning and land use allocations.

The bill provides the requirements under which a plan for such a project must be crafted and administratively approved by a local government. The bill also provides for an appeal procedure for a denied applicant or an individual impacted by an approval.

The bill takes effect July 1, 2026.

II. Present Situation:

Comprehensive Plans

The Community Planning Act directs counties and municipalities to plan for future development by adopting comprehensive plans.[1] Each local government must maintain a comprehensive plan to guide future development.[2]

All development, both public and private, and all development orders approved by local governments must be consistent with the local government's comprehensive plan.[3] A comprehensive plan is intended to provide for the future use of land, which contemplates gradual

[1] Section 163.3167(1), F.S.
[2] Section 163.3167(2), F.S.
[3] Section 163.3194(3), F.S

and ordered growth, and establishes a long-range maximum limit on the possible intensity of land use.

Comprehensive plans lay out the locations for future public facilities, including roads, water and sewer facilities, neighborhoods, parks, schools, and commercial and industrial developments. They are made up of 10 required elements, each laying out regulations for different facets of development.[4]

The 10 required elements consider and address capital improvements; future land uses; transportation; general sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge; conservation; recreation and open space; housing; coastal management; intergovernmental coordination; and property rights. Other plans and programs may be added as optional elements to a comprehensive plan.[5]

Future Land Use Element and Compatibility

Comprehensive plans must include an element regarding future land use that designates the proposed future general distribution, location, and extent of the uses of land for a number of uses and categories of public and private uses of land.[6] Each future land use category must be defined in terms of uses included, and must include standards to be followed in the control and distribution of population densities and building and structure intensities.[7] The proposed distribution, location, and extent of the various categories of land use must be shown on a land use map or map series. Future land use plans and plan amendments are based on surveys, studies, and data regarding the area.[8]

A comprehensive plan's future land use element establishes a range of allowable uses and densities and intensities over large areas, and the specific use and intensities for specific parcels within that range are decided by a more detailed, implementing zoning map.[9]

The future land use element must consider what uses are compatible with one another to guide rezoning requests, development orders, and plan amendments.[10] Compatibility means "a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition."[11] In other words, the compatibility requirement permits local governments to consider whether a proposed use can peacefully coexist with existing uses.

[4] Section 163.3177(3) and (6), F.S.
[5] *Id*.
[6] Section 163.3177(6)(a), F.S. Applicable uses and categories of public and private uses of land include, but are not limited to, residential, commercial, industrial, agricultural, recreational, conservation, educational, and public facilities. Section 163.3177(6)(a)10., F.S.
[7] Section 163.3177(6)(a)1., F.S.
[8] Section 163.3177(6)(a)2., F.S.
[9] Richard Grosso, *A Guide to Development Order "Consistency" Challenges Under Florida Statutes Section 163.3215,* 34 J. ENVTL. L. & LITIG. 129, 154 (2019) (citing *Brevard Cty. v. Snyder,* 627 So. 2d 469, 475 (Fla. 1993)).
[10] Section 163.3194(3), F.S.
[11] Section 163.3164(9), F.S.

Local governments, through the future land use plan, are responsible for ensuring compatibility of uses on adjacent lands, and particularly those lands in proximity to military installations and airports.[12] To act on this requirement, land use regulations are required to contain specific and detailed provisions necessary to ensure the compatibility of adjacent land uses.[13] In practice, these regulations take the form of zoning codes with compatibility standards for height, density, setbacks, parking, and other general regulations on what types of developments can coexist.[14]

Comprehensive Plan Amendments

Development that does not conform to the comprehensive plan may not be approved by a local government unless the local government amends its comprehensive plan first. State law requires a proposed comprehensive plan amendment to receive two public hearings, the first held by the local planning board, and subsequently by the governing board.[15]

Comprehensive plan amendment adoption must be by an affirmative vote of at least a majority of the governing body's members present at the hearing, and failure to hold a timely adoption hearing causes the amendment to be deemed withdrawn unless the timeframe is extended by agreement with specified notice to the state land planning agency, which is currently the Department of Commerce (Department), and other parties.[16]

Within 10 working days, the local government must transmit the plan amendment to the Department and any affected person who provided timely comments on the amendment.[17] If no deficiencies are found following Department review, the amendment takes effect 31 days after the Department notifies the local government that the amendment package is complete for the expedited state review process, 31 days after the adoption of the amendment for small-scale development amendments, or pursuant to the Department's notice of intent determining the amendment is in compliance for the state coordinated review process.[18]

Amendments to comprehensive land use plans are legislative decisions that are subject to "fairly debatable" standard of review, even when amendments to plans are being sought as part of a rezoning application in respect to only one piece of property.[19] "Fairly debatable" means that the government's action must be upheld if reasonable minds could differ as to the propriety of the decision reached.[20]

Land Development Regulations

Comprehensive plans are implemented via land development regulations. Land development regulations are ordinances enacted by governing bodies for the regulation of any aspect of

[12] Section 163.3177(6)(a)2., F.S.
[13] Section 163.3202(2)(b), F.S.
[14] *See, e.g.,* s. 5.10 (Residential Compatibility Standards), Land Development Code of Maitland, Florida.
[15] Sections 163.3174(4)(a) and 163.3184, F.S.
[16] Section 163.3184(3), (4), and (11), F.S.
[17] *Id.*
[18] Sections 163.3184(3)(c)4., 163.3184(4)(e)4.-5., and 163.3187(5)(c), F.S.
[19] Martin Cty. v. Yusem, 690 So.2d 1288, 1293-94 (Fla. 1997).
[20] Gary K. Hunter Jr. and Douglas M Smith, ABCs of Local Land Use and Zoning Decisions, 84 Fla. B.J. 20 (January 2010).

development and include any local government zoning, rezoning, subdivision, building construction, or sign regulations or any other regulations controlling the development of land.[21]

Each county and municipality must adopt and enforce land development regulations that are consistent with and implement their adopted comprehensive plan.[22] Local governments are encouraged to use innovative land development regulations[23] and may adopt measures for the purpose of increasing affordable housing using land use mechanisms.[24] Land development regulations relating to all public and private development, including special district projects, must be consistent with the local comprehensive plan.[25]

Zoning

A comprehensive plan's future land use element establishes a range of allowable uses and densities[26] and intensities[27] over large areas, while the specific use and intensities for specific parcels within that range are decided by a more detailed, implementing zoning map.[28]

Zoning maps and zoning districts are adopted by a local government for developments within each land use category or sub-category. While land uses are general in nature, one or more zoning districts may apply within each land use designation.[29] Common regulations within the zoning map districts include density, height and bulk of buildings, setbacks, and parking requirements. Regulations for a zoning category in a downtown area may allow for more density and height than allowed in a suburb, for instance.

If a developer or landowner believes that a proposed development may have merit but it does not meet the requirements of a zoning map in a jurisdiction, the developer or landowner can seek a rezoning through a rezoning application.[30] Rezoning applications are initially reviewed by local government staff, followed by a review by an appointed body that makes recommendations to the governing body of the local government, which makes the final determination.[31] If a property has unique circumstances or small nonconformities but otherwise meets zoning regulations, local governments may ease restrictions on certain regulations such as building size or setback through an application for a variance.[32] However, any action to rezone or grant a variance must be consistent with the local government's comprehensive plan.

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[21] Section 163.3164(26), F.S.
[22] Section 163.3202(1), F.S.
[23] Section 163.3202(3), F.S.
[24] Sections 125.01055 and 166.04151, F.S.
[25] *See* ss. 163.3161(6) and 163.3194(1)(a), F.S.
[26] "Density" means an objective measurement of the number of people or residential units allowed per unit of land, such as residents or employees per acre. S. 163.3164(12), F.S.
[27] "Intensity" means an objective measurement of the extent to which land may be developed or used, including the consumption or use of the space above, on, or below ground; the measurement of the use of or demand on natural resources; and the measurement of the use of or demand on facilities and services. S. 163.3164(22), F.S.
[28] Richard Grosso, A Guide to Development Order "Consistency" Challenges Under Florida Statutes Section 163.3215, 34 J. Envtl. L. & Litig. 129, 154 (2019) citing Brevard Cnty. v. Snyder, 627 So. 2d 469, 475 (Fla. 1993).
[29] See, e.g., Indian River County, Planning and Development Services FAQ (last visited Jan. 11, 2026).
[30] See e.g., City of Tallahassee, Application for Rezoning Review (last visited Jan. 11, 2026).
[31] See id. and City of Redington Shores, Planning and Zoning Board (last visited Jan. 11, 2026).
[32] See e.g., City of Tallahassee, Variance and Appeals and Seminole County, Variance Processes (last visited Jan. 11, 2026).

Concurrency and Proportionate Share

"Concurrency" is a phrase referring to a set of land use regulations requiring local governments to ensure that new development does not outstrip a local government's ability to provide necessary services. Developments meet concurrency requirements when the local government has the infrastructure capacity to serve the new growth.

A concurrency requirement is a law stating that certain infrastructure must be in place and available to serve new development before the local government may allow new citizens to live in the new development.[33] For example, before a local government can approve a building permit to allow a new development, it must consult with its water suppliers to ensure adequate supplies to serve the new development will be available by the time citizens can move in.[34] Certain services are subject to concurrency statewide (sanitary sewer, solid waste, drainage, and potable water) while other services, such as public transportation or schools, may optionally be subjected to concurrency by a local government.[35]

Proportionate share is a tool local governments may use to require developers to help mitigate the impacts of their development notwithstanding a failure to achieve and maintain the adopted level of service standards.[36] Proportionate share generally requires developers to contribute to costs, or build facilities, necessary to offset a new development's impacts.[37]

Development Rights

Land development, especially large-scale development, is completed in stages. During the development process, a landowner will often commence a particular land use activity in accordance with then-current zoning regulations that are amended at some later point in the development process in a manner that would prohibit the use. At this point, a landowner may claim a vested right to complete the project under the prior zoning regulations, asserting that when development activities commenced under the prior zoning scheme, he or she acquired a property right, which cannot now be abridged by the government's exercise of its police powers, that is, the amended zoning ordinance.[38]

Florida common law provides that vested rights may be established if a landowner or development has made a substantial change in position or has incurred extensive obligations that would make interfering with the acquired right inequitable in good faith reliance on an act or omission of government.[39]

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[33] Section 163.3180(2), F.S.
[34] *Id.*
[35] Section 163.3180(1), F.S.
[36] Florida Department of Community Affairs (now Department of Economic Opportunity), *Transportation Concurrency: Best Practices Guide*, pg. 64 (2007), available at https://digitalcommons.usf.edu/cgi/viewcontent.cgi?article=1041&context=cutr_tpppfr (last visited Jan. 10, 2026).
[37] *Id.*
[38] 35 Am. Jur. Proof of Facts 3d s. 385 (1996).
[39] Monroe Cnty. v. Ambrose, 866 So.2d 707, 710 (Fla. 3rd DCA 2003).

Florida law also allows for local governments to enter into development agreements with developers.[40] These agreements are "contract[s] between a local government and a property owner/developer, which provides the developer with vested rights by freezing the existing zoning regulations applicable to a property in exchange for public benefits."[41] A development agreement must contain:

- A legal description of the land subject to the agreement and the names of its legal and equitable owners.
- The duration of the agreement.
- The development uses permitted on the land, including population densities, and building intensities and height.
- A description of public facilities that will service the development, including who will provide such facilities, the date any new facilities (if needed) will be constructed, and a schedule to assure public facilities are available concurrent with the impacts of the development.
- A description of any reservation or dedication of land for public purposes.
- A description of all local development permits approved or needed to be approved for the development of the land.
- A finding that the development permitted or proposed is consistent with the local government's comprehensive plan and land development regulations.
- A description of any conditions, terms, restrictions, or other requirements determined to be necessary by the local government for the public health, safety, or welfare of its citizens.
- A statement indicating that the failure of the agreement to address a particular permit, condition, term, or restriction does not relieve the developer of the necessity of complying with the law governing said permitting requirements, conditions, terms, or restrictions.[42]

Within 14 days after a local government enters into a development agreement, the local government must record the agreement with the clerk of the circuit court in the county where the local government is located, and such an agreement is not effective until it is properly recorded.[43] A development agreement binds any person who obtains ownership of a property already subject to an agreement (successor in interest).[44] A development agreement may be amended or canceled by mutual consent of the parties to the agreement or by their successors in interest.[45]

Preemption

Preemption refers to the principle that a federal or state statute can supersede or supplant state or local law that stands as an obstacle to accomplishing the full purposes and objectives of the overriding federal or state law.[46]

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[40] Section 163.3220(4), F.S.; See ss. 163.3220-163.3143, F.S., known as the "Florida Local Government Development Agreement Act."
[41] Morgran Co., Inc. v. Orange County, 818 So. 2d 640 (Fla. 5th DCA 2002); 7 Fla. Jur 2d Building, Zoning, and Land Controls § 168 (2019).
[42] Section 163.3227(1) and (2), F.S.; 7 Fla. Jur 2d Building, Zoning, and Land Controls § 168 (2019).
[43] Section 163.3239, F.S.; 7 Fla. Jur 2d Building, Zoning, and Land Controls § 168 (2019).
[44] A successor in interest is one who follows another in ownership or control of property. A successor in interest retains the same rights as the original owner, with no change in substance. Black's Law Dictionary 1473 (8th ed. 2004); s. 163.3239, F.S
[45] Section 163.3237, F.S.
[46] Preemption Definition, Black's Law Dictionary (12th ed. 2024).

Where state preemption applies, a local government may not exercise authority in that area.[47] Whether a local government ordinance or other measure violates preemption is ultimately decided by a court. If a local government improperly enacts an ordinance or other measure on a matter preempted to the state, a person may challenge the ordinance by filing a lawsuit. A court ruling against the local government may declare the preempted ordinance void.[48]

Affordable Housing

One major goal at all levels of government is to ensure that citizens have access to affordable housing. Housing is considered affordable when it costs less than 30 percent of a family's gross income. A family paying more than 30 percent of its income for housing is considered "cost burdened," while those paying more than 50 percent are considered "extremely cost burdened."

What makes housing "affordable" is a decrease in monthly rent so that income eligible households can pay less for the housing than it would otherwise cost at "market rate."[49] Lower monthly rent payment is a result of affordable housing financing that comes with an enforceable agreement from the developer to restrict the rent that can be charged based on the size of the household and the number of bedrooms in the unit.[50] The financing of affordable housing is made possible through government programs such as the federal Low-Income Housing Tax Credit Program and the Florida's State Apartment Incentive Loan program.[51]

Resident eligibility for Florida's state and federally funded housing programs is typically governed by area median income (AMI) levels. These levels are published annually by the U.S. Department of Housing and Urban Development for every county and metropolitan area.[52] Florida Statutes categorizes the levels of household income as follows:

- Extremely low income – households at or below 30% AMI;[53]
- Very low income – households at or below 50% AMI;[54]
- Low income – households at or below 80% AMI;[55] and
- Moderate income – households at or below 120% AMI.[56]

[47] *D'Agastino v. City of Miami*, 220 So. 3d 410 (Fla. 2017); Judge James R. Wolf and Sarah Harley Bolinder, *The Effectiveness of Home Rule: A Preemptions and Conflict Analysis*, 83 Fla. B.J. 92 (June 2009).
[48] See, e.g., *Nat'l Rifle Ass'n of Am., Inc. v. City of S. Miami*, 812 So. 2d 504 (Fla. 3d DCA 2002).
[49] The Florida Housing Coalition, *Affordable Housing in Florida*, p. 3, available at: https://flhousing.org/wp-content/uploads/2022/07/Affordable-Housing-in-Florida.pdf (last visited Jan. 10, 2026).
[50] *Id.*
[51] *Id.*
[52] U.S. Department of Housing and Urban Development, *Income Limits*, *Access Individual Income Limits Areas – Click Here for FY 2023 IL Documentation*, available at https://www.huduser.gov/portal/datasets/il.html#2021 (last visited Jan. 10, 2026).
[53] Section 420.0004(9), F.S.
[54] Section 420.0004(17), F.S.
[55] Section 420.0004(11), F.S.
[56] Section 420.0004(12), F.S.

Florida Hometown Hero Program

The Live Local Act[57] established in statute the Florida Hometown Hero Program,[58] a homeownership assistance program administered by the Florida Housing Finance Corporation (FHFC). Under the program, eligible first-time homebuyers have access to zero-interest loans to reduce the amount of down payment and closing costs by a minimum of $10,000 and up to 5 percent of the first mortgage loan, not exceeding $35,000. Loans must be repaid when the property is sold, refinanced, rented, or transferred unless otherwise approved by the FHFC. Repayments for loans made under this program must be retained within the program to make additional loans.

Such loans are available to those first-time homebuyers[59] seeking first mortgages whose family incomes do not exceed 150 percent of the state or local AMI, whichever is greater, and is employed full-time by a Florida-based employer.

Conservation Lands

Article X, section 18 of the Florida Constitution requires that "the fee interest in real property held by an entity of the state and designated for natural resources conservation purposes as provided by general law shall be managed for the benefit of the citizens of this state…"[60]

Conservation Land Management

The Board of the Internal Improvement Trust Fund (board) is charged with the management, control, supervision, conservation, and protection of all lands owned by, or which may hereafter inure to, the state or any of its agencies, departments, boards or commissions.[61] Section 253.034, F.S., specifies that state lands acquired pursuant to ch. 259, F.S., are required to be managed to ensure the conservation of the state's plant and animal species and to ensure the accessibility of state lands for the benefit and enjoyment of all people of the state, both present and future.[62] Additionally, all lands acquired and managed under ch. 259, F.S., are required to be managed in a manner that provides the greatest combination of benefits to the public and to the resources, for public outdoor recreation which is compatible with the conservation and protection of public lands, and for the purposes for which the lands were acquired.[63]

Short-term and long-term management goals must include measurable objectives for the following, as appropriate:

- Habitat restoration and improvement.

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[57] The "Live Local Act", Ch. 2023-17, Laws of Fla., made various changes to affordable housing related programs and policies at the state and local levels, including zoning and land use preemptions favoring affordable housing, funding for state affordable housing programs, and tax provisions intended to incentivize affordable housing development.
[58] Section 420.5096, F.S.
[59] The requirement to be a first-time homebuyer does not apply to those qualifying as servicemembers or veterans.
[60] FLA. CONST. art. X, s. 18.
[61] Section 253.03, F.S.
[62] Section 253.034(5)(a), F.S.
[63] Section 259.032(7), F.S.; s. 259.032(7)(a)2, F.S., provides that "such management may include, but not be limited to, the following public recreational uses: fishing, hunting, camping, bicycling, hiking, nature study, swimming, boating, canoeing, horseback riding, diving, model hobbyist activities, birding, sailing, jogging, and other related outdoor activities compatible with the purposes for which the lands were acquired."

- Public access and recreational opportunities.
- Hydrological preservation and restoration.
- Sustainable forest management.
- Exotic and invasive species maintenance and control.
- Capital facilities and infrastructure.
- Cultural and historical resources.
- Imperiled species habitat maintenance, enhancement, restoration, or population restoration.[64]

Florida Wildlife Corridor

The 2021 Legislature created the Florida Wildlife Corridor Act to "create incentives for conservation and sustainable development while sustaining and conserving green infrastructure that acts as the foundation of the state's economy and quality of life."[65] The Legislature appropriated $300 million,[66] directing the DEP to encourage and promote investments in areas that protect and enhance the Wildlife Corridor by establishing a "network of connected wildlife habitats required for the long-term survival of and genetic exchange amongst regional wildlife populations which serves to prevent fragmentation by providing ecological connectivity of the lands needed to furnish adequate habitats and allow safe movement and dispersal."[67]

III. Effect of Proposed Changes:

Blue Ribbon Projects

The bill creates a framework for "Blue Ribbon Projects," large scale development projects which trade state preemption over local governments' comprehensive planning and land use regulations in exchange for a certain amount of "reserve area."[68] An individual will develop a "Blue Ribbon Plan" which, when administratively approved, grants development rights regardless of the land's underlying comprehensive plan, zoning, and land development regulations.

An eligible project must contain at least 10,000 acres of contiguous land controlled by a single owner. At least 60% of the land must be reserved, while the other 40% may be developed.

Reserve Area

The bill provides that the reserve area is land set aside for any or all of the following:
- Environmental conservation, wildlife corridors, or wetland and wildlife mitigation;
- Productive agriculture and silviculture (forestry);
- Parks and recreational activities;
- Utility sites;
- Reservoirs and lakes; or

[64] Section 253.034(5)(b), F.S.
[65] Section 259.1055(3), F.S.
[66] Chapter 2021-37. L.O.F., s. 152.
[67] Section 259.1055(4)(g), F.S.
[68] The bill's stated intent is to balance environmental stewardship with the need for development to provide for future growth. The bill states the Legislature intends for these projects to promote the preservation of natural areas, encourage agricultural land uses and rural land stewardship, protect critical ecological systems, expand wildlife corridors, and provide for more compact mixed-use developments designed for long-term viability.

- Other similar types of open space.

Some proposed uses for the reserve area, particularly recreational activities and utility sites, are undefined and unclear as to the breadth of permitted use.

If any project boundary is contiguous to state-owned environmental preservation land or the Florida wildlife corridor, an unspecified amount of the project's reserve area must be adjacent to such land.

Development Area

The remaining area, up to 40% of the project, may be utilized for development, subject to the following limitations:

- Individual development areas within the project must promote walkability, mobility, and mixed uses;
- At least 10 percent of the development must be nonresidential;
- An unspecified portion must be allocated to provide economic development and create "high-wage" jobs (undefined) in a location accessible to an interstate interchange, state road, rail line, airport, or any other transportation;
  The area must have a dense, walkable, mixed-use, "human-centered" development pattern including "new urban design"[69] with towns, villages, and "hamlets" with reserve area separating them; and
- Residential units must include single-family, multifamily, attached, and detached units.

The bill grants the development area a maximum residential density of 12 units per gross acre, and nonresidential intensity of 85 percent surface ratio per acre within the development area. At least 20 percent of residential units within the development area in each phase must include affordable housing, missing middle housing[70], or housing for people eligible for the Florida Hometown Hero Program.[71]

The development area may be developed in phases, with development rights to be vested for at least 50 years. If the development is at least 50 percent developed within 50 years, the vested period must be extended another 25 years.

Blue Ribbon Plans

Each project must be developed in accordance with a blue ribbon plan that is the master development plan for the project. These plans, which are based on a planning period longer than the 20-year period required in a local government's comprehensive plan, must specify a population projection for the planning area during the chosen planning period. A plan is not required to demonstrate need based on projected population growth or any other basis.

[69] Defined by the bill as "development design that creates walkable, mixed-use, human-centered places."
[70] Defined by the bill as any of a range of for-sale and for-rent housing types more dense than single-family home and less dense than large apartments.
[71] A borrower must be seeking to purchase a home as a primary residence; must be a first-time homebuyer and a Florida resident; and must be employed full-time by a Florida-based employer. Section 420.5096(3), F.S.

Each blue ribbon plan must contain documentation, as well as exhibits including maps, illustrations, and text supported by data and analysis, that include:

- A long-term master development map that depicts the locations of the reserve and development areas.
- Identification and analysis of necessary water supplies and available sources of water, including water resource development and water supply development projects, and water conservation measures required to meet the projected demand from each phase of the project.
- Identification and analysis of transportation facilities and future transportation corridors necessary to serve development area land uses contained in the blue ribbon plan, including guidelines for each modal component to optimize mobility.
- Identification of other regionally significant public facilities, which must include utilities, parks, and schools, necessary to support the project's permitted density for each phase of the project and policies providing procedures to mitigate the impacts of the project's permitted density on public facilities.
- Identification of regionally significant natural resources within the reserve area based on the best available data and policies, and mechanisms to ensure the perpetual protection or conservation of specific resources, consistent with the overall conservation and development strategy for the project area.
- General principles and guidelines to:
  - Address land uses within the development and reserve areas, including the interrelationships between those areas.
  - Address the protection, restoration, and management of reserve areas identified in the blue ribbon plan for permanent conservation and public use, which must be phased in coordination with the phased development.
  - Achieve a cleaner and healthier environment.
  - Limit urban sprawl.
  - Provide a range of housing types.
  - Protect wildlife and natural areas.
  - Advance the efficient use of land and other resources.
  - Create quality communities of a design that reduces and captures vehicle trips and promotes mobility options.
  - Enhance the prospects for state and local economic development objectives and high-wage job creation.
- Development standards for each type of land use proposed within the development area which is typically found in a planned unit development.[72]

Water and wastewater facilities, transportation facilities, and other regionally significant public facilities must be provided. The bill provides that these facilities may be provided by the applicant, a local unit of special purpose government, a special district, a local government, or the state.

