

|               |                                                                                                                                                      |   |             |                         |                         |                |
|---------------|------------------------------------------------------------------------------------------------------------------------------------------------------|---|-------------|-------------------------|-------------------------|----------------|
| <b>Tab 1</b>  | <b>CS/SB 92 by GO, Gaetz; Compare to H 00139 Employee Protections</b>                                                                                |   |             |                         |                         |                |
| 602576        | A                                                                                                                                                    | S | RC, Gaetz   | Delete L.109:           | 02/12 03:17 PM          |                |
| 925942        | A                                                                                                                                                    | S | RC, Gaetz   | Delete L.191 - 192:     | 02/12 03:16 PM          |                |
| 831306        | A                                                                                                                                                    | S | RC, Gaetz   | Delete L.278:           | 02/12 03:15 PM          |                |
| <b>Tab 2</b>  | <b>CS/SB 110 by FT, Arrington (CO-INTRODUCERS) Gaetz; Identical to CS/H 00227 Homestead Exemptions</b>                                               |   |             |                         |                         |                |
| <b>Tab 3</b>  | <b>SB 192 by Martin (CO-INTRODUCERS) Trumbull; Identical to H 00259 Patient Funds Held in Trust by Chiropractic Physicians</b>                       |   |             |                         |                         |                |
| <b>Tab 4</b>  | <b>CS/CS/SB 212 by JU, CJ, McClain; Similar to CS/H 00045 Sexual Offenders and Sexual Predators</b>                                                  |   |             |                         |                         |                |
| 275394        | D                                                                                                                                                    | S | L           | RC, McClain             | Delete everything after | 02/17 09:25 AM |
| <b>Tab 5</b>  | <b>CS/CS/SB 260 by CA, TR, Burgess; Similar to H 00037 Removal, Storage, and Cleanup of Electric Vehicles</b>                                        |   |             |                         |                         |                |
| 113620        | D                                                                                                                                                    | S | RC, Burgess | Delete everything after | 02/16 11:58 AM          |                |
| <b>Tab 6</b>  | <b>CS/SB 350 by GO, Grall; Identical to CS/H 01113 Public Records/Crime Victims</b>                                                                  |   |             |                         |                         |                |
| <b>Tab 7</b>  | <b>SB 394 by Leek; Identical to H 00099 Reinsurance Intermediary Managers</b>                                                                        |   |             |                         |                         |                |
| <b>Tab 8</b>  | <b>CS/CS/SB 422 by CM, TR, Wright; Similar to CS/H 00387 Automatic Dependent Surveillance-broadcasts</b>                                             |   |             |                         |                         |                |
| <b>Tab 9</b>  | <b>SB 434 by Leek (CO-INTRODUCERS) Gaetz; Identical to H 00617 Assessment of Property Used for Residential Purposes</b>                              |   |             |                         |                         |                |
| <b>Tab 10</b> | <b>SB 442 by Yarborough; Compare to CS/H 00359 Return of Certain Search Warrants</b>                                                                 |   |             |                         |                         |                |
| 338664        | D                                                                                                                                                    | S | L           | RC, Yarborough          | Delete everything after | 02/16 02:21 PM |
| <b>Tab 11</b> | <b>CS/SB 484 by CA, Avila (CO-INTRODUCERS) Yarborough; Compare to H 01517 Data Centers</b>                                                           |   |             |                         |                         |                |
| 296102        | A                                                                                                                                                    | S | RC, Avila   | Delete L.165 - 167:     | 02/13 12:56 PM          |                |
| 947912        | SA                                                                                                                                                   | S | RC, Avila   | Delete L.112 - 167:     | 02/16 08:00 PM          |                |
| <b>Tab 12</b> | <b>CS/SB 546 by EN, Mayfield (CO-INTRODUCERS) Harrell; Identical to CS/H 00441 Conservation Lands</b>                                                |   |             |                         |                         |                |
| <b>Tab 13</b> | <b>CS/SB 556 by ED, Berman (CO-INTRODUCERS) Simon; Identical to CS/H 00453 Requirements for a Standard High School Diploma</b>                       |   |             |                         |                         |                |
| <b>Tab 14</b> | <b>CS/CS/SB 658 by CA, RI, Burgess, Smith; Compare to CS/H 00079 Water Safety Requirements for the Rental of Residential and Vacation Properties</b> |   |             |                         |                         |                |
| <b>Tab 15</b> | <b>SB 684 by McClain; Similar to CS/H 00961 Electronic Signatures Associated with Total Loss Vehicles and Vessels</b>                                |   |             |                         |                         |                |
| 903488        | A                                                                                                                                                    | S | RC, McClain | Delete L.20:            | 02/13 04:46 PM          |                |

|                   |                                                                                                                                                            |   |    |               |                         |                |
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| <b>Tab 16</b>     | <b>SB 696 by Martin;</b> Similar to CS/CS/H 00679 Registration of Trademarks                                                                               |   |    |               |                         |                |
| 462224            | D                                                                                                                                                          | S |    | RC, Martin    | Delete everything after | 02/16 10:48 AM |
| <b>Tab 17</b>     | <b>CS/SB 706 by TR, Mayfield (CO-INTRODUCERS) Gruters, Massullo, Avila, Pizzo;</b> Similar to CS/CS/H 00919 Commercial Service Airports                    |   |    |               |                         |                |
| <del>614854</del> | A                                                                                                                                                          | S | WD | RC, Mayfield  | Delete L.57 - 67:       | 02/16 09:44 AM |
| 754524            | A                                                                                                                                                          | S |    | RC, Mayfield  | Delete L.57 - 63:       | 02/16 09:47 AM |
| 612734            | A                                                                                                                                                          | S | L  | RC, Jones     | btw L.109 - 110:        | 02/17 09:07 AM |
| <b>Tab 18</b>     | <b>SB 748 by Bracy Davis;</b> Identical to H 00467 Notice of Restoration of Voting Rights Information on Sentencing Scoresheets                            |   |    |               |                         |                |
| <b>Tab 19</b>     | <b>CS/SB 786 by JU, Berman;</b> Similar to H 00895 Trusts                                                                                                  |   |    |               |                         |                |
| <b>Tab 20</b>     | <b>CS/SB 820 by ACJ, Bradley;</b> Compare to H 00831 Problem-solving Court Reports                                                                         |   |    |               |                         |                |
| <b>Tab 21</b>     | <b>CS/SB 824 by ED, Truenow;</b> Similar to CS/H 01147 Inventory of Unimproved Real Property Owned by School Districts                                     |   |    |               |                         |                |
| <b>Tab 22</b>     | <b>CS/SB 838 by CM, Yarborough;</b> Similar to CS/H 00959 Electronic Payments of Retail Installment Contracts                                              |   |    |               |                         |                |
| <b>Tab 23</b>     | <b>SB 840 by DiCeglie (CO-INTRODUCERS) Mayfield, Gaetz;</b> Compare to H 01465 Land Use Regulations for Local Governments Affected by Natural Disasters    |   |    |               |                         |                |
| <b>Tab 24</b>     | <b>CS/SB 848 by EN, Truenow;</b> Compare to CS/H 01457 Stormwater Treatment                                                                                |   |    |               |                         |                |
| 894554            | D                                                                                                                                                          | S |    | RC, Truenow   | Delete everything after | 02/13 01:37 PM |
| 159868            | AA                                                                                                                                                         | S |    | RC, Truenow   | btw L.4 - 5:            | 02/13 04:17 PM |
| <b>Tab 25</b>     | <b>SB 856 by DiCeglie (CO-INTRODUCERS) Rouson, Avila, Berman, Massullo, Sharief, Grall;</b> Similar to CS/H 00827 Disclosure of Estimated Ad Valorem Taxes |   |    |               |                         |                |
| 158618            | A                                                                                                                                                          | S | L  | RC, DiCeglie  | Delete L.56 - 141:      | 02/16 01:34 PM |
| <b>Tab 26</b>     | <b>SB 962 by Bradley;</b> Identical to CS/H 00837 Affordable Housing                                                                                       |   |    |               |                         |                |
| <b>Tab 27</b>     | <b>SB 1000 by Grall;</b> Identical to H 00893 Trust Fund Interest for Purposes Approved by the Supreme Court                                               |   |    |               |                         |                |
| <b>Tab 28</b>     | <b>CS/CS/SB 1014 by CA, RI, Mayfield;</b> Compare to CS/H 01075 Provision of Municipal Utility Service to Owners Outside the Municipal Limits              |   |    |               |                         |                |
| 321918            | A                                                                                                                                                          | S |    | RC, Mayfield  | Delete L.42 - 91:       | 02/16 11:31 AM |
| <del>840920</del> | AA                                                                                                                                                         | S | WD | RC, Mayfield  | Delete L.32 - 41:       | 02/16 05:25 PM |
| 853994            | AA                                                                                                                                                         | S |    | RC, Mayfield  | Delete L.33 - 38:       | 02/17 08:29 AM |
| <b>Tab 29</b>     | <b>CS/SB 1036 by ED, Calatayud;</b> Compare to CS/CS/H 00753 School Counselors                                                                             |   |    |               |                         |                |
| 620168            | D                                                                                                                                                          | S |    | RC, Calatayud | Delete everything after | 02/13 04:50 PM |

|               |                                                                                                                                     |   |                |                         |                |  |
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| <b>Tab 30</b> | <b>SB 1050</b> by <b>Calatayud</b> ; Similar to CS/CS/H 00089 Veterinary Prescription Disclosure                                    |   |                |                         |                |  |
| <b>Tab 31</b> | <b>CS/SB 1054</b> by <b>TR, Martin</b> ; Similar to H 00807 Traffic Infractions Resulting in a Crash with Another Vehicle           |   |                |                         |                |  |
| <b>Tab 32</b> | <b>CS/SB 1080</b> by <b>TR, DiCeglie</b> ; Compare to CS/H 00543 Transportation                                                     |   |                |                         |                |  |
| 903300        | D                                                                                                                                   | S | RC, DiCeglie   | Delete everything after | 02/09 12:36 PM |  |
| <b>Tab 33</b> | <b>CS/SB 1118</b> by <b>CA, Avila</b> ; Public Records/Data Centers                                                                 |   |                |                         |                |  |
| <b>Tab 34</b> | <b>CS/SB 1134</b> by <b>JU, Yarborough</b> ; Similar to CS/H 01001 Official Actions of Local Governments                            |   |                |                         |                |  |
| 859208        | D                                                                                                                                   | S | RC, Yarborough | Delete everything after | 02/16 12:17 PM |  |
| 619208        | SD                                                                                                                                  | S | RC, Yarborough | Delete everything after | 02/17 09:59 AM |  |
| <b>Tab 35</b> | <b>SB 1338</b> by <b>Burton</b> ; Identical to H 01475 Charitable Giving                                                            |   |                |                         |                |  |
| 370588        | D                                                                                                                                   | S | RC, Burton     | Delete everything after | 02/16 09:51 AM |  |
| <b>Tab 36</b> | <b>CS/SB 1480</b> by <b>HP, Burton</b> ; Identical to CS/H 00809 Temporary Certificates for Practice in Areas of Critical Need      |   |                |                         |                |  |
| <b>Tab 37</b> | <b>CS/SB 1500</b> by <b>BI, Bradley</b> ; Identical to CS/H 01337 Estates                                                           |   |                |                         |                |  |
| <b>Tab 38</b> | <b>SB 1506</b> by <b>Yarborough</b> ; Civil Litigation                                                                              |   |                |                         |                |  |
| 567718        | A                                                                                                                                   | S | RC, Grall      | Before L.15:            | 02/16 11:40 AM |  |
| 674920        | SA                                                                                                                                  | S | RC, Grall      | Before L.15:            | 02/17 09:53 AM |  |
| <b>Tab 39</b> | <b>SB 1622</b> by <b>Rodriguez</b> ; Identical to H 01369 Penalties for Late-filed Disclosures or Statements of Financial Interests |   |                |                         |                |  |
| <b>Tab 40</b> | <b>CS/SB 1682</b> by <b>AEG, Trumbull</b> ; Compare to CS/CS/H 01103 Local Administration of Vessel Restrictions                    |   |                |                         |                |  |
| <b>Tab 41</b> | <b>CS/CS/SB 1724</b> by <b>CA, RI, Martin</b> ; Similar to CS/H 01451 Utility Services                                              |   |                |                         |                |  |

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

**RULES**

**Senator Passidomo, Chair**  
**Senator Jones, Vice Chair**

**MEETING DATE:** Tuesday, February 17, 2026

**TIME:** 12:00 noon—6:00 p.m.

**PLACE:** Pat Thomas Committee Room, 412 Knott Building

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

| TAB | BILL NO. and INTRODUCER                                                                                   | BILL DESCRIPTION and<br>SENATE COMMITTEE ACTIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | COMMITTEE ACTION                                                    |
|-----|-----------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|
| 1   | <b>CS/SB 92</b><br>Governmental Oversight and<br>Accountability / Gaetz<br>(Compare H 139, Linked S 1650) | Employee Protections; Providing that public officers, public employees, and local government attorneys commit a breach of the public trust when they initiate adverse personnel actions against specified agency employees or independent contractors under certain circumstances; prohibiting agencies and independent contractors from taking specified actions against employees or certain persons for disclosing certain information to the Commission on Ethics; requiring that information disclosed include specified violations or alleged violations; providing that specified provisions protect employees and persons who submit written complaints to the commission or provide information to an investigator during an investigation of a complaint or referral, etc. | GO 12/09/2025 Fav/CS<br>EE 01/13/2026 Favorable<br>RC 02/17/2026    |
| 2   | <b>CS/SB 110</b><br>Finance and Tax / Arrington<br>(Identical CS/H 227)                                   | Homestead Exemptions; Revising the circumstances under which a person may be deemed to have legal or beneficial and equitable title to certain property for homestead exemption purposes, etc.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | FT 01/28/2026 Fav/CS<br>AP 02/05/2026 Favorable<br>RC 02/17/2026    |
| 3   | <b>SB 192</b><br>Martin<br>(Identical H 259)                                                              | Patient Funds Held in Trust by Chiropractic Physicians; Deleting the limitation on the amount of patient funds a chiropractic physician may hold in trust for specified purposes, etc.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | HP 01/20/2026 Favorable<br>JU 01/27/2026 Favorable<br>RC 02/17/2026 |



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| TAB | BILL NO. and INTRODUCER                                                                           | BILL DESCRIPTION and<br>SENATE COMMITTEE ACTIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | COMMITTEE ACTION |
|-----|---------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| 4   | <b>CS/CS/SB 212</b><br>Judiciary / Criminal Justice /<br>McClain<br>(Similar CS/H 45)             | Sexual Offenders and Sexual Predators; Revising residency restrictions for persons convicted of certain sexual offenses; prohibiting persons convicted of certain sexual offenses from visiting or otherwise being on the premises of specified locations; requiring a sexual offender or sexual predator to notify a school or child care facility of his or her conviction of specific offenses and that he or she intends to be present at the school or child care facility under certain circumstances; authorizing the warrantless arrest of a person if a law enforcement officer has probable cause to believe the person was on the premises of specified prohibited locations after he or she was previously convicted of committing specified sexual offenses against a victim younger than 16 years of age, etc.<br><br>CJ 01/20/2026 Fav/CS<br>JU 02/10/2026 Fav/CS<br>RC 02/17/2026               |                  |
| 5   | <b>CS/CS/SB 260</b><br>Community Affairs /<br>Transportation / Burgess<br>(Similar H 37)          | Removal, Storage, and Cleanup of Electric Vehicles; Requiring counties to establish a daily administration fee for the proper storage of certain electric vehicles; providing a maximum amount for such fees; defining the terms "daily administration fee" and "proper storage"; providing that motor vehicle insurers are not required to pay certain costs, etc.<br><br>TR 02/03/2026 Fav/CS<br>CA 02/10/2026 Fav/CS<br>RC 02/17/2026                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                  |
| 6   | <b>CS/SB 350</b><br>Governmental Oversight and<br>Accountability / Grall<br>(Identical CS/H 1113) | Public Records/Crime Victims; Expanding a public records exemption for crime victims to include the name and personal identification number of a victim and any other information that could be used to locate, intimidate, harass, or abuse the victim; providing that such exemption includes the portions of records generated by any agency that regularly generates or receives information from or concerning victims of crime; providing for a public records exemption for the identity of a victim's family member, lawful representative, or next of kin and any other information that could be used to locate, intimidate, harass, or abuse these individuals; providing for future legislative review and repeal of the exemptions; providing a statement of public necessity, etc.<br><br>CJ 12/09/2025 Favorable<br>GO 01/12/2026 Temporarily Postponed<br>GO 01/26/2026 Fav/CS<br>RC 02/17/2026 |                  |