[72] A "planned unit development" is an area of land that is planned and developed as a single entity or in approved stages with uses and structures substantially related to the character of the entire development, or a self-contained development in which the subdivision and zoning controls are applied to the project as a whole rather than to individual lots. S. 163.3202(5)(b)2., F.S.

The bill encourages local governments to enter into public-private partnerships to provide public facilities, including partnerships for water storage and other water quality and capacity improvements that operate in the same manner as public-private partnerships for water improvements on private agricultural lands.

If a project under a blue ribbon plan contributes land, funds, or otherwise causes the construction of public facilities necessary for achieving concurrency, the project must receive dollar-for-dollar credits against impact, mobility, proportionate share, or other fee credits from the local government for such facility improvements as required under the concurrency statute.[73]

Administrative Review

An applicant must submit his or her application to the applicable county or municipal government for approval. The local government's review of the application is limited to determining whether the proposed plan meets the bill's requirement. If the plan meets its requirements, the applicable local government must approve the project administratively without further action by the local government or any quasi-judicial or administrative reviewing body.

A project may be located on land with any future land use designation and with any zoning designation listed in the applicable local government's land development regulations. The local government may not require a comprehensive plan amendment or rezoning for approval of the project.

The bill provides that an application is automatically approved if a local government fails to provide written comments on the application within 60 days after receipt of the application or within 30 days after the applicant files amended application documents that are responsive to the local government's initial review. At any point after the conclusion of the initial 60-day review period, the applicant may request a final determination, which must be made within seven days after receipt of the request.

If a project is approved, the bill requires the applicant to publish notice of the approval in a newspaper of general circulation in the area in which the land is located within 14 days after the approval is issued. The applicant must also record the blue ribbon plan in the public records of the county in which the project is located. The bill provides that the plan runs with the title to the land. A recorded plan may be amended using the same review procedures as the initial application, with the local government's review being limited to the portion of the plan being amended.

Appeal Procedure

If a local government denies an application, the applicant may appeal the decision by filing a written petition with the Department of Commerce (Department) within 21 days after receipt of the denial. The applicant must provide a copy of the notice of appeal to the local government.

[73] Section 163.3180, F.S.

Additionally, any person whose substantial interests are or may be affected by a local government's approval may file a written petition with the Department challenging the approval. This petition must be filed within 21 days of the publication of public notice of the approval. The petition must clearly state the reasons for the petition and describe how the project will adversely affect the person more substantially than the general population of the geographical area in which the project is located. The petitioner must provide a copy of the petition to the local government. If the petition is timely filed, the applicant may intervene as a party to the hearing.

Upon receipt of an appeal or petition, the Department must hold a hearing in according with ch. 120, F.S., and determine whether the plan meets all requirements and issue a final order granting or denying the application. The Department may attach conditions or restrictions to the order.

The bill authorizes a prevailing party in proceedings brought by a person whose substantial interests are or may be affected by the local government's approval of a plan to be awarded reasonable attorney fees if the non-prevailing party has been determined by the administrative law judge to have participated in the proceeding for an improper purpose.

The bill takes effect July 1, 2026.

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 will have an indeterminate, likely positive impact on private sector developers able to utilize the Blue Ribbon Project process to bypass various local approval processes, saving time and money on development where applicable.

C. Government Sector Impact:

The bill will have an indeterminate, likely negative impact on local governments attempting to maintain required services and general levels of service for various government functions with regard to entire towns developed outside the scope of a comprehensive plan or future land use map.

VI. Technical Deficiencies:

The bill lacks technical details in various respects and does not specify mechanisms by which:

- The reserve area's restrictions will be maintained;
- Concurrency, mobility, proportionate share, and impact fees will be calculated for a large scale development entirely outside the local government's comprehensive plan and future land use;
- Concurrency will be maintained through fees and agreements, with concurrency being incalculable due to working outside the comprehensive plan and land use regulations; or
- The state or local government will be involved in ensuring transportation, energy, and school services.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 163.3249 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.

922876

LEGISLATIVE ACTION

Senate . House

. . . . .

The Committee on Community Affairs (McClain) recommended the following:

Senate Amendment

Delete lines 91 - 92
and insert:
uses consistent with the public purposes described under s. 570.71(1), parks, recreational activities, utility sites, reservoirs and lakes, or other uses that support such activities.

535486

LEGISLATIVE ACTION

Senate . House

. . . . .

The Committee on Community Affairs (McClain) recommended the following:

Senate Amendment

Between lines 227 and 228
insert:
(h) Provision for an easement granted without charge to the Department of Agriculture and Consumer Services under s. 570.71 for any portion of the reserve area which will be reserved for uses consistent with the public purposes provided in s. 570.71(1). The Department of Agriculture and Consumer Services and the landowner must enter into an agreement regarding

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allowable uses for the easement interest before an easement is granted. The plan must also include a covenant that any easement or property granted to another state agency, a water management district, or a local government will be granted without charge.

By Senator McClain

9-00466A-26 2026354__

A bill to be entitled

An act relating to blue ribbon projects; creating s. 163.3249, F.S.; providing a purpose and legislative intent; defining terms; requiring that a development project meet certain requirements to qualify as a blue ribbon project; specifying maximum residential density and nonresidential intensity permitted within the development area of a blue ribbon project; requiring that a specified percentage of the project's residential units meet certain requirements; authorizing the development of the development area in phases for a specified purpose; providing that development rights and mitigation of project impacts shall be vested for at least a certain period, which may be extended under certain circumstances; requiring that a blue ribbon project have a blue ribbon plan; providing requirements for such plan; specifying that a plan is not required to demonstrate certain need; requiring that a project receive dollar-for-dollar credits from a local government under certain circumstances; specifying that a project may be located on land with any future land use designation or zoning designation; prohibiting the required amendment of a comprehensive plan or a required rezoning for approval of a project; authorizing a landowner to apply to the local government for approval of a project; requiring that a project that meets certain requirements receive administrative approval; limiting local government review of a

9-00466A-26 2026354__

project; providing for the automatic approval of a project under certain circumstances; authorizing applicants to hire private companies to conduct plan reviews and building inspections; requiring an applicant to publish notice of an approved project in a specified manner; requiring an applicant to record the plan for an approved project in the public records of the county in which the project property is located; prohibiting an applicant from amending a recorded plan without undergoing a specified review; authorizing an applicant to appeal the denial of a project application to the Department of Commerce in a specified manner; authorizing a person whose substantial interests are or may be affected by approval of a project to file a petition with the department requesting an administrative hearing in a specified manner; providing requirements for such petition; requiring the department to hold certain hearings before issuing certain orders; requiring the department to determine whether a project meets certain requirements and issue a final order; providing applicability; providing an effective date.

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

Section 1. Section 163.3249, Florida Statutes, is created to read:

163.3249 Blue ribbon projects.—

(1) PURPOSE AND INTENT.—The purpose of this section is to

ensure the appropriate use of important state resources and facilities. It is the intent of the Legislature to accomplish this goal by incentivizing large landowners in this state to be good stewards of the natural environment while at the same time promoting a more sustainable pattern of development. The Legislature intends to create blue ribbon projects, and to provide a mechanism by which local governments shall implement those projects within their boundaries, in order to promote the goals of preserving natural areas, encouraging agricultural land uses and rural land stewardship, protecting critical ecological systems, expanding wildlife corridors, and providing more compact mixed-use developments designed for long-term viability.

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

(a) "Applicant" means the owner of land on which a blue ribbon project is proposed.

(b) "Blue ribbon plan" or "plan" means the plan required by subsection (5).

(c) "Blue ribbon project" or "project" means a project that meets the requirements of subsection (3).

(d) "Development area" means land that may be developed with residential, commercial, industrial, or other uses.

(e) "Missing middle housing" means a range of for-sale and for-rent housing types, including, but not limited to, duplexes, triplexes, townhomes, small multifamily buildings, and small detached single-family homes, that fill the gap between larger single-family homes and larger apartment buildings. Such housing may be vertically and horizontally integrated.

(f) "New urban design" means a development design that creates walkable, mixed-use, human-centered places.

(g) "Reserve area" means land that is set aside for environmental conservation, wildlife corridors, wetland and wildlife mitigation, productive agriculture and silviculture, parks, recreational activities, utility sites, reservoirs and lakes, or other similar types of open space.

(3) MINIMUM REQUIREMENTS.—A development project must meet all of the following requirements to qualify as a blue ribbon project:

(a) The project must contain a minimum of 10,000 acres of land which are contiguous, as defined in s. 163.3163(3)(a), and which are owned by the same person or by entities owned or controlled by the same person.

(b) At least 60 percent of the land contained in the project must be reserve area. If any project boundary is contiguous to state-owned environmental preservation land or the Florida wildlife corridor, a portion of the project's reserve area must be located adjacent to the state-owned land or the Florida wildlife corridor, as applicable.

(c) Up to 40 percent of the land contained in the project may be development area. The development area must meet all of the following requirements:

1. Individual development areas within the project must be designed to enhance walkability and mobility and must include a mixture of land uses.

2. At least 10 percent of the development area must be allocated to nonresidential land use.

3. A portion of the development area must be allocated to uses intended to provide economic development and create high-wage jobs. The development area so allocated must be in a

location that is accessible to an interstate interchange, a state road, a rail line, or an airport or other transportation facility.

4. The development area must have a dense, walkable, mixed-use, human-centered development pattern that includes new urban design, including, but not limited to, towns, villages, and hamlets that have reserve area between them.

5. Types of residential units within the development area must be varied and include single-family, multifamily, and attached and detached residential units.

(4) DEVELOPMENT AREA DENSITIES AND INTENSITIES.—

(a) A maximum residential density of 12 units per gross acre, and a maximum nonresidential intensity of 85 percent impervious surface ratio per gross acre, is permitted within the development area, as measured in combination throughout all phases of the project.

(b) At least 20 percent of residential units within the development area in each phase of the project must be a combination of the following:

1. Affordable housing, with initial sale prices and ongoing rents at or below 80 percent of adjusted gross income, as defined in s. 420.602, for the county in which the development area is located.

2. Missing middle housing.

3. Housing for people eligible for the Florida Hometown Hero Program under s. 420.5096.

(c) The development area may be developed in phases to accommodate growth projections in the geographical area in which the project is located. Development rights and mitigation of

project impacts shall be vested for at least 50 years. If the applicant achieves development as defined in s. 380.04 of at least 50 percent of the development area within 50 years after the project's date of initial public dedication of infrastructure, the vested period must be extended for an additional 25 years.

(5) BLUE RIBBON PLANS.—A blue ribbon project must have a blue ribbon plan, which is the master development plan for the project. Blue ribbon plans must include a document that addresses the requirements of this section and exhibits, including maps, illustrations, and text supported by data and analysis, that demonstrate compliance therewith. The plan must include all of the following:

(a) A long-term master development map that, at a minimum, generally depicts the locations of reserve area and development area throughout the project area.

(b) Identification and analysis of necessary water supplies and available sources of water, including water resource development and water supply development projects, and water conservation measures required to meet the projected demand from each phase of the project. Water and wastewater facilities must be provided in compliance with s. 163.3180. Such facilities may be provided by the applicant, a local unit of special purpose government, a special district, a local government, or the state. Local governments are encouraged to enter into public-private partnerships to accomplish water storage and other water quality and capacity improvements within the boundaries of blue ribbon projects pursuant to s. 373.4591.

(c) Identification and analysis of the transportation

facilities and future transportation corridors necessary to serve development area land uses in the master development plan, including guidelines to be used to establish each modal component intended to optimize mobility. Transportation facilities must be provided in compliance with s. 163.3180. Such facilities may be provided by the applicant, a local unit of special purpose government, a special district, a local government, or the state. Internal roads must be designed in accordance with the Department of Transportation's traditional neighborhood development guidelines provided in chapter 19 of the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways, 2023 Edition.

(d) Identification of other regionally significant public facilities necessary to support the project's permitted density as provided in paragraph (4)(a) for each phase of the project, which facilities must include utilities, parks, and schools, and policies providing the procedures to mitigate the impacts of the project's permitted density on public facilities. Public facilities must be provided in compliance with s. 163.3180. Such facilities may be provided by the applicant, a local unit of special purpose government, a special district, a local government, or the state. Local governments are encouraged to enter into public-private partnerships pursuant to s. 255.065 to provide qualifying public facilities within the boundaries of blue ribbon projects.

(e) Identification of regionally significant natural resources within the reserve area based on the best available data and policies, and provision of mechanisms to ensure the perpetual protection or conservation of specific resources,

consistent with the overall conservation and development strategy for the project area.

(f) General principles and guidelines that do all of the following:

1. Address the land uses within the development area and reserve area, and the interrelationships between such areas.

2. Address the protection and, as appropriate, restoration and management of reserve areas identified in the recorded blue ribbon plan for permanent conservation and public use, which must be phased in coordination with the phased development within the development area as specified in the master development plan.

3. Achieve a cleaner, healthier environment.

4. Limit urban sprawl.

5. Provide a range of housing types.

6. Protect wildlife and natural areas.

7. Advance the efficient use of land and other resources.

8. Create quality communities of a design that reduces and captures vehicle trips and promotes mobility options.

9. Enhance the prospects for state and local economic development objectives and high-wage job creation.

(g) Development standards for each type of land use proposed within the development area which is typically found in a planned unit development as defined in s. 163.3202(5)(b).

A blue ribbon plan must be based on a planning period longer than the generally applicable planning period of the local comprehensive plan and must specify the projected population within the planning area during the chosen planning period. A

plan is not required to demonstrate need based on projected population growth or any other basis. If under the plan a project contributes land or funds or otherwise causes the construction of public facilities pursuant to s. 163.3180, the project must receive dollar-for-dollar credits against impact, mobility, proportionate share, or other fee credits from the local government for such facility improvements as required by s. 163.3180.

(6) LOCAL GOVERNMENT ADMINISTRATIVE REVIEW OF BLUE RIBBON PLANS.—

(a) A blue ribbon project may be located on land with any future land use designation provided in the applicable local government's comprehensive plan and with any zoning designation listed in the applicable local government's land development regulations. A comprehensive plan amendment or rezoning may not be required for approval of a project.

(b) A landowner may apply to the local government for approval of a blue ribbon project. A project that meets the requirements of this section must be administratively approved without further action by the local government or any quasi-judicial or administrative reviewing body. Local government review of a project is limited to review for compliance with this section. If the local government fails to provide written comments on a project application within 60 days after receipt of the application, or within 30 days after the applicant files amended application documents that are responsive to initial local government review, the application is automatically approved. At any point after the local government's initial 60-day review period, the applicant may request a final

determination by the local government, and the local government must provide the determination within 7 days after receipt of such request. If the local government fails to provide the determination within the 7-day period, the application is automatically approved.

(c) Applicants may hire private companies to conduct plan reviews and building inspections pursuant to s. 553.791.

(d) If a blue ribbon project is approved, the applicant must publish notice of such approval in a newspaper of general circulation in the area in which the land is located. The notice must include the local government order number, if any; the section, township, and range in which the land is located; and a description of the project. The notice must be published within 14 days after the approval is issued.

(e) After a blue ribbon project has been reviewed and approved, the applicant must record the blue ribbon plan in the public records of the county in which the project property is located, and the plan shall run with title to the land. The applicant may not amend the recorded plan without undergoing local government review of the plan amendment in accordance with paragraph (b). Local government review of a plan amendment is limited to the portions of the plan which are being revised.

(7) APPEAL PROCEDURE.—

(a) If a local government denies an application for a blue ribbon project, the applicant may appeal the decision by filing a written petition with the Department of Commerce within 21 days after the date on which the applicant receives the local government's written notice of application denial. The applicant shall provide a copy of the notice of appeal to the local

government.

(b) Any person whose substantial interests are or may be affected by the local government's approval of a blue ribbon project may request an administrative hearing by filing a written petition with the Department of Commerce pursuant to ss. 120.569 and 120.57. The petition must be filed with the Department of Commerce within 21 days after newspaper publication of the notice of the local government decision in accordance with paragraph (6)(d). The petition must clearly state the reasons for the petition and describe how the project will adversely affect the person more substantially than the general population of the geographical area in which the project is located. A copy of the petition must also be provided to the local government. If a petition is timely filed pursuant to this subsection, the applicant may intervene as a party to the hearing.

(c) Before issuing an order on an appeal or petition under this subsection, the Department of Commerce must hold a hearing in accordance with chapter 120.

(d) The Department of Commerce shall determine whether the blue ribbon project meets the requirements of this section and issue a final order granting or denying the application. The department may attach conditions and restrictions to the order.

(e) Section 120.595 applies to proceedings brought by a person whose substantial interests are or may be affected by the local government's approval of a blue ribbon project under this section.

Section 2. This act shall take effect July 1, 2026.

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL:	SB 504
INTRODUCER:	Senator Burgess
SUBJECT:	Code Inspector Body Cameras
DATE:	January 12, 2026
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Tolmich	Fleming	CA	**Pre-meeting**
2.			ACJ	
3.			RC	

I. Summary:

SB 504 creates s. 162.41, F.S., requiring governmental entities that permit code inspectors to wear body cameras to establish certain policies and procedures addressing the proper use, maintenance, and storage of body cameras and the data recorded by such body cameras.

The bill also requires governmental entities that permit code inspectors to wear body cameras to provide training for specified personnel regarding body camera policies and procedures, retain audio and video data recorded by body cameras under certain circumstances, and perform periodic reviews of actual body camera practices to ensure conformity with the governmental entity's body camera policies and procedures.

The bill defines "body camera" as a portable electronic recording device worn on a code inspector's person which records audio and video data of the code inspector's encounters and activities.

The bill specifies that ch. 934, F.S. (interception of communications), does not apply to body camera recordings made by code inspectors who elect to use body cameras.

The bill takes effect on July 1, 2026.

II. Present Situation:

County and Municipal Code Enforcement

Code enforcement is a function of local government and affects people's daily lives. Its purpose is to enhance the quality of life and economy of local government by protecting the health,

safety, and welfare of the community.[1] Local governments possess a constitutional right to self-government.[2] Local codes and ordinances allow local governments to enforce regulations on a variety of matters ranging from zoning, tree cutting, nuisances, and excessive noise.[3]

Chapters 125, 162, and 166, F.S.,[4] provide counties and municipalities with a mechanism to enforce its codes and ordinances. These statutes are offered as permissible code enforcement mechanisms, but are not binding to local governments, which may use any enforcement mechanism they choose, or combination thereof.[5]

In each statutory mechanism, a local government designates code inspectors[6] or code enforcement officers,[7] tasked with investigating potential code violations, providing notice of violations, and issuing citations for noncompliance. Beyond these specified duties, the statutory scheme makes clear that code inspectors lack the authority to perform the functions or duties of a law enforcement officer.[8]

The Local Government Code Enforcement Boards Act (Act), located in Part I of ch. 162, F.S., allows each county and municipality to create by ordinance one or more local government code enforcement boards. A code enforcement board is an administrative board made up of members appointed by the governing body of a county or municipality with the authority to hold hearings and impose administrative fines and other noncriminal penalties for violations of county or municipal codes or ordinances.

Part II of ch. 162, F.S., provides local governments with supplemental methods for enforcing codes and ordinances without establishing a code enforcement board. The statutes allow counties and municipalities to designate some of its employees or agents as code enforcement officers authorized to enforce county or municipal codes or ordinances. Employees or agents who may be designated as code enforcement officers may include, but are not limited to, code inspectors, law enforcement officers, animal control officers, or firesafety inspectors.[9]

A code enforcement officer may issue a citation to a person when, based upon personal investigation, the officer has reasonable cause to believe that the person has committed a civil infraction in violation of a duly enacted code or ordinance and that the county court will hear the charge.[10] However, prior to issuing a citation, a code enforcement officer must provide notice to the person that the person has committed a violation of a code or ordinance and provide a

[1] Section 162.02, F.S.
[2] Art. VIII, FLA CONST.
[3] Violations of the Florida Building Code, however, are enforced pursuant to ss. 553.79 and 553.80, F.S., and not within the scope of this bill or the sections of law analyzed herein. *See* s. 125.69(4)(g), F.S.
[4] Chapter 125 Part II (county self-government), Chapter 162 Part 1 (Local Government Code Enforcement Boards Act), Chapter 162 Part II (supplemental procedures), and s. 166.0415, F.S. (municipal code enforcement).
[5] Sections 125.69(4)(i), 162.13, 162.21(8), and 166.0415(7), F.S.
[6] "Code inspector" means any authorized agent or employee of the county or municipality whose duty it is to assure code compliance. Section 162.04, F.S.
[7] Section 162.21(1), F.S., defines the term "code enforcement officer" to mean "any designated employee or agent of a county or municipality whose duty it is to enforce codes and ordinances enacted by the county or municipality."
[8] Section 125.69(4)(f), F.S.
[9] Section 162.21(2), F.S.
[10] Section 162.21(3)(a), F.S.

reasonable time period, no more than 30 days, within which the person must correct the violation. If, upon personal investigation, a code enforcement officer finds that the person has not corrected the violation within the time period, the officer may issue a citation.[11]

Counties and municipalities that choose to enforce codes or ordinances under the provisions of Part II must enact an ordinance establishing the code enforcement procedures. The ordinance, among other requirements, must provide procedures for the issuance of a citation by a code enforcement officer. A violation of a code or an ordinance enforced under Part II is a civil infraction and carries a maximum civil penalty of $500.[12]

Code enforcement involves potential risks and dangers due to the sensitive nature of the work, which may include requiring individuals to alter their property or give up their possessions.[13] In recent years, there have been several violent incidents involving code enforcement officers and the public. In March 2023, a man was arrested in Columbus, Ohio, for allegedly dragging a City of Columbus code enforcement officer while holding an ax.[14] In February 2025, a man was arrested after allegedly threatening to shoot a Biscayne Park, Florida code enforcement officer over a $25 fine.[15]

In response to these types of incidents, some local governments require or have contemplated adopting certain safety measures for code enforcement officers, including mandating code enforcement officers be equipped with body cameras.[16] For example, Miami-Dade County has adopted a standard operating procedure that requires code enforcement officers to wear body cameras and outlines guidelines for the management and official use of the body camera system.[17] The policy was adopted in order to achieve several objectives, including enhancing field safety, promoting accountability, and increasing public trust.[18] The policy also describes training guidelines, user procedure and responsibilities, inspection and maintenance requirements, and prohibited actions and conduct.[19]

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[11] Section 162.21(3)(b), F.S.
[12] Section 162.21(5), F.S.
[13] Building Safety Journal, Inspectors are learning code of cautiousness, September 28, 2020, available at: Inspectors are learning code of cautiousness - ICC (last visited January 9, 2026).
[14] WSYX, Man drags Columbus code enforcement officer while holding ax during home inspection, March 3, 2023, available at: https://abc6onyourside.com/news/local/man-drags-columbus-code-enforcement-officer-while-holding-ax-during-home-inspection-south-ashburton-road-anthony-margiotti-spit-on-officer-court-franklin-county-correction-center (last visited January 6, 2026).
[15] WLPG, Man accused of threatening to shoot Biscayne Park code enforcement officer after receiving $25 fine, February 4, 2025, available at: https://www.local10.com/news/local/2025/02/04/man-accused-of-threatening-to-shoot-biscayne-park-code-enforcement-officer-after-receiving-25-fine/ (last visited January 6, 2026).
[16] *See e.g.*, Tampa Bay 28, Haines City Police Department reinstates body-worn camera program, December 19, 2025, available at: https://www.tampabay28.com/news/region-polk/haines-city-police-department-reinstates-body-worn-camera-program (last visited January 9, 2026). *See also* Observer Local News, Volusia could seek state law change to allow code enforcement officers to wear body cameras, June 4, 2024, available at: https://www.observerlocalnews.com/news/2024/jun/04/volusia-could-seek-state-law-change-to-allow-code-enforcement-officers-to-wear-body-cameras/ (last visited January 9, 2026).
[17] Miami-Dade County, Code Compliance Division, Body-Worn Cameras Standard Operating Procedure. On file with the Committee on Community Affairs.
[18] *Id*.
[19] *Id*.