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| TAB | BILL NO. and INTRODUCER                                                                        | BILL DESCRIPTION and<br>SENATE COMMITTEE ACTIONS                                                                                                                                                                                                                                                                                                                                                                                                                                             | COMMITTEE ACTION |
|-----|------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| 7   | <b>SB 394</b><br>Leek<br>(Identical H 99)                                                      | Reinsurance Intermediary Managers; Defining the term “controlling”; revising the definition of the term “reinsurance intermediary manager” to exclude certain underwriting managers, etc.<br><br>BI 01/13/2026 Favorable<br>AEG 02/04/2026 Favorable<br>RC 02/17/2026                                                                                                                                                                                                                        |                  |
| 8   | <b>CS/CS/SB 422</b><br>Commerce and Tourism /<br>Transportation / Wright<br>(Similar CS/H 387) | Automatic Dependent Surveillance-broadcasts; Prohibiting airports from using information broadcast or collected by automatic dependent surveillance-broadcast systems for specified purposes under certain circumstances, etc.<br><br>TR 01/27/2026 Fav/CS<br>CM 02/04/2026 Fav/CS<br>RC 02/17/2026                                                                                                                                                                                          |                  |
| 9   | <b>SB 434</b><br>Leek<br>(Identical H 617)                                                     | Assessment of Property Used for Residential Purposes; Defining the term “changes or improvements made to improve the property’s resistance to wind damage”; prohibiting the consideration of the increase in just value of a property which is attributable to changes or improvements made to improve the property’s resistance to wind damage in determinations of the assessed value of certain property, etc.<br><br>FT 01/28/2026 Favorable<br>AP 02/05/2026 Favorable<br>RC 02/17/2026 |                  |
| 10  | <b>SB 442</b><br>Yarborough<br>(Compare CS/H 359)                                              | Return of Certain Search Warrants; Extending the time period within which a search warrant issued for computers, computer systems, or electronic devices that are in the actual possession of a law enforcement agency at the time the warrant is issued must be returned to the court, etc.<br><br>CJ 01/26/2026 Favorable<br>JU 02/10/2026 Favorable<br>RC 02/17/2026                                                                                                                      |                  |

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Tuesday, February 17, 2026, 12:00 noon—6:00 p.m.

| TAB | BILL NO. and INTRODUCER                                                                     | BILL DESCRIPTION and<br>SENATE COMMITTEE ACTIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | COMMITTEE ACTION |
|-----|---------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| 11  | <b>CS/SB 484</b><br>Community Affairs / Avila<br>(Compare H 1517, Linked CS/S 1118)         | Data Centers; Prohibiting an agency from entering into a nondisclosure agreement or other contract that restricts the agency from disclosing certain information to the public; specifying that local governments maintain authority to exercise power and responsibility over comprehensive planning and land development regulations related to large load customers; requiring the Florida Public Service Commission to develop minimum tariff and service requirements for large load customers; prohibiting the governing board of a water management district or the Department of Environmental Protection from issuing a permit for the consumptive use of water to a large-scale data center under certain circumstances, etc.<br><br>RI 01/20/2026 Favorable<br>CA 02/03/2026 Fav/CS<br>RC 02/17/2026 |                  |
| 12  | <b>CS/SB 546</b><br>Environment and Natural<br>Resources / Mayfield<br>(Identical CS/H 441) | Conservation Lands; Requiring the Division of State Lands to publish certain information on its website before the Acquisition and Restoration Council or the Board of Trustees of the Internal Improvement Trust Fund meets to review the proposed sale of conservation lands; requiring that certain parcels proposed for exchange be appraised in accordance with certain criteria; requiring the governing board of a water management district to publish certain information on its website before meeting to review the proposed sale or exchange of certain lands, etc.<br><br>EN 01/13/2026 Fav/CS<br>AEG 02/04/2026 Favorable<br>RC 02/17/2026                                                                                                                                                        |                  |
| 13  | <b>CS/SB 556</b><br>Education Pre-K - 12 / Berman<br>(Identical CS/H 453)                   | Requirements for a Standard High School Diploma; Providing that students can substitute marching band experience for physical education and performing fine arts credit requirements for a standard high school diploma; providing that students with disabilities may participate in the Special Olympics to meet the physical education requirement for a standard high school diploma, etc.<br><br>ED 01/13/2026 Fav/CS<br>CF 02/10/2026 Favorable<br>RC 02/17/2026                                                                                                                                                                                                                                                                                                                                          |                  |

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| TAB | BILL NO. and INTRODUCER                                                                                               | BILL DESCRIPTION and<br>SENATE COMMITTEE ACTIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | COMMITTEE ACTION |
|-----|-----------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| 14  | <b>CS/CS/SB's 658 &amp; 608</b><br>Community Affairs / Regulated<br>Industries / Burgess / Smith<br>(Compare CS/H 79) | Water Safety Requirements for the Rental of Residential and Vacation Properties; (THIS BILL COMBINES SB's 658 & 608) Requiring a landlord to equip certain rental properties with specified water safety features; providing criminal penalties; requiring a public lodging establishment licensed as a vacation rental to equip certain rental units with specified water safety features; providing an exception; requiring certain public lodging establishments to file a certificate of compliance upon licensure and renewal, etc.<br><br>RI 01/27/2026 Fav/CS Combined - Lead<br>CA 02/10/2026 Fav/CS<br>RC 02/17/2026 |                  |
| 15  | <b>SB 684</b><br>McClain<br>(Similar CS/H 961)                                                                        | Electronic Signatures Associated with Total Loss Vehicles and Vessels; Requiring insurance companies to implement certain control processes and procedures for certain electronic signatures; deleting a requirement that electronic signatures on odometer disclosures submitted through insurance companies be executed in a specified manner, etc.<br><br>TR 01/20/2026 Favorable<br>BI 02/04/2026 Favorable<br>RC 02/17/2026                                                                                                                                                                                              |                  |
| 16  | <b>SB 696</b><br>Martin<br>(Similar CS/CS/H 679, S 476)                                                               | Registration of Trademarks; Removing provisions relating to the classification of goods and services for trademark purposes; requiring the Department of State to adopt a federal system of classification each year; requiring publication of the classification as part of the trademark registration application; requiring the department to establish and maintain a secure Internet website that allows submission of an online trademark registration application and renewal application, etc.<br><br>CM 01/13/2026 Favorable<br>ATD 01/28/2026 Favorable<br>RC 02/17/2026                                            |                  |

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| TAB | BILL NO. and INTRODUCER                                                                                    | BILL DESCRIPTION and<br>SENATE COMMITTEE ACTIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | COMMITTEE ACTION |
|-----|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| 17  | <b>CS/SB 706</b><br>Transportation / Mayfield<br>(Similar CS/CS/H 919)                                     | Commercial Service Airports; Preempting the naming of major commercial service airports to the state; providing names for major commercial service airports; providing that such airport names continue to be valid under certain circumstances; requiring the Department of Transportation to annually review provisions naming major commercial service airports for a certain purpose; providing that a political subdivision is in compliance with certain provisions under specified circumstances, etc.<br><br>TR 01/27/2026 Fav/CS<br>CA 02/03/2026 Favorable<br>RC 02/10/2026 Not Considered<br>RC 02/17/2026 |                  |
| 18  | <b>SB 748</b><br>Bracy Davis<br>(Identical H 467)                                                          | Notice of Restoration of Voting Rights Information on Sentencing Scoresheets; Specifying information to be provided on sentencing scoresheets concerning restoration of voting rights; requiring that a scoresheet be provided to a defendant before a sentence is imposed, etc.<br><br>CJ 01/26/2026 Favorable<br>EE 02/04/2026 Favorable<br>RC 02/17/2026                                                                                                                                                                                                                                                           |                  |
| 19  | <b>CS/SB 786</b><br>Judiciary / Berman<br>(Similar H 895)                                                  | Trusts; Authorizing a trustee to obtain a settlement of his or her accounts and be discharged under certain circumstances; requiring a trustee seeking settlement and discharge to send a trust disclosure document to specified persons; providing that a trustee is discharged upon completion of distributions or transfers if no timely written objections are received and is discharged from all liability and claims arising out of any matter disclosed in the trust disclosure document, etc.<br><br>JU 02/03/2026 Fav/CS<br>BI 02/11/2026 Favorable<br>RC 02/17/2026                                        |                  |
| 20  | <b>CS/SB 820</b><br>Appropriations Committee on<br>Criminal and Civil Justice / Bradley<br>(Compare H 831) | Problem-solving Court Reports; Requiring the Office of the State Courts Administrator to provide a problem-solving court report to the Legislature annually by a specified date; requiring specified court programs to collect certain data and information for program evaluation; requiring each such court program to report such data and information annually to the office, etc.<br><br>JU 01/27/2026 Favorable<br>ACJ 02/04/2026 Fav/CS<br>RC 02/17/2026                                                                                                                                                       |                  |

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Tuesday, February 17, 2026, 12:00 noon—6:00 p.m.

| TAB | BILL NO. and INTRODUCER                                                                | BILL DESCRIPTION and<br>SENATE COMMITTEE ACTIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | COMMITTEE ACTION |
|-----|----------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| 21  | <b>CS/SB 824</b><br>Education Pre-K - 12 / Truenow<br>(Similar CS/H 1147)              | Inventory of Unimproved Real Property Owned by School Districts; Requiring each school district to annually submit to the Department of Education an inventory of certain real property; requiring the department to compile the districts' inventories into an annual report; requiring the department to publish the report online annually by a specified date; providing that school districts that do not comply with the act are subject to enforcement, etc.<br><br>ED 02/03/2026 Fav/CS<br>RC 02/17/2026                                                                                                                                         |                  |
| 22  | <b>CS/SB 838</b><br>Commerce and Tourism /<br>Yarborough<br>(Similar H 959)            | Electronic Payments of Retail Installment Contracts; Defining the term "electronic payment"; authorizing a holder of a retail installment contract, or its agent, to collect a fee for processing a retail buyer's electronic payment only if certain conditions are met, etc.<br><br>CM 01/13/2026 Fav/CS<br>BI 02/04/2026 Favorable<br>RC 02/17/2026                                                                                                                                                                                                                                                                                                   |                  |
| 23  | <b>SB 840</b><br>DiCeglie<br>(Compare H 1465)                                          | 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.<br><br>CA 01/13/2026 Favorable<br>JU 01/20/2026 Favorable<br>RC 02/17/2026             |                  |
| 24  | <b>CS/SB 848</b><br>Environment and Natural<br>Resources / Truenow<br>(Similar H 1457) | Stormwater Treatment; Defining the terms "compensating stormwater treatment" and "total land area"; requiring compensating stormwater treatment to comply with certain provisions unless certain circumstances exist; authorizing entities to apply for a water quality enhancement area provisional permit under certain circumstances; authorizing mitigation measures or enhancement credits intended to address certain impacts to be generated by third parties and sold and transferred to environmental resource permit applicants pursuant to specified provisions, etc.<br><br>EN 01/13/2026 Fav/CS<br>CA 02/10/2026 Favorable<br>RC 02/17/2026 |                  |

**COMMITTEE MEETING EXPANDED AGENDA**

## Rules

Tuesday, February 17, 2026, 12:00 noon—6:00 p.m.

| TAB | BILL NO. and INTRODUCER                                                                            | BILL DESCRIPTION and<br>SENATE COMMITTEE ACTIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | COMMITTEE ACTION                                                                                    |
|-----|----------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|
| 25  | <b>SB 856</b><br>DiCeglie<br>(Similar CS/H 827)                                                    | Disclosure of Estimated Ad Valorem Taxes; Defining the terms "listing platform" and "property"; requiring that certain property listings include estimated ad valorem taxes; requiring the Department of Revenue to maintain on its website a table of links to each county's property appraiser's homepage and tax estimator; requiring the department to develop a formula that may be used by listing platforms to calculate the estimated ad valorem taxes, etc.                                                                                                                                                                                                                                                | FT 01/28/2026 Favorable<br>AP 02/05/2026 Favorable<br>RC 02/17/2026                                 |
| 26  | <b>SB 962</b><br>Bradley<br>(Identical CS/H 837, Compare<br>CS/H 1389, S 1548)                     | Affordable Housing; Revising the definitions of certain land use categories for which certain residential development may be authorized to exclude farms and farm operations and uses associated therewith, etc.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | CA 01/27/2026 Favorable<br>AG 02/03/2026 Favorable<br>RC 02/10/2026 Not Considered<br>RC 02/17/2026 |
| 27  | <b>SB 1000</b><br>Grall<br>(Identical H 893)                                                       | Trust Fund Interest for Purposes Approved by the Supreme Court; Authorizing financial institutions to hold funds in specified trust accounts used for specified purposes expressly authorized by Supreme Court rule; requiring certain entities to use interest and dividends for specified purposes; requiring certain financial institutions to pay specified interest or dividends, etc.                                                                                                                                                                                                                                                                                                                         | JU 01/27/2026 Favorable<br>BI 02/04/2026 Favorable<br>RC 02/17/2026                                 |
| 28  | <b>CS/CS/SB 1014</b><br>Community Affairs / Regulated<br>Industries / Mayfield<br>(Compare H 1075) | Provision of Municipal Utility Service to Owners Outside the Municipal Limits; Prohibiting a municipal utility from declining to extend service to properties outside its corporate limits under certain circumstances; requiring a municipal utility to expand its service to an owner who makes such a request under certain circumstances; requiring the municipal utility to make a determination within a specified timeframe and provide such determination to the owner in writing; requiring the municipal utility to provide the owner with specified information and to connect properties in a timely manner; authorizing a municipal utility to establish minimum application filing requirements, etc. | RI 02/03/2026 Fav/CS<br>CA 02/10/2026 Fav/CS<br>RC 02/17/2026                                       |

**COMMITTEE MEETING EXPANDED AGENDA**

## Rules

Tuesday, February 17, 2026, 12:00 noon—6:00 p.m.

| TAB | BILL NO. and INTRODUCER                                                         | BILL DESCRIPTION and<br>SENATE COMMITTEE ACTIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | COMMITTEE ACTION |
|-----|---------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| 29  | <b>CS/SB 1036</b><br>Education Pre-K - 12 / Calatayud<br>(Compare CS/CS/H 753)  | School Counselors; Providing that school counselors are exempt from specified certification requirements, unless required for employment by a school district, etc.<br><br>ED 01/20/2026 Fav/CS<br>AED 02/04/2026 Favorable<br>RC 02/17/2026                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                  |
| 30  | <b>SB 1050</b><br>Calatayud<br>(Similar CS/CS/H 89)                             | Veterinary Prescription Disclosure; Requiring a veterinarian or authorized member of veterinary staff to inform a client of the right to receive a written prescription to be filled at a pharmacy of the client's choice or the option to have the prescription filled at the veterinary establishment; requiring that the disclosure include an acknowledgement signed by the client; providing that such acknowledgement be documented in the patient's medical records, etc.<br><br>RI 01/20/2026 Favorable<br>AEG 02/04/2026 Favorable<br>RC 02/17/2026                                                                                                                                                                     |                  |
| 31  | <b>CS/SB 1054</b><br>Transportation / Martin<br>(Similar H 807)                 | Traffic Infractions Resulting in a Crash with Another Vehicle; Requiring the imposition of specified civil penalties and periods of driver license suspension on a person found at a mandatory hearing to have committed certain traffic infractions that resulted in a crash with another vehicle, in addition to any other penalties; requiring persons cited for specified infractions that result in a crash with another vehicle to appear at a certain mandatory hearing; requiring certain owners and operators of motor vehicles to establish and maintain the ability to respond in damages for liability on account of certain accidents, etc.<br><br>TR 01/27/2026 Fav/CS<br>JU 02/10/2026 Favorable<br>RC 02/17/2026 |                  |
| 32  | <b>CS/SB 1080</b><br>Transportation / DiCeglie<br>(Compare CS/H 543, CS/S 1274) | Transportation; Requiring the Department of Transportation to adopt rules establishing circumstances under which it may make direct payments to a first-tier subcontractor; requiring that a takeover agreement between the department and a surety require the surety's completion contractor to meet certain requirements and follow certain contract procedures, etc.<br><br>TR 01/20/2026 Fav/CS<br>CM 01/28/2026 Favorable<br>RC 02/10/2026 Not Considered<br>RC 02/17/2026                                                                                                                                                                                                                                                 |                  |



**COMMITTEE MEETING EXPANDED AGENDA**

## Rules

Tuesday, February 17, 2026, 12:00 noon—6:00 p.m.

| TAB | BILL NO. and INTRODUCER                                             | BILL DESCRIPTION and<br>SENATE COMMITTEE ACTIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | COMMITTEE ACTION |
|-----|---------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| 33  | <b>CS/SB 1118</b><br>Community Affairs / Avila<br>(Linked CS/S 484) | Public Records/Data Centers; Providing an exemption from public records requirements for information relating to the plans, intentions, or interest of a person to locate a data center; providing for future legislative review and repeal of the exemption; providing a statement of public necessity, etc.<br><br>RI 01/20/2026 Favorable<br>CA 02/03/2026 Fav/CS<br>RC 02/17/2026                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                  |
| 34  | <b>CS/SB 1134</b><br>Judiciary / Yarrowburgh<br>(Similar CS/H 1001) | Official Actions of Local Governments; Prohibiting counties and municipalities, respectively, from funding or promoting or taking official action as it relates to diversity, equity, and inclusion; providing that certain ordinances, resolutions, rules, regulations, programs, and policies are void; providing that a county commissioner, a member of the governing body of a municipality, or any other county or municipal official acting in an official capacity who violates certain provisions commits misfeasance or malfeasance in office, etc.<br><br>CA 02/03/2026 Favorable<br>JU 02/10/2026 Fav/CS<br>RC 02/17/2026                                                                                                                                                                                                                                    |                  |
| 35  | <b>SB 1338</b><br>Burton<br>(Identical H 1475)                      | Charitable Giving; Prohibiting a charitable organization that accepts a contribution pursuant to a written donor-imposed restriction from violating the terms of that restriction without potential penalty; requiring a charitable organization to notify a donor, or a donor's legal representative, if it cannot fulfill a term in the endowment agreement and offer the donor, or the donor's legal representative, an alternative solution that closely matches the initial term in such endowment agreement; prohibiting a state agency or a state official from imposing any annual filing or reporting requirements on certain organizations regulated or exempted from regulation under ch. 496, F.S., which are more burdensome than the requirements authorized by state law, etc.<br><br>CM 01/28/2026 Favorable<br>JU 02/10/2026 Favorable<br>RC 02/17/2026 |                  |

**COMMITTEE MEETING EXPANDED AGENDA**

## Rules

Tuesday, February 17, 2026, 12:00 noon—6:00 p.m.

| TAB | BILL NO. and INTRODUCER                                                       | BILL DESCRIPTION and<br>SENATE COMMITTEE ACTIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | COMMITTEE ACTION |
|-----|-------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| 36  | <b>CS/SB 1480</b><br>Health Policy / Burton<br>(Identical CS/H 809)           | Temporary Certificates for Practice in Areas of Critical Need; Revising the conditions under which the Board of Medicine, the Board of Osteopathic Medicine, and the Board of Nursing, respectively, are authorized to issue temporary certificates for practice in areas of critical need; authorizing certificateholders to continue primary care services after such areas lose their critical need designation under certain circumstances, etc.<br><br>HP 01/26/2026 Fav/CS<br>AHS 02/04/2026 Favorable<br>RC 02/17/2026                        |                  |
| 37  | <b>CS/SB 1500</b><br>Banking and Insurance / Bradley<br>(Identical CS/H 1337) | Estates; Revising the issues a court may resolve for a personal representative; requiring the court to award taxable costs and attorney fees in certain proceedings; authorizing the court to direct such payment from certain persons; revising when summary administration proceedings may commence for either a resident or nonresident decedent's estate; revising the sum for funds certain financial institutions may make payable to a decedent's family member, etc.<br><br>JU 01/27/2026 Favorable<br>BI 02/04/2026 Fav/CS<br>RC 02/17/2026 |                  |
| 38  | <b>SB 1506</b><br>Yarborough                                                  | Civil Litigation; Revising the criteria that the court must consider in determining whether an award of money damages is excessive or inadequate, etc.<br><br>JU 02/10/2026 Favorable<br>RC 02/17/2026                                                                                                                                                                                                                                                                                                                                               |                  |
| 39  | <b>SB 1622</b><br>Rodriguez<br>(Identical H 1369)                             | Penalties for Late-filed Disclosures or Statements of Financial Interests; Prohibiting the assessment of a fine for a reporting person's first late filing of a disclosure or statement of financial interests if certain conditions are met, etc.<br><br>EE 01/28/2026 Favorable<br>CA 02/10/2026 Favorable<br>RC 02/17/2026                                                                                                                                                                                                                        |                  |

**COMMITTEE MEETING EXPANDED AGENDA**

## Rules

Tuesday, February 17, 2026, 12:00 noon—6:00 p.m.

| TAB | BILL NO. and INTRODUCER                                                                                                                   | BILL DESCRIPTION and<br>SENATE COMMITTEE ACTIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | COMMITTEE ACTION |
|-----|-------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| 40  | <b>CS/SB 1682</b><br>Appropriations Committee on<br>Agriculture, Environment, and<br>General Government / Trumbull<br>(Similar CS/H 1103) | Local Administration of Vessel Restrictions;<br>Authorizing counties and municipalities to adopt<br>ordinances to administer, in coordination with the Fish<br>and Wildlife Conservation Commission, certain<br>provisions relating to vessels at risk of becoming<br>derelict, the enforcement of long-term anchoring<br>permit requirements, and derelict and migrant<br>vessels, respectively; authorizing counties and<br>municipalities to designate code enforcement officers<br>for specified purposes; providing that certain<br>determinations made by the code enforcement<br>officers are for administrative purposes only and are<br>not criminal findings, etc.<br><br>EN 01/27/2026 Favorable<br>AEG 02/04/2026 Fav/CS<br>RC 02/17/2026                                                                                                                                                                             |                  |
| 41  | <b>CS/CS/SB 1724</b><br>Community Affairs / Regulated<br>Industries / Martin<br>(Similar CS/H 1451, Compare H<br>225, S 940, S 1188)      | Utility Services; Requiring that a new agreement, or<br>an extension, renewal, or material amendment of an<br>existing agreement, to provide certain utility services<br>at retail be in writing; requiring that certain public<br>meetings be held as a condition precedent to the<br>effectiveness of a new or extended agreement under<br>which a municipality will provide specified utility<br>services in other municipalities or unincorporated<br>areas; revising provisions relating to permissible<br>rates, fees, and charges imposed by municipal water<br>and sewer utilities on consumers located outside the<br>municipal boundaries; requiring municipalities that<br>provide specified utility services to report certain<br>information by a specified date, and annually<br>thereafter, to the Florida Public Service Commission,<br>etc.<br><br>RI 02/03/2026 Fav/CS<br>CA 02/10/2026 Fav/CS<br>RC 02/17/2026 |                  |

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.)

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Prepared By: The Professional Staff of the Committee on Rules

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BILL: CS/SB 92

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Gaetz

SUBJECT: Employee Protections

DATE: February 16, 2026

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

| ANALYST          | STAFF DIRECTOR | REFERENCE | ACTION             |
|------------------|----------------|-----------|--------------------|
| 1. <u>White</u>  | <u>McVaney</u> | <u>GO</u> | <u>Fav/CS</u>      |
| 2. <u>Cleary</u> | <u>Roberts</u> | <u>EE</u> | <u>Favorable</u>   |
| 3. <u>White</u>  | <u>Kruse</u>   | <u>RC</u> | <u>Pre-meeting</u> |

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 92 addresses retaliatory actions taken against an employee for disclosing to the Commission on Ethics (Commission) violations of:

- The Code of Ethics for Public Officers and Employees (part III, ch. 112, F.S.);
- Article II, section 8 of the State Constitution;
- Certain standards of conduct for the Public Service Commission and the Public Service Commission Nominating Council;
- Certain standards of conduct for the Florida Gaming Control Commission;
- Restrictions on use of public funds to retain lobbyists; and
- Requirements for the use of, and procurement for, state means of transportation.

Under the bill, a public officer, public employee, or local government attorney breaches public trust if he or she initiates, or uses his or her influence and position to cause another to initiate, an adverse personnel action against an agency employee or independent contractor in retaliation for a disclosure of an ethical violation.

If an employee is discharged, disciplined, or subjected to other adverse personnel action as a result of his or her disclosure, the employee may file a complaint for such retaliatory actions with the Commission. Upon receiving a notice that the Commission terminated its investigation into the alleged retaliatory action, a complainant may pursue an administrative remedy or file a civil action. The bill lists available relief.

The bill provides that, upon a written request, the Commission shall provide a copy of the complaint for ethical violations, and any timely amendments thereto, to Public Employee Relations Commission, the person who filed the ethics complaint, or a current or former employee of the alleged violator who is identified in the text of the complaint or amendment thereto. The Commission, prior to releasing the complaint, must redact any designations regarding an ongoing ethics investigation, the records of which are protected from public records disclosures.

The bill takes effect January 1, 2027.

## **II. Present Situation:**

### **Ethical Standards & the Public Trust**

The people of the state of Florida “have the right to secure and sustain [public trust] against abuse.”<sup>1</sup> As the Florida Supreme Court has stated, the right to a secure public trust requires the State to protect the public’s right to know an official’s interest, deter corruption and conflicting interest, create public confidence in Florida’s public officials, and assist in detecting and prosecuting officials who violate the law and ethical standards.<sup>2</sup> The State Constitution further requires the Legislature to adopt a code of ethics for state employees to prohibit conflicts between public duty and private interest.<sup>3</sup>

A breach of public trust is a breach of the ethical standards placed on public employees and officers, and encompasses violations of:

- The “Sunshine Amendment” and other constitutional provisions governing public officials’ conduct;
- The Code of Ethics for Public Officers and Employees (Code of Ethics), part III, ch. 112, F.S.;
- Restrictions on agencies’ use of public funds to retain lobbyists;
- Standards of conduct for the Public Service Commission and its nominating council;
- Standards for the procurement relating to and use of state motor vehicles and aircraft;
- Standards of conduct for the Florida Gaming Control Commission; and
- Gift and honoraria laws.<sup>4</sup>

### ***The State Constitution Sunshine Amendment***

The Sunshine Amendment addresses potential conflicts between the public duties of state employees and officers and their private interests, especially private monetary interests. Under the Sunshine Amendment, elected constitutional officers, candidates for such offices, and other designated persons must file full and public disclosure of their financial interests and campaign finances. Public officers during, and for a certain period following their tenure, are prohibited from personally representing another individual before government bodies or being paid to lobby

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<sup>1</sup> FLA. CONST. art. II, s. 8.

<sup>2</sup> *Plante v. Smathers*, 372 So. 2d 933, 937 (Fla. 1979) (discussing FLA. CONST. art. II, s. 8).

<sup>3</sup> FLA. CONST. art. III, s. 18

<sup>4</sup> Rule 34.50015, F.A.C.; Florida Commission on Ethics, *Ethics Laws*, <https://ethics.state.fl.us/Research/EthicsLaws.aspx> (last visited Oct. 28, 2025).

on another's behalf. Public officers and employees are additionally prohibited from using their office or position for disproportional personal benefit.

***The Code of Ethics (Part III, Chapter 112, F.S.)***

The Code of Ethics establishes statutory ethical standards for public officials and employees and applies to officers and employees of the state or a political subdivision.<sup>5</sup> The Code of Ethics serves as both a guide for the official conduct of public servants as well as a basis for discipline of those who violate its provisions.<sup>6</sup> Various activities by public officers and employees are limited or prohibited by the Code of Ethics, including:

- Soliciting or accepting gifts;
- Doing business with any entity in which the officer or employee or his or her spouse or child has a position or interest;
- Accepting any unauthorized compensation, payment, or thing of value;
- Corruptly using his or her official position to secure a special privilege, benefit, or exemption for him- or herself or others;
- Having or holding any employment or contractual relationship that conflicts with his or her public position;
- Using information gained by reason of his or her official position for personal gain;
- Representing another person or entity before the government body or agency of which the individual served for a specified period following vacation of office;
- Holding dual-offices simultaneously;
- Serving on a professional and occupational licensing board while serving as a member of a state examining or licensing board for the profession or occupation; and
- Lobbying by certain officers before a specified time.<sup>7</sup>

The Code of Ethics also requires lobbyists who regularly engage in lobbying to disclose their identity, expenditures, and activities, even if their lobbying is done by solicitation of others to engage in such efforts.<sup>8</sup>

***Restrictions on Agencies' Use of Public Funds to Retain Lobbyist***

Section 11.062, F.S., prohibits executive, judicial, and quasi-judicial departments and agencies from using state funds to pay for lobbying. While a department of the executive branch, a state university, a community college, or a water management district may not use public funds to retain a lobbyist to represent it before the legislative or executive branch, their full-time employees may register and serve as a lobbyist for their employer.

The Commission on Ethics investigates potential violations of s. 11.062, F.S.<sup>9</sup>

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

<sup>6</sup> Section 112.311(5), F.S.

<sup>7</sup> Sections 112.311(2) and (3), and 112.313, F.S.; *see also* 9 FLA. JUR. 2D CIVIL SERVANTS s. 168 *Standards of conduct for public officers and employees* (2024).

<sup>8</sup> Section 112.311(3), F.S.

<sup>9</sup> Florida Commission on Ethics Rule 34.50015.

***Standards of Conduct for the Public Service Commission and the Public Service Commission Nominating Council***

Florida Statutes provide for standards of conduct for commissioners and employees of the Public Service Commission as well as those serving on its Nominating Council.<sup>10</sup> These standards prohibit members of the council and commission, as well as their spouses, from engaging in any potential direct or indirect financial benefit from entities regulated by the commission. In addition, commissioners and employees of the Public Service Commission may not represent regulated entities in actions before the commission for a set amount of time after leaving the commission. Commissioners are additionally prohibited from entertaining certain ex parte communications concerning the merits, threat, or offer of reward in any currently pending proceeding.

The Commission on Ethics has the authority to accept and investigate alleged violations of these standards of conduct by the members or employees of the Public Service Commission or its Nominating Council.

***Standards of Conduct for the Florida Gaming Control Commission***

Section 16.715, F.S., sets forth standards of conduct for commissioners and employees of the Florida Gaming Control Commission (FGC). Commissioners and employees must behave professionally, avoid impropriety, and act in a manner that promotes public confidence in the impartiality and integrity of the commission.

Commissioners and employees may not accept anything from any business or entity affiliated with or that is before the commission or regulated by the commission. Nor may FGC commissioners or employees accept special financial benefits or free food at conferences that are not available to all conference participants. A commissioner may not serve as a representative, officer, or employee of a political party or any executive committee or governing body of a political party. Nor may a commissioner receive remuneration for activities on behalf of a candidate or otherwise participate in the solicitation of votes for a candidate. Commissioners are additionally prohibited from entertaining certain ex parte communications concerning the merits, threat, or offer of reward in any currently pending proceeding. A former commissioner or employee cannot represent an entity or person regulated by the commission for two years after their service with the FGC ends.