There is no provision in current law that specifically authorizes or prohibits local governments from permitting local governments to allow code enforcement officers to wear body cameras.

Body Cameras Utilized by Law Enforcement Officers

Current law addresses the usage of body cameras by law enforcement officers. Section 943.1718(1)(a), F.S., defines "body camera" as a portable electronic recording device that is worn on a law enforcement officer's[20] person that records audio and video data of the officer's law enforcement-related encounters and activities.

Body Camera Policies and Procedures

Law enforcement agencies[21] that permit law enforcement officers to wear body cameras are required to establish policies and procedures addressing the proper use, maintenance, and storage of body cameras and the data recorded by such body cameras.[22] The policies and procedures must include:

- General guidelines for the proper use, maintenance, and storage of body cameras;[23]
- Any limitations on which law enforcement officers are permitted to wear body cameras;[24]
- Any limitations on law enforcement-related encounters and activities in which law enforcement officers are permitted to wear body cameras;[25]
- A provision permitting a law enforcement officer using a body camera to review the recorded footage from the body camera, upon his or her own initiative or request, before writing a report or providing a statement regarding any event arising within the scope of his or her official duties;[26] and
- General guidelines for the proper storage, retention, and release of audio and video data recorded by body cameras.[27]

Law enforcement agencies that permit law enforcement officers to wear body cameras must also:[28]

- Ensure that all personnel who wear, use, maintain, or store body cameras are trained in the law enforcement agency's body camera policies and procedures;[29]
- Ensure that all personnel who use, maintain, store, or release audio or video data recorded by body cameras are trained in the law enforcement agency's policies and procedures;[30]

[20] *See* s. 943.10, F.S., for the definition of "law enforcement officer."
[21] "Law enforcement agency" means an agency that has a primary mission of preventing and detecting crime and enforcing the penal, criminal, traffic, and motor vehicle laws of the state and in furtherance of that primary mission employs law enforcement officers. Section 943.1718(1)(b), F.S.
[22] Section 943.1718(2), F.S.
[23] Section 943.1718(2)(a), F.S.
[24] Section 943.1718(2)(b), F.S.
[25] Section 943.1718(2)(c), F.S.
[26] Such provision may not apply to an officer's inherent duty to immediately disclose information necessary to secure an active crime scene or to identify suspects or witnesses. Section 943.1718(2)(d), F.S.
[27] Section 943.1718(2)(e), F.S.
[28] Section 943.1718(3), F.S.
[29] Section 943.1718(3)(a), F.S.
[30] Section 943.1718(3)(b), F.S.

- Retain audio and video data recorded by body cameras in accordance with current law, with certain exceptions;[31] and
- Perform a periodic review of actual agency body camera practices to ensure conformity with the agency's policies and procedures.[32]

Interception of Communications

Chapter 934, F.S., governs the security of various types of communications in the state and limits the ability to intercept, monitor, and record such communications.

Section 934.03, F.S., provides that individuals who intentionally intercept, endeavor to intercept, or procure any other person to intercept or endeavor to intercept any wire, oral, or electronic communication commits a third degree felony.[33] Current law provides for certain exceptions to this section. For example, it is lawful for:

- An investigative or law enforcement officer or a person acting under the direction of such officer to intercept a wire, oral, or electronic communication when such person is a party to the communication or one of the parties to the communication has given prior consent to such interception and the purpose of such interception is to obtain evidence of a criminal act;[34] or
- A person to intercept a wire, oral, or electronic communication when all of the parties to the communication have given prior consent to such interception.[35]

However, s. 943.1718, F.S., provides that ch. 934, F.S., does not apply to body camera recordings made by law enforcement agencies that elect to use body cameras. This permits law enforcement officers to wear body cameras when on duty without having to inform each individual he or she encounters that they are being recorded. Although, the exclusion only applies to body camera recordings that consist of audio and video data of the officer's law enforcement-related encounters and activities.

III. Effect of Proposed Changes:

SB 504 creates s. 162.41, F.S., requiring governmental entities that permit code inspectors to wear body cameras to establish policies and procedures addressing the proper use, maintenance, and storage of body cameras and the data recorded by such body cameras. The policies and procedures must include:

- General guidelines for the proper use, maintenance, and storage of body cameras;
- Any limitation on which code inspectors are permitted to wear body cameras;
- Any limitation on code enforcement-related encounters and activities in which code inspectors are permitted to wear body cameras; however, a code inspector must be permitted to use a body camera to record any encounter with a member of the public which occurs while the inspector is performing his or her duties; and

[31] Section 943.1718(3)(c), F.S. Section 119.021 provides for the maintenance, preservation, and retention of public records.
[32] Section 943.1718(3)(d), F.S.
[33] A third degree felony is punishable by a term of imprisonment not exceeding 5 years and a fine of up to $5,000. Sections 775.082(3)(e) and 775.083(1)(c), F.S. *See* section 934.03(4), F.S., for exceptions to such punishment.
[34] Section 934.03(2)(c), F.S.
[35] Section 934.03(2)(d), F.S.

- General guidelines for the proper storage, retention, and release of audio and video data recorded by body cameras.

The bill also requires governmental entities that permit code inspectors to wear body cameras to:
- Ensure that all personnel who wear, use, maintain, or store body cameras are trained in the governmental entity's body camera policies and procedures;
- Retain audio and video data recorded by body cameras in accordance with the requirements of s. 119.021, F.S., relating to custodial requirements and maintenance, preservation, and retention of public records, expect as otherwise provided by law; and
- Perform a periodic review of actual body camera practices to ensure conformity with the governmental entity's body camera policies and procedures.

The bill defines "body camera" as a portable electronic recording device worn on a code inspector's person which records audio and video data of the code inspector's encounters and activities. The bill also defines "code inspector" as any authorized agent or employee of the county or municipality whose duty it is to assure code compliance.

The bill specifies that ch. 934, F.S., (interception of communications), does not apply to body camera recordings made by code inspectors who elect to use body cameras. This allows code inspectors to wear body cameras while performing their official duties without needing to inform each individual he or she encounters that they are being recorded. If the body camera recording does not contain audio and video data of the code inspector's code enforcement-related encounters and activities, the exclusion does not apply.

The bill takes effect on July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The mandate provisions of Article VII, s. 18, of the State Constitution do not apply because the requirements of the bill apply only to governmental entities that permit code inspectors to wear body cameras.

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, but likely insignificant, negative fiscal impact on local governments that permit code inspectors to wear body cameras because the bill creates a new requirement for such entities to establish policies and procedures regarding body cameras. There may also be costs associated with training, data storage, and maintenance.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 162.41 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.)

None.

B. Amendments:

None.

By Senator Burgess

23-00349A-26 2026504__

A bill to be entitled

An act relating to code inspector body cameras; creating s. 162.41, F.S.; defining terms; requiring a governmental entity that permits its code inspectors to wear body cameras to establish certain policies and procedures; requiring such governmental entity to ensure that certain training occurs, to retain certain data in accordance with public records laws, and to perform a periodic review of actual body camera practices; providing that certain provisions relating to the interception of wire, electronic, and oral communications do not apply to body camera recordings made by code inspectors; providing an effective date.

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

Section 1. Section 162.41, Florida Statutes, is created to read:

162.41 Code inspector body cameras; policies and procedures.—

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

(a) "Body camera" means a portable electronic recording device worn on a code inspector's person which records audio and video data of the code inspector's encounters and activities.

(b) "Code inspector" has the same meaning as in s. 162.04(2).

(2) A governmental entity that permits its code inspectors to wear body cameras shall establish policies and procedures addressing the proper use, maintenance, and storage of body cameras and the data recorded by body cameras. The policies and procedures must include all of the following:

(a) General guidelines for the proper use, maintenance, and storage of body cameras.

(b) Any limitation on which code inspectors are permitted to wear body cameras.

(c) Any limitation on code enforcement-related encounters and activities in which code inspectors are permitted to wear body cameras. A code inspector must be permitted to use a body camera to record any encounter with a member of the public which occurs while the inspector is performing his or her duties.

(d) General guidelines for the proper storage, retention, and release of audio and video data recorded by body cameras.

(3) A governmental entity that permits its code inspectors to wear body cameras shall do all of the following:

(a) Ensure that all personnel who wear, use, maintain, or store body cameras are trained in the governmental entity's body camera policies and procedures.

(b) Retain audio and video data recorded by body cameras in accordance with the requirements of s. 119.021, except as otherwise provided by law.

(c) Perform a periodic review of actual body camera practices to ensure conformity with the governmental entity's body camera policies and procedures.

(4) Chapter 934 does not apply to body camera recordings made by code inspectors who elect to use body cameras.

Section 2. This act shall take effect July 1, 2026.

The Florida Senate

Committee Agenda Request

To: Senator Stan McClain, Chair
Committee on Community Affairs

Subject: Committee Agenda Request

Date: December 1, 2025

I respectfully request that **Senate Bill #504**, relating to Code Inspector Body Cameras, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Senator Danny Burgess
Florida Senate, District 23

CC: Elizabeth Fleming: Staff Director
CC: Lizabeth Martinez Gonzales: Committee Administrative Assistant

File signed original with committee office

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL:	SB 526
INTRODUCER:	Senator Grall
SUBJECT:	Commercial Construction Projects
DATE:	January 12, 2026
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Shuler	Fleming	CA	**Pre-meeting**
2.			GO	
3.			RC	

I. Summary:

SB 526 creates new provisions governing public construction contracts to render void and unenforceable contract provisions barring certain remedies or contractor's rights to extensions when the state, local government, or other political subdivision that has awarded the contract causes or contributes to a delay.

The bill also amends the Florida Building Codes Act to require the Florida Building Commission, in consultation with the Department of Business and Professional Regulation, to create a uniform commercial building permit application for statewide use. The minimum contents of the application are specified. Local enforcement agents are allowed to require supplemental forms and additional documentation and must allow for simultaneous relevant plan reviews.

For commercial construction projects, the bill requires local enforcement agencies to reduce permit fees by at least 50 percent of the amount attributable to plans review or building services when private providers are used, and at least 75 percent of the amount otherwise charged if a private provider performs all required plans review or building inspection services. Local enforcement agencies are allowed to reduce their fees above the required reductions, and those that don't reduce forfeit the ability to collect any fees for the commercial construction project.

The bill expands the list of categories of products for which the Florida Building Commission must develop an approval system for statewide use in construction to include mitigation products.

The bill takes effect on July 1, 2026.

II. Present Situation:

Public Procurement of Personal Property and Services

Chapter 287, F.S., sets out provisions governing agency procurement of personal property and services. Section 287.012(1), F.S., defines "agency" as "any of the various state officers, departments, boards, commissions, divisions, bureaus, and councils and any other unit of organization, however designated, of the executive branch of state government," but "does not include the university and college boards of trustees or the state universities and colleges." Section 287.05701, F.S., defines the term "awarding body" as a state agency for state contracts or as a county, municipality, special district, or other political subdivision for local government contracts.

Agencies may use different methods, depending on the cost and characteristics of the goods or services being procured, which include:

- Invitations to bid, used when an agency is capable of specifically defining the scope of work for which a contractual service is required or of establishing precise specifications defining the actual commodity or group of commodities required.[1]
- Requests for proposals, used when the purposes and uses for which the commodity, group of commodities, or contractual service being sought can be specifically defined and the agency is capable of identifying necessary deliverables. Responsive vendors may propose various combinations or versions of commodities or contractual services to meet the agency's specifications.[2]
- Invitations to negotiate, used to determine the best method for achieving a specific goal or solving a particular problem. This procurement method identifies one or more responsive vendors with which the agency may negotiate to receive the best value.[3]
- Single source contracts, used when an agency determines that only one vendor is available to provide a commodity or service at the time of purchase and which may be excepted from competitive-solicitation requirements.[4]

Statutes specifically relating to use and construction of public property and publicly owned buildings, including competitive solicitation of construction services, are located in ch. 255, F.S., though additional provisions related to public construction services are included in ch. 287, F.S.[5] Provisions specifically related to transportation construction contract requirements are found in ch. 339, F.S.

Competitive Solicitation of Construction Services

State contracts for construction projects that are projected to cost in excess of $200,000 must be competitively bid.[6] A county, municipality, special district, or other political subdivision seeking

[1] Section 287.057(1)(a), F.S.
[2] Section 287.057(1)(b), F.S.
[3] Section 287.057(1)(c), F.S.
[4] Section 287.057(3)(c), F.S.
[5] *See, e.g.,* s. 287.05705, F.S., relating to procurements of road, bridge, and other specified public construction services.
[6] *See* s. 255.0525, F.S.; *see also* Fla. Admin. Code R. 60D-5.002 and 60D-5.0073.

to construct or improve a public building must competitively bid the project if the estimated cost is in excess of $300,000.[7]

The Department of Management Services (DMS) is responsible for establishing by rule requirements related to construction contracts, including procedures:[8]

- For determining the qualifications and responsibility of potential bidders prior to advertising for and receiving bids for building construction contracts.
- For awarding each state agency construction project to the lowest qualified bidder.
- To govern negotiations for construction contracts and contract modifications when such negotiations are determined to be in the best interest of the state.
- For entering into performance-based contracts for the development of public facilities when those contracts are determined to be in the best interest of the state.

Florida Building Code

In 1974, Florida adopted legislation requiring all local governments to adopt and enforce a minimum building code that would ensure that Florida's minimum standards were met. Local governments could choose from four separate model codes. The state's role was limited to adopting all or relevant parts of new editions of the four model codes. Local governments could amend and enforce their local codes, as they desired.[9]

In 1992, Hurricane Andrew demonstrated that Florida's system of local codes did not work. Hurricane Andrew easily destroyed those structures that were allegedly built according to the strongest code. The Governor eventually appointed a study commission to review the system of local codes and make recommendations for modernizing the system. The 1998 Legislature adopted the study commission's recommendations for a single state building code and enhanced the oversight role of the state over local code enforcement. The 2000 Legislature authorized implementation of the Florida Building Code (Building Code), and that first edition replaced all local codes on March 1, 2002.[10] The current edition of the Building Code is the eighth edition, which is referred to as the 2023 Florida Building Code.[11]

Part IV of chapter 553, F.S., is known as the "Florida Building Codes Act" (Act). The purpose and intent of the Act is to provide a mechanism for the uniform adoption, updating, amendment, interpretation, and enforcement of a single, unified state building code. The Building Code must be applied, administered, and enforced uniformly and consistently from jurisdiction to jurisdiction.[12]

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[7] Section 255.20(1), F.S. For electrical work, local governments must competitively bid projects estimated to cost over $75,000. *Id.* Certain projects are exempted from these requirements, including projects to replace, reconstruct, or repair existing public buildings, structures, or other construction works that have been damaged or destroyed by sudden turns of events. *Id.*

[8] Section 255.29, F.S.

[9] FLA. DEPT. OF CMTY AFFAIRS, THE FLORIDA BUILDING COMMISSION REPORT TO THE 2006 LEGISLATURE 4 (Jan 2006), http://www.floridabuilding.org/fbc/publications/2006_Legislature_Rpt_rev2.pdf (last visited Jan. 9, 2026).

[10] *Id.*

[11] FLA. DEPT. OF BUS. & PRO. REGUL., *Florida Building Codes*, https://floridabuilding.org/bc/bc_default.aspx (last visited Jan. 9, 2026).

[12] Section 553.72(1), F.S.

The Florida Building Commission (Commission) was created to implement the Building Code. The Commission, which is housed within the Department of Business and Professional Regulation (DBPR), is a 19-member technical body made up of design professionals, contractors, and government experts in various disciplines covered by the Building Code.[13] The Commission reviews several International Codes published by the International Code Council,[14] the National Electric Code, and other nationally adopted model codes to determine if the Building Code needs to be updated and adopts an updated Building Code every three years.[15]

Amendments to the Building Code

The Commission and local governments may adopt technical and administrative amendments to the Building Code.[16] The Commission may approve technical amendments to the Building Code once each year for statewide or regional application upon making certain findings.[17]

Local governments may adopt amendments to the Building Code that are more stringent than the Building Code that are limited to the local government's jurisdiction.[18] Amendments by local governments expire upon the adoption of the newest edition of the Building Code, and, thus, the local government would need to go through the amendment process every three years to maintain a local amendment to the Building Code.[19]

Building Permits

It is the intent of the Legislature that local governments have the power to inspect all buildings, structures, and facilities within their jurisdiction in protection of the public's health, safety, and welfare.[20] Every local government must enforce the Building Code and issue building permits.[21]

A building permit is an official document or certificate issued by the local building official that authorizes performance of a specific activity.[22] It is unlawful for a person, firm, corporation, or governmental entity to construct, erect, alter, modify, repair, or demolish any building without first obtaining a building permit from the appropriate enforcing agency or from such persons as may, by resolution or regulation, be delegated authority to issue such permit.[23]

Current law requires local governments to post their building permit applications, including a list of all required attachments, drawings, and documents for each application, on its website.[24]

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[13] Sections 553.73 and 553.74, F.S.
[14] The International Code Council (ICC) is an association that develops model codes and standards used in the design, building, and compliance process to construct safe, sustainable, affordable and resilient structures. INT'L CODE COUNCIL, *Who We Are*, https://www.iccsafe.org/about/who-we-are/ (last visited Jan. 9, 2026).
[15] Section 553.73(7)(a), F.S.
[16] Section 553.73, F.S.
[17] Section 553.73(9), F.S.
[18] Section 553.73(4), F.S.
[19] Section 553.73(4)(e), F.S.
[20] Section 553.72(2), F.S.
[21] Sections 125.01(1)(bb), 125.56(1), and 553.80(1), F.S.
[22] Florida Building Code, *2023 Florida Building Code: 8th Edition*, s. 220 (2023), *available at* https://codes.iccsafe.org/content/FLBC2023P1/chapter-2-definitions#FLBC2023P1_Ch02_Sec202 (last visited Jan. 10, 2026).
[23] Section 553.79(1), F.S. *See also* s. 125.56(4)(a).
[24] Section 553.79(1), F.S.

However, other than fire alarm building permit applications, local governments are not required to have uniform building permit applications, and they are free to create their own applications with their own requirements.[25]

Any construction work that requires a building permit also requires plans and inspections to ensure the work complies with the Building Code. The Building Code requires certain building, electrical, plumbing, mechanical, and gas inspections. Construction work may not be done beyond a certain point until it passes an inspection. Generally speaking, a permit for construction work that passes the required inspections are considered completed or closed.[26]

Required Information in Building Permit Application

The minimum contents and format of building permit applications for every municipality and county that issues building permits for construction are prescribed by s. 713.135, F.S. The form must include the following information:[27]

- The name and address of the owner of the property;
- The name and address of the contractor;
- A description sufficient to identify the property to be improved;
- The name and address of the bonding company, if any;
- The name and address of the architect/engineer, if any;
- The name and address of the mortgage company, if any; and
- The number or identifying symbol assigned to the building permit by the issuing authority.

In addition to the information that must be in the application, a government entity may require any additional information be included in the application.[28]

Building Code Fees

A local government may charge reasonable fees as set forth in a schedule of fees adopted by the enforcing agency for the issuance of a building permit.[29] Such fees shall be used solely for carrying out the local government's responsibilities in enforcing the Building Code.[30] Enforcing the Building Code includes the direct costs and reasonable indirect costs associated with training, enforcement action related to unlicensed contractors, review of building plans, building inspections, reinspections, building permit processing, and fire inspections associated with new construction.[31] Local governments must post all building permit and inspection fee schedules on their websites.[32]

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[25] *See* s. 553.7921, F.S.
[26] Florida Building Code, *2023 Florida Building Code: 8th Edition*, s. 110 (2023), *available at* https://codes.iccsafe.org/content/FLBC2023P1/chapter-1-scope-and-administration#FLBC2023P1_Ch01_SubCh02_Sec110 (last visited Jan. 10, 2026).
[27] Sections 713.135(5) and (7), F.S.
[28] Section 713.135(7), F.S.
[29] Section 553.80(7)(a), F.S.
[30] *Id.*
[31] Section 553.80(7)(a)1., F.S.
[32] Sections 125.56(4)(c) and 166.222(2), F.S.

Local governments are only allowed to collect building permit fees that are sufficient to cover their costs in enforcing the Building Code. When providing a schedule of reasonable fees, the total estimated annual revenue derived from fees, and the fines and investment earnings related to the fees, may not exceed the total estimated annual costs of allowable activities. Any unexpended balances must be carried forward to future years for allowable activities or must be refunded at the discretion of the local government. A local government may not carry forward an amount exceeding the average of its operating budget, not including reserve amounts, for enforcing the Building Code for the previous 4 fiscal years.[33]

DBPR Surcharges

Current law requires all local governments to assess and collect a 1 percent surcharge on the permit fees for any building permit issued by their enforcement agency for the purpose of enforcing the Building Code. The local jurisdictions collect the assessment and remit the surcharge fees to DBPR to fund the activities of the Commission, DBPR's Building Code Compliance and Mitigation Program, and the Florida Fire Prevention Code informal interpretations.[34]

Current law also requires all local governments to assess and collect a separate 1.5 percent surcharge on the permit fees on any building permit issued by their enforcement agency for the purpose of enforcing the Building Code. The local governments collect the assessment and remit the surcharge fees to DBPR, where it is divided equally to fund the activities of the Building Code Administrators and Inspectors Board and the Florida Homeowners' Construction Recovery Fund.[35]

Local government building departments are permitted to retain 10 percent of the amount of the surcharges they collect to fund participation by their agencies in the national and state building code adoption processes and to provide education related to enforcement of the Building Code.[36]

Private Providers

Property owners or their contractors pursuant to written authorization may use a private provider to provide plans review or building inspection services.[37] Private providers and their duly authorized representatives may only provide such services that are within the scope of the provider's or representative's license.[38]

A "private provider" is defined as a person licensed as a building code administrator, engineer, or architect. Additionally, the term includes licensed building inspectors and plans examiners who perform inspections for additions and alterations that are limited to 1,000 square feet or less

[33] Section 553.80(7)(a), F.S.
[34] Section 553.721, F.S.
[35] Section 468.631, F.S. The Florida Homeowners' Construction Recovery Fund is used to compensate homeowners who have suffered a covered financial loss at the hands of state-licensed general, building and residential contractors. *See* ss. 489.140-489.144, F.S.
[36] Sections 468.631 and 553.721, F.S.
[37] Section 553.791(2), F.S.
[38] Section 553.791(3), F.S.

in residential buildings.[39] An owner or contractor must notify a local government that the owner or contractor hired a private provider to perform building code inspection services, including single-trade inspections.[40]

If an owner or contractor retains a private provider for purposes of plans review or building inspection services, the local jurisdiction must reduce the permit fee by the amount of cost savings realized by the local enforcement agency for not having to perform such services. Such reduction may be calculated on a flat fee or percentage basis, or any other reasonable means by which a local enforcement agency assesses the cost for its plans review or inspection services.[41]

A local government may not charge a fee for building inspections when an owner or contractor uses a private provider but may charge a "reasonable administrative fee." A "reasonable administrative fee" must be based on the cost that is actually incurred by the local government, including the labor cost of the personnel providing the service, or the cost attributable to the local government for the clerical and supervisory assistance required, or both.[42]

Product Evaluation and Approval

Current law requires the Commission to develop and implement an approval system of products for statewide use in construction.[43] The Commission has created a product approval system for products and systems that make up the building envelope and structural frame of a building.[44] To gain approval, products must have been evaluated using specified methods for compliance with or equivalency with the Building Code.[45] The Commission is required to approve the following categories of products:

- Panel walls,
- Exterior doors,
- Roofing,
- Skylights,
- Windows,
- Shutters,
- Impact protective systems, and
- Structural components as established by the Commission by rule.[46]

A product may not be advertised, sold, offered, provided, distributed, or marketed as hurricane, windstorm, or impact protection from wind-borne debris from a hurricane or windstorm unless it is approved for statewide use pursuant to s. 553.842, F.S., or for local approval pursuant to s. 553.8425, F.S.[47] Any person who advertises, sells, offers, provides, distributes, or markets a product as hurricane, windstorm, or impact protection from wind-borne debris without such

[39] Section 553.791(1)(n), F.S.
[40] Section 553.791(4), F.S.
[41] Section 553.791(2)(b), F.S.
[42] *Id.*
[43] Section 553.842(1), F.S.
[44] Fla. Admin. Code R. 61G20-3.001.
[45] Section 553.842(5), F.S.
[46] Section 553.842, F.S.
[47] *Id.*

approval is subject to the Florida Deceptive and Unfair Trade Practices Act under part II of ch. 501, F.S.[48]

III. Effect of Proposed Changes:

Section 1 of SB 526 creates a new section of law governing public procurement to make provisions in public construction contracts void and unenforceable which purport to waive, release, or extinguish the rights of a contractor to recover costs, damages, or equitable adjustments, or to obtain a time extension, for delays in performance of the contract, when the delays are caused by the awarding body. Similarly, provisions in public construction contracts which purport to deny or restrict a contractor's right to a time extension for a concurrent delay are void and unenforceable if the awarding body contributed to the delay. Such void and unenforceable provisions must be severed from public construction contracts, and the remaining provisions remain effective.