The Commission on Ethics has the authority to accept and investigate alleged violations of s. 16.715, F.S.

***Use of State Motor Vehicles and Aircraft***

Part III, ch. 287, F.S., governs the use and procurement of means of transportation for officers and employees of the executive and judicial branches of state government. Such state officers and employees may only purchase or continue to pay for the lease of state motor vehicles with funds appropriated by the Legislature for that purpose. Additional requirements provide for oversight by the Department of Management Services, limitations on the types and use of the vehicles, and repairs and service of the vehicles. Any violation of the standards for acquiring,

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<sup>10</sup> See ss. 350.031, 350.04, 350.041, 350.042, and 350.0605, F.S.

funding, and using vehicles constitutes a misuse of public position and breach of public trust. The Chief Financial Officer reports suspected violations to the Commission on Ethics who has the authority to investigate possible violations of public trust.<sup>11</sup>

### ***Gift and Honoraria Laws***

Various statutes address public officers or employees accepting expenditure, gifts, or other honoraria and require the public disclosure of any financial benefit or gifts received. The Commission on Ethics investigates any violations of these laws.

### **The Commission on Ethics & Investigation Into Breaches of Ethics Standards and the Public Trust**

The Commission on Ethics (Commission) has the constitutional duty to investigate “all complaints concerning breach of public trust by public officers or employees not within the jurisdiction of the judicial qualifications commission.”<sup>12</sup> To this end, the Commission reviews and investigates possible violations of the State’s ethics laws by state and local elected or appointed public officers and public employees and others designated by Florida law. The Commission’s jurisdiction is limited to individual public officers and employees and does not extend to open meetings or public records laws, residency requirements, elections laws, or to judges, federal officials, or most employees or officers of private companies or attorneys in private practice.<sup>13</sup> The Commission must complete an investigation, including the probable cause determination, within one year of receiving a complaint.<sup>14</sup>

### ***Initiating an Investigation***

The Commission on Ethics investigates written, sworn complaints of alleged breaches of public trust upon receipt of a written complaint executed on a form prescribed by the Commission and signed under oath or affirmation, or upon receipt of a written referral of a possible violation from the Governor, the Department of Law Enforcement, a State Attorney, or a United States Attorney.<sup>15</sup> Within 30 days of receiving a complaint or referral, the Commission must conduct a preliminary investigation into the legal sufficiency of the complaint or referral and determine whether there is probable cause that a violation has occurred.

Any individual can submit a complaint, but the complaint must be based upon personal knowledge or information other than hearsay,<sup>16</sup> and made within five years of the alleged breach of public trust.<sup>17</sup> Complainants have 60 days from when the Commission receives the original complaint to amend the complaint.<sup>18</sup> Within five days of receiving the complaint, the Commission must forward a copy of the complaint to the alleged violator.<sup>19</sup>

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<sup>11</sup> Section 287.175, F.S.

<sup>12</sup> FLA. CONST. art. II, s. 8(g); *see* s. 112.320, F.S. (other ethical standards).

<sup>13</sup> *Id.*; Florida Commission on Ethics, *Complaints* (Updated Oct. 9, 2024), <https://ethics.state.fl.us/Complaints/Complaints.aspx> (last visited Dec. 9, 2025).

<sup>14</sup> Sections 112.311-112.3261, F.S.

<sup>15</sup> Section 112.324(1), F.S.

<sup>16</sup> Section 112.324(1)(a), F.S.

<sup>17</sup> Section 112.3231(1), F.S.

<sup>18</sup> Section 112.324(3)(a), F.S.

<sup>19</sup> Section 112.324(1), F.S.



Staff of the Commission conduct a technical and clerical review upon receipt of the complaint by staff of the Commission. If the complaint is incomplete or alleges a matter or names a person not within the jurisdiction of the Commission, the complaint is returned to the complainant identifying the defect.<sup>20</sup> Only complaints that pass the technical and clerical review are forwarded.<sup>21</sup>

After the technical and clerical review, the complaint is reviewed to determine whether the complaint is legally sufficient to allege a breach of public trust. Complaints are sufficient if the allegations by the complainant, if true, may constitute a breach of public trust, and each element of the statute to be investigated, except elements pertaining to mental state, intent, or knowledge of an individual, is supported by information in the complaint that is based on personal knowledge of the complainant or information other than hearsay.<sup>22</sup>

If the complaint is legally sufficient, the Executive Director of the Commission orders an investigation.<sup>23</sup>

### ***Preliminary Investigation***

Within 30 days of receiving a technically and legally sufficient complaint, the Commission must conduct a preliminary investigation to determine whether there is probable cause that a violation has occurred.<sup>24</sup> Investigations are conducted by Commission staff, by personnel of the Department of Legal Affairs, or by any other person or agency designated by the Commission.<sup>25</sup>

During the investigation, the Commission may subpoena witnesses and compel their attendance and testimony, administer oaths and affirmations, take evidence, and require by subpoena the production of any books, papers, records, or other relevant items.<sup>26</sup> The Commission may also call upon appropriate agencies of state government for such professional assistance as may be needed in the discharge of its duties.<sup>27</sup> If any person called to give evidence in a proceeding before the Commission refuses to give evidence because of a claim of possible self-incrimination, the Commission, with the written authorization of the appropriate state attorney, may apply to the chief judge of the appropriate judicial circuit for a judicial grant of immunity ordering the testimony or other evidence of such person notwithstanding his or her objection, but in such case no testimony or other information compelled under the order, or any information directly or indirectly derived from such testimony or other information, may be used against the witness in any criminal proceeding.<sup>28</sup>

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<sup>20</sup> Rule 34-5.002(2), F.A.C.

<sup>21</sup> Rule 34-5.001(4), F.A.C.

<sup>22</sup> Rule 34-5.002(1) and (2), F.A.C.; see s. 112.324(1)(a), F.S.

<sup>23</sup> Rule 34-5.002(3) and (4), F.A.C.

<sup>24</sup> Section 112.324(3)(a), F.S.

<sup>25</sup> Rule 34-5.004, F.A.C.

<sup>26</sup> Section 112.322(4), F.S.

<sup>27</sup> Section 112.322(6), F.S.

<sup>28</sup> Section 112.3232, F.S.

### Investigatory Report

Within 150 days of the order to conduct the investigation, the investigator provides an investigatory report to the Commission.<sup>29</sup> The report contains a narrative account of all pertinent information obtained through interviews of witnesses, documentary evidence, or other sources and must include a discussion of any conflicts in the evidence. The report cannot contain any determination or speculation with respect to whether the evidence indicates a breach of public trust, nor may the report make any recommendations.<sup>30</sup> The investigator keeps an investigatory file maintained in the office of the Commission. The investigatory file must include:

- Copies of all documents obtained during the course of the investigation;
- Tape recordings of interviews with witnesses and, if no recording is made, a summary of the interview;
- A list of the names and addresses of all persons actually interviewed;
- Any other relevant documents; and
- The investigator's report(s) to the Commission.<sup>31</sup>

The investigatory report is sent to the alleged violator and to counsel representing the Commission within five days. Counsel representing the Commission then has 15 days to recommend to the Commission the disposition of the complaint. The counsel's report is forwarded to the alleged violator within five days and the violator has 14 days to respond.<sup>32</sup> The Commission, once it receives counsel's recommendations, schedules a probable cause hearing.<sup>33</sup>

### Informal Disposition

Informal disposition of the complaint may be made via stipulation, agreed settlement, or consent order between counsel for the Commission and the alleged violator, so long as the Commission approves in a public meeting and finds that the settlement is in the best interest of the state.<sup>34</sup> The Commission can only deviate or reject stipulations and settlements recommended by counsel via a two-thirds vote. The Commission cannot impose a penalty via settlement.<sup>35</sup>

### Probable Cause Determination

No matter the outcome, the probable cause determination ends the preliminary investigation. If the Commission does not find probable cause, it dismisses the matter and provides the complainant and alleged violator a public report stating with particularity its reasons for dismissal. At that time, the complaint or referral and all materials relating to the complaint or referral become a matter of public record.<sup>36</sup>

If the Commission finds probable cause to believe a violation has occurred, it must send the alleged violator and complainant an order finding probable cause in writing within five days.<sup>37</sup>

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<sup>29</sup> Section 112.324(3)(b), F.S.

<sup>30</sup> Rule 34-5.004(7), F.A.C.

<sup>31</sup> Rule 34-5.004(8), F.A.C.

<sup>32</sup> Section 112.324(3)(b), F.S.

<sup>33</sup> Section 112.324(3)(c), F.S.

<sup>34</sup> Section 112.324(3)(h), F.S.; Rule 34-5.020, F.A.C.

<sup>35</sup> Section 112.324(3)(h), F.S.

<sup>36</sup> Section 112.324(3)(d), F.S.

<sup>37</sup> Section 112.324(3)(e), F.S.

Prior to a probable cause determination, the complaint and records relating to the preliminary investigation are confidential and exempt from public records disclosure requirements unless the complaint is dismissed as legally insufficient or the alleged violator requests in writing that the records be made public. During the same time, related proceedings are exempt from open meetings requirements.<sup>38</sup>

### ***Rights of Respondents***

An alleged violator may request in writing to have a public hearing within 14 days of the mailing date of the probable cause notification. The alleged violator may elect to have a formal hearing before the Division of Administrative Hearings or an informal investigation before the Commission.<sup>39</sup> Informal hearings before the Commission must happen within 75 days of the probable cause determination.<sup>40</sup> During a probable cause hearing, the alleged violator may make brief oral statements, similar to oral argument, to the Commission.<sup>41</sup> An alleged violator has the right to request a hearing before the Commission to present oral or written testimony in response to the allegations.<sup>42</sup> The alleged violator may appear on their own behalf or representation of counsel, and, within a reasonable timeframe, move for dismissal if the Commission lacks proper jurisdiction.<sup>43</sup>

### ***Investigations Into Facts Discovered During the Preliminary Investigation***

An investigator may uncover during his or her investigation facts materially and not materially related or relevant to the underlying complaint. The Commission must investigate all facts materially relevant to the complaint,<sup>44</sup> including facts that tend to show additional incidents of ethical violations that (1) are separate instances of the same or similar conduct; or (2) arise out of or in connection with the allegations in the complaint.<sup>45</sup> Materially relevant facts are included in the investigatory report.

If, during an investigation, an investigator uncovers evidence of a wrongful act not materially related to the complaint at issue, he or she shall report such evidence to the Commission in a separate report. The Commission may forward the information to the appropriate disciplinary or law enforcement authority, but the wrongful act is not further investigated by the investigator in the absence of a complaint with respect thereto.<sup>46</sup> If the disciplinary authority chooses to file a complaint with the Commission upon receiving the information, such complaint is treated as a separate complaint.<sup>47</sup>

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<sup>38</sup> *Id.*; see Florida Office of the Attorney General, *Government-In-The-Sunshine Manual: 2025 Edition*, pp. 26, 99.

<sup>39</sup> Section 112.324(3)(e), F.S.

<sup>40</sup> Section 112.324(3)(f), F.S.

<sup>41</sup> Rule 34-5.006(5), F.A.C.

<sup>42</sup> Section 112.322(2)(a), F.S.

<sup>43</sup> Rule 34-5.0054(1), F.A.C.; Rule 34-5.005, F.A.C.

<sup>44</sup> Rule 34-5.0043, F.A.C.

<sup>45</sup> Rule 34-5.0043(1), F.A.C.

<sup>46</sup> Rule 34-5.004(4), F.A.C.

<sup>47</sup> *See id.*

### ***Penalties***

In addition to any civil or criminal penalty for the underlying conduct, violations of the ethical standards investigated by the Commission may be punishable by one or more of the following:

- For public officers: impeachment, removal or suspension from office, public censure and reprimand, forfeiture of up to one-third of his or her salary for up to one year, a civil penalty of no more than \$20,000, and restitution of any pecuniary benefits received because of the violation committed.
- For public employees: dismissal, suspension of up to 90 days without pay, demotion, reduction in salary, public censure and reprimand, forfeiture of up to one-third of his or her salary for up to one year, a civil penalty of no more than \$20,000, and restitution of any pecuniary benefits received because of the violation committed.
- For candidates: disqualification from being on the ballot, public censure, reprimand, and a civil penalty of no more than \$20,000.
- For former public officers and employees: public censure and reprimand, a civil penalty of no more than \$20,000, and restitution of any pecuniary benefits received because of the violation committed.<sup>48</sup>

In certain violations, public employees and officers may also forfeit all rights and benefits under any public retirement system of which he or she is a member, except for the return of his or her accumulated contributions as of the date of termination.<sup>49</sup>

Complainants who file complaints with a malicious intent to injure the reputation of the officer, employee, or candidate who is the subject of the complaint may be liable for costs and reasonable attorney's fees.<sup>50</sup>

### **The Florida Commission on Human Relations (CHR)**

The Florida Commission on Human Relations (CHR) is housed within the Department of Management Services but is not subject to any control or supervision by or direction from the department.<sup>51</sup> The CHR is comprised of 12 individuals who are appointed by the Governor and confirmed by the Senate. The members must broadly represent various racial, religious, ethnic, social, economic, political, and professional groups in Florida.<sup>52</sup>

The Legislature created the CHR to administer the predecessor to the Florida Civil Rights Act of 1992 and the Florida Fair Housing Act.<sup>53</sup> The CHR's jurisdiction was later expanded to take over the responsibilities for administering the public WBA. In accordance with and for the sole purpose of the, WBA, the CHR may:

- Protect employees and applicants for employment from personnel actions prohibited under the WBA;

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<sup>48</sup> Section 112.317(1), F.S.

<sup>49</sup> Section 112.3173, F.S.

<sup>50</sup> Section 112.317(7), F.S.

<sup>51</sup> Section 760.04, F.S.

<sup>52</sup> Section 760.03, F.S.

<sup>53</sup> Chapter 760, F.S., Part II. *Cf.* ch. 83-221, ss. 1 and 9, Laws of Fla. (creating the Fair Housing Act and assigning the duty of administration to the commission) *and* ch. 69-287 s. 1 (creating the original civil rights laws in Florida and assigning the commission to administer such laws).

- Petition for stays and for corrective actions, such as temporary reinstatement;
- Recommend disciplinary proceedings pursuant to investigation and appropriate agency rules and procedures;
- Forward to appropriate entities, including the Florida Department of Law Enforcement, potential violations of any law, rule, or regulation;
- Administer oaths, examine witnesses, take statements, issue subpoenas, order the taking of depositions, order responses to written interrogatories, and make appropriate motions to limit discovery;
- Intervene or otherwise participate in any appeal or other proceeding arising under the statute before the Public Employees Relations Commission or any other appropriate agency; and
- Conduct investigations even in the absence of a complaint.<sup>54</sup>

The CHR may petition for an award of attorney's fees and expenses from a state agency.<sup>55</sup>

### **Appeals of WBA Decisions**

State agency employees must first report prohibited retaliatory actions to the CHR. Within 21 days of receipt of a notice of termination of investigation by the CHR, the complainant may file a complaint with the Public Employees Relations Commission or seek judicial review.<sup>56</sup>

### ***The Public Employees Relations Commission***

The Public Employees Relations Commission (PERC) helps in resolve disputes between public employees and public employers.<sup>57</sup> Part II, Chapter 447, F.S., designates the PERC as having preemptive jurisdiction in resolving labor disputes between public employers and public employees.<sup>58</sup> There are state employees who have civil service privileges under the Florida Constitution concerning discipline, such as discharge, demotion and suspensions. They have the right to appeal these actions to the PERC which will appoint a hearing officer to hold an evidentiary hearing to determine if there was cause for the discipline and, in certain cases, whether the discipline should be mitigated.

Florida public employees have the right to form, join, and participate in, or to refrain from forming, joining, or participating in, any employee organization of their own choosing.<sup>59</sup> The PERC additionally reviews and addresses disputes about the composition of bargaining units and alleged unfair labor practices; oversees the registration of public employee collective bargaining units; and conducts elections when public employees express the desire to be represented by a union.

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<sup>54</sup> Section 112.31895(3)(a), F.S.

<sup>55</sup> Section 112.31895(3)(j), F.S.

<sup>56</sup> Section 112.31895(4), F.S.

<sup>57</sup> Section 447.201, F.S.

<sup>58</sup> *Maxwell v. Sch. Bd. of Broward Cnty.*, 330 So. 2d 177, 179 (Fla. 4th DCA 1976).

<sup>59</sup> Section 447.301, F.S.

### ***Preclusion of Remedies***

A public employee may not elect to pursue remedies through a WBA action against an employer and through a collective bargain grievance procedure.<sup>60</sup>

### **Florida Private Sector Whistleblower's Act**

Florida has two whistleblower laws with different requirements, one for the public-sector (the WBA) and one private-sector law. Unlike the WBA, the private-sector law affords private employees an immediate remedy via civil court. Chapter 448, F.S., provides general labor provisions for employers and employees in Florida. More specifically, ss. 448.101-448.105, F.S., the Private Sector Whistleblower's Act, prohibit retaliatory attacks on employees in private workplaces who disclose illegal workplace practices and provide the remedies and rights that flow from that prohibition.

Under Florida's Private Sector Whistleblower's Act, employees are protected from retaliatory actions for disclosing or threatening to disclose an activity, policy, or practice of the employer that is in violation of a law, rule, or regulation adopted by any federal, state, or local governing body. An employer, for Florida's Private Sector Whistleblower's Act, is limited to a *private* individual, partnership, institution, corporation, or association that employs ten or more persons.<sup>61</sup>

It is unclear if this protection extends to employees who, in good faith, report a lawful activity, policy, or practice they believe is unlawful.<sup>62</sup> To be covered by Florida's Private-Sector Whistleblower's Act, an employee must:

- Refuse to participate in unlawful activity, policy, or practice;
- Cooperate with an investigating governmental agency; or
- Disclose the unlawful activity, policy, or practice, to an appropriate governmental agency in writing and under oath. In this instance, the employee must first, in writing, bring the unlawful activity, policy, or practice to the private employer's attention and provide the employer a reasonable opportunity to correct the activity, policy, or practice.

An employee subjected to retaliatory actions in violation of Florida's Private Sector Whistleblower's Act may file a civil action in court; the employee need not engage in administrative procedures like those in the WBA. The CHR does not have jurisdiction over violations of Florida's Private Sector Whistleblower's Act

### ***Overlap with the Public-Sector Whistle-blower's Act (WBA)***

Employees of independent contractors are not precluded from filing an action under both the public-sector Whistle-blower's Act (WBA) and Florida's Private-Sector Whistleblower's Act.

<sup>60</sup> *Taylor v. Pub. Employees Relations Com'n*, 878 So. 2d 421 (Fla. 4th DCA 2004)

<sup>61</sup> Section 448.101(3), F.S.

<sup>62</sup> The First and Second District Court of Appeals' opinions conflict with the Fourth District's. See *Gessner v. Southern Co.*, 396 So. 3d 908, 910 (Fla. 1st DCA 2024) (holding that the conduct must actually be unlawful); *Kearns v. Farmer Acquisition Co.*, 157 So. 3d 458, 465 (Fla. 2d DCA 2015) (same); *contra Aery v. Wallace Lincoln-Mercury, LLC*, 118 So. 3d 904, 916 (Fla. 4th DCA 2013) (holding a good faith belief that the activity was illegal, whether or not actually illegal, invokes the protections of the private-sector whistle-blower's act).

The fact that an employer might be independent contractor of the state is incidental and does not exclude employer's actions from private-sector whistleblower act. The WBA does not claim to be an exclusive remedy for employees of independent contractors of state agencies. Both the WBA and Florida's Private-Sector Whistleblower's Act specifically state that their provisions did not diminish rights, privileges, or remedies of employees under any other law or rule.<sup>63</sup>

Moreover, there may be instances in which the WBA provides protections to employees of independent contractors that are not available under Florida's Private-Sector Whistleblower's Act. As mentioned above, Florida's Private-Sector Whistleblower's Act protects an employee's disclosures of unlawful conduct by his or her *private* employer. The WBA's protections extend to disclosures by an employee or agent of an agency or independent contractor. The alleged wrong-doer does not, under the WBA, need to be the employee's actual employer.

### **Public Records**

The State Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.<sup>64</sup> 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.<sup>65</sup> 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*.<sup>66</sup> 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.<sup>67</sup> Records designated as "exempt" may be released at the discretion of the records custodian under certain circumstances.<sup>68</sup>

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

The bill provides protections against retaliation to government employees, applicants for employment with agencies, and employees of private employers doing business with state or local government, for their disclosures of alleged violations of certain standards of conduct and ethical obligations of public employees and officers.

Specifically, the bill protects disclosure of any violation or suspected violation of:

- The Code of Ethics for Public Officers and Employees;
- The Sunshine Amendment and other constitutional provisions relating to public officials' conduct;
- Restrictions on agencies' use of public funds to retain non-employee lobbyists;

<sup>63</sup> *Dahl v. Eckerd Family Youth Alternatives, Inc.*, 843 So. 2d 956 (Fla. 2d DCA 2003).

<sup>64</sup> FLA. CONST. art. I, s. 24(a).

<sup>65</sup> *Id.* See also, *Sarasota Citizens for Responsible Gov't v. City of Sarasota*, 48 So. 3d 755, 762-763 (Fla. 2010).

<sup>66</sup> *WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).

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

<sup>68</sup> *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

- Standards of conduct for the Public Service Commission and the Public Service Commission Nominating Council;
- Standards of conduct for the Florida Gaming Control Commission;
- Requirements for the use, purchase, and lease of state motor vehicles and aircraft; and
- Gift and honoraria laws.

The bill additionally makes instigating such retaliatory actions a violation of the standards of conduct for public officers, employees of agencies, and local government attorneys

Adverse personnel action includes the discharge, suspension, transfer, or demotion of any employee or the withholding of bonuses, the reduction in salary or benefits, or any other adverse action taken against an employee within the terms and conditions of employment.

The protections against retaliatory acts are only provided for information disclosed to the Commission on Ethics. Thus, if the information is disclosed through other channels, even if such channel is elsewhere permitted in law, these protections do not apply.

### **New Ethics Standard**

**Section 1** adds to the standards of conduct for public officers, employees of agencies, and local government attorneys, a prohibition against taking retaliation against an agency employee or independent contractor for protected activity. A public officer, public employee, or local government attorney breaches the public trust if he or she initiates an adverse personnel action against an agency employee or independent contractor who has engaged in a protected activity by an exercise of the public officer's, public employee's, or local government attorney's ultimate decisionmaking authority or a grant of his or her approval. It is also a breach of the public trust for a public officer, public employee, or local government attorney to use his or her position to cause another to initiate such an adverse personnel action, if the protected activity is the primary reason motivating the adverse personnel action.

"Protected activity" means submitting a written complaint to the Commission executed on the form specified in s. 112.324(1) and signed under oath or affirmation or providing information to an investigator during an investigation of a complaint or referral. This would encompass complaints for violations of ethical standards for public employees and officers.

"Exercise of ultimate decisionmaking authority" or "grant of approval" means having and using the authority to commence an adverse personnel action.

The communication or execution of an adverse personnel action initiated by another's ultimate decisionmaking authority or grant of approval does not constitute an exercise of one's ultimate decisionmaking authority or a grant of one's approval.

### **Protections Against Retaliation**

This bill provides a basis for any employee or individual who faces retaliatory actions for such disclosures to file a complaint with the Commission. These protections cover retaliation taken as a result of specific disclosures to the Commission on Ethics. These protections and procedures



closely follow similar protections against retaliation provided in the Whistle-blower's Act for public employees (WBA), but this bill extends the protections to additional ethical complaints not covered by the WBA.

The protections only apply to complaints filed with, or assistance provided to, the Commission on Ethics. The complaint must be provided in writing on a form prescribed by the Commission and signed under oath or affirmation.

The bill's protections do not apply where an individual makes false disclosures in bad faith or participates in the underlying violation.

### ***Definitions***

An "agency," under the bill, is any state, regional, county, local, or municipal governmental entity, whether executive, legislative, or judicial; any official, officer, department, division, bureau, commission, authority, or political subdivision therein; or any public school, community college, or state university. Unless otherwise noted, agency refers to local and state level public entities. Independent contractors are private persons doing business with an agency.

These definitions closely mirror the WBA.

### ***"Investigative Procedures" Established by this Bill to Obtain Remedies***

The procedures established for investigating whether remedies are available that are created by this bill closely mirror procedures in the WBA.

The bill allows employees of, and applicants for employment with, agencies<sup>69</sup> who are subject to adverse personnel actions in violation of this bill to file a complaint with the Commission in order to claim the remedies and relief available under this bill. Complainants have 60 days from the prohibited adverse personnel action to file a complaint with the Commission, which must acknowledge receipt of the complaint within five working days.

The Commission provides copies of the complaint and any other preliminary information available concerning the disclosure to the employer, who shall acknowledge receipt to the complainant. The Commission conducts an informal fact-finding into legally sufficient complaints to the extent necessary to determine whether there are reasonable grounds to believe that a prohibited personnel action has occurred, is occurring, or will occur. Within 180 days of receiving the complaint, the Commission provides the fact-finding report, which may include recommended resolution, to the agency head or independent contractor and the complainant.

If the Commission determines there is no reasonable grounds, it terminates its investigation.

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<sup>69</sup> In this instance, the bill refers to the definition of state agency in s. 216.011, F.S.: "any official, officer, commission, board, authority, council, committee, or department of the executive branch of state government. For purposes of this chapter and chapter 215, "state agency" or "agency" includes, but is not limited to, state attorneys, public defenders, criminal conflict and civil regional counsel, capital collateral regional counsel, the Justice Administrative Commission, the Florida Housing Finance Corporation, and the Florida Public Service Commission."

If the Commission determines that reasonable grounds exist, it must report that determination, with a fact-finding report, to the agency head or independent contractor and the complainant. If the agency or independent contractor implements a corrective action in response to the Commission's fact-finding report, the Commission terminates its investigation. If the agency or independent contractor does not implement a corrective action within 35 days, the Commission still terminates its investigation and, along with a notice of termination, notifies the complainant of his or her right to appeal. The complainant may, within 21 days after receipt of a notice to terminate an investigation, may file a complaint regarding the alleged prohibited personnel action with the Public Employees Relations Commission. The complainant may also seek judicial review.

An employing agency or independent contractor cannot take disciplinary action against an employee for reporting an alleged prohibited personnel action that is under investigation, or for reporting any related activity, or against an employee for participating in an investigation, without notifying the Commission.

The bill provides an affirmative defense to employers to justify the adverse action by showing the action was predicated on other grounds and would have been taken absent the employee or person's exercise of rights under the section.

### ***Relief From Retaliatory Actions***

The relief for an employee or applicant who successfully brings a complaint for a violation of this bill must include:

- Reinstatement of the employee to the same position held before the adverse action was commenced or to an equivalent position or reasonable front pay as alternative relief;
- Reinstatement of the employee's full fringe benefits and seniority rights as appropriate;
- Compensation, if appropriate, for lost wages, benefits, or other lost remuneration caused by the adverse action;
- Payment of reasonable costs, including attorney's fees; and
- Issuance of an injunction, if appropriate, by a court of competent jurisdiction.

An employee, except for a municipal employee, may also be temporarily reinstated to his or her former position or equivalent position pending the final outcome on the complaint, so long as the court or Commission on Human Relations determines that the disclosure was not made in bad faith and the agency initiated the personnel action after the disclosure to the Commission on Ethics. Such personnel action, to qualify, cannot include documentation of the employee's violation of a disciplinary standard or performance deficiency.

A prevailing employer may receive attorney's fees if the employee filed a frivolous action in bad faith.

The bill explicitly states that it does not diminish the rights, privileged, or remedies of an employee under other law or rule or under any collective bargaining agreement or employment contract. The election of remedies in s. 447.401, F.S., however, does apply to actions under this section. Section 447.401, F.S., addresses labor organizations and bargaining agents for public employees.

## **Release of the Complaint by the Commission on Ethics**

**Section 3** of the bill requires the Commission on Ethics to release a complaint for violations of ethical standards, and timely amendments thereto, to:

- An agency conducting an investigation of a claim asserted under the bill. The agency must submit a written request to the commission;
- The person who filed the complaint upon receiving a notarized, written request; and
- A person who identifies himself or herself as a current or former employee or independent contractor of the agency or individual that allegedly violated the ethical standard. In this instance, the commission must receive a notarized, written request.

Typically, such complaint would be exempt from disclosures under s. 112.324(2)(a)-(d), F.S., however this bill allows the Commission on Ethics to release the information notwithstanding and without affecting the public records exemption. Prior to releasing the complaint, however, the Commission on Ethics must redact any designations regarding an ongoing ethics investigation, where the records of that investigation are exempt from public records disclosures. These designations include, but are not limited to, date stamps, receipt stamps, and complaint serial numbers.

## **Miscellaneous**

The bill provides legislative intent to protect employees who report violations of the Code of Ethics for Public Officers and Employees, found in ss. 112.311 to 112.3261, F.S., or article II, section 8 of the State Constitution, from retaliatory actions, and to additionally protect any person who discloses information to an appropriate agency regarding alleged breaches of public trust or violations of article II, section 8 of the State Constitution on the part of an agency, public officer, or employee. This intent mirrors the legislative intent provided for in the WBA but is tailored to the protection of disclosures of ethical violations.

The bill gives the Commission the power to adopt rules as necessary to implement the “investigative procedures” prescribed in the bill.

**Section 5** reenacts s. 112.313, F.S., to incorporate other amendments made in the bill.

**Section 6** provides the act takes effect on January 1, 2027. This gives the Commission on Ethics time to promulgate the necessary rules to administer the bill.

## **IV. Constitutional Issues:**

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

Not applicable. The mandate restrictions do not apply because the bill does not require counties and municipalities to spend funds, reduce the authority of municipalities or counties to raise revenue, or reduce the percentage of state tax shared with counties and municipalities.

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

None identified.

**C. Trust Funds Restrictions:**

None identified.

**D. State Tax or Fee Increases:**

None identified.

**E. Other Constitutional Issues:**

None identified.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None identified.

**B. Private Sector Impact:**

The private sector will likely incur additional costs if private contractors are subjected to the Code of Ethics and other standards of conduct for public officers and employees.

**C. Government Sector Impact:**

The Commission on Ethics will likely see an increase in workload associated with these investigations.

**VI. Technical Deficiencies:**

It is unclear if the “breach of public trust” created in section 1 of the bill encompasses adverse actions taken against employees of independent contractors. Unlike the rest of this bill, section 1 specifically speaks to taking adverse action against an agency employee or independent contractor—rather than an employee of an independent contractor. Consequently, a public employee or officer who uses his or her position to pressure an independent contractor to take adverse employment actions against an employee of said contractor may not be considered an ethics violation. It further is unclear how a public officer or employee could take adverse personnel action prohibited by section 1 against an independent contractor. The Legislature may consider clarifying that the breach of public trust in section 1 extends to actions taken “against an employee of an agency or independent contractor,” at lines 109-110.

Lines 191–199 (section 2) may be inconsistent with lines 274–370 (section 4). Both discuss the same remedial process but identify different protected classes. Section 2 states any “employee of or applicant for employment with an agency,” can use the process outlined in section 4. Section 4, however, makes the process available to an “employee or former employee of an

agency or independent contractor.”<sup>70</sup> While both sections cover agency employees, section 2 also includes agency job applicants, which section 4 does not. Conversely, section 4 includes employees and former employees of independent contractors—as well as former agency employees—which section 2 does not. The Legislature may wish to ensure the protected parties at lines 191-199 matches those discussed in section 4 by referring to “employees and former employees of agencies and independent contractors, and applicants for employment with agencies.”