The term "awarding body" is defined under the bill to mean a state agency for state contracts or a county, municipality, special district, or other political subdivision for local government contracts.

The bill provides that provisions requiring notice of delay by the party claiming a delay; allowing an awarding body to recover liquidated damages for delays caused by contractors or subcontractors; providing for arbitration or other dispute settlement procedures are not void or unenforceable.

The newly created section applies to public construction contracts entered into on or after July 1, 2026.

Section 2 of the bill amends the Florida Building Codes Act to create a new section of law requiring the Commission, in consultation with DBPR, to create a uniform commercial building permit application for statewide use.

The application must, at a minimum, include the name and contact information of the property owner; the name, license number, and contact information of the contractor; the address and parcel identification number of the construction project; the project type and occupancy classification under the Building Code; a description of the construction project, including whether the project is new construction or an alteration, an addition, or a repair; the total square footage and declared value of the construction project; the architect or engineer of record, if applicable; and the identification of any private provider services, if used.

Local enforcement agencies may require supplemental forms based on the project's scope. Such forms must be standardized and used statewide and may not expand the timelines for plans to be reviewed or permits to be issued. Supplemental forms may be used for projects to construct high-rises, health care facilities, industrial or warehouse facilities, or mixed-use occupancies. Local enforcement agencies may also require additional documentation or plans necessary to show compliance with the Building Code or local zoning ordinances. Neither supplemental forms nor

[48] *Id.*

additional documentation may alter the format, content, or substance of the uniform commercial building permit application. Local enforcement agencies are required to allow for simultaneous relevant plan reviews.

By July 1, 2026, the Commission is required to publish the uniform commercial building application on its website and make it available to all local enforcement agencies and applicants.

Section 3 amends requirements related to the use of private providers for plans review or building inspection services for commercial construction projects. Local enforcement agencies are required to reduce permit fees by at least 50 percent of the amount attributable to plans review or building services if the property owner or contractor uses a private provider. If the property owner or contractor uses a private provider for all of the required plans review and building inspection services, the local enforcement agency is required to reduce the permit fee by at least 75 percent of the amount otherwise charged. Local enforcement agencies are allowed to reduce their fees above the required reductions.

Local enforcement agencies that do not reduce fees as required are penalized by forfeiting the ability to collect any fees for the commercial construction project.

The term "commercial construction project" is defined by the bill to mean the construction, alteration, or repair of a building or structure that is primarily intended for business, industrial, institutional, or mercantile use and is not classified as residential under the Building Code.

Section 4 amends requirements related to construction product evaluation and approval. In addition to the categories of products already specified in law, the Commission will be required to approve products related to mitigation.

The bill takes effect on July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

Section 18(b) of Article VII of the Florida Constitution provides that except upon approval of each house of the Legislature by two-thirds vote of the membership, the legislature may not enact, amend, or repeal any general law if the anticipated effect of doing so would be to reduce the authority that municipalities or counties have to raise revenue in the aggregate, as such authority existed on February 1, 1989. However, the

mandates requirements do not apply to laws having an insignificant impact,[49,50] which is $2.4 million or less for Fiscal Year 2026-2027.[51]

The REC has not yet reviewed SB 526 and it is not known if the required reduction in permit fees for the use of private providers for commercial construction projects exceeds the amount by which local governments reduce their permit fees pursuant to current law. If SB 526 reduces the authority for counties and municipalities to raise revenue in an amount that exceeds the threshold for an insignificant impact, the mandates provision of section 18 of Article VII of the Florida Constitution may apply.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

Article VII, s. 19 of the State Constitution requires that legislation that increases or creates taxes or fees be passed by a 2/3 vote of each chamber in a bill with no other subject. The bill does not increase or create new taxes or fees. Thus, the constitutional requirements related to new or increased taxes or fees do not apply.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

If the required reduction in permit fees for the use of private providers for commercial construction projects exceeds the amount by which local governments reduce their permit fees pursuant to current law, then those requesting permits may enjoy savings for permit fees.

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[49] FLA. CONST. art. VII, s. 18(d).
[50] An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year multiplied by $0.10. *See* FLA. SENATE COMM. ON COMTY. AFFAIRS, *Interim Report 2012-115: Insignificant Impact*, (Sept. 2011), http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf (last visited Jan. 10, 2026).
[51] Based on the Demographic Estimating Conference's estimated population adopted on June 30, 2025, https://edr.state.fl.us/Content/conferences/population/archives/250630demographic.pdf (last visited Jan. 10, 2026).

C. Government Sector Impact:

The Commission and the DBPR may experience a negative fiscal impact for the resources required to develop a uniform commercial building permit application. However, they likely would be able to absorb the impact with existing resources.

If the required reduction of permit fees for the use of private providers for commercial construction projects exceeds the amount by which local governments reduce their permit fees pursuant to current law, then local governments may experience a reduction in revenue from permit fees.

It is unclear whether the required reduction of the "total permit fees" for the use of private providers for commercial construction projects is inclusive of the DBPR surcharges that would be imposed along with the permit fees charged by the local governments for their own permitting costs. If the total permit fee includes these surcharges, the required reduction could result in a negative fiscal impact to the DBPR and the activities funded by the surcharges.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Article III, s. 6 of the Florida Constitution requires all laws to "embrace but one subject and matter properly connected therewith, and the subject shall be briefly expressed in the title". The "relating to" clause of SB 526 is "commercial construction projects," which relates to the contents of sections 2 and 3 of the bill. However, section 1 relates to public procurement contracts and section 4 relates to construction product evaluation and approval. Since these sections appear to be not directly related to the more specific topic of commercial construction projects, the "relating to clause" may not satisfy the requirements of Art. III, s. 6 of the Florida Constitution.

VIII. Statutes Affected:

This bill substantially amends sections 553.791 and 553.842 of the Florida Statutes.
This bill creates sections 287.05702 and 553.789 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 Grall

29-00337C-26 2026526__

A bill to be entitled

An act relating to commercial construction projects; creating s. 287.05702, F.S.; defining the term "awarding body"; providing that provisions contained in public construction contracts which purport to waive, release, or extinguish certain rights of a contractor are void and unenforceable under specified circumstances; providing construction; providing that certain contract provisions that are void and unenforceable are severable from the contract; providing applicability; creating s. 553.789, F.S.; requiring the Florida Building Commission, in consultation with the Department of Business and Professional Regulation, to create a uniform commercial building permit application; requiring that such application include certain information and be accepted statewide; prohibiting such application from being modified; authorizing local enforcement agencies to require supplemental forms or additional documentation or plans for specified commercial construction projects; providing requirements for the use and standardization of such supplemental forms; requiring local enforcement agencies to allow certain reviews to take place simultaneously; requiring the commission to publish on its website and make available to local enforcement agencies and applicants the uniform commercial building application by a specified date; amending s. 553.791, F.S.; defining the term "commercial construction project"; requiring

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local enforcement agencies to reduce permit fees for commercial construction projects by certain percentages under certain circumstances; prohibiting local enforcement agencies from collecting any fees for commercial construction projects under certain circumstances; providing construction; amending s. 553.842, F.S.; revising the products requiring statewide approval to include mitigation products; providing an effective date.

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

Section 1. Section 287.05702, Florida Statutes, is created to read:

287.05702 Public construction contract provisions barring delay or time extensions declared void.—

(1) As used in this section, the term "awarding body" has the same meaning as in s. 287.05701(1).

(2) A provision contained in a public construction contract which purports to waive, release, or extinguish the rights of a contractor to recover costs, damages, or equitable adjustments, or to obtain a time extension, for delays in performing such contract, either on his or her own behalf or on behalf of a subcontractor, is void and unenforceable as against public policy if the delay is caused, in whole or in part, by acts or omissions of the awarding body, its agents or employees, or any person acting on its behalf.

(3) A provision contained in a public construction contract which purports to deny or restrict a contractor's right to a

time extension for a concurrent delay is void and unenforceable as against public policy if the awarding body contributed to the delay through acts or omissions of the awarding body, its agents or employees, or any person acting on its behalf.

(4) This section may not be construed to render void or unenforceable a provision of a public construction contract which:

(a) Requires notice of any delay by the party claiming the delay;

(b) Allows an awarding body to recover liquidated damages for a delay caused by the acts or omissions of the contractor or its subcontractors, agents, or employees; or

(c) Provides for arbitration or any other procedure designed to settle contract disputes.

(5) If a public construction contract contains a provision that is void and unenforceable under this section, the provision must be severed from the contract, and the remaining provisions remain in full force and effect.

(6) This section applies to all public construction contracts entered into on or after July 1, 2026.

Section 2. Section 553.789, Florida Statutes, is created to read:

553.789 Uniform commercial building permit application.—

(1) The commission, in consultation with the department, shall create a uniform commercial building permit application. The uniform commercial building permit application must, at a minimum, require all of the following information:

(a) The name and contact information of the property owner.

(b) The name, license number, and contact information of

the contractor.

(c) The address and parcel identification number of the construction project.

(d) The project type and occupancy classification under the Florida Building Code.

(e) A description of the construction project, including whether the project is new construction or an alteration, an addition, or a repair.

(f) The total square footage and the declared value of the construction project.

(g) The architect or engineer of record, if applicable.

(h) The identification of any private provider service if used pursuant to s. 553.791.

(2) The uniform commercial building permit application must be accepted statewide and may not be modified.

(3) A local enforcement agency may require supplemental forms for commercial construction projects based on the scope of the project. The use of supplemental forms may not expand the applicable timelines during which plans must be reviewed and permits must be issued. Supplemental forms must be standardized and used statewide, but local enforcement agencies may not replace or alter the format, content, or substance of the uniform commercial building permit application. Supplemental forms may be used for any of the following commercial construction projects:

(a) High-rise construction.

(b) Health care facilities.

(c) Industrial or warehouse facilities.

(d) Mixed-use occupancies.

(4) A local enforcement agency may require additional documentation or plans reasonably necessary to demonstrate compliance with the Florida Building Code or local zoning ordinances. Such additional documentation or plans may not alter the format, content, or substance of the uniform commercial building permit application.

(5) A local enforcement agency shall allow relevant plan reviews to take place simultaneously.

(6) The commission shall publish on its website and make available to all local enforcement agencies and applicants the uniform commercial building permit application by July 1, 2026.

Section 3. Present paragraphs (e) through (s) of subsection (1) of section 553.791, Florida Statutes, are redesignated as paragraphs (f) through (t), respectively, a new paragraph (e) is added to that subsection, paragraph (d) is added to subsection (2) of that section, and paragraph (b) of subsection (17) of that section is amended, to read:

553.791 Alternative plans review and inspection.—

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

(e) "Commercial construction project" means the construction, alteration, or repair of a building or structure that is primarily intended for business, industrial, institutional, or mercantile use and is not classified as residential under the Florida Building Code.

(2)

(d) If an owner or a contractor retains a private provider for purposes of plans review or building inspection services for a commercial construction project, the local enforcement agency must reduce the permit fee by at least 50 percent of the portion

of the permit fee attributable to plans review or building inspection services, as applicable. If an owner or a contractor retains a private provider for all required plans review and building inspection services, the local enforcement agency must reduce the total permit fee by at least 75 percent of the amount otherwise charged for such services. If a local enforcement agency does not reduce its fees by at least the applicable percentage provided in this paragraph, the local enforcement agency forfeits the ability to collect any fees for the commercial construction project. This paragraph does not prohibit a local enforcement agency from reducing its fees in excess of the percentages provided in this paragraph.

(17)

(b) A local enforcement agency, local building official, or local government may establish, for private providers, private provider firms, and duly authorized representatives working within that jurisdiction, a system of registration to verify compliance with the licensure requirements of paragraph (1)(o) ~~(1)(n)~~ and the insurance requirements of subsection (18).

Section 4. Subsection (5) of section 553.842, Florida Statutes, is amended to read:

553.842 Product evaluation and approval.—

(5) Statewide approval of products, methods, or systems of construction may be achieved by one of the following methods. One of these methods must be used by the commission to approve the following categories of products: panel walls, exterior doors, roofing, skylights, windows, shutters, impact protective systems, mitigation, and structural components as established by the commission by rule. A product may not be advertised, sold,

offered, provided, distributed, or marketed as hurricane, windstorm, or impact protection from wind-borne debris from a hurricane or windstorm unless it is approved pursuant to this section or s. 553.8425. Any person who advertises, sells, offers, provides, distributes, or markets a product as hurricane, windstorm, or impact protection from wind-borne debris without such approval is subject to the Florida Deceptive and Unfair Trade Practices Act under part II of chapter 501 brought by the enforcing authority as defined in s. 501.203.

(a) Products for which the code establishes standardized testing or comparative or rational analysis methods shall be approved by submittal and validation of one of the following reports or listings indicating that the product or method or system of construction was in compliance with the Florida Building Code and that the product or method or system of construction is, for the purpose intended, at least equivalent to that required by the Florida Building Code:

1. A certification mark or listing of an approved certification agency, which may be used only for products for which the code designates standardized testing;

2. A test report from an approved testing laboratory;

3. A product evaluation report based upon testing or comparative or rational analysis, or a combination thereof, from an approved product evaluation entity; or

4. A product evaluation report based upon testing or comparative or rational analysis, or a combination thereof, developed and signed and sealed by a professional engineer or architect, licensed in this state.

A product evaluation report or a certification mark or listing of an approved certification agency which demonstrates that the product or method or system of construction complies with the Florida Building Code for the purpose intended is equivalent to a test report and test procedure referenced in the Florida Building Code. An application for state approval of a product under subparagraph 1. or subparagraph 3. must be approved by the department after the commission staff or a designee verifies that the application and related documentation are complete. This verification must be completed within 10 business days after receipt of the application. Upon approval by the department, the product shall be immediately added to the list of state-approved products maintained under subsection (13). Approvals by the department shall be reviewed and ratified by the commission's program oversight committee except for a showing of good cause that a review by the full commission is necessary. The commission shall adopt rules providing means to cure deficiencies identified within submittals for products approved under this paragraph.

(b) Products, methods, or systems of construction for which there are no specific standardized testing or comparative or rational analysis methods established in the code may be approved by submittal and validation of one of the following:

1. A product evaluation report based upon testing or comparative or rational analysis, or a combination thereof, from an approved product evaluation entity indicating that the product or method or system of construction was in compliance with the intent of the Florida Building Code and that the product or method or system of construction is, for the purpose

intended, at least equivalent to that required by the Florida Building Code; or

2. A product evaluation report based upon testing or comparative or rational analysis, or a combination thereof, developed and signed and sealed by a professional engineer or architect, licensed in this state, who certifies that the product or method or system of construction is, for the purpose intended, at least equivalent to that required by the Florida Building Code.

Section 5. This act shall take effect July 1, 2026.

The Florida Senate

Committee Agenda Request

To: Senator Stan McClain, Chair
Committee on Community Affairs

Subject: Committee Agenda Request

Date: December 1, 2025

I respectfully request that **Senate Bill #526**, relating to Commercial Construction Projects, be placed on the:

☒ committee agenda at your earliest possible convenience.

☐ next committee agenda.

Erin K. Grall

Senator Erin Grall
Florida Senate, District 29

File signed original with committee office

S-020 (03/2004)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL:	SB 330
INTRODUCER:	Senator Bradley
SUBJECT:	Disability Provisions for Firefighters and Law Enforcement and Correctional Officers
DATE:	January 12, 2026
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Shuler	Fleming	CA	**Pre-meeting**
2.			GO	
3.			AP	

I. Summary:

SB 330 amends the disability in the line of duty presumption of eligibility for workers' compensation or disability retirement benefits for firefighters, law enforcement officers, correctional officers, or correctional probation officers. The bill reorganizes existing definitions and adds definitions for the terms "employing agency" and "heart disease."

The bill also amends provisions related to requirements for law enforcement officers, correctional officers, or correctional probation officers to complete and pass physical examinations to satisfy the presumption. Officers will be allowed to use physical examinations from previous employing agencies to satisfy the requirement under the presumption if they did not complete an examination upon entering service with their current employing agency, if the examination did not show evidence of tuberculosis, heart disease, or hypertension. The bill allows use of such examinations from previous employing agencies only if the current employing agency did not require the officer to undergo an examination upon entering service with that employing agency.

The bill will take effect on July 1, 2026.

II. Present Situation:

Disability in the Line of Duty Presumption for Certain Conditions

Firefighters and law enforcement or correction officers are entitled to a statutory presumption that certain conditions were suffered in the line of duty and may thus be eligible for workers' compensation or disability retirement benefits. Section 112.18, F.S., provides that any condition or impairment of any Florida state, municipal, county, port authority, special tax district, or fire

control district firefighter,[1] or any law enforcement officer,[2] correctional officer,[3] or correctional probation officer,[4] caused by tuberculosis, heart disease, or hypertension resulting in total or partial disability or death is to be presumed to have been accidental and to have been suffered in the line of duty unless the contrary can be shown by competent evidence. The presumption does not apply to life insurance or disability insurance benefits, unless negotiated between the insurer and insured for inclusion in the policy.[5] The presumption in s. 112.18, F.S., applies to workers' compensation claims[6] and determinations of eligibility for disability retirement for employees of participants in the Florida Retirement System (FRS).[7]

A similar presumption that any condition caused by tuberculosis, hypertension, or heart disease was suffered in the line of duty is included in chapter 185 and applies to pension and retirement benefits under local retirement plans established by municipalities for police officers[8] and in chapter 175, which is applicable to pension and retirement benefits under plans established by municipalities or special districts for firefighters.[9]

The term "heart disease" is not defined in statute for any of the line-of-duty disability presumptions.

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[1] The term "firefighter" is not defined for s. 112.18, F.S. Three separate definitions are included for "firefighter" in chapter 112, F.S. *See* ss. 112.1816(1)(c), 112.81(3), and 112.191(1)(b), F.S. Under chapter 633, the chapter governing firefighter training and certification standards, "firefighter" means an individual who holds a current and valid Firefighter Certificate of Compliance or Special Certificate of Compliance issued by the Division of State Fire Marshal under s. 633.408, F.S. Section 633.102(9), F.S.

[2] "Law enforcement officer means any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. The term includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers but does not include support personnel employed by the employing agency. The term also includes a special officer employed by a Class I, Class II, or Class III railroad pursuant to s. 354.01. Section 943.10(1), F.S.

[3] "Correctional officer" means any person who is appointed or employed full time by the state or any political subdivision thereof, or by any private entity which has contracted with the state or county, and whose primary responsibility is the supervision, protection, care, custody, and control, or investigation, of inmates within a correctional institution, not including any secretarial, clerical, or professionally trained personnel. Section 943.10(2), F.S.

[4] "Correctional probation officer" means a person who is employed full time by the state whose primary responsibility is the supervised custody, surveillance, and control of assigned inmates, probationers, parolees, or community controlees within institutions of the Department of Corrections or within the community. The term includes supervisory personnel whose duties include, in whole or in part, the supervision, training, and guidance of correctional probation officers, but excludes management and administrative personnel above, but not including, the probation and parole regional administrator level. Section 943.10(3), F.S.

[5] Section 112.18, F.S.

[6] *See* s. 112.18(1)(c), F.S.

[7] *See* FLA. DEPT OF MGMT SERVICES, FLORIDA RETIREMENT SYSTEM EMPLOYER HANDBOOK 10-4 (Jan. 2025) *available at* https://frs.fl.gov/forms/Employer_Handbook_2025.pdf (last visited Jan 7, 2026) [hereinafter "FRS Handbook"]. For Fiscal Year 2025-26, participants in the FRS include numerous state agencies, state colleges and universities, county offices, school boards, municipal offices, and other governmental entities. *See* Fla. DEPT OF MGMT SERVICES, PARTICIPATING EMPLOYERS FOR FISCAL YEAR 2025-26 (Dec. 2026) *available at* https://frs.fl.gov/forms/part-emp.pdf (last visited Jan 7, 2026).

[8] Section 185.34, F.S.

[9] Section 175.231, F.S.

Preemployment Physical Examinations

Among the minimum employment qualifications for firefighters, law enforcement officers, and corrections officers is the requirement for passage of a health examination. A person applying for certification as a firefighter must be in good physical condition as determined by a medical examination by a licensed physician, surgeon, physician assistant, or licensed advanced practice registered nurse.[10] A law enforcement officer, correctional officer, or correctional probation officer must have passed a physical examination by a licensed physician, physician assistant, or licensed advanced practice registered nurse.[11]

To be eligible for the presumption provided in s. 112.18, F.S., a law enforcement officer, correctional officer, or correctional probation officer must have successfully passed a physical examination upon entering service which failed to reveal any evidence of tuberculosis, heart disease, or hypertension, and may not use a physical examination from a former employing agency.[12] If a firefighter did not complete a preemployment physical examination, the medical examination required for certification is deemed to satisfy the requirement for the presumption, so long as that examination did not reveal evidence of tuberculosis, heart disease, or hypertension.[13]

For firefighters, law enforcement officers, correctional officers, or correctional probation officers who completed preemployment physical examinations, employing service providers and agencies are required to maintain preemployment physical examinations for at least 5 years after the employee's separation.[14] If the employing service provider or agency fails to maintain the records, it is presumed the employee has met the physical examination requirements for the line-of-duty disability presumption.[15]

Eligibility for Workers' Compensation Presumption

Florida's Workers' Compensation laws[16] generally require employers to pay compensation or furnish benefits if an employee suffers an accidental compensable injury or death arising out of work performed in the course and scope of employment.[17] The Department of Financial Services (DFS) provides regulatory oversight of Florida's workers' compensation system.

The line-of-duty disability presumption for tuberculosis, heart disease, or hypertension does not apply to workers' compensation claims if a law enforcement, correctional, or correctional probation officer:

- Departed materially from the course of treatment prescribed by his or her physician, resulting in a significant aggravation of the disease or disability or need for medical treatment; or

[10] Section 633.412(5), F.S.
[11] Section 943.13(6), F.S.
[12] Section 943.13(6), F.S.
[13] Section 112.18(1)(b)1., F.S.
[14] Sections 112.18(1)(b)2. and 943.13(6), F.S.
[15] Sections 112.18(1)(b)2. and 943.13(6), F.S.
[16] Chapter 440, F.S.
[17] Section 440.09, F.S.

- Was previously compensated under workers' compensation benefits for the disabling disease, sustains and reports a new claim for the disabling disease, departed materially from the treatment prescribed by his or her physician which resulted in significant aggravation of the disabling disease, resulting in disability or increasing the disability or need for medical treatment.[18]

To be eligible for workers' compensation benefits, a law enforcement officer, correctional officer, or correctional probation officer must make a claim for benefits prior to or within 180 days after leaving the employment or the employing agency.[19]

Firefighters are not subject to the exclusion for prior treatment or compensation and they are not covered by the claim-filing deadline that allows a law enforcement officer, correctional officer, or correctional probation officer to file a claim up to 180 days after leaving the employment.[20] Thus, a firefighter suffering from tuberculosis, heart disease, or hypertension is subject to the more general notice requirements of chapter 440, F.S. Since these conditions are considered occupational diseases, the firefighter must advise his or her employer within 90 days after the initial manifestation of the disease or 90 days after the firefighter obtains a medical opinion that the disease is due to the nature of the firefighter's employment, if the cause could not be identified without a medical opinion.[21]

Since the term "heart disease" is not defined in statute, the compensability of some workers' compensation claims have been subject to judicial determination of the term's meaning. In *City of Venice v. Van Dyke*, the First District Court of Appeal relied on a medical dictionary defining "heart disease" as "any organic, mechanical, or functional abnormality of the heart, its structures, or the coronary arteries" to find that a claimant's aortic disease could "reasonably be classified as heart disease."[22] The court in *North Collier Fire Control and Rescue District v. Harlem* concluded that *Van Dyke* was "limited to its facts" and instead turned to historical definitions of heart disease to apply the term based on its original meaning: "the type of disease affecting and weakening the heart muscle through a degradation of the vessels or the valves, and which was prevalent as [a] major cause of death in the United States in the 1950s and 1960s."[23] Using this narrower definition, the court in *Harlem* found that the Judge of Compensation Claim's determination that the claimant's aortic aneurism was heart disease conflicted with the meaning of the term.[24]

Eligibility for Disability Retirement Presumption

The FRS is administered by the Department of Management Services, with the secretary designated as the administrator of the retirement and pension systems assigned or transferred to the department.[25]

[18] Section 112.18(1)(c)1., F.S.
[19] Section 112.18(1)(c)4., F.S.
[20] *See* s. 112.18(1)(c), F.S.
[21] Sections 440.151(6) and 440.185(1), F.S.
[22] *City of Venice v. Van Dyke*, 46 So. 3d 115, 116 (Fla. 1st DCA 2010).
[23] *N. Collier Fire Control and Rescue Dist. v. Harlem*, 371 So. 3d 368, 370, 377 (Fla. 1st DCA 2023).
[24] *Id.* at 377.
[25] Section 121.025, F.S.