It appears that the bill may intend to create a new administrative process that precludes filing of a complaint in civil court for action taken in violation of this bill. This, however, is never explicitly stated. Generally, an individual must exhaust contractual and administrative remedies prior to going to court. The Legislature may wish to clarify this point by explicitly stating—after line 358—that the process established in the bill constitutes an administrative process for purposes of exhaustion, including for employees of independent contractors, prior to filing a civil action.

## **VII. Related Issues:**

### **Individuals and Actions Not Protected Under This Bill**

There are various means and channels available to report or disclose ethical violations. The bill, however, only protects complaints and disclosures to the Commission on Ethics (Commission). Thus, if the complainant submits a complaint through other permissible channels these protections do not apply.

For instance, disclosures and complaints made to, and cooperation with, the following are not protected under the bill:

- Local commission on ethics;
- Superiors, managers, and internal processes—this differs from both the WBA and the Private Sector Whistleblower Act;
- The Chief Financial Officer, with whom individuals presumably report violations of the relevant ethical standards for means of transportation for state officers and employees;
- Department of Law Enforcement; and
- Other governmental entities that are charged with investigating or having oversight authority over the alleged ethical violation.

The Legislature may wish to extend protections to reports and disclosures “to an agency or federal government entity having the authority to investigate, police, manage, or otherwise remedy the violation or act,” or appropriate supervisor. This would mirror the language in the WBA.

Additionally, the following are not protected under the bill:

- Refusals to participate in a prohibited retaliatory action—which differs from the WBA; and
- Reports about an employee or commissioner of the Commission on Ethics, because those complaints are not filed with the Commission on Ethics.

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<sup>70</sup> See *e.g.*, lines 278-279, 306-307 (although the latter does not include former employees).

### **Application to “Independent Contractors”**

The legislative intent section, specifically lines 126-137, provides that the bill intends to “prevent agencies or independent contractors from taking retaliatory action against an employee who reports to an appropriate agency any violation of this part or s. 8, Art. II of the State Constitution on the part of a public employer or an independent contractor.” The quoted language appears to hold independent contractors to the standards of conduct for public officers and employees under article II, section 8 of the State Constitution. This may impose additional costs on the private businesses working with state agencies, which in turn may discourage private businesses from working with state agencies. The Legislature may wish to amend the legislative intent section to clearly delineate for whom it intends to impose these ethical standards.

It is unclear whether the bill is intended to expand the Commission’s investigatory authority to include retaliation claims brought by employees of independent contractors—and to recommend remedies—before the matter reaches civil court. Although the bill’s process for determining whether a prohibited personnel action warrants a remedy is similar to the process used by the Commission on Human Relations (CHR) under the WBA, the two are not identical. Notably, the WBA does not appear to grant the CHR jurisdiction to investigate retaliation committed by independent contractors against their employees. As written, the bill seems to require the Commission to assume investigatory responsibility for actions by independent contractors that fall outside both its current authority and the new jurisdiction created in section 1.

The bill also creates uncertainty about the remedial process for employees of independent contractors. Under the WBA, local public employees must file complaints with their local governmental entity, while “any other person protected” may file a civil action only after exhausting applicable contractual and administrative remedies. The bill eliminates these distinctions and appears to subject employees of independent contractors to the same administrative process used for agency employees through the Commission on Ethics.<sup>71</sup>

It is unclear how this new administrative process would interact with contractual remedies referenced in the WBA and generally provided for and discussed in law. Specifically, the bill does not clarify whether its administrative process supersedes those contractual remedies—potentially allowing an employee of an independent contractor to pursue a civil action without first exhausting contractual remedies, so long as the employee follows the procedures established in the bill.

The Legislature may wish to clarify how the Commission’s investigations under this bill apply to independent contractors.

### **VIII. Statutes Affected:**

This bill creates sections 112.3242 and 112.3243 of the Florida Statutes and substantially amends sections 112.313 and 112.324 of the Florida Statutes.

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<sup>71</sup> For further discussion about relevant inconsistency in the bill, see *supra* discussion of lines 191-199 versus section 4 of the bill under Vi. Technical Deficiencies.

**IX. Additional Information:**

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

**CS by Governmental Oversight and Accountability on December 9, 2025:**

The CS makes the retaliatory actions prohibited by the bill an ethical violation itself. As an ethical violation, the Commission on Ethics becomes the appropriate body to investigate.

The amendment makes the Commission on Ethics, instead of the Commission on Human Relations, responsible for determining whether remedies are available and prescribes the procedures for such determination; grants the Commission on Ethics authority make rules; and standardizes the applicable process for employees of and applicants for employment with an agency.

- B. **Amendments:**

None.



602576

LEGISLATIVE ACTION

Senate

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House

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The Committee on Rules (Gaetz) recommended the following:

**Senate Amendment (with title amendment)**

Delete line 109

and insert:

initiates an adverse personnel action against an employee of an  
agency

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

And the title is amended as follows:

Delete line 7

and insert:





602576

12

employees of an agency or independent contractor



925942

LEGISLATIVE ACTION

Senate

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House

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The Committee on Rules (Gaetz) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 191 - 192

and insert:

(7) REMEDIES.—Any employee of an agency who is subjected to  
adverse personnel action

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

And the title is amended as follows:

Delete line 23

and insert:



925942

12

certain employees to file



831306

LEGISLATIVE ACTION

Senate

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House

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The Committee on Rules (Gaetz) recommended the following:

**Senate Amendment**

Delete line 278  
and insert:  
retaliation by an employer, the employee of

By the Committee on Governmental Oversight and Accountability;  
and Senator Gaetz

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1 A bill to be entitled  
2 An act relating to employee protections; amending s.  
3 112.313, F.S.; defining terms; providing that public  
4 officers, public employees, and local government  
5 attorneys commit a breach of the public trust when  
6 they initiate adverse personnel actions against  
7 specified agency employees or independent contractors  
8 under certain circumstances; providing construction;  
9 creating s. 112.3242, F.S.; providing legislative  
10 intent; defining terms; prohibiting agencies and  
11 independent contractors from taking specified actions  
12 against employees or certain persons for disclosing  
13 certain information to the Commission on Ethics;  
14 providing applicability; requiring that information  
15 disclosed include specified violations or alleged  
16 violations; requiring disclosure of specified  
17 information to the commission under specified  
18 circumstances; providing that specified provisions  
19 protect employees and persons who submit written  
20 complaints to the commission or provide information to  
21 an investigator during an investigation of a complaint  
22 or referral; providing applicability; authorizing  
23 certain employees or applicants for employment to file  
24 complaints in accordance with specified provisions;  
25 authorizing certain complainants to pursue a specified  
26 administrative remedy or a civil action within a  
27 specified timeframe; requiring specified relief;  
28 providing applicability; providing that it is an  
29 affirmative defense to certain actions that the

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30 adverse personnel action was predicated on grounds  
31 other than the exercising of certain protected rights;  
32 providing construction; amending s. 112.324, F.S.;  
33 requiring the Commission on Ethics to deliver copies  
34 of complaints and any amendment thereto to the Public  
35 Employees Relations Commission upon receiving a  
36 written request from the agency; providing that such  
37 delivery does not affect specified exemptions in  
38 regard to the complaint and amendments; requiring that  
39 such delivery be within a reasonable timeframe;  
40 requiring that the Commission on Ethics redact certain  
41 information under specified conditions; requiring the  
42 commission to deliver complaints and any amendment  
43 thereto to certain persons upon a notarized written  
44 request; providing that such delivery does not affect  
45 the specified exemptions of the complaint; requiring  
46 that such delivery be within a reasonable timeframe;  
47 requiring that the commission redact certain  
48 information under specified conditions; creating s.  
49 112.3243, F.S.; authorizing certain employees to file  
50 a complaint with the commission within a specified  
51 timeframe; requiring that the commission acknowledge  
52 receipt of such complaint and provide copies of the  
53 complaint and any other information to the agency head  
54 or independent contractor within a specified  
55 timeframe; requiring the commission to conduct  
56 informal fact-finding regarding legally sufficient  
57 complaints and provide, within a specified timeframe,  
58 a certain report to the agency head or independent

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contractor; providing that the commission is empowered to take specified actions; requiring the commission to notify a complainant of the status of the investigation and actions taken when appropriate; requiring the commission to make a certain determination and provide a fact-finding report to specified entities under specified conditions; requiring the commission to file such determination and report with the agency head or independent contractor under specified conditions; requiring the commission to provide a certain notice to specified entities under specified conditions; requiring the commission to terminate investigations under specified circumstances; prohibiting disciplinary action against an employee under specified conditions; authorizing complainants to file a complaint against the employer agency with the Public Employees Relations Commission; providing that such commission has jurisdiction over such complaints; authorizing the Commission on Ethics to adopt rules; reenacting s. 112.3136(1), F.S., relating to standards of conduct for officers and employees of entities serving as chief administrative officer of political subdivisions, to incorporate the amendment made to s. 112.313, F.S., in a reference thereto; providing an effective date.

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

Section 1. Subsection (18) is added to section 112.313,

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Florida Statutes, to read:

112.313 Standards of conduct for public officers, employees of agencies, and local government attorneys.—

(18) RETALIATION FOR PROTECTED ACTIVITY PROHIBITED.—

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

1. "Adverse personnel action" means the discharge, suspension, transfer, or demotion of an employee; the withholding of bonuses or reduction in salary or benefits of an employee; or any other adverse action taken against an employee within the terms and conditions of employment by an agency or independent contractor of an agency.

2. "Exercise of ultimate decisionmaking authority" or "grant of approval" means having and using the authority to commence an adverse personnel action.

3. "Protected activity" means submitting a written complaint to the commission executed on the form specified in s. 112.324(1) and signed under oath or affirmation or providing information to an investigator during an investigation of a complaint or referral.

(b) A public officer, public employee, or local government attorney commits a breach of the public trust when he or she initiates an adverse personnel action against an agency employee or independent contractor who has engaged in a protected activity by an exercise of the public officer's, public employee's, or local government attorney's ultimate decisionmaking authority or a grant of his or her approval, or uses his or her position to cause another to initiate such an adverse personnel action, if the protected activity is the primary reason motivating the adverse personnel action. The

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communication or execution of an adverse personnel action initiated by another's ultimate decisionmaking authority or grant of approval does not constitute an exercise of one's ultimate decisionmaking authority or a grant of one's approval.

Section 2. Section 112.3242, Florida Statutes, is created to read:

112.3242 Adverse action against employee for disclosing information of specified nature to the Commission on Ethics prohibited; employee remedy and relief.-

(1) LEGISLATIVE INTENT.-It is the intent of the Legislature to prevent agencies or independent contractors from taking retaliatory action against an employee who reports to an appropriate agency any violation of this part or s. 8, Art. II of the State Constitution on the part of a public employer or an independent contractor. It is further the intent of the Legislature to prevent agencies or independent contractors from taking retaliatory action against any person who discloses information to an appropriate agency regarding alleged breaches of the public trust or violations of s. 8, Art. II of the State Constitution on the part of an agency, a public officer, or an employee.

(2) DEFINITIONS.-As used in this section and s. 112.3243, unless otherwise specified, the term:

(a) "Adverse personnel action" means the discharge, suspension, transfer, or demotion of any employee or the withholding of bonuses, the reduction in salary or benefits, or any other adverse action taken against an employee within the terms and conditions of employment by an agency or independent contractor.

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(b) "Agency" means any state, regional, county, local, or municipal governmental entity, whether executive, judicial, or legislative; any official, officer, department, division, bureau, commission, authority, or political subdivision therein; or any public school, community college, or state university.

(c) "Employee" means a person who performs services for, and is under the control and direction of, or contracts with, an agency or independent contractor for wages or other remuneration.

(d) "Independent contractor" means a person, other than an agency, who is engaged in any business and enters into a contract, including a provider agreement, with an agency.

(3) ACTIONS PROHIBITED.-

(a) An agency or independent contractor may not dismiss, discipline, or take any other adverse personnel action against an employee for disclosing information protected under this section.

(b) An agency or independent contractor may not take any adverse personnel action that affects the rights or interests of a person in retaliation for the person's disclosure of information protected under this section.

(c) This subsection does not apply when an employee or a person discloses information known by the employee or person to be false or when the employee or person discloses information that forms the basis of an award of costs or attorney fees or both pursuant to s. 112.317(7).

(4) NATURE OF INFORMATION DISCLOSED.-The protected information disclosed under this section must include any violation or suspected violation of:

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175 (a) Any standard of conduct imposed by this part;  
 176 (b) Section 8, Art. II of the State Constitution; or  
 177 (c) Section 11.062, s. 16.715, part II of chapter 287, s.  
 178 350.031, s. 350.04, s. 350.041, s. 350.042, or s. 350.0605.  
 179 (5) TO WHOM INFORMATION IS DISCLOSED.—The information  
 180 disclosed under this section must be disclosed to the  
 181 commission.  
 182 (6) EMPLOYEES AND PERSONS PROTECTED.—This section protects  
 183 employees and persons who submit a written complaint to the  
 184 commission executed on the form specified in s. 112.324(1) and  
 185 signed under oath or affirmation or who provide information to  
 186 an investigator during an investigation of a complaint. A remedy  
 187 or other protection under this section does not apply to any  
 188 employee or person who has committed or intentionally  
 189 participated in committing the violation or suspected violation  
 190 for which protection under this section is being sought.  
 191 (7) REMEDIES.—Any employee of or applicant for employment  
 192 with an agency who is subjected to adverse personnel action  
 193 because he or she engaged in an activity protected by this  
 194 section may file a complaint, which must be made in accordance  
 195 with s. 112.3243. Upon receipt of notice from the commission of  
 196 termination of the investigation, the complainant may elect to  
 197 pursue the administrative remedy available under s. 112.3243 or  
 198 bring a civil action within 180 days after receipt of the  
 199 notice.  
 200 (8) RELIEF.—In any action brought under this section, the  
 201 relief must include the following:  
 202 (a) Reinstatement of the employee to the same position held  
 203 before the adverse personnel action was commenced, or to an

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204 equivalent position, or reasonable front pay as an alternative  
 205 relief.  
 206 (b) Reinstatement of the employee's full fringe benefits  
 207 and seniority rights, as appropriate.  
 208 (c) Compensation to the employee, if appropriate, for lost  
 209 wages, benefits, or other lost remuneration caused by the  
 210 adverse personnel action.  
 211 (d) Payment of reasonable costs, including attorney fees,  
 212 to a substantially prevailing employee, or to the prevailing  
 213 employer if the employee filed a frivolous action in bad faith.  
 214 (e) Issuance of an injunction, if appropriate, by a court  
 215 of competent jurisdiction.  
 216 (f) Temporary reinstatement of the employee to his or her  
 217 former position or to an equivalent position, pending the final  
 218 outcome on the complaint, if an employee complains of being  
 219 discharged in retaliation for a protected disclosure and if a  
 220 court of competent jurisdiction or the commission, as applicable  
 221 under s. 112.3243, determines that the disclosure was not made  
 222 in bad faith or for a wrongful purpose or that the disclosure  
 223 occurred after an agency's or independent contractor's  
 224 initiation of a personnel action against the employee which  
 225 includes documentation of the employee's violation of a  
 226 disciplinary standard or performance deficiency. This paragraph  
 227 does not apply to an employee of a municipality.  
 228 (9) DEFENSE.—It is an affirmative defense to any action  
 229 brought pursuant to this section that the adverse personnel  
 230 action was predicated upon grounds other than, and would have  
 231 been taken absent, the employee's or person's exercise of rights  
 232 protected by this section.