Under the FRS, two types of disability benefits are available: regular and in the line of duty.[26] Disability from illness or injury due to natural causes or an accident unrelated to employment is considered "regular disability".[27] A disability caused in the line of duty must be documented by medical evidence that it was caused by a job-related illness or accident while still employed.[28] The member must be totally and permanently disabled, meaning that "in the opinion of the administrator, he or she is prevented, by reason of a medically determinable physical or mental impairment, from rendering useful and efficient service as an officer or employee."[29] Effective July 1, 2001, members of the pension plan must have completed 8 years of service to be eligible for regular disability.[30] Those who qualify for line-of-duty disability may qualify from their first day of service.[31]

To qualify for disability benefits pursuant to the line-of-duty disability presumption for tuberculosis, heart disease, or hypertension, a firefighter, law enforcement officer, or corrections officer must submit proof of the disability with their application for retirement.[32] Such proof must include certification of the total and permanent disability by two licensed physicians.[33] The submitted proof must document that the condition occurred or became systematic while the firefighter, law enforcement officer, or corrections officer was employed; he or she was totally and permanently disabled at the time he or she terminated employment; and that he or she has not been employed with any other employer after such termination.[34]

III. Effect of Proposed Changes:

SB 330 amends s. 112.18, F.S. to organize existing definitions within the section under one subsection and newly define the terms "employing agency" and "heart disease." "Employing agency" is defined to have the same meaning as s. 943.10(4), F.S., and will clarify requirements related to timing of claims and satisfaction of physical examination requirements for law enforcement officers, correctional officers, or correctional probation officers for the tuberculosis, heart disease, or hypertension line-of-duty disability presumption.

The term "heart disease" is defined by the bill to mean "any organic, mechanical, or functional abnormality of the heart or its structures or of the coronary arteries," which will clarify the entitlement of firefighters, law enforcement officers, correctional officers, or correctional probation officers to workers' compensation or disability retirement benefits pursuant to the presumption.

The bill adds a provision to s. 112.18, F.S., for law enforcement officers, correctional officers, or correctional probation officers related to the satisfaction of physical examination requirements for the presumption for those who did not complete preemployment examinations that is similar

[26] Section 121.091(4), F.S.
[27] FRS Handbook, *supra* note 7 at 10-3.
[28] Section 121.091(4)(c)3., F.S.
[29] Section 121.091(4)(b), F.S.
[30] Section 121.091(4)(a)1.b., F.S.
[31] *Id.*
[32] Section 121.091(4)(c), F.S.
[33] Section 121.091(4)(c)1., F.S.
[34] Section 121.091(4)(c)2., F.S.

to a provision under the section for firefighters. Under this new provision, if an officer did not complete a physical examination upon entering service with his or her current employing agency, but did complete a physical examination upon entering service with his or her former employing agency that did not show evidence of tuberculosis, heart disease, or hypertension, the examination from the former employing agency may satisfy the examination requirements for the presumption. The bill amends s. 943.13, F.S., to align that section with this new provision. Instead of the prohibition in current law against officers being able to use a physical examination from a former employing agency to claim the presumption, the bill will authorize officers to use examinations from former employing agencies, but only if the current employing agency did not require an examination.

The bill will take effect on July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The mandates provision of Art. VII, s. 18 of the Florida Constitution may apply because county and municipality governments that employ firefighters, law enforcement officers, correctional officers, or correctional probation officers may be required to fund additional expenses related to workers' compensation claims or disability retirement benefits for such employees if claims or benefits are granted that would have been previously denied due to the new definition of "heart disease" or the satisfaction of physical examination requirements through previously conducted examinations. However, an exception may apply because the bill applies to all similarly situated persons, i.e., every county and municipal government that employs such individuals, in addition to the state, which also employs such individuals. For this exception to apply, the Legislature must make a finding that the bill fulfills an important state interest.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

State and local governments that employ firefighters, law enforcement officers, correctional officers, or correctional probation officers may experience a negative fiscal impact if additional workers' compensation claims or disability retirement benefits are granted that would have been previously denied.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Art. X, s. 14 of the Florida Constitution prohibits any governmental unit responsible for any retirement or pension system from increasing benefits to members unless provision for the funding of the increase in benefits on a sound actuarial basis is made concurrently. Section 112.63(3), F.S., similarly requires the administrator of any retirement system to issue a statement of the actuarial impact of a proposed change in retirement benefits before adoption of the change and the las public hearing on such change. The statement must also indicate whether the proposed changes comply with Art. X, s. 14, of the Florida Constitution.

While the definition of "heart disease" has been subject to judicial determination in the context of workers' compensation benefits, no such definition or interpretation applies in the context of retirement system benefits. If it is determined that the definition added by SB 330 would increase benefits related to disability retirement, then the requirements of Art. X, s. 14 of the Florida Constitution and s. 112.63, F.S. would apply.

VIII. Statutes Affected:

This bill substantially amends the sections 112.18 and 943.13 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.

804174

LEGISLATIVE ACTION

Senate . House

. . . . .

The Committee on Community Affairs (Bradley) recommended the following:

Senate Amendment (with title amendment)

Between lines 217 and 218
insert:
Section 3. The Legislature finds and declares that this act fulfills an important state interest.

================ T I T L E A M E N D M E N T ================
And the title is amended as follows:
Delete line 14

804174

and insert:

specified presumption; providing a finding and declaration of important state interest; providing an effective date.

By Senator Bradley

6-00561A-26 2026330__

A bill to be entitled

An act relating to disability provisions for firefighters and law enforcement and correctional officers; amending s. 112.18, F.S.; defining the terms "employing agency" and "heart disease"; revising definitions; providing that a certain previously conducted physical examination satisfies a requirement for a presumption; deleting obsolete language; making technical changes; amending s. 943.13, F.S.; authorizing law enforcement officers, correctional officers, and correctional probation officers, under a specified condition, to use a physical examination from a former employer for the purpose of claiming a specified presumption; providing an effective date.

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

Section 1. Section 112.18, Florida Statutes, is amended to read:

112.18 Firefighters and law enforcement or correctional officers; special provisions relative to disability.—

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

(a) "Correctional officer" has the same meaning as in s. 943.10(2).

(b) "Correctional probation officer" has the same meaning as in s. 943.10(3).

(c) "Employing agency" has the same meaning as in s. 943.10(4).

(d) "Fire service provider" has the same meaning as in s. 633.102(13).

(e) "Heart disease" means any organic, mechanical, or functional abnormality of the heart or its structures or of the coronary arteries.

(f) "Law enforcement officer" has the same meaning as in s. 943.10(1).

(g) "Medical specialist" means a physician licensed under chapter 458 or chapter 459 who has a board certification in a medical specialty inclusive of care and treatment of tuberculosis, heart disease, or hypertension.

(h) "Prescribed course of treatment" means prescribed medical courses of action and prescribed medicines for the specific disease or diseases claimed, as documented by the prescribing physician in the patient's medical records.

(2)(a) ~~(1)(a)~~ Any condition or impairment of health of any Florida state, municipal, county, port authority, special tax district, or fire control district firefighter or any law enforcement officer, correctional officer, or correctional probation officer ~~as defined in s. 943.10(1), (2), or (3)~~ caused by tuberculosis, heart disease, or hypertension resulting in total or partial disability or death shall be presumed to have been accidental and to have been suffered in the line of duty unless the contrary be shown by competent evidence. However, any such firefighter, law enforcement officer, correctional officer, or correctional probation officer must have successfully passed a physical examination upon entering into any such service as a firefighter, law enforcement officer, correctional officer, or correctional probation officer, which examination failed to reveal any evidence of any such condition. Such presumption does

not apply to benefits payable under or granted in a policy of life insurance or disability insurance, unless the insurer and insured have negotiated for such additional benefits to be included in the policy contract.

(b)1. If a firefighter did not undergo a preemployment physical examination, the medical examination required by s. 633.412(5) is ~~shall be~~ deemed to satisfy the physical examination requirement under paragraph (a), if the medical examination completed pursuant to s. 633.412(5) failed to reveal any evidence of tuberculosis, heart disease, or hypertension.

2. If a firefighter underwent a preemployment physical examination, the employing fire service provider~~, as defined in s. 633.102,~~ must maintain records of the physical examination for at least 5 years after the employee's separation from the employing fire service provider. If the employing fire service provider fails to maintain the records of the physical examination for the 5-year period after the employee's separation, it is presumed that the employee has met the requirements of paragraph (a).

(c) If a current law enforcement officer, correctional officer, or correctional probation officer did not undergo a preemployment physical examination upon entering service with his or her current employing agency, but such officer underwent a medical examination as required by s. 943.13(6) upon entering service with his or her former employing agency, the previously conducted medical examination conducted pursuant to s. 943.13(6) is deemed to satisfy the physical examination requirement under paragraph (a), if such examination was completed and failed to reveal any evidence of tuberculosis, heart disease, or

hypertension.

(d)1. For any workers' compensation claim filed under this section and chapter 440 occurring on or after July 1, 2010, a law enforcement officer, correctional officer, or correctional probation officer ~~as defined in s. 943.10(1), (2), or (3)~~ suffering from tuberculosis, heart disease, or hypertension is presumed not to have incurred such disease in the line of duty as provided in this section if the law enforcement officer, correctional officer, or correctional probation officer:

a. Departed in a material fashion from the prescribed course of treatment of his or her personal physician and the departure is demonstrated to have resulted in a significant aggravation of the tuberculosis, heart disease, or hypertension resulting in disability or increasing the disability or need for medical treatment; or

b. Was previously compensated pursuant to this section and chapter 440 for tuberculosis, heart disease, or hypertension and thereafter sustains and reports a new compensable workers' compensation claim under this section and chapter 440, and the law enforcement officer, correctional officer, or correctional probation officer has departed in a material fashion from the prescribed course of treatment of an authorized physician for the preexisting workers' compensation claim and the departure is demonstrated to have resulted in a significant aggravation of the tuberculosis, heart disease, or hypertension resulting in disability or increasing the disability or need for medical treatment.

~~2. As used in this paragraph, "prescribed course of treatment" means prescribed medical courses of action and~~

~~prescribed medicines for the specific disease or diseases claimed and as documented in the prescribing physician's medical records.~~

2.~~3.~~ If there is a dispute as to the appropriateness of the course of treatment prescribed by a physician under sub-subparagraph 1.a. or sub-subparagraph 1.b. or whether a departure in a material fashion from the prescribed course of treatment is demonstrated to have resulted in a significant aggravation of the tuberculosis, heart disease, or hypertension resulting in disability or increasing the disability or need for medical treatment, the law enforcement officer, correctional officer, or correctional probation officer is entitled to seek an independent medical examination pursuant to s. 440.13(5).

3.~~4.~~ A law enforcement officer, correctional officer, or correctional probation officer is not entitled to the presumption provided in this section unless a claim for benefits is made prior to or within 180 days after leaving the employment of the employing agency.

(3)~~(2)~~ This section authorizes each governmental entity specified in subsection (2) ~~(1)~~ to negotiate policy contracts for life and disability insurance to include accidental death benefits or double indemnity coverage which includes ~~shall include~~ the presumption that any condition or impairment of health of any firefighter, law enforcement officer, or correctional officer caused by tuberculosis, heart disease, or hypertension resulting in total or partial disability or death was accidental and suffered in the line of duty, unless the contrary be shown by competent evidence.

(4)~~(3)(a)~~ Notwithstanding s. 440.13(2)(c), a firefighter,

law enforcement officer, correctional officer, or correctional probation officer requiring medical treatment for a compensable presumptive condition listed in subsection (2) ~~(1)~~ may be treated by a medical specialist. Except in emergency situations, a firefighter, law enforcement officer, correctional officer, or correctional probation officer entitled to access a medical specialist under this subsection must provide written notice of his or her selection of a medical specialist to the firefighter's or officer's workers' compensation carrier, self-insured employer, or third-party administrator, and the carrier, self-insured employer, or third-party administrator must authorize the selected medical specialist or authorize an alternative medical specialist with the same or greater qualifications. Within 5 business days after receipt of the written notice, the workers' compensation carrier, self-insured employer, or third-party administrator must authorize treatment and schedule an appointment, which must be held within 30 days after receipt of the written notice, with the selected medical specialist or the alternative medical specialist. If the workers' compensation carrier, self-insured employer, or third-party administrator fails to authorize an alternative medical specialist within 5 business days after receipt of the written notice, the medical specialist selected by the firefighter or officer is authorized. The continuing care and treatment by a medical specialist must be reasonable, necessary, and related to tuberculosis, heart disease, or hypertension; be reimbursed at no more than 200 percent of the Medicare rate for a selected medical specialist; and be authorized by the firefighter's or officer's workers' compensation carrier, self-insured employer,

or third-party administrator.

~~(b) For purposes of this subsection, the term "medical specialist" means a physician licensed under chapter 458 or chapter 459 who has board certification in a medical specialty inclusive of care and treatment of tuberculosis, heart disease, or hypertension.~~

Section 2. Subsection (6) of section 943.13, Florida Statutes, is amended to read:

943.13 Officers' minimum qualifications for employment or appointment.—On or after October 1, 1984, any person employed or appointed as a full-time, part-time, or auxiliary law enforcement officer or correctional officer; on or after October 1, 1986, any person employed as a full-time, part-time, or auxiliary correctional probation officer; and on or after October 1, 1986, any person employed as a full-time, part-time, or auxiliary correctional officer by a private entity under contract to the Department of Corrections or to a county commission shall:

(6) Have passed a physical examination by a licensed physician, physician assistant, or licensed advanced practice registered nurse, based on specifications established by the commission. In order to be eligible for the presumption set forth in s. 112.18 while employed with an employing agency, a law enforcement officer, correctional officer, or correctional probation officer must have successfully passed the physical examination required by this subsection upon entering into service as a law enforcement officer, correctional officer, or correctional probation officer with the employing agency, which examination must have failed to reveal any evidence of

tuberculosis, heart disease, or hypertension. A law enforcement officer, correctional officer, or correctional probation officer may ~~not~~ use a physical examination from a former employing agency for purposes of claiming the presumption set forth in s. 112.18 against the current employing agency only if the current employing agency did not require the law enforcement officer, correctional officer, or correctional probation officer to undergo a physical examination as required by this subsection. The employing agency must maintain records of the physical examination for at least 5 years after the employee's separation from the employing agency. If the employing agency fails to maintain the records of the physical examination for the 5-year period after the employee's separation, it is presumed that the employee has met the requirements of this subsection.

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

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Regulated Industries, *Chair*
Appropriations Committee on Higher Education, *Vice Chair*
Appropriations Committee on Pre-K - 12 Education
Criminal Justice
Ethics and Elections
Fiscal Policy
Rules

JOINT COMMITTEES:
Joint Committee on Public Counsel Oversight, *Alternating Chair*

SENATOR JENNIFER BRADLEY
6th District

November 19,2025

Senator Stan McClain, Chairman
Community Affairs Committee
312 Senate Building
404 South Monroe Street
Tallahassee, FL 32299-1100

Dear Chair McClain:

I respectfully request that Senate Bill 330 be placed on the agenda of the Community Affairs Committee at your earliest convenience. The bill provides that a previously conducted physical examination satisfies the exam requirement necessary to claim the disability presumption found in s. 112.18, Florida Statues for firefighters, law enforcement or correctional officers.

Thank you for your consideration and please reach out if you have any questions or concerns about the bill.

Sincerely,

Jennifer Bradley

Jennifer Bradley

cc: Elizabeth Fleming, Staff Director
Lizbeth Martinez Gonzalez, Administrative Assistant

REPLY TO:
❒ 1845 East West Parkway, Suite 5, Fleming Island, Florida 32003 (904) 278-2085
❒ 406 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5006

Senate's Website: *www.flsenate.gov*

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL:	SB 840
INTRODUCER:	Senator DiCeglie
SUBJECT:	Land Use Regulations for Local Governments Affected by Natural Disasters
DATE:	January 11, 2026
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Shuler	Fleming	CA	**Pre-meeting**
2.			JU	
3.			RC	

I. Summary:

SB 840 amends provisions that were included in two sections of CS/CS/SB 180 from the 2025 Regular Session (ch. 2025-190, Laws of Florida) related to restrictions on local government land use regulations following hurricanes.

The bill narrows the geographic area subject to the restrictions for 1 year after hurricanes make landfall. The bill also revises the restrictions to prohibit enforcement of moratoriums that delay repairs; requirements for repairs or reconstruction to comply with comprehensive plan or land development regulation amendments adopted after landfall; or the enforcement of procedural changes made after landfall that increase timeframes for final action related to development permits or development orders. The bill clarifies and expands exceptions to the restrictions on impacted local governments.

SB 840 sunsets the temporary, 3-year restrictions on moratoriums, comprehensive plan or land development regulation amendments, or procedures for local governments listed in the federal disaster declaration for Hurricane Debby, Hurricane Helene, or Hurricane Milton as of June 30, 2026.

The bill will take effect on July 1, 2026.

II. Present Situation:

Presidential Disaster and Emergency Declarations

When there is a disaster in the United States, the Governor of an affected state must request an emergency and major disaster declaration under the Robert T. Stafford Disaster Relief and

Emergency Assistance Act.[1] All emergency and disaster declarations are made at the discretion of the President of the United States.[2] There are two types of disaster declarations: emergency declarations and major disaster declarations.[3] Both declarations allow for federal assistance to states and local governments, however they differ in scope, types, and amount of assistance available.[4]

The President can declare an emergency for any occasion where federal assistance is deemed necessary, and emergency declarations provide emergency services from the federal government in such cases. The total amount of assistance from an emergency declaration cannot exceed $5 million unless reported to Congress.[5]

Following a request from the Governor, the President can declare a major disaster for any natural event, including hurricanes if the President deems that the disaster is of such a severity that it is beyond the combined capabilities of state and local governments to respond.[6] A major disaster declaration makes a wide range of federal assistance resources available for individuals and states for emergency and permanent work.[7]

2024 Hurricane Season

Hurricane Debby

Forming into a tropical depression on August 3, 2024, Debby intensified into a Category 1 hurricane less than 12 hours before landfall.[8] Hurricane Debby made landfall near Steinhatchee in Taylor County around 7am on August 5, 2024.[9] Debby brought storm surge of 3 to 5 feet across portions of the Nature Coast and the southeast Big Bend, causing damage to areas where many were still recovering from Hurricane Idalia from the year before.[10] Debby's primary impact across the area was flooding from heavy rainfall due to the forward movement of the storm slowing after landfall.[11] Rainfall amounts of 8 to 12 inches resulted in widespread flooding in southeast Madison and eastern Lafayette counties, while in Suwannee and Gilchrist counties, rainfall amounts approaching 15" were observed.[12] Flooding lasted for several weeks in Madison county after landfall due to the influx of rainfall putting pressure on the groundwater system, which subsequently triggered new flooding as water came up from the ground.[13] Flooding along the Suwannee River continued 3 weeks after landfall.[14]

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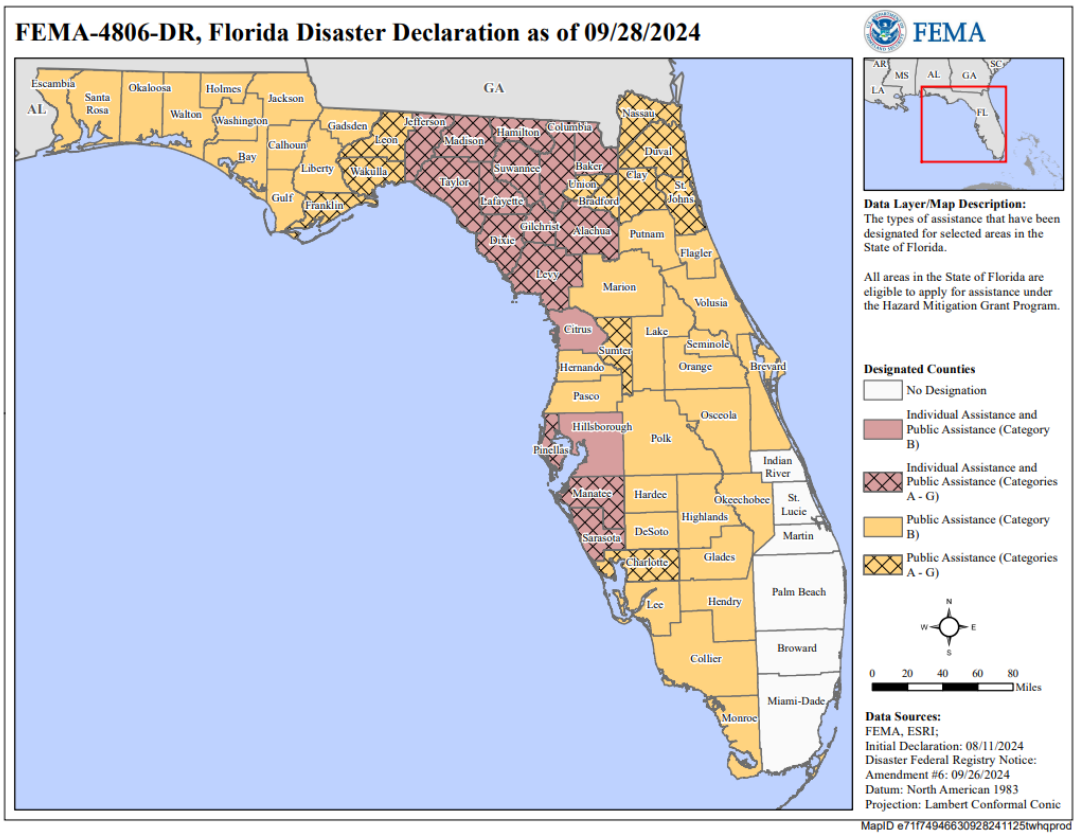
[1] 42 U.S.C. §§ 5121-5207.
[2] FEMA, *How a Disaster Gets Declared*, https://www.fema.gov/disaster/how-declared (last visited Jan. 11, 2026).
[3] *Id.*
[4] *Id.*
[5] *Id.*
[6] *Id.*
[7] *Id.*
[8] National Weather Service, *Hurricane Debby Strikes the Florida Big Bend August 5, 2024*, https://www.weather.gov/tae/HurricaneDebby2024 (last visited Jan. 11, 2026).
[9] *Id.*
[10] *Id.*
[11] *Id.*
[12] *Id.*
[13] *Id.*
[14] *Id.*



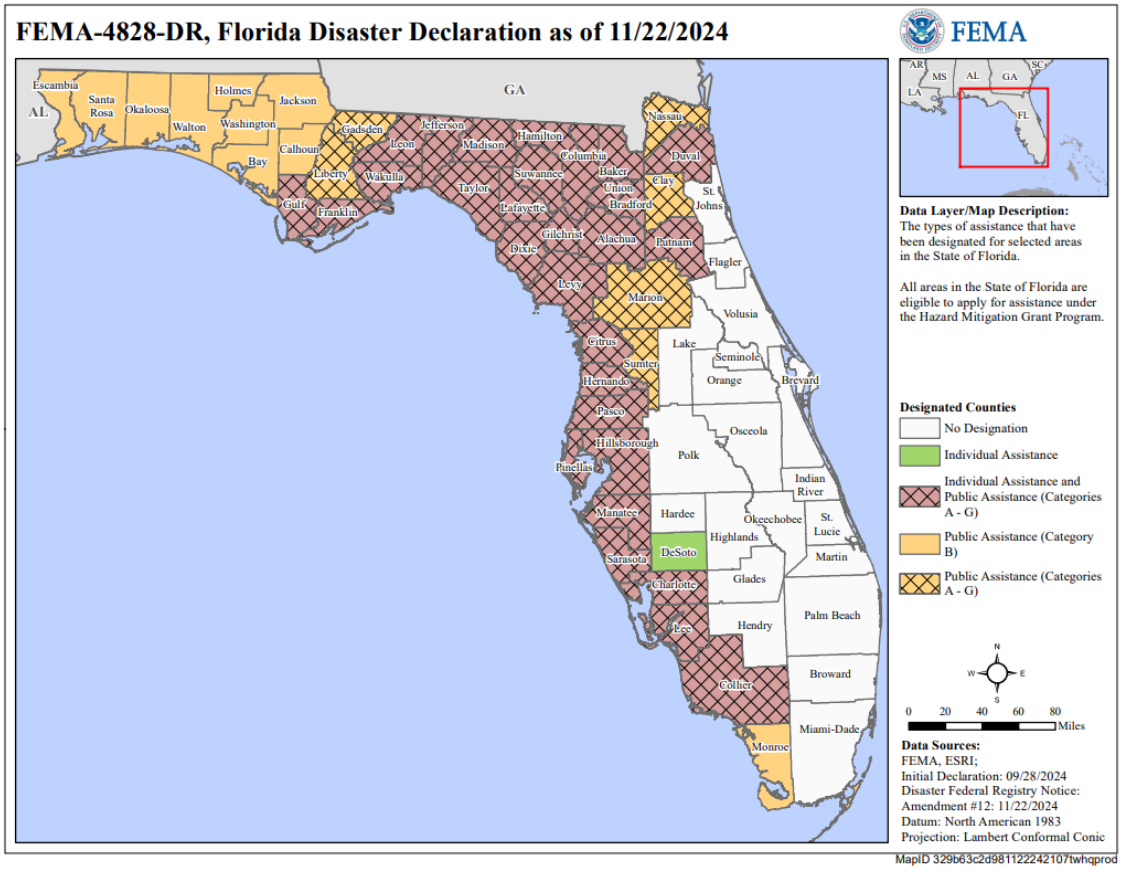
Disaster Declaration Map for Hurricane Debby

Hurricane Helene

Due to high oceanic heat and the abatement of wind shear, conditions were favorable for Helene to rapidly intensify from a category 1 hurricane into a category 4 hurricane from September 25 to September 26, 2024.[15] Helene hit a maximum of 140 mph for sustained winds just before making landfall near Perry, Florida, just east of the mouth of the Aucilla River around 11:10pm on September 26, 2024.[16] While the storm moved quickly across the state, this did not lessen the impacts.[17] The wind field of Helene was among the top 10% of all recorded storms resulting in widespread wind impacts and hurricane-force gusts extending further inland than most systems.[18] Much of the area affected by the storm experienced 4-8 inches of rainfall, but the heaviest amounts were observed near the Apalachicola State Forest where radar estimates indicated 10 to 18 inches of rain.[19] A large upper-level trough to the west of Helene helped funnel abundant tropical moisture northward well before landfall, creating conditions that led to significant impacts from heavy rainfall and flooding.[20] Many counties across the Panhandle reported flooding and washed-out roads.[21] The combination of Helene's large size and extremely fast

[15] National Weather Service, *Hurricane Helene Makes Landfall in the Florida Big Bend September 26-27, 2024*, https://www.weather.gov/tae/helene2024 (last visited Jan. 11, 2026).
[16] *Id.*
[17] *Id.*
[18] *Id.*
[19] *Id.*
[20] *Id.*
[21] *Id.*

forward motion contributed to catastrophic storm surge in the southeast Big Bend area and along the west coast of Florida.[22] In Cedar Key, the storm surge level of 9.3 ft exceeded the level of 6.89 ft observed during Hurricane Idalia the previous year.[23] Preliminary data for Taylor and Dixie counties estimated more than 15 ft of surge, while areas near Tampa saw levels over 6 ft.[24]



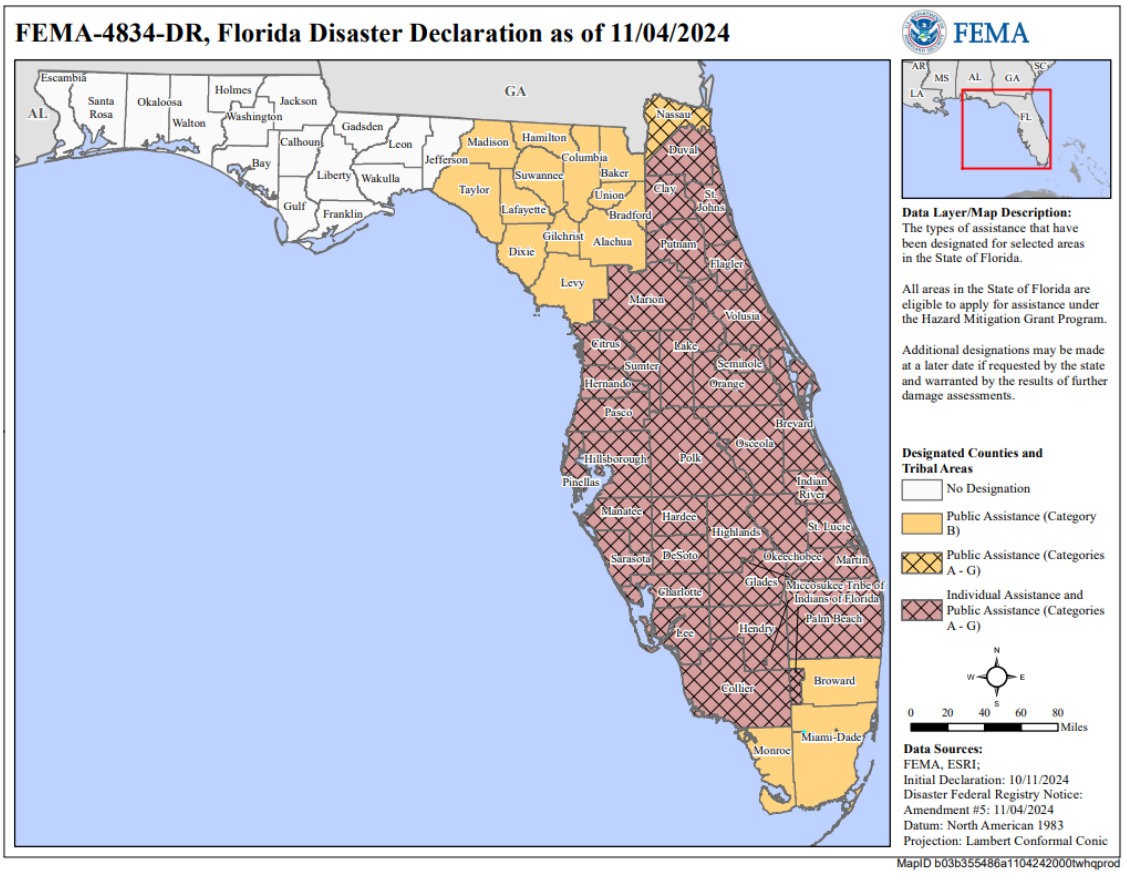
Disaster Declaration Map for Hurricane Helene

Hurricane Milton

Just shy of 2 weeks after Hurricane Helene's landfall in Florida, Hurricane Milton made landfall around 8:30 pm on October 9, 2024 in Siesta Key, Florida in Sarasota County.[25] At landfall, Milton was a category 3 hurricane with maximum sustained winds of 120 mph.[26] Hurricane Milton spawned a record tornado outbreak, resulting in a total of 47 confirmed tornados on October 9, 2024, covering 400 miles and causing 7 deaths and 14 injuries.[27] Though Milton moved quickly across the state, it produced extreme rainfall, with the highest amounts, nearly 20

[22] *Id.*
[23] Emily Powell, Florida Climate Center, *Hurricane Helene Post-Storm Summary Report*, (Oct. 7, 2024), https://climatecenter.fsu.edu/images/docs/Hurricane-Helene-Summary-Report.pdf (last visited Jan. 11, 2026).
[24] *Id.*
[25] National Weather Service, *Hurricane Milton Impacts to East Central Florida*, https://www.weather.gov/mlb/HurricaneMilton_Impacts (last visited Jan. 11, 2026).
[26] Emily Powell, Florida Climate Center, *Post-Storm Summary Report on Hurricane Milton*, (Oct. 31, 2024), https://climatecenter.fsu.edu/images/docs/Hurricane-Milton-Report.pdf (last visited Jan. 11, 2026).
[27] *Id.*

inches, measured in the Clearwater Beach and St. Petersburg areas.[28] In the days and weeks following the storm, rainfall caused rivers and tributaries to reach major flood stages.[29] The hydrograph at Astor for the St. Johns River showed a new record high level on October 10, 2024, of 4.81 ft, while the Hillsborough River crested at a new record of 38.16 ft at Morris Bridge on October 12, 2024.[30] Storm surge in many areas was less than Hurricane Ian in 2022, but higher than experienced during Helene.[31] NOAA gages in Ft. Myers and Naples Bay North measured storm surge above 5 feet.[32] Enormous amounts of sand were displaced along Florida's west-central coast following Hurricanes Helene and Milton, which eroded beaches and undid previous beach renourishment projects.[33]



Disaster Declaration Map for Hurricane Milton

[28] *Id.*
[29] *Id.*
[30] *Id.*
[31] *Id.*
[32] *Id.*
[33] *Id.*

National Flood Insurance Program

The National Flood Insurance Program (NFIP) was created by the passage of the National Flood Insurance Act of 1968.[34] The NFIP is administered by the Federal Emergency Management Agency (FEMA) and enables homeowners, business owners, and renters in flood-prone areas to purchase flood insurance protection from the federal government.[35] Participation in the NFIP by a community is voluntary.[36] To join, a community must complete an application; adopt a resolution of intent to participate and cooperate with the FEMA; and adopt and submit a floodplain management ordinance that meets or exceeds the minimum NFIP criteria.[37]

In coordination with participating communities, FEMA develops flood maps called Flood Insurance Rate Maps (FIRMs) that depict the community's flood risk and floodplain.[38] An area of specific focus on the FIRM is the Special Flood Hazard Area (SFHA).[39] The SFHA is intended to distinguish the flood risk zones where properties have a risk of 1 percent or greater risk of flooding every year[40] and at least a 26 percent chance of flooding over the course of a 30-year mortgage.[41] In a community that participates in the NFIP, owners of properties in the mapped SFHA are required to purchase flood insurance as a condition of receiving a federally backed mortgage.[42]

Community Floodplain Management

Key conditions of the NFIP minimum floodplain management standards include, among things, that communities:

- Require permits for development in the SFHA;
- Require elevation of the lowest floor of all new residential buildings in the SFHA to or above the base flood elevation (BFE);[43]
- Restrict development in floodways to prevent increasing the risk of flooding; and
- Require certain construction materials and methods that minimize future flood damage.[44]

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[34] The National Flood Insurance Act of 1968, Pub. L. 90-448, 82 Stat. 572 (codified as amended at 42 U.S.C. 4001 et seq.). *See also* FEMA, *Laws and Regulations*, https://www.fema.gov/flood-insurance/rules-legislation/laws (last visited Jan. 11, 2026).

[35] *See* FEMA, *Flood Insurance*, https://www.fema.gov/flood-insurance (last visited Jan. 11, 2026).

[36] FEMA, *Participation in the NFIP*, https://www.fema.gov/about/glossary/participation-nfip (last visited Jan. 11, 2026).

[37] *Id.*

[38] *See* Congressional Research Service, *Introduction to the National Flood Insurance Program*, 3 (2023), *available at* https://crsreports.congress.gov/product/pdf/R/R44593 (last visited Jan. 11, 2026).

[39] *Id.*

[40] *Id.*

[41] FEMA, *Coastal Hazards & Flood Mapping: A Visual Guide*, 6, *available at* https://www.fema.gov/sites/default/files/documents/fema_coastal-glossary.pdf (last visited Jan. 11, 2026).

[42] Congressional Research Service, *Introduction to the National Flood Insurance Program*, 10 (2023), *available at* https://crsreports.congress.gov/product/pdf/R/R44593 (last visited Jan. 11, 2026). Such lenders include federal agency lenders, such as the Department of Veterans Affairs, government-sponsored enterprises Fannie Mae, Freddie Mac, and federally regulated lending institutions, such as banks covered by the Federal Deposit Insurance Corporation or the Office of the Comptroller of the Currency. *Id.* at 10.

[43] The "base flood elevation" is the elevation of surface water resulting from a flood that has a 1 percent chance of equaling or exceeding that level in any given year. See FEMA, *Base Flood Elevation (BFE)*, (Mar. 5, 2020), https://www.fema.gov/about/glossary/base-flood-elevation-bfe (last visited Jan. 11, 2026).

[44] Congressional Research Service, *Introduction to the National Flood Insurance Program*, 6 (2023), *available at* https://crsreports.congress.gov/product/pdf/R/R44593 (last visited Jan. 11, 2026).

The Community Rating System (CRS) within the NFIP is a voluntary incentive program that rewards communities for implementing floodplain management practices that exceed the minimum requirements of the NFIP.[45] Property owners within communities that participate in the CRS program receive discounts on flood insurance premiums.[46] Premium discounts range from 5 to 45 percent based on a community's CRS credit points.[47] Communities earn credit points by implementing a variety of activities that fall into one of four categories: public information activities, mapping and regulations, flood damage reduction activities, and warning and response.[48]

Florida Building Code

Part IV of chapter 553, F.S., is known as the "Florida Building Codes Act" (Act). The purpose and intent of the Act is to provide a mechanism for the uniform adoption, updating, amendment, interpretation, and enforcement of a single, unified state building code. The Building Code must be applied, administered, and enforced uniformly and consistently from jurisdiction to jurisdiction.[49] The Florida Building Commission (Commission) was created to implement the Building Code. The Commission, which is housed within the Department of Business and Professional Regulation (DBPR), is a 19-member technical body made up of design professionals, contractors, and government experts in various disciplines covered by the Building Code.[50]

The Commission and local governments may adopt technical and administrative amendments to the Building Code.[51] The Commission may approve technical amendments to the Building Code once each year for statewide or regional application upon making certain findings.[52] Local governments may adopt amendments to the Building Code that are more stringent than the Building Code that are limited to the local government's jurisdiction.[53] Amendments by local governments expire upon the adoption of the newest edition of the Building Code, and, thus, the local government would need to go through the amendment process every three years to maintain a local amendment to the Building Code.[54]

[45] FEMA, *Community Rating System*, https://www.fema.gov/floodplain-management/community-rating-system (last visited Jan. 11, 2026).
[46] *Id.*
[47] *Id.*
[48] Florida Office of Insurance Regulation, *Cumulative Substantial Improvement Period Study Final Report*, (Nov. 26, 2024) 19, *available* at https://floir.com/docs-sf/default-source/property-and-casualty/other-property-casualty-reports/final-report.pdf (last visited Jan. 11, 2026).
[49] Section 553.72(1), F.S.
[50] Sections 553.73 and 553.74, F.S.
[51] Section 553.73, F.S.
[52] Section 553.73(9), F.S.
[53] Section 553.73(4), F.S.
[54] Section 553.73(4)(e), F.S.

Community Planning

The Community Planning Act provides counties and municipalities with the power to plan for future development by adopting comprehensive plans.[55] Each county and municipality must maintain a comprehensive plan to guide future development.[56]

All development, both public and private, and all development orders approved by local governments must be consistent with the local government's comprehensive plan.[57] A comprehensive plan provides the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the area.[58]

A locality's comprehensive plan lays out the locations for residential uses, commercial uses, industry, agriculture, recreation, conservation, education, public facilities, and other categories of the public and private uses of land. A comprehensive plan is made up of 10 required elements, each laying out regulations for a different facet of development.[59]

A comprehensive plan is implemented through the adoption of land development regulations[60] that are consistent with the plan, and which contain specific and detailed provisions necessary to implement the plan.[61] Such regulations must, among other prescriptions, regulate the subdivision of land and the use of land for the land use categories in the land use element of the comprehensive plan.[62] Substantially affected persons have the right to maintain administrative actions which assure that land development regulations implement and are consistent with the comprehensive plan.[63]

Development that does not conform to the comprehensive plan may not be approved by a local government unless the local government amends its comprehensive plan first. State law requires a proposed comprehensive plan amendment to receive two public hearings, the first held by the local planning board, and subsequently by the governing board.[64]

Development Permits and Orders

The Community Planning Act defines "development" as "the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into three or more parcels."[65] When a party wishes to

[55] Section 163.3167(1), F.S.
[56] Section 163.3167(2), F.S.
[57] Section 163.3194(3), F.S
[58] Section 163.3177(1), F.S.
[59] Section 163.3177(6), F.S.
[60] "Land development regulations" means ordinances enacted by governing bodies for the regulation of any aspect of development and includes any local government zoning, rezoning, subdivision, building construction, or sign regulations or any other regulations controlling the development of land, except that this definition does not apply in s. 163.3213 (relating to administrative review of land development regulations). *See* s. 163.3164(26), F.S.
[61] Section 163.3202, F.S.
[62] *Id.*
[63] Section 163.3213, F.S.
[64] Sections 163.3174(4)(a) and 163.3184, F.S.
[65] Section 163.3164(14), F.S.

engage in development activity, they must seek a development permit from the appropriate local government having jurisdiction. A development permit is defined to include "any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land."[66] Once a local government has officially granted or denied a development permit, the official action constitutes a development order.[67] A development order vests certain rights related to the land.[68]

Land Use Regulations for Local Governments Affected by Natural Disasters

During the 2025 Regular Session, the Legislature passed CS/CS/SB 180. The bill was signed by the Governor and became ch. 2025-190, Laws of Florida. The act included two sections that impacted local government land use regulation authority after storms: Section 18 creating s. 252.422, F.S., and Section 28 creating an undesignated section of law.

Section 252.422, F.S., provided new restrictions on county or municipal land use regulations after a hurricane. For one year after a hurricane makes landfall, the section prohibits a county listed in a federal disaster declaration, or a municipality located within such a county, located entirely or partially within 100 miles of a hurricane's track from proposing or adopting:

- A moratorium on construction, reconstruction, or redevelopment of any property;
- A more restrictive or burdensome amendment to its comprehensive plan or land development regulations; or
- A more restrictive or burdensome procedure concerning review, approval, or issuance of a site plan, development permit, or development order.

The section allowed for enforcement pursuant to the following exceptions:

- The associated application is initiated by a private party other than the impacted local government and the property is owned by the initiating private party;
- The proposed comprehensive plan amendment was submitted to reviewing agencies before landfall; or
- The proposed comprehensive plan amendment or land development regulation is approved pursuant to requirements for areas of critical state concern.

The section provides a procedure for any person to file suit for declaratory and injunctive relief to enforce the section.

The Office of Program Policy Analysis and Government Accountability (OPPAGA) was directed in the section to study local governments action after hurricanes related to comprehensive plans, land development regulations, and procedures for review, approval, or issuance of site plans, permits, or development orders and submit the study to the Legislature by December 1, 2025.

[66] Section 163.3164(16), F.S.
[67] *See* s. 163.3164(15), F.S.
[68] *See* s. 163.3167(3), F.S.

Section 28 created a temporary 3-year prohibition against any county or municipality within the counties listed in the federal disaster declaration for Hurricane Debby, Hurricane Helene, or Hurricane Milton from proposing or adopting:

- A moratorium on construction, reconstruction, or redevelopment of property damaged by the hurricanes;
- More restrictive or burdensome amendments to its comprehensive plan or land development regulations; or
- More restrictive or burdensome procedures to its comprehensive plan or land development regulations concerning the review, approval or issuance of a site plan, development permit, or development order.

Any such moratorium or restrictive or burdensome comprehensive plan amendment, land development regulation, or procedure is declared null and void ab initio. The restrictions of this section apply retroactively to August 1, 2024, and October 1, 2027, with the section scheduled to expire on June 30, 2028.

Exceptions for enforcement of comprehensive plan amendments, land development regulations, development permits, or development orders are allowed if the application is initiated by a private party other than the county or municipality and the initiating private party owned the property that was the subject of the application. The section creates a cause of action for residents or business owners in a county or municipality to seek declaratory and injunctive relief against the county or municipality for violations.

III. Effect of Proposed Changes:

SB 840 substantially amends the provisions from section 18 of CS/CS/SB180 (2025 Regular Session), now s. 252.422, F.S. The bill limits the geographic region subject to the restrictions on land use regulation after hurricanes to those counties and municipalities located entirely or partially within 50 miles of the hurricane storm track and which are listed in the federal major disaster declaration. Additionally, the bill clarifies that the restrictions last for 1 year after a hurricane makes landfall in this state.

The restrictions are revised to no longer prohibit an impacted local government from proposing or adopting moratoriums, amendments to comprehensive plans or land use regulations, or procedures concerning review, approval, or issuance of a site plan, development permit, or development order. Reference to “more restrictive or burdensome” amendments or procedures is also deleted by the bill.

Instead the bill prohibits:

- Enforcement of a moratorium that prevents or delays the repair or reconstruction of an existing improvement damaged by a hurricane. An exception is allowed for enforcement of a moratorium addressing stormwater or flood water management, potable water supply, or necessary repairs to or replacement of sanitary sewer systems;
- Requiring the repair or reconstruction of an existing improvement damaged by a hurricane to comply with a comprehensive plan or land development regulation amendment that becomes effective after a hurricane makes landfall in this state; and

- Enforcement of a change to a procedure concerning review, approval, or issuance of a site plan, development permit, or development order, which increases the timeframe for final action and which is effective after a hurricane makes landfall in this state.

The restrictions against moratorium enforcement or requiring repairs or reconstruction to comply with comprehensive plan or land development regulation amendment only apply to property damaged so severely that the repairs or reconstruction require a permit. Local governments are allowed to require property owners showing documentation related to the damage being caused by the hurricane. If a property was not damaged enough to require a permit for repair or reconstruction, comprehensive plan or land development regulation amendments and moratoriums will apply.

The exceptions to the restrictions on impacted local governments are revised to:
- Clarify that they do not apply to comprehensive plan amendments or land development regulations approved for areas of critical state concern; and
- Allow for the adoption of comprehensive plan amendments or land development regulations to comply with state law or implement NFIP floodplain management standards.

The bill clarifies that the section does not restrict local government adoption or enforcement of changes to the Florida Building Code or local technical amendments thereto.

The bill deletes the provision allowing any person to file suit for declaratory and injunctive relief to enforce the section.

SB 840 also sunsets, as of June 30, 2026, the temporary restrictions on local government post-storm land use regulation provided in section 28 of CS/CS/SB 180. This will result in the restrictions applying to the actions of the counties and municipalities within the disaster declarations for Hurricane Debby, Hurricane Helene, and Hurricane Milton between August 1, 2024 and June 30, 2026. The expiration date of the section is also revised to June 30, 2026.

The bill will take effect on July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 252.422 of the Florida Statutes and chapter 2025-190, Laws of Florida.

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 DiCeglie

18-00753C-26 2026840__

A bill to be entitled

An act relating to land use regulations for local governments affected by natural disasters; amending s. 252.422, F.S.; revising the definition of the term "impacted local government"; prohibiting impacted local governments from enforcing certain moratoriums, requiring the repair or reconstruction of certain improvements to meet certain requirements, or enforcing changes to specified procedures; revising circumstances under which impacted local governments may enforce certain amendments, site plans, development permits, or development orders; providing applicability; authorizing impacted local governments to require a property owner to provide specified documentation; deleting provisions related to filing suit against an impacted local government for injunctive relief; providing construction; deleting obsolete language; amending chapter 2025-190, Laws of Florida; revising the timeframe within which certain counties are prohibited from proposing or adopting certain moratoriums, amendments, or procedures; revising a future expiration date; providing an effective date.

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

Section 1. Section 252.422, Florida Statutes, is amended to read:

252.422 Restrictions on county or municipal regulations

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after a hurricane.—

(1) As used in this section, the term "impacted local government" means a county listed in a federal disaster declaration located entirely or partially within 50 ~~100~~ miles of the track of a storm declared to be a hurricane by the National Hurricane Center while the storm was categorized as a hurricane and which was listed in a federal major disaster declaration pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. ss. 5121 et seq., or a municipality located within such a county.