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233 (10) EXISTING RIGHTS.—This section does not diminish the  
 234 rights, privileges, or remedies of an employee under any other  
 235 law or rule or under any collective bargaining agreement or  
 236 employment contract; however, the election of remedies in s.  
 237 447.401 also applies to actions under this section.

238 Section 3. Paragraphs (g) and (h) are added to subsection  
 239 (2) of section 112.324, Florida Statutes, to read:

240 112.324 Procedures on complaints of violations and  
 241 referrals; public records and meeting exemptions.—

242 (2)

243 (g) Notwithstanding the exemptions in paragraphs (a)-(d),  
 244 the Commission on Ethics shall deliver a copy of an ethics  
 245 complaint, and its timely amendments, to the Public Employees  
 246 Relations Commission upon receiving a written request from the  
 247 agency. The Commission on Ethics' delivery of the complaint, and  
 248 any amendment thereto, does not affect the exemptions in  
 249 paragraphs (a)-(d) in any other context. The Commission on  
 250 Ethics shall deliver the complaint, and any amendment thereto,  
 251 within a reasonable timeframe. If the exemptions in paragraphs  
 252 (a)-(d) are applicable at the time of the request, the  
 253 commission must redact any designation to the complaint form it  
 254 supplied after the form was filed, including, but not limited  
 255 to, date stamps, receipt stamps, and complaint serial numbers.

256 (h) Notwithstanding the exemptions in paragraphs (a)-(d),  
 257 the commission shall deliver a copy of an ethics complaint, and  
 258 its timely amendments, to the person who filed the ethics  
 259 complaint and identified himself or herself in the text of the  
 260 complaint or its timely amendments as a current or former  
 261 employee of the agency associated with the respondent named in

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262 the complaint or of an independent contractor of that agency,  
 263 upon receiving a notarized, written request from such person.  
 264 The commission's delivery of the complaint, and any amendment  
 265 thereto, does not affect the exemptions in paragraphs (a)-(d) in  
 266 any other context. The commission shall deliver the complaint  
 267 within a reasonable timeframe. If the exemptions in paragraphs  
 268 (a)-(d) are applicable at the time of the request, the  
 269 commission must redact any designation to the complaint form it  
 270 supplied after the form was filed, including, but not limited  
 271 to, date stamps, receipt stamps, and complaint serial numbers.

272 Section 4. Section 112.3243, Florida Statutes, is created  
 273 to read:

274 112.3243 Investigative procedures in response to prohibited  
 275 personnel actions against ethics complaints.—

276 (1) COMPLAINT.—

277 (a) If a disclosure under s. 112.3242 results in alleged  
 278 retaliation by an employer, the employee or former employee of  
 279 an agency or independent contractor that is so affected may file  
 280 a complaint alleging a prohibited personnel action, which must  
 281 be made by filing a written complaint with the commission no  
 282 later than 60 days after the prohibited personnel action.

283 (b) Within 5 working days after receiving a complaint under  
 284 this section, the commission shall acknowledge receipt of the  
 285 complaint and provide copies of the complaint and any other  
 286 preliminary information available concerning the disclosure of  
 287 information under s. 112.3242 to the employer, who shall  
 288 acknowledge receipt of such copies to the complainant.

289 (2) FACT-FINDING.—The commission shall:

290 (a) Receive any allegation of a personnel action prohibited

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by s. 112.3242, including a proposed or potential action, and conduct informal fact-finding regarding any allegation of a legally sufficient complaint under this section to the extent necessary to determine whether there are reasonable grounds to believe that a prohibited personnel action under s. 112.3242 has occurred, is occurring, or is to be taken.

(b) Within 180 days after receiving the complaint, provide the agency head or independent contractor and the complainant with a fact-finding report that may include recommendations to the parties or a proposed resolution of the complaint. The fact-finding report is admissible in any subsequent or related administrative or judicial review.

(3) INVESTIGATIVE POWERS AND TERMINATION OF INVESTIGATION.—

(a) The commission, in accordance with this section, is empowered to:

1. Receive and investigate complaints from employees alleging retaliation by agencies or independent contractors.

2. Administer oaths, examine witnesses, take statements, issue subpoenas, order the taking of depositions, order responses to written interrogatories, and make appropriate motions to limit discovery, pursuant to investigations under subparagraph 1.

3. Create fact-finding reports and make determinations regarding investigations under subparagraph 1.

(b) The commission shall notify a complainant of the status of the investigation and any action taken at such times as the commission deems appropriate.

(c) 1. If the commission determines that, in connection with any investigation, reasonable grounds exist to believe that a

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prohibited action has occurred, is occurring, or is to be taken which requires corrective action, the commission must report the determination together with a fact-finding report to the agency head or independent contractor and the complainant. The commission may include in the report recommendations for corrective action.

2. If the commission, in consultation with the individual subject to the prohibited action, finds that the agency or independent contractor has implemented a corrective action in response to the commission's determination and fact-finding report, the commission must file such finding with the agency head or independent contractor, together with any written comments that the individual provides, and terminate the investigation. The commission shall provide notice of the termination of its investigation, along with the reason for termination, to the complainant and the agency head or independent contractor.

3. If the agency or independent contractor, after 35 days, does not implement a corrective action, the commission must terminate the investigation. If an investigation is terminated pursuant to this subparagraph, the commission must provide notice of the termination of its investigation, along with the reason for termination, to the complainant and the agency head or independent contractor, and notify the complainant of the right to appeal under subsection (4).

(d) If the commission determines that there are no reasonable grounds to believe that a prohibited personnel action has occurred, is occurring, or is to be taken, the commission must terminate its investigation and report its determination,

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349 together with a fact-finding report and a notice of termination  
 350 of investigation, to the agency head or independent contractor  
 351 and the complainant.

352 (e) During any investigation under this section,  
 353 disciplinary action may not be taken against an employee of an  
 354 agency or independent contractor for reporting an alleged  
 355 prohibited personnel action that is under investigation, or for  
 356 reporting any related activity, or against any employee for  
 357 participating in an investigation without notifying the  
 358 commission.

359 (4) RIGHT TO APPEAL.—

360 (a) The complainant may, within 21 days after receipt of a  
 361 notice of termination of an investigation from the commission,  
 362 file a complaint against the employer agency regarding the  
 363 alleged prohibited personnel action with the Public Employees  
 364 Relations Commission. The Public Employees Relations Commission  
 365 has jurisdiction over such complaints under ss. 112.3242 and  
 366 447.503(4) and (5).

367 (b) Judicial review of any final order of the commission  
 368 must be as provided in s. 120.68.

369 (5) RULEMAKING.—The commission may adopt rules to implement  
 370 this section.

371 Section 5. For the purpose of incorporating the amendment  
 372 made by this act to section 112.313, Florida Statutes, in a  
 373 reference thereto, subsection (1) of section 112.3136, Florida  
 374 Statutes, is reenacted to read:

375 112.3136 Standards of conduct for officers and employees of  
 376 entities serving as chief administrative officer of political  
 377 subdivisions.—The officers, directors, and chief executive

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378 officer of a corporation, partnership, or other business entity  
 379 that is serving as the chief administrative or executive officer  
 380 or employee of a political subdivision, and any business entity  
 381 employee who is acting as the chief administrative or executive  
 382 officer or employee of the political subdivision, for the  
 383 purposes of the following sections, are public officers and  
 384 employees who are subject to the following standards of conduct  
 385 of this part:

386 (1) Section 112.313, and their "agency" is the political  
 387 subdivision that they serve; however, the contract under which  
 388 the business entity serves as chief executive or administrative  
 389 officer of the political subdivision is not deemed to violate s.  
 390 112.313(3) or (7).

391 Section 6. This act shall take effect January 1, 2027.

**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.)

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Prepared By: The Professional Staff of the Committee on Rules

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BILL: CS/SB 110

INTRODUCER: Finance and Tax Committee and Senator Arrington and others

SUBJECT: Homestead Exemptions

DATE: February 16, 2026

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

|    | ANALYST      | STAFF DIRECTOR  | REFERENCE | ACTION             |
|----|--------------|-----------------|-----------|--------------------|
| 1. | <u>Black</u> | <u>Khan</u>     | <u>FT</u> | <u>Fav/CS</u>      |
| 2. | <u>Black</u> | <u>Sadberry</u> | <u>AP</u> | <u>Favorable</u>   |
| 3. | <u>Black</u> | <u>Kruse</u>    | <u>RC</u> | <u>Pre-meeting</u> |

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 110 amends s. 196.041, F.S. to provide that lessees owning the leasehold interest in a bona fide lease of 98 years or more in a homesteaded residential parcel or a condominium parcel have legal or beneficial and equitable title to said property for homestead exemption purposes, even if the lease contains a provision that terminates the leasehold interest upon the death of the lessees.

The bill states that this change is remedial and clarifying in nature.

The Revenue Estimating Conference determined that SB 110 will not affect local government revenue. The Revenue Estimating Conference has not adopted an estimate for CS/SB 110; however, the committee substitute is not expected to deviate from the previously adopted estimate. See Section V., Fiscal Impact Statement.

The bill takes effect upon becoming law.

**II. Present Situation:**

**General Overview of Property Taxation**

The ad valorem tax or “property tax” is an annual tax levied by counties, municipalities, school districts, and some special districts. The tax is based on the taxable value of a property as of

January 1 of each year.<sup>1</sup> The property appraiser annually determines the “just value”<sup>2</sup> of property within the taxing authority and then applies relevant exclusions, assessment limitations, and exemptions to determine the property’s “taxable value.”<sup>3</sup> The state constitution prohibits the state from levying ad valorem taxes<sup>4</sup> and it limits the Legislature’s authority to provide for property valuations at less than just value, unless expressly authorized.<sup>5</sup>

### **Homestead Property Tax Exemption and Assessment Limitation**

Every person having legal or equitable title to real estate and who maintains a permanent residence on real estate is deemed to establish homestead property. Homestead property is eligible for a \$25,000 tax exemption applicable to all ad valorem tax levies, including levies by school districts.<sup>6</sup> An additional exemption applies to the assessed valuation of homestead property between \$50,000 and \$75,000. This exemption is adjusted annually for inflation and does not apply to ad valorem taxes levied by school districts.<sup>7</sup>

Additionally, the Save Our Homes assessment limitation limits the amount that a homestead property’s assessed value may increase annually to the lesser of 3 percent or the percentage increase in the Consumer Price Index.<sup>8</sup> The accumulated difference between the just value and the assessed value is the Save Our Homes benefit.

### **Extending Homestead Exemption Benefits to Leaseholds**

Homestead benefits extend to those with equitable title including vendees in possession of real estate under bona fide contracts to purchase; persons residing on real estate by virtue of dower or other estates therein limited in time by deed, will, jointure, or settlement; and lessees who own the leasehold interests in a bona fide lease with an original term of 98 years or more.<sup>9</sup>

A leasehold interest is a type of property ownership that grants a person or entity the right to use and occupy real estate for a specified period.<sup>10</sup> A lessee is deemed to be the leased property’s equitable owner if the lessee holds “virtually all the benefits and burdens of ownership” of the leased property.<sup>11</sup>

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<sup>1</sup> Both real property and tangible personal property are subject to tax. Section 192.001(12), F.S., defines “real property” as land, buildings, fixtures, and all other improvements to land. Section 192.001(11)(d), F.S., defines “tangible personal property” as all goods, chattels, and other articles of value capable of manual possession and whose chief value is intrinsic to the article itself.

<sup>2</sup> Property must be valued at “just value” for purposes of property taxation, unless the Florida Constitution provides otherwise. FLA. CONST. Art VII, s. 4. Just value has been interpreted by the courts to mean the fair market value that a willing buyer would pay a willing seller for the property in an arm’s-length transaction. *See, e.g., Walter v. Schuler*, 176 So. 2d 81 (Fla. 1965); *Deltona Corp. v. Bailey*, 336 So. 2d 1163 (Fla. 1976); *S. Bell Tel. & Tel. Co. v. Dade Cnty.*, 275 So. 2d 4 (Fla. 1973).

<sup>3</sup> *See* ss. 192.001(2) and (16), F.S.

<sup>4</sup> FLA. CONST. art. VII, s. 1(a).

<sup>5</sup> *See* FLA. CONST. art. VII, s. 4.

<sup>6</sup> FLA. CONST. art. VII, s. 6(a).

<sup>7</sup> Section 196.031(1)(b), F.S.

<sup>8</sup> FLA. CONST. art. VII, s. 4(d).

<sup>9</sup> Section 196.041, F.S.

<sup>10</sup> *See* <https://legal-resources.uslegalforms.com/1/leasehold-interest> (last visited Jan. 20, 2026).

<sup>11</sup> *Robbins v. Mt. Sinai Med. Ctr., Inc.*, 748 So.2d 349, 351 (Fla. 3d DCA 1999) (citation omitted)

### Qualified Personal Residence Trust

A type of equitable title under the Internal Revenue Code is a Qualified Personal Residence Trust (QPRT).<sup>12</sup> A QPRT is an estate planning device that allows a settlor to transfer his or her personal property into an irrevocable trust while retaining the right to reside on the property for a specified term of years, after which the property is then transferred to the beneficiaries.<sup>13</sup> Generally, Florida courts have held that the settlor<sup>14</sup> of a QPRT is allowed to retain their homestead exemption while residing on the property throughout their retained term.<sup>15</sup> Settlers who survive the expiration of the retained term often enter a lease agreement with the subsequent owner of the residential property. In *Higgs v. Warrick*, the Third District Court of Appeal held that a 98-year plus lessee of a residential property which is permanently occupied as a residence qualifies for a homestead exemption pursuant to the statutory language provided in ss. 196.031, and 196.041, F.S.<sup>16</sup>

### III. Effect of Proposed Changes:

This bill amends s. 196.041, F.S. to provide that lessees owning the leasehold interest in a bona fide lease of 98 years or more in a homesteaded residential parcel or a condominium parcel have legal or beneficial and equitable title to said property for homestead exemption purposes, even if the lease contains a provision that terminates the leasehold interest upon the death of the lessees.

The bill provides that this change is remedial and clarifying in nature.

The bill takes effect upon becoming law.

### IV. Constitutional Issues:

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

Article VII, s. 18(b) 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. The mandate requirement does not apply to laws having an insignificant impact,<sup>17</sup> which for Fiscal Year 2026-2027<sup>18</sup> is forecast at approximately \$2.4 million or less.

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<sup>12</sup> See <https://www.irs.gov/pub/irs-drop/rp-03-42.pdf> (last visited Jan. 20, 2026).

<sup>13</sup> Baskies, Jeffrey A. *Understanding Estate Planning With Qualified Personal Residence Trusts*, 73 Fla. B.J. 72 (1999).

<sup>14</sup> Section 736.0103(21), F.S.

<sup>15</sup> *Robbins v. Welbaum*, 664 So. 2d 1 (Fla. 3d DCA 1995).

<sup>16</sup> *Higgs v. Warrick*, 994 So.2d 492, 493 (Fla. 3d DCA 2008).

<sup>17</sup> 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. 15, 2026).

<sup>18</sup> 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).

The Revenue Estimating Conference determined that SB 110 does not affect local government revenue.<sup>19</sup> The Revenue Estimating Conference has not adopted an estimate for CS/SB 110. However, the committee substitute is not expected to deviate from the previously adopted estimate. Therefore, this bill may not be a mandate subject to the requirements of Art. VII, s.18(b) of the Florida Constitution.

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

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

Article VII, s. 19 of the Florida Constitution requires legislation pass each chamber by a 2/3 vote and be contained in a separate bill with no other subject if the legislation imposes, authorizes an imposition, increases, or authorizes an increase in a state tax or fee or if it decreases or eliminates a state tax or fee exemption or credit.

The bill does not affect the imposition or increasing of a state tax or fee nor decreases or eliminates a state tax or fee exemption or credit. Thus, the constitutional requirements may not apply.

**E. Other Constitutional Issues:**

None identified.