(2) For 1 year after a hurricane makes landfall in this state, an impacted local government may not ~~propose or adopt~~:

(a) Enforce a moratorium that prevents or delays the repair or ~~on construction,~~ reconstruction~~, or redevelopment~~ of an existing improvement damaged by such hurricane, unless the moratorium is imposed for the purpose of addressing stormwater or flood water management, potable water supply, or necessary repairs to or replacement of sanitary sewer systems ~~any property~~.

(b) Require the repair or reconstruction of an existing improvement damaged by such hurricane to comply with an ~~A more restrictive or burdensome~~ amendment to its comprehensive plan or land development regulations which was first effective after such hurricane made landfall in this state.

(c) Enforce a change to a ~~more restrictive or burdensome~~ procedure concerning review, approval, or issuance of a site plan, development permit, or development order, to the extent that those terms are defined in s. 163.3164, which increases the timeframe for the impacted local government to take final action

on such review, approval, or issuance and which is effective after such hurricane makes landfall in this state.

(3) Notwithstanding subsection (2), a comprehensive plan amendment, land development regulation amendment, site plan, development permit, or development order approved or adopted by an impacted local government ~~before or after June 26, 2025,~~ may be enforced if:

(a) The associated application is initiated by a private party other than the impacted local government and the property that is the subject of the application is owned by the initiating private party;

(b) ~~The proposed comprehensive plan amendment was submitted to reviewing agencies pursuant to s. 163.3184 before landfall; or~~

~~(c)~~ The proposed comprehensive plan amendment or land development regulation is approved by the state land planning agency for an area of critical state concern designated pursuant to chapter 380; ~~pursuant to s. 380.05.~~

(c) The adoption of the comprehensive plan amendment or land development regulation amendment is required to comply with state or federal law; or

(d) The adoption of the comprehensive plan amendment or land development regulation implements a floodplain management standard consistent with 44 C.F.R. part 60, relating to the National Flood Insurance Program.

(4) The prohibitions of paragraphs (2)(b) and (c) apply only to property damaged to such an extent that a permit is required for the repair or reconstruction of the existing improvement. An impacted local government may require a property

owner to provide documentation demonstrating that the property was damaged by a hurricane, including, but not limited to, documents produced by property appraisers, insurers, or local building inspectors.

~~(a) Any person may file suit against any impacted local government for declaratory and injunctive relief to enforce this section.~~

~~(b) A county or municipality may request a determination by a court of competent jurisdiction as to whether such action violates this section. Upon such a request, the county or municipality may not enforce the action until the court has issued a preliminary or final judgment determining whether the action violates this section.~~

~~(c) Before a plaintiff may file suit, the plaintiff shall notify the impacted local government by setting forth the facts upon which the complaint or petition is based and the reasons the impacted local government's action violates this section. Upon receipt of the notice, the impacted local government shall have 14 days to withdraw or revoke the action at issue or otherwise declare it void. If the impacted local government does not withdraw or revoke the action at issue within the time prescribed, the plaintiff may file suit. The plaintiff shall be entitled to entry of a preliminary injunction to prevent the impacted local government from implementing the challenged action during pendency of the litigation. In any action instituted pursuant to this paragraph, the prevailing plaintiff shall be entitled to reasonable attorney fees and costs.~~

~~(d) In any case brought under this section, all parties are entitled to the summary procedure provided in s. 51.011, and the~~

~~court shall advance the cause on the calendar.~~

(5) This section may not be construed to restrict a local government from adopting or enforcing changes to the Florida Building Code or local technical amendments adopted pursuant to s. 553.73(4) ~~The Office of Program Policy Analysis and Government Accountability (OPPAGA) shall conduct a study on actions taken by local governments after hurricanes which are related to comprehensive plans, land development regulations, and procedures for review, approval, or issuance of site plans, permits, or development orders. The study must focus on the impact that local governmental actions, including moratoriums, ordinances, and procedures, have had or may have on construction, reconstruction, or redevelopment of any property damaged by hurricanes. In its research, OPPAGA shall survey stakeholders that play integral parts in the rebuilding and recovery process. OPPAGA shall make recommendations for legislative options to remove impediments to the construction, reconstruction, or redevelopment of any property damaged by a hurricane and prevent the implementation by local governments of burdensome or restrictive procedures and processes. OPPAGA shall submit the report to the President of the Senate and the Speaker of the House of Representatives by December 1, 2025~~.

Section 2. Section 28 of chapter 2025-190, Laws of Florida, is amended to read:

Section 28. (1) Each county listed in the Federal Disaster Declaration for Hurricane Debby (DR-4806), Hurricane Helene (DR-4828), or Hurricane Milton (DR-4834), and each municipality within one of those counties, may not propose or adopt any moratorium on construction, reconstruction, or redevelopment of

any property damaged by such hurricanes; propose or adopt more restrictive or burdensome amendments to its comprehensive plan or land development regulations; or propose or adopt more restrictive or burdensome procedures concerning review, approval, or issuance of a site plan, development permit, or development order, to the extent that those terms are defined by s. 163.3164, Florida Statutes, before June 30, 2026 ~~October 1, 2027~~, and any such moratorium or restrictive or burdensome comprehensive plan amendment, land development regulation, or procedure shall be null and void ab initio. This subsection applies retroactively to August 1, 2024.

(2) Notwithstanding subsection (1), any comprehensive plan amendment, land development regulation amendment, site plan, development permit, or development order approved or adopted by a county or municipality before or after the effective date of this act may be enforced if:

(a) The associated application is initiated by a private party other than the county or municipality.

(b) The property that is the subject of the application is owned by the initiating private party.

(3)(a) A resident of or the owner of a business in a county or municipality may bring a civil action for declaratory and injunctive relief against the county or municipality for a violation of this section. Pending adjudication of the action and upon filing of a complaint showing a violation of this section, the resident or business owner is entitled to a preliminary injunction against the county or municipality preventing implementation of the moratorium or the comprehensive plan amendment, land development regulation, or procedure. If

such civil action is successful, the resident or business owner is entitled to reasonable attorney fees and costs.

(b) Attorney fees and costs and damages may not be awarded pursuant to this subsection if:

1. The resident or business owner provides the governing body of the county or municipality written notice that a proposed or enacted moratorium, comprehensive plan amendment, land development regulation, or procedure is in violation of this section; and

2. The governing body of the county or municipality withdraws the proposed moratorium, comprehensive plan amendment, land development regulation, or procedure within 14 days; or, in the case of an adopted moratorium, comprehensive plan amendment, land development regulation, or procedure, the governing body of a county or municipality notices an intent to repeal within 14 days after receipt of the notice and repeals the moratorium, comprehensive plan amendment, land development regulation, or procedure within 14 days thereafter.

(4) This section expires June 30, 2026 ~~2028~~.

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

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL:	SB 594
INTRODUCER:	Senator Burton
SUBJECT:	Local Housing Assistance Plans
DATE:	January 12, 2026
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Tolmich	Fleming	CA	**Pre-meeting**
2.			ATD	
3.			RC	

I. Summary:

SB 594 provides that a county's or municipality's local housing assistance plan under the State Housing Initiatives Partnership (SHIP) Program must include a strategy for providing program funds to mobile home owners, including lot rental assistance. The bill specifies that lot rental assistance is considered home ownership activity for purposes of allocating program funds, while rehabilitation and emergency repairs for mobile homes is considered construction, rehabilitation, or emergency repair of affordable, eligible housing.

The bill allows local governments to expend funds from their local housing distribution on lot rental assistance for mobile home owners not to exceed 6 months' rent.

The bill takes effect on July 1, 2026.

II. Present Situation:

Affordable Housing

Affordable housing is defined in terms of household income. Housing is considered affordable when monthly rent or mortgage payments, including taxes and insurance, do not exceed 30 percent of the household income.[1] Resident eligibility for Florida's state and federally funded housing programs is typically determined by area median income levels, which are published annually by the U.S. Department of Housing and Urban Development for each county and metropolitan area.

[1] Section 420.9071(2), F.S.

The two primary state housing assistance programs are the State Housing Initiatives Partnership (SHIP)[2] and the State Apartment Incentive Loan (SAIL)[3] programs. SHIP provides funds to eligible local governments, allocated using a population-based formula, to address local housing needs as identified by the local government. SAIL provides low interest loans on a competitive basis as gap financing for the construction or substantial rehabilitation[4] of multifamily affordable housing developments.[5]

State Housing Initiatives Partnership (SHIP) Program

The SHIP Program was created in 1992[6] to provide funds to local governments as an incentive to create partnerships that produce and preserve affordable homeownership and multifamily housing.[7] SHIP provides funds to all 67 counties and 55 Community Development Block Grant[8] entitlement municipalities on a population-based formula to finance and preserve affordable housing based on locally adopted housing plans.[9] The program is administered by the Florida Housing Finance Corporation (FHFC) and serves very-low,[10] low,[11] and moderate[12] income families.[13]

A dedicated funding source for SHIP was established by the passage of the 1992 William E. Sadowski Affordable Housing Act.[14] SHIP is funded through a statutory distribution of documentary stamp tax revenues, which are deposited into the Local Government Housing Trust Fund. Subject to specific appropriation, funds are distributed quarterly to local governments participating in the program under an established formula.[15] A county or eligible municipality seeking funds from SHIP must adopt an ordinance that:[16]

- Creates a local housing assistance trust fund;
- Adopts a local housing assistance plan (LHAP)[17] to be implemented through a local housing partnership;
- Designates responsibility for administering the local housing assistance plan; and
- Creates an affordable housing advisory committee.

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[2] Sections 420.907-9079, F.S.
[3] Section 420.5087, F.S.
[4] "Substantial rehabilitation" means repair or restoration of a dwelling unit where the value of such repair or restoration exceeds 40 percent of the value of the dwelling. Section 420.503(45), F.S.
[5] *Supra* note 3.
[6] Chapter 92-317, Laws of Fla.
[7] Section 420.9072, F.S.
[8] The Community Development Block Grant Program is a federal program created in 1974 that provides funding for housing and community development activities.
[9] *See* sections 420.907-420.9089, F.S.
[10] *See* section 420.9071(30), F.S., for the definition of "very-low-income person" and "very-low-income household."
[11] *See* section 420.9071(20), F.S., for the definition of "low-income person" and "low-income household."
[12] *See* section 420.9071(21), F.S., for the definition of "moderate-income person" and "moderate-income household."
[13] Section 420.9072(1)(a), F.S.
[14] *See* chapter 92-317, Laws of Fla.
[15] Section 420.9073, F.S.
[16] Section 420.9072(2)(b), F.S.
[17] "Local housing assistance plan" means a concise description of the local housing assistance strategies and local housing incentive strategies adopted by local government resolution with an explanation of the way in which the program meets specified requirements and corporation rule. Section 420.9071(15), F.S.

Funds are expended per each local government's adopted LHAP, which details the housing strategies it will use.[18] Local governments must submit their LHAPs to the FHFC for review to ensure that they meet the broad statutory guidelines and the requirements of the program rules. The FHFC must approve an LHAP before a local government may receive SHIP funding.

A local government may not use SHIP funds to provide ongoing rent subsidies, except for:[19]

- Security and utility deposit assistance;
- Eviction prevention not to exceed 6 months' rent; or
- A rent subsidy program for very-low-income households with at least one adult who is a person with special needs[20] or is homeless,[21] not to exceed 12 months' rental assistance.

A local government's use of SHIP funds is subject to certain restrictions (excluding amounts set aside for administrative costs):[22]

- At least 75 percent of SHIP funds *must* be reserved for construction, rehabilitation, or emergency repair of affordable, eligible housing;[23] and
- Up to 25 percent of SHIP funds *may* be reserved for allowed rental services.[24]

Within those specified distributions by local governments, additional requirements must be met:[25]

- At least 65 percent of SHIP funds must be reserved for home ownership for eligible persons;[26]
- At least 20 percent of SHIP funds must serve persons with special needs;
- Up to 20 percent of SHIP funds may be used for manufactured housing; and
- At least 30 percent of SHIP funds must be used for awards to very-low-income persons or eligible sponsors[27] serving very-low-income persons, and another 30 percent must be used for awards for low-income-persons or eligible sponsors serving low-income persons.

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[18] Section 420.9075, F.S. Section 420.9075(3), F.S., provides a list of strategies LHAPs are encouraged to develop, such as helping those impacted by mobile home park closures, encouraging innovative housing design to reduce long-term housing costs, preserving assisted housing, and reducing homelessness.

[19] Section 420.9072(7)(b), F.S.

[20] "Person with special needs" means an adult person requiring independent living services in order to maintain housing or develop independent living skills and who has a disabling condition; a young adult formerly in foster care who is eligible for services under circumstances; a survivor of domestic violence as defined by law; or a person receiving benefits under the Social Security Disability Insurance (SSDI) Program or the Supplemental Security Income (SSI) program or from veterans' disability benefits. Section 420.0004(13), F.S.

[21] "Homeless" means an individual or family who lacks or will imminently lose access to a fixed, regular, and adequate nighttime residence. Section 420.621(5), F.S.

[22] Section 420.9075(5), F.S.

[23] "Eligible housing" means any real and personal property located within the county or the eligible municipality which is designed and intended for the primary purpose of providing decent, safe, and sanitary residential units, or manufactured housing constructed after June 1994, for homeownership or rental for eligible persons as designated by each county or eligible municipality participating in SHIP. Section 420.9071(9), F.S.

[24] *See* section 420.9072(7)(b), F.S.

[25] Section 420.9075(5), F.S.

[26] "Eligible person" or "eligible household" means one or more natural persons or a family determined by the county or eligible municipality to be of very low income, low income, or moderate income based upon the annual gross income of the household. Section 420.9071(11), F.S.

[27] "Eligible sponsor" means a person or a private or public for-profit or not-for-profit entity that applies for an award under the local housing assistance plan for the purpose of providing housing for eligible persons. Section 420.9071(12), F.S.

Mobile Homes

As of June 2024, there were about 3,500 mobile home parks in the state.[28] Current law defines a mobile home as a residential structure, transportable in one or more sections, which is 8 body feet or more in width, over 35 body feet in length with the hitch, built on an integral chassis, designed to be used as a dwelling when connected to the required utilities, and not originally sold as a recreational vehicle, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein.[29]

A mobile home park is land in which lots or spaces are offered for rent or lease for the placement of mobile homes and in which the primary use of the park is residential.[30] Owners of mobile home parks typically charge mobile home owners[31] a monthly fee for the rental of a lot.

III. Effect of Proposed Changes:

Section 1 amends s. 420.9072, F.S., to allow local governments to expend funds from their local housing distribution on lot rental assistance for mobile home owners not to exceed 6 months' rent.

Section 2 amends s. 420.9075, F.S., to provide that a local housing assistance plan must include a strategy for providing funds to mobile home owners, including lot rental assistance. The bill specifies that lot rental assistance is considered home ownership activity for purposes of allocating program funds, while the rehabilitation and emergency repairs for mobile homes is considered construction, rehabilitation, or emergency repair of affordable, eligible housing.

Section 3 makes a conforming change to amend a cross-reference in another statutory provision.

The bill takes effect on July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require counties and municipalities to expend funds or further limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

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[28] WKMG, 'Not going to take that in our state:' Corporations buying Florida mobile home parks, raising rates, June 20, 2024, available at: https://www.clickorlando.com/news/investigators/2024/06/20/not-going-to-take-that-in-our-state-corporations-buying-florida-mobile-home-parks-raising-rates/ (last visited January 7, 2026).
[29] Section 723.003(8), F.S.
[30] Section 723.003(12), F.S.
[31] A "mobile home owner" means a person who owns a mobile home and rents or leases a lot within a mobile home park for residential use. Section 723.003(11), F.S.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill does not affect the amount of funds to be distributed to counties and eligible municipalities under the SHIP Program but alters how such funds may be expended.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 420.9071, 420.9072, and 420.9075.

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 Burton

12-00041-26 2026594__

A bill to be entitled

An act relating to local housing assistance plans; amending s. 420.9072, F.S.; authorizing counties and eligible municipalities to expend certain funds on lot rental assistance for mobile home owners for a specified time period; amending s. 420.9075, F.S.; requiring each county and eligible municipality to include in its local housing assistance plan certain strategies; providing that lot rental assistance for eligible mobile home owners is an approved home ownership activity for certain purposes; authorizing counties and eligible municipalities to provide certain funds to mobile home owners for rehabilitation and emergency repairs; deleting a provision limiting to a specified percentage the amount of certain funds that may be used for manufactured housing; amending s. 420.9071, F.S.; conforming a cross-reference; providing an effective date.

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

Section 1. Paragraph (b) of subsection (7) of section 420.9072, Florida Statutes, is amended to read:

420.9072 State Housing Initiatives Partnership Program.—The State Housing Initiatives Partnership Program is created for the purpose of providing funds to counties and eligible municipalities as an incentive for the creation of local housing partnerships, to expand production of and preserve affordable housing, to further the housing element of the local government

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comprehensive plan specific to affordable housing, and to increase housing-related employment.

(7)

(b) A county or an eligible municipality may not expend its portion of the local housing distribution to provide ongoing rent subsidies, except for:

1. Security and utility deposit assistance.

2. Eviction prevention not to exceed 6 months' rent.

3. Lot rental assistance for mobile home owners as defined in s. 723.003, not to exceed 6 months' rent.

4. A rent subsidy program for very-low-income households with at least one adult who is a person with special needs as defined in s. 420.0004 or homeless as defined in s. 420.621. The period of rental assistance may not exceed 12 months for any eligible household.

Section 2. Present paragraphs (d) through (g) of subsection (3) of section 420.9075, Florida Statutes, are redesignated as paragraphs (e) through (h), respectively, a new paragraph (d) and paragraph (i) are added to that subsection, and paragraph (c) of subsection (3) and paragraphs (a), (c), (e), and (n) of subsection (5) of that section are amended, to read:

420.9075 Local housing assistance plans; partnerships.—

(3)

(c) Each county and each eligible municipality is encouraged to develop a strategy within its local housing assistance plan that addresses the needs of persons who are deprived of affordable housing due to the ~~closure of a mobile home park or the~~ conversion of affordable rental units to condominiums.

(d) Each county and each eligible municipality shall include in its local housing assistance plan a strategy that addresses the needs of persons who are deprived of affordable housing due to the closure of a mobile home park.

(i) Each county and each eligible municipality shall include in its local housing assistance plan a strategy for providing program funds to mobile home owners, as defined in s. 723.003, which must include lot rental assistance.

(5) The following criteria apply to awards made to eligible sponsors or eligible persons for the purpose of providing eligible housing:

(a) At least 65 percent of the funds made available in each county and eligible municipality from the local housing distribution must be reserved for home ownership for eligible persons. For purposes of this paragraph, lot rental assistance for eligible mobile home owners as defined in s. 723.003 is an approved home ownership activity.

(c) At least 75 percent of the funds made available in each county and eligible municipality from the local housing distribution must be reserved for construction, rehabilitation, or emergency repair of affordable, eligible housing. Funds may be provided to mobile home owners as defined in s. 723.003 for rehabilitation and emergency repairs under this paragraph.

~~(c) Not more than 20 percent of the funds made available in each county and eligible municipality from the local housing distribution may be used for manufactured housing.~~

(m)~~(n)~~ Funds from the local housing distribution not used to meet the criteria established in paragraph (a) or paragraph (c) or not used for the administration of a local housing

assistance plan must be used for housing production and finance activities, including, but not limited to, financing preconstruction activities or the purchase of existing units, providing rental housing, and providing home ownership training to prospective home buyers and owners of homes assisted through the local housing assistance plan.

1. Notwithstanding ~~the provisions of~~ paragraphs (a) and (c), program income as defined in s. 420.9071(26) may also be used to fund activities described in this paragraph.

2. When preconstruction due-diligence activities conducted as part of a preservation strategy show that preservation of the units is not feasible and will not result in the production of an eligible unit, such costs shall be deemed a program expense rather than an administrative expense if such program expenses do not exceed 3 percent of the annual local housing distribution.

3. If both an award under the local housing assistance plan and federal low-income housing tax credits are used to assist a project and there is a conflict between the criteria prescribed in this subsection and the requirements of s. 42 of the Internal Revenue Code of 1986, as amended, the county or eligible municipality may resolve the conflict by giving precedence to the requirements of s. 42 of the Internal Revenue Code of 1986, as amended, in lieu of following the criteria prescribed in this subsection with the exception of paragraphs (a) and (f) ~~(g)~~ of this subsection.

4. Each county and each eligible municipality may award funds as a grant for construction, rehabilitation, or repair as part of disaster recovery or emergency repairs or to remedy

accessibility or health and safety deficiencies. Any other grants must be approved as part of the local housing assistance plan.

Section 3. Subsection (27) of section 420.9071, Florida Statutes, is amended to read:

420.9071 Definitions.—As used in ss. 420.907-420.9079, the term:

(27) "Recaptured funds" means funds that are recouped by a county or eligible municipality in accordance with the recapture provisions of its local housing assistance plan pursuant to s. 420.9075(5)(i) ~~s. 420.9075(5)(j)~~ from eligible persons or eligible sponsors, which funds were not used for assistance to an eligible household for an eligible activity, when there is a default on the terms of a grant award or loan award.

Section 4. This act shall take effect July 1, 2026.

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Health Policy, *Chair*
Judiciary, *Vice Chair*
Agriculture
Appropriations Committee on Health and Human Services
Banking and Insurance
Fiscal Policy
Rules

SENATOR COLLEEN BURTON
12th District

January 5, 2026

The Honorable Stan McClain
312 Senate Building
404 South Monroe Street
Tallahassee, FL 32399

Chair McClain,

I respectfully request SB 594 Local Housing Assistance Plans be placed on the Community Affairs agenda at your earliest convenience.

Thank you for your consideration.

Regards,

Colleen Burton
State Senator, District 12

CC: Elizabeth Fleming, Staff Director
Lizbeth Martinez Gonzalez, Committee Administrative Assistant

REPLY TO:
❒ 1375 Havendale Blvd., NW Winter Haven, FL 33881 (863) 413-1529
❒ 408 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5012

Senate's Website: *www.flsenate.gov*

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL:	SB 506
INTRODUCER:	Senator Burgess
SUBJECT:	Public Records/Body Camera Recordings Recorded by a Code Inspector
DATE:	January 12, 2026
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Tolmich	Fleming	CA	**Pre-meeting**
2.			ACJ	
3.			RC	

I. Summary:

SB 506 creates a public records exemption to provide that a code inspectors' body camera recording, or a portion thereof, is confidential and exempt from public disclosure requirements if the recording:

- Is taken within the interior of a private residence;
- Is taken within the interior of a facility that offers health care, mental health care, or social services; or
- Is taken in a place that a reasonable person would expect to be private.

In addition, the bill:

- Provides for certain circumstances under which such recordings are required to be disclosed or may be disclosed;
- Requires local governments to retain a body camera recording for at least 90 days; and
- Specifies that the exemption applies retroactively.

The bill is subject to the Open Government Sunset Review Act and stands repealed on October 2, 2031, unless reviewed and saved from repeal through reenactment by the Legislature.

The bill provides a statement of public necessity as required by the State Constitution. The bill creates a new public record exemption; therefore, it requires a two-thirds vote of the members present and voting in each house of the Legislature for final passage.

The bill takes effect on the same date that SB 504 or similar legislation takes effect.

II. Present Situation:

County and Municipal Code Enforcement

Code enforcement is a function of local government and affects people's daily lives. Its purpose is to enhance the quality of life and economy of local government by protecting the health, safety, and welfare of the community.[1] Local governments possess a constitutional right to self-government.[2] Local codes and ordinances allow local governments to enforce regulations on a variety of matters ranging from zoning, tree cutting, nuisances, and excessive noise.[3]

Chapters 125, 162, and 166 of the Florida Statutes[4] provide counties and municipalities with a mechanism to enforce its codes and ordinances. These statutes are offered as permissible code enforcement mechanisms, but are not binding to local governments, which may use any enforcement mechanism they choose, or combination thereof.[5]

In each statutory mechanism, a local government designates code inspectors[6] or code enforcement officers,[7] tasked with investigating potential code violations, providing notice of violations, and issuing citations for noncompliance. Beyond these specified duties, the statutory scheme makes clear that code inspectors lack the authority to perform the functions or duties of a law enforcement officer.[8]

The Local Government Code Enforcement Boards Act (Act), located in Part I of ch. 162, F.S., allows each county and municipality to create by ordinance one or more local government code enforcement boards. A code enforcement board is an administrative board made up of members appointed by the governing body of a county or municipality with the authority to hold hearings and impose administrative fines and other noncriminal penalties for violations of county or municipal codes or ordinances.

Part II of ch. 162, F.S., provides local governments with supplemental methods for enforcing codes and ordinances without establishing a code enforcement board. The statutes allow counties and municipalities to designate some of its employees or agents as code enforcement officers authorized to enforce county or municipal codes or ordinances. Employees or agents who may be designated as code enforcement officers may include, but are not limited to, code inspectors, law enforcement officers, animal control officers, or firesafety inspectors.[9]

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[1] Section 162.02, F.S.
[2] Art. VIII, FLA CONST.
[3] Violations of the Florida Building Code, however, are enforced pursuant to ss. 553.79 and 553.80, F.S., and not within the scope of this bill or the sections of law analyzed herein. *See* s. 125.69(4)(g), F.S.
[4] Chapter 125 Part II (county self-government), Chapter 162 Part 1 (Local Government Code Enforcement Boards Act), Chapter 162 Part II (supplemental procedures), and s. 166.0415, F.S. (municipal code enforcement).
[5] Sections 125.69(4)(i), 162.13, 162.21(8), and 166.0415(7), F.S.
[6] "Code inspector" means any authorized agent or employee of the county or municipality whose duty it is to assure code compliance. Section 162.04, F.S.
[7] Section 162.21(1), F.S., defines the term "code enforcement officer" to mean "any designated employee or agent of a county or municipality whose duty it is to enforce codes and ordinances enacted by the county or municipality."
[8] Section 125.69(4)(f), F.S.
[9] Section 162.21(2), F.S.

A code enforcement officer may issue a citation to a person when, based upon personal investigation, the officer has reasonable cause to believe that the person has committed a civil infraction in violation of a duly enacted code or ordinance and that the county court will hear the charge.[10] However, prior to issuing a citation, a code enforcement officer must provide notice to the person that the person has committed a violation of a code or ordinance and provide a reasonable time period, no more than 30 days, within which the person must correct the violation. If, upon personal investigation, a code enforcement officer finds that the person has not corrected the violation within the time period, the officer may issue a citation.[11]

Counties and municipalities that choose to enforce codes or ordinances under the provisions of Part II must enact an ordinance establishing the code enforcement procedures. The ordinance, among other requirements, must provide procedures for the issuance of a citation by a code enforcement officer. A violation of a code or an ordinance enforced under Part II is a civil infraction and carries a maximum civil penalty of $500.[12]

Code enforcement involves potential risks and dangers due to the sensitive nature of the work, which may include requiring individuals to alter their property or give up their possessions.[13] In recent years, there have been several violent incidents involving code enforcement officers and the public. In March 2023, a man was arrested in Columbus, Ohio, for allegedly dragging a City of Columbus code enforcement officer while holding an ax.[14] In February 2025, a man was arrested after allegedly threatening to shoot a Biscayne Park, Florida code enforcement officer over a $25 fine.[15]

Access to Public Records – Generally

The State Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.[16] The right to inspect or copy applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.[17]

Additional requirements and exemptions related to public records are found in various statutes and rules, depending on the branch of government involved. For instance, section 11.0431, F.S., provides public access requirements for legislative records. Relevant exemptions are codified in

[10] Section 162.21(3)(a), F.S.
[11] Section 162.21(3)(b), F.S.
[12] Section 162.21(5), F.S.
[13] Building Safety Journal, Inspectors are learning code of cautiousness, September 28, 2020, available at: Inspectors are learning code of cautiousness - ICC (last visited January 9, 2026).
[14] WSYX, Man drags Columbus code enforcement officer while holding ax during home inspection, March 3, 2023, available at: https://abc6onyourside.com/news/local/man-drags-columbus-code-enforcement-officer-while-holding-ax-during-home-inspection-south-ashburton-road-anthony-margiotti-spit-on-officer-court-franklin-county-correction-center (last visited January 6, 2026).
[15] WLPG, Man accused of threatening to shoot Biscayne Park code enforcement officer after receiving $25 fine, February 4, 2025, available at: https://www.local10.com/news/local/2025/02/04/man-accused-of-threatening-to-shoot-biscayne-park-code-enforcement-officer-after-receiving-25-fine/ (last visited January 6, 2026).
[16] Article I, s. 24(a), FLA CONST.
[17] *Id*.

section 11.0431(2)-(3), F.S., and adopted in the rules of each house of the legislature.[18] Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.[19] Lastly, chapter 119, F.S., known as the Public Records Act, provides requirements for public records held by agencies.

Agency Records – The Public Records Act

The Public Records Act provides that all state, county, and municipal records are open for personal inspection and copying by any person, and that providing access to public records is a duty of each agency.[20]

Section 119.011(12), F.S., defines "public records" to include:

> All documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.

The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business that are used to "perpetuate, communicate, or formalize knowledge of some type."[21]

The Florida Statutes specify conditions under which public access to public records must be provided. The Public Records Act guarantees every person's right to inspect and copy any public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.[22] A violation of the Public Records Act may result in civil or criminal liability.[23]

The Legislature may exempt public records from public access requirements by passing a general law by a two-thirds vote of both the House and the Senate.[24] The exemption must state with specificity the public necessity justifying the exemption and must be no broader than necessary to accomplish the stated purpose of the exemption.[25]

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[18] *See* Rule 1.48, *Rules and Manual of the Florida Senate*, (2024-2026) and Rules 14.1 and 14.2, *Rules of the Florida House of Representatives*, Edition 1, (2024-2026).
[19] *State v. Wooten*, 260 So. 3d 1060 (Fla. 4th DCA 2018).
[20] Section 119.01(1), F.S. Section 119.011(2), F.S., defines "agency" as any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.
[21] *Shevin v. Byron, Schaffer, Reid and Assoc., Inc.*, 379 So. 2d 633, 640 (Fla. 1980).
[22] Section 119.07(1)(a), F.S.
[23] Section 119.10, F.S. Public record laws are found throughout the Florida Statutes, as are the penalties for violating those laws.
[24] Article I, s. 24(c), FLA CONST.
[25] *Id*.

General exemptions from public records requirements are contained in the Public Records Act.[26] Specific exemptions often are placed in the substantive statutes relating to a particular agency or program.[27]

When creating a public records exemption, the Legislature may provide that a record is "exempt" or "confidential and exempt." There is a difference between records the Legislature has determined to be exempt from the Public Records Act and those which the Legislature has determined to be exempt from the Public Records Act *and confidential*.[28] Records designated as "confidential and exempt" are not subject to inspection by the public and may only be released under the circumstances defined by statute.[29] Records designated as "exempt" may be released at the discretion of the records custodian under certain circumstances.[30]

Public Records Exemption for Body Camera Recordings Made by a Law Enforcement Officer

Section 119.071(2)(l), F.S., provides that a law enforcement officer's body camera[31] recording, or a portion thereof, is confidential and exempt from public disclosure requirements, if the recording:

- Is taken within the interior of a private residence;
- Is taken within the interior of a facility that offers health care, mental health care, or social services; or
- Is taken in a place that a reasonable person would expect to be private.

Current law addresses the circumstances under which a law enforcement officer's body camera recording may be disclosed or is required to be disclosed. A body camera recording, or a portion thereof, *may* be disclosed by a law enforcement agency in the furtherance of its official duties and responsibilities or to another governmental agency in the furtherance of its official duties and responsibilities.[32] A body camera recording, or a portion thereof, *must* be disclosed by a law enforcement agency:

- To a person recorded by a body camera; however, a law enforcement agency may disclose only those portions that are relevant to the person's presence in the recording;
- To the personal representative[33] of a person recorded by a body camera; however, a law enforcement agency may disclose only those portions that are relevant to the represented person's presence in the recording;

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[26] *See* section 119.071, F.S.
[27] *See, e.g.*, section 213.053(2)(a), F.S. (exempting from public disclosure information contained in tax returns received by the Department of Revenue).
[28] *WFTV, Inc. v. The Sch. Bd. Of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).
[29] *Id*.
[30] *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).
[31] "Body camera" means a portable electronic device that is worn on a law enforcement officer's body and that records audio and video data in the course of the officer performing his or her official duties and responsibilities. Section 119.071(2)(l)1.a., F.S.
[32] Section 119.071(2)(l)3., F.S.
[33] "Personal representative" means a parent, court-appointed guardian, an attorney, or an agent of, or a person holding power of attorney for, a person recorded by a body camera. If a person depicted in the recording is deceased, the term also means the personal representative of the estate of the deceased person; the deceased person's surviving spouse, parent, or adult

- To a person not depicted in a body camera recording if the recording depicts a place in which the person lawfully resided, dwelled, or lodged at the time of the recording; however, a law enforcement agency may disclose only those portions that record the interior of such a place; or
- Pursuant to a court order.[34]

The court must consider several factors in determining whether to order disclosure of a body camera recording.[35] In any proceeding regarding the disclosure of a body camera recording, the law enforcement agency that made the recording must be given reasonable notice of hearings and an opportunity to participate.[36]

Law enforcement agencies must retain a body camera recording for at least 90 days.[37]

Local Government Agency Exemptions from Inspection or Copying of Public Records

Section 119.0713, F.S., provides for local government agency exemptions from inspection or copying of public records.

The following records are exempt or confidential and exempt from public records requirements:
- All complaints and other records in the custody of any unit of local government which relate to a complaint of discrimination relating to race, color, religion, sex, national origin, age, handicap, marital status, sale or rental of housing, the provision of brokerage services, or the finance of housing, until certain conditions are met;[38]
- Audit workpapers and notes related to the audit report of an internal auditor and an investigative report of the inspector general prepared for or on behalf of a unit of local government,[39] as well as information received, produced, or derived from an investigation, until certain conditions are met;[40]
- Any data, record, or document used directly or solely by a municipality owned utility to prepare and submit a bid relative to the sale, distribution, or use of any service, commodity, or tangible personal property to any customer or prospective customer, under certain circumstances;[41]

child; the deceased person's attorney or agent; or the parent or guardian of a surviving minor child of the deceased. Section 119.071(2)(l)1.c., F.S.
[34] Section 119.071(2)(l)4., F.S.
[35] Section 119.071(2)(l)4.d.(I), F.S.
[36] Section 119.071(2)(l)4.d.(II), F.S.
[37] Section 119.071(2)(l)5., F.S.
[38] Section 119.0713(1), F.S.
[39] "Unit of local government" means a county, municipality, special district, local agency, authority, consolidated city-county government, or any other local governmental body or public body corporate or politic authorized or created by general or special law. Section 119.0713(2)(a), F.S.
[40] Section 119.0713(2)(b), F.S.
[41] Section 119.0713(3), F.S.

- Proprietary confidential business information[42] held by an electric utility that is subject to chapter 119, F.S., in conjunction with a due diligence review of an electric project[43] or a project to improve the delivery, cost, or diversification of fuel or renewable energy resources;[44] and
- Specified information held by a utility owned or operated by a unit of local government.[45]

Open Government Sunset Review Act

The provisions of section 119.15, F.S., known as the Open Government Sunset Review Act[46] (the Act), prescribe a legislative review process for newly created or substantially amended[47] public record or open meeting exemptions, with specified exceptions.[48] The Act requires the repeal of such exemption on October 2 of the fifth year after its creation or substantial amendment, unless the Legislature reenacts the exemption.[49]

The Act provides that a public record or open meeting exemption may be created and maintained only if it serves an identifiable public purpose and is no broader than is necessary.[50] An exemption serves an identifiable purpose if the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption and it meets one of the following purposes:

- It allows the state or its political subdivisions to effectively and efficiently administer a governmental program, and administration would be significantly impaired without the exemption;[51]
- It protects sensitive, personal information, the release of which would be defamatory, cause unwarranted damage to the good name or reputation of the individual, or would jeopardize the individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is kept exempt;[52] or
- It protects information of a confidential nature concerning entities, such as trade or business secrets.[53]

[42] "Proprietary confidential business information" means information, regardless of form or characteristics, which is held by an electric utility that is subject to chapter 119, F.S., is intended to be and is treated by the entity that provided the information to the electric utility as private in that the disclosure of the information would cause harm to the entity providing the information or its business operations, and has not been disclosed unless disclosed pursuant to a statutory provision, an order of a court or administrative body, or a private agreement that provides the information will not be released to the public. Section 119.0713(4)(a), F.S.
[43] *See* section 163.01(3)(d), F.S., for the definition of "electric project."
[44] Section 119.0713(4)(b), F.S.
[45] Section 119.0713(5)(a), F.S.
[46] Section 119.15, F.S.
[47] An exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings as well as records. Section 119.15(4)(b), F.S.
[48] Section 119.15(2)(a) and (b), F.S., provides that exemptions required by federal law or applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.
[49] Section 119.15(3), F.S.
[50] Section 119.15(6)(b), F.S.
[51] Section 119.15(6)(b)1., F.S.
[52] Section 119.15(6)(b)2., F.S.
[53] Section 119.15(6)(b)3., F.S.

The Act also requires specified questions to be considered during the review process.[54] In examining an exemption, the Act directs the Legislature to question the purpose and necessity of reenacting the exemption.

If the exemption is continued and expanded, then a public necessity statement and a two-thirds vote for passage are required.[55] If the exemption is continued without substantive changes or if the exemption is continued and narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to expire, the previously exempt records will remain exempt unless otherwise provided by law.[56]

III. Effect of Proposed Changes:

Section 1 creates a public records exemption to provide that a code inspectors' body camera recording, or a portion thereof, is confidential and exempt from public record disclosure requirements if the recording:

- Is taken within the interior of a private residence;
- Is taken within the interior of a facility that offers health care, mental health care, or social services; or
- Is taken in a place that a reasonable person would expect to be private.

The bill defines several terms:

- "Body camera" means a portable electronic recording device that is worn on a code inspector's body and that records audio and video data in the course of the performance of his or her official duties and responsibilities.
- "Code inspector" means any authorized agent or employee of the county or municipality whose duty it is to assure code compliance.
- "Personal representative" means a parent, a court-appointed guardian, an attorney, or an agent of, or a person holding power of attorney for, a person recorded by a body camera. If a person depicted in the recording is deceased, the term also means the personal representative of the estate of the deceased person; the deceased person's surviving spouse, parent, or adult child; the deceased person's attorney or agent; or the parent or guardian of a surviving minor child of the deceased. An agent must possess written authorization of the recorded person to act on his or her behalf.

The bill provides that such body camera recordings, or portions thereof, *may* be disclosed by a local government in the furtherance of its official duties and responsibilities or to another governmental agency in the furtherance of its official duties and responsibilities.

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[54] Section 119.6(a), F.S. The specified questions are:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

[55] *See generally* section 119.15, F.S.

[56] Section 119.15(7), F.S.

The bill further provides that such body camera recordings, or portions thereof, *must* be disclosed by a local government:

- To a person recorded by the body camera; however, a local government may disclose only those portions relevant to the person's presence in the recording;
- To the personal representative of a person recorded by the body camera; however, a local government may disclose only those portions relevant to the represented person's presence in the recording;
- To a person not depicted in the body camera recording if the recording depicts a place in which the person lawfully resided, dwelled, or lodged at the time of the recording; however, a local government may disclose only those portions that record the interior of such a place; or
- Pursuant to a court order.

The bill specifies that in addition to any other grounds the court may consider in determining whether to order that a body camera recording be disclosed, the court must consider whether:

- Disclosure is necessary to advance a compelling interest;
- The recording contains information that is otherwise exempt or confidential and exempt under the law;
- The person requesting disclosure is seeking to obtain evidence to determine legal issues in which the person is a party;
- Disclosure would reveal information regarding a person which is of a highly sensitive personal nature;
- Disclosure may harm the reputation or jeopardize the safety of a person depicted in the recording;
- Confidentiality is necessary to prevent a serious and imminent threat to the fair, impartial, and orderly administration of justice;
- The recording could be redacted to protect privacy interests; and
- There is good cause to disclose all or portions of the recording.

The bill also specifies that in any proceeding regarding the disclosure of a body camera recording, the local government that made the recording must be given reasonable notice of hearings and an opportunity to participate.
The bill requires local governments to retain a body camera recording for at least 90 days.

The exemption provided by the bill applies retroactively. The exemption does not supersede any other public record exemption that existed before or is created after the effective date of the exemption. Those portions of a recording which are protected from disclosure by another public record exemption continue to be exempt or confidential and exempt.

The bill is subject to the Open Government Sunset Review Act and stands repealed on October 2, 2031, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2 provides the constitutionally required public necessity statement. The public necessity statement states, in part, that in certain instances, audio and video data recorded by body cameras is significantly likely to capture highly sensitive personal information. It further provides that the

exemption of body camera recordings from public record requirements allows code inspectors to administer their duties more effectively and efficiently, which would otherwise be significantly impaired. As a result, the Legislature finds that the concerns regarding the impact of public record requirements for body camera recordings necessitate the exemption of the recordings from such requirements and outweigh any public benefit that may be derived from their disclosure.

Section 3 provides that by October 1, 2026, the Division of Library and Information Services of the Department of State must by rule incorporate into the appropriate general records schedule a 90-day retention requirement for body camera recordings recorded by code inspectors.

The bill takes effect on the same date that SB 504 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:

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.

B. Public Records/Open Meetings Issues:

Vote Requirement

Article I, section 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records disclosure requirements. The bill enacts a new exemption for a body camera recording, or a portion thereof, recorded by a code inspector in the course of performing his or her official duties and responsibilities; thus, the bill requires a two-thirds vote to be enacted.

Public Necessity Statement

Article I, section 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public record disclosure requirements to state with specificity the public necessity justifying the exemption. Section 2 of the bill contains a statement of public necessity for the exemption which provides that in certain instances, audio and video data recorded by body cameras is significantly likely to capture highly sensitive personal information. It further provides that the exemption of body camera recordings from public record requirements allows code inspectors to administer their duties more effectively and efficiently, which would otherwise be significantly impaired.

Breadth of Exemption

Article I, section 24(c) of the State Constitution requires an exemption from public records requirements to be no broader than necessary to accomplish the stated purpose of

the law. The stated purpose of the bill is to protect highly sensitive personal information and to allow code inspectors to administer their duties more effectively and efficiently. The bill only exempts body camera recordings, or portions thereof, recorded by a code inspector in the course of performing his or her official duties and responsibilities. Such recordings are confidential and exempt only if the recording:

- Is taken within the interior of a private residence;
- Is taken within the interior of a facility that offers health care, mental health care, or social services; or
- Is taken in a place that a reasonable person would expect to be private.

Therefore, the exemption does not appear to be broader than necessary to accomplish the purpose of the law.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The private sector will be subject to the cost associated with a local government's review and redactions of exempt recordings in response to a public records request.

C. Government Sector Impact:

The bill may minimally increase costs for local governments holding records that contain certain body camera recordings made by a code inspector in the course of performing his or her official duties and responsibilities, because staff responsible for complying with public records requests may require training related to the new public record exemption. Additionally, local governments may incur costs associated with redacting the exempt information prior to releasing a record. However, the costs should be absorbed as part of the day-to-day responsibilities.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 119.0713 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 Burgess

23-00350A-26 2026506__

A bill to be entitled

An act relating to public records; amending s. 119.0713, F.S.; defining terms; providing an exemption from public records requirements for body camera recordings recorded by a code inspector under certain circumstances; providing exceptions; requiring a local government to retain body camera recordings for a specified timeframe; providing for retroactive application; providing construction; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; directing the Division of Library and Information Services of the Department of State to adopt a specified retention requirement for certain body camera recordings by a specified date; providing a contingent effective date.

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

Section 1. Subsection (6) is added to section 119.0713, Florida Statutes, to read:

119.0713 Local government agency exemptions from inspection or copying of public records.—

(6)(a) As used in this subsection, the term:

1. "Body camera" means a portable electronic recording device that is worn on a code inspector's body and that records audio and video data in the course of the performance of his or her official duties and responsibilities.

2. "Code inspector" has the same meaning as in s. 162.04(2).

23-00350A-26 2026506__

3. "Personal representative" means a parent, a court-appointed guardian, an attorney, or an agent of, or a person holding a power of attorney for, a person recorded by a body camera. If a person depicted in the recording is deceased, the term also means the personal representative of the estate of the deceased person; the deceased person's surviving spouse, parent, or adult child; the deceased person's attorney or agent; or the parent or guardian of a surviving minor child of the deceased. An agent must possess written authorization of the recorded person to act on his or her behalf.

(b) A body camera recording, or a portion thereof, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution if the recording:

1. Is taken within the interior of a private residence;

2. Is taken within the interior of a facility that offers health care, mental health care, or social services; or

3. Is taken in a place that a reasonable person would expect to be private.

(c) Notwithstanding paragraph (b), a body camera recording, or a portion thereof, may be disclosed by a local government:

1. In furtherance of its official duties and responsibilities; or

2. To another governmental agency in the furtherance of its official duties and responsibilities.

(d) Notwithstanding paragraph (b), a body camera recording, or a portion thereof, must be disclosed by a local government:

1. To a person recorded by the body camera; however, a local government may disclose only those portions relevant to the person's presence in the recording;

2. To the personal representative of a person recorded by the body camera; however, a local government may disclose only those portions relevant to the represented person's presence in the recording;

3. To a person not depicted in the body camera recording if the recording depicts a place in which the person lawfully resided, dwelled, or lodged at the time of the recording; however, a local government may disclose only those portions that record the interior of such a place; or

4. Pursuant to a court order.

a. In addition to any other grounds the court may consider in determining whether to order that a body camera recording be disclosed, the court shall consider whether:

(I) Disclosure is necessary to advance a compelling interest;

(II) The recording contains information that is otherwise exempt or confidential and exempt under the law;

(III) The person requesting disclosure is seeking to obtain evidence to determine legal issues in a case in which the person is a party;

(IV) Disclosure would reveal information regarding a person which is of a highly sensitive personal nature;

(V) Disclosure may harm the reputation or jeopardize the safety of a person depicted in the recording;

(VI) Confidentiality is necessary to prevent a serious and imminent threat to the fair, impartial, and orderly administration of justice;

(VII) The recording could be redacted to protect privacy interests; and

(VIII) There is good cause to disclose all or portions of the recording.

b. In any proceeding regarding the disclosure of a body camera recording, the local government that made the recording must be given reasonable notice of hearings and an opportunity to participate.

(e) A local government shall retain a body camera recording for at least 90 days.

(f) The exemption provided in paragraph (b) applies retroactively.

(g) This subsection does not supersede any other public records exemption that existed before or is created after the effective date of this exemption. Those portions of a recording which are protected from disclosure by another public records exemption continue to be exempt or confidential and exempt.

(h) This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2031, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. (1) The Legislature finds that it is a public necessity that the following types of body camera recordings recorded by a code inspector in the course of performing his or her official duties and responsibilities be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution: recordings taken within the interior of a private residence; recordings taken within the interior of a facility that offers health care, mental health care, or social services; and recordings taken in a place that a reasonable person would expect to be private.

(2) The Legislature recognizes that body cameras preserve information that has the potential to assist both code inspectors' and the public's ability to review the accuracy of code inspection work.

(3) However, the Legislature also finds that, in certain instances, audio and video recorded by body cameras is significantly likely to capture highly sensitive personal information. The exemption of body camera recordings from public records requirements allows code inspectors to administer their duties more effectively and efficiently, which would otherwise be significantly impaired. The Legislature finds that the concerns regarding the impact of public records requirements for body camera recordings necessitate the exemption of the recordings from public records requirements and outweigh any public benefit that may be derived from their disclosure.

Section 3. By October 1, 2026, the Division of Library and Information Services of the Department of State shall by rule incorporate into the appropriate general records schedule a 90-day retention requirement for body camera recordings recorded by code inspectors.

Section 4. This act shall take effect on the same date that SB 504 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

The Florida Senate

Committee Agenda Request

To: Senator Stan McClain, Chair
Committee on Community Affairs

Subject: Committee Agenda Request

Date: December 1, 2025

I respectfully request that **Senate Bill #506**, relating to Public Records/Body Camera Recordings Recorded by a Code Inspector, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Senator Danny Burgess
Florida Senate, District 23

CC: Elizabeth Fleming, Staff Director
CC: Lizabeth Martinez Gonzales: Committee Administrative Assistant

File signed original with committee office