**V. Fiscal Impact Statement:**

**A. Tax/Fee Issues:**

The Revenue Estimating Conference determined that SB 110 has no impact on local government ad valorem revenue.<sup>20</sup> The Revenue Estimating Conference has not adopted an estimate for CS/SB 110, however, the committee substitute is not expected to deviate from the previously adopted estimate.

**B. Private Sector Impact:**

Lessees with leasehold interests in a bona fide lease having an original term of 98 years or more in a residential parcel may benefit from the clarification provided by the bill.

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<sup>19</sup> OFF. OF ECON. & DEMOGRAPHIC RSCH., *Revenue Estimating Conference Impact Results: HB 227 & SB 110*, 80, (Nov. 14, 2025), available at [https://edr.state.fl.us/Content/conferences/revenueimpact/archives/2026/\\_pdf/impact1114.pdf](https://edr.state.fl.us/Content/conferences/revenueimpact/archives/2026/_pdf/impact1114.pdf) (last visited Jan. 15, 2026).

<sup>20</sup> OFF. OF ECON. & DEMOGRAPHIC RSCH., *Revenue Estimating Conference Impact Results: HB 227 & SB 110*, 80, (Nov. 14, 2025), available at [https://edr.state.fl.us/Content/conferences/revenueimpact/archives/2026/\\_pdf/impact1114.pdf](https://edr.state.fl.us/Content/conferences/revenueimpact/archives/2026/_pdf/impact1114.pdf) (last visited Jan. 15, 2026).

C. Government Sector Impact:

The bill is not expected to affect local governments.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill amends section 196.041 Florida Statutes.

**IX. Additional Information:**

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

**CS by Finance and Tax on January 28, 2026:**

The committee substitute adds specificity to the bill. It clarifies that leases that contain a provision that terminates the leasehold interest upon the death of the lessees are valid under current law.

- B. Amendments:

None.



By the Committee on Finance and Tax; and Senators Arrington and Gaetz

593-02299-26

2026110c1

A bill to be entitled

An act relating to homestead exemptions; amending s. 196.041, F.S.; revising the circumstances under which a person may be deemed to have legal or beneficial and equitable title to certain property for homestead exemption purposes; providing construction; providing an effective date.

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

Section 1. Subsection (1) of section 196.041, Florida Statutes, is amended to read:

196.041 Extent of homestead exemptions.—

(1) Vendees in possession of real estate under bona fide contracts to purchase when such instruments, under which they claim title, are recorded in the office of the clerk of the circuit court where said properties lie, and who reside thereon in good faith and make the same their permanent residence; persons residing on real estate by virtue of dower or other estates therein limited in time by deed, will, jointure, or settlement; and lessees owning the leasehold interest in a bona fide lease having an original term of 98 years or more in a residential parcel or in a condominium parcel as defined in chapter 718, even if such lease contains a provision terminating the leasehold interest upon the death of the lessees, or persons holding leases of 50 years or more, existing prior to June 19, 1973, for the purpose of homestead exemptions from ad valorem taxes and no other purpose, shall be deemed to have legal or beneficial and equitable title to said property. In addition, a

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593-02299-26

2026110c1

tenant-stockholder or member of a cooperative apartment corporation who is entitled solely by reason of ownership of stock or membership in the corporation to occupy for dwelling purposes an apartment in a building owned by the corporation, for the purpose of homestead exemption from ad valorem taxes and for no other purpose, is deemed to have beneficial title in equity to said apartment and a proportionate share of the land on which the building is situated.

Section 2. The amendment made by this act to s. 196.041, Florida Statutes, is remedial and clarifying in nature.

Section 3. This act shall take effect upon becoming a law.

Page 2 of 2

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**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.)

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Prepared By: The Professional Staff of the Committee on Rules

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BILL: SB 192

INTRODUCER: Senators Martin and Trumbull

SUBJECT: Patient Funds Held in Trust by Chiropractic Physicians

DATE: February 16, 2026

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

|    | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION             |
|----|---------|----------------|-----------|--------------------|
| 1. | Smith   | Brown          | HP        | <b>Favorable</b>   |
| 2. | Davis   | Cibula         | JU        | <b>Favorable</b>   |
| 3. | Smith   | Kruse          | RC        | <b>Pre-meeting</b> |

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**I. Summary:**

SB 192 deletes the \$1,500 cap on advances a chiropractic physician may collect for examination or treatment. The bill provides an effective date of July 1, 2026.

**II. Present Situation:**

**Regulation of Chiropractic Physicians**

The Department of Health (DOH) reports that, as of July 1, 2025, Florida had 8,994 licensed chiropractic practitioners.<sup>1</sup> Chiropractic physicians are licensed health care practitioners regulated by the DOH through the Board of Chiropractic Medicine (Board), which is created within the DOH.<sup>2</sup>

Under the chiropractic practice act (chapter 460, F.S.), the practice of chiropractic medicine consists of the adjustment, manipulation, and treatment of vertebral subluxations and other malpositioned articulations and structures that interfere with the normal generation, transmission, and expression of nerve impulse, thereby restoring the normal flow of nerve impulse which produces normal function and consequent health.<sup>3</sup>

Licensed chiropractic physicians are subject to discipline under ch. 456, F.S., and the chiropractic-specific grounds in ch. 460, F.S., and the DOH and the Board may take action for rule violations, fraud, and other enumerated misconduct. The Board's implementing rules are codified in Rule Chapter 64B2, F.A.C., addressing matters such as licensure and renewal, continuing education, advertising, and disciplinary guidelines.

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<sup>1</sup> Department of Health, *Senate Bill 192 Legislative Analysis* (Oct. 17, 2025) (on file with the Senate Committee on Judiciary).

<sup>2</sup> Section 460.404, F.S.

<sup>3</sup> Section 460.403(9), F.S.

### ***Patient Funds Held in Trust***

Section 460.413(1)(y), F.S., makes it a disciplinary violation for a chiropractic physician to fail to preserve the identity of patient funds or property valued at more than \$501. The statute provides that, as specified by Board rule, money or property entrusted to a chiropractic physician for a specific purpose, including advances for costs and expenses of examination or treatment, is to be held in trust and applied only for that purpose. In 2012, the Legislature imposed a statutory cap on advances which remains in effect today.<sup>4</sup> Such advances may not exceed the value of \$1,500.<sup>5</sup>

Accordingly, because the \$1,500 limitation is stated within paragraph (y)'s description of the trust obligation, collecting an advance for examination or treatment exceeding \$1,500 constitutes grounds for discipline. Since 2012, the DOH has received 12 complaints alleging violations of s. 460.413(1)(y), F.S., nine of which involved collecting amounts greater than \$1,500.<sup>6</sup>

Rule 64B2-14.001, F.A.C., applies to trust funds received or disbursed by chiropractors and defines "trust funds" as unearned fees received before services are rendered or goods sold. The rule specifies minimum trust accounting records (e.g., separate trust account, journals, receipts, ledgers, cancelled checks) and procedures, including:

- Reconciliation at least quarterly with retention for 6 years; and
- Annual filing (between June 1 and August 15) of a certificate of substantial compliance with s. 460.413(1)(y), F.S., and the rule.

### **Patient Overpayment Refund Requirement**

Effective January 1, 2026, s. 456.0625, F.S., requires health care practitioners (including chiropractic physicians) who accept payment from insurance for services rendered to refund any overpayment made by the patient no later than 30 days after determining that the patient made an overpayment.<sup>7</sup> A violation of this requirement to refund an overpayment constitutes grounds for discipline under s. 456.072, F.S. The DOH notes that this requirement will include monies held in trust and reports that the Board proposed disciplinary rule amendments in August 2025 to address such violations (citations and penalty ranges).<sup>8</sup>

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

**Section 1** of the bill deletes the phrase limiting patient advances for examination or treatment to amounts that "may not exceed the value of \$1,500." This change repeals the maximum monetary amount chiropractic physicians may collect in advance and hold in trust for examination or treatment, effectively allowing any amount to be collected in advance. If enacted, chiropractic physicians will no longer be subject to Board discipline for collecting advanced payments in

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<sup>4</sup> Ch. 2012-171, s.4, Laws of Fla.

<sup>5</sup> Based on U.S. Bureau of Labor Statistics Consumer Price Index for All Urban Consumers (CPI-U) data, \$1,500 in 2012 is approximately equivalent to \$2,120 in December 2025 dollars.

*Calculation:  $\$1,500 \times (\text{CPI-U Dec. 2025} / \text{CPI-U 2012 annual average}) = \$1,500 \times (324.054 / 229.594) \approx \$2,117$ . Source: U.S. Bureau of Labor Statistics, CPI-U Index.*

<sup>6</sup> See supra note 1.

<sup>7</sup> Ch. 2025-48, s.3, Laws of Fla.

<sup>8</sup> See supra note 1.

excess of \$1,500 for costs and expenses of examination and treatment. The DOH states it would review any pending complaints involving collection of more than \$1,500, and such complaints “would likely be closed” if the only alleged violation is collecting above the cap.<sup>9</sup>

The bill retains the current law relating to patient trusts accounts. If a chiropractic physician is entrusted with patient funds and property exceeding \$501 in value, those monies remain subject to trust status, must be applied only to the specified patient and purpose, and remain subject to existing accounting requirements in rule.

Along with other health care practitioners, chiropractic physicians who accept payment from insurance for services rendered remain subject to the new requirement in s. 456.0625, F.S., to refund patient overpayments within 30 days after determining an overpayment occurred, with disciplinary consequences for noncompliance. The DOH indicates this includes monies held in trust and reports proposed Board disciplinary guidance for violations.<sup>10</sup>

**Section 2** of the bill provides an effective date of 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.

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<sup>9</sup> See supra note 1.

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

**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 460.413 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 Martin

33-00484-26

2026192\_\_

A bill to be entitled

An act relating to patient funds held in trust by chiropractic physicians; amending s. 460.413, F.S.; deleting the limitation on the amount of patient funds a chiropractic physician may hold in trust for specified purposes; providing an effective date.

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

Section 1. Paragraph (y) of subsection (1) of section 460.413, Florida Statutes, is amended to read:

460.413 Grounds for disciplinary action; action by board or department.—

(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2):

(y) Failing to preserve identity of funds and property of a patient, the value of which is greater than \$501. As provided by rule of the board, money or other property entrusted to a chiropractic physician for a specific purpose, including advances for costs and expenses of examination or treatment ~~which may not exceed the value of \$1,500~~, is to be held in trust and must be applied only to that purpose. Money and other property of patients coming into the hands of a chiropractic physician are not subject to counterclaim or setoff for chiropractic physician's fees, and a refusal to account for and deliver over such money and property upon demand shall be deemed a conversion. This is not to preclude the retention of money or other property upon which the chiropractic physician has a valid lien for services or to preclude the payment of agreed fees from

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2026192\_\_

the proceeds of transactions for examinations or treatments. Controversies as to the amount of the fees are not grounds for disciplinary proceedings unless the amount demanded is clearly excessive or extortionate, or the demand is fraudulent. All funds of patients paid to a chiropractic physician, other than advances for costs and expenses, shall be deposited into one or more identifiable bank accounts maintained in the state in which the chiropractic physician's office is situated, and funds belonging to the chiropractic physician may not be deposited therein except as follows:

1. Funds reasonably sufficient to pay bank charges may be deposited therein.

2. Funds belonging in part to a patient and in part presently or potentially to the physician must be deposited therein, but the portion belonging to the physician may be withdrawn when due unless the right of the physician to receive it is disputed by the patient, in which event the disputed portion may not be withdrawn until the dispute is finally resolved.

Every chiropractic physician shall maintain complete records of all funds, securities, and other properties of a patient coming into the possession of the physician and render appropriate accounts to the patient regarding them. In addition, every chiropractic physician shall promptly pay or deliver to the patient, as requested by the patient, the funds, securities, or other properties in the possession of the physician which the patient is entitled to receive.

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

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

**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.)

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Prepared By: The Professional Staff of the Committee on Rules

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BILL: CS/CS/SB 212

INTRODUCER: Judiciary Committee; Criminal Justice Committee; and Senator McClain

SUBJECT: Sexual Offenders and Sexual Predators

DATE: February 16, 2026

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

|    | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION             |
|----|---------|----------------|-----------|--------------------|
| 1. | Vaughan | Stokes         | CJ        | <b>Fav/CS</b>      |
| 2. | Davis   | Cibula         | JU        | <b>Fav/CS</b>      |
| 3. | Vaughan | Kruse          | RC        | <b>Pre-meeting</b> |

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/CS/SB 212 amends ss. 775.215, F.S., 947.1405, F.S., and 948.30, F.S., relating to persons convicted of committing sexual offenses on or after July 1, 2026, or who change their residence on or after that date to:

- Prohibit a person who was convicted of specified sexual offenses in which the victim was younger than 16 years of age from residing within 1,000 feet of a public swimming pool. The bill creates criminal penalties for violating this prohibition.
- Prohibit a person who is on probation,<sup>1</sup> community control,<sup>2</sup> or conditional release<sup>3</sup> for committing a specified sexual offense in which the victim was under 18 from:
  - Living within 1,000 feet of a public swimming pool;
  - Working or volunteering at a public swimming pool; or
  - Visiting a public swimming pool.

The bill creates s. 775.216, F.S., which prohibits a person convicted of the specified sexual offenses from being on the premises of any school, child care facility, park, public swimming pool, and playground, with specified exceptions such as attending religious services, voting, or conducting official business. A violation is a first degree misdemeanor.

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<sup>1</sup> Section 948.001(8), F.S.

<sup>2</sup> Section 948.001(3), F.S.

<sup>3</sup> Section 947.1405, F.S.

The bill amends s. 901.15, F.S., to authorize a law enforcement officer to arrest a person without a warrant if there is probable cause to believe the person violated s. 775.216, F.S., by being on the premises of a prohibited location after being convicted of specified sexual offenses against a victim younger than 16 years of age.

The bill amends s. 943.04351, F.S., to require a state agency or governmental subdivision to conduct a search of a person's name or other identifying information against the registration information for sexual predators and sexual offenders on a national or state website prior to a person's employment, regardless of compensation, at a public swimming pool.

A definition for "public swimming pool" is added to ss. 947.005 and 948.001, F.S., pertaining to conditional release and probation and community control, respectively.

The bill may have a positive indeterminate prison bed impact (unquantifiable increase in Prison Beds) on the Department of Corrections. *See Section V. Fiscal Impact Statement.*

The bill takes effect on July 1, 2026.

## **II. Present Situation:**

### **Sexual Predators and Offenders**

The Florida Department of Law Enforcement (FDLE) is the state agency responsible for Florida's sex offender registry. The information contained in the sex offender registry is reported directly to the FDLE by the Florida Department of Corrections (DOC), the Florida Department of Highway Safety and Motor Vehicles, and law enforcement officials.<sup>4</sup> Florida's sexual offender and sexual predator registration laws were implemented in 1993 and 1997.<sup>5</sup> The sex offender registry database is a statewide system that collects and disseminates sex offender information to the public and law enforcement agencies through the Sexual Offender Predator System (SOPS). The designation of a person as a sexual offender is not a sentence or a punishment but is simply the status of the offender which is the result of a conviction for having committed certain crimes.<sup>6</sup>

#### ***Florida's Sexual Predator and Sexual Offender Registration Laws***

Florida law requires registration of any person who has been convicted or adjudicated delinquent of a specified sex offense or offenses and who meets other statutory criteria that qualify the person for designation as a sexual predator or classification as a sexual offender.<sup>7</sup> The registration laws also require reregistration and provide for public and community notification of certain information about sexual predators and sexual offenders. The laws span several different chapters and numerous statutes,<sup>8</sup> and are implemented through the combined efforts of the

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<sup>4</sup> Florida Department of Law Enforcement, *Sexual Offender and Predator System*, available at <https://offender.fdle.state.fl.us/offender/sops/search.jsf>, (last visited on January 14, 2026).

<sup>5</sup> Sections 775.21, and 943.0435, F.S.

<sup>6</sup> *State v. McKenzie*, 331 So.3d 666 (Fla. 2021).

<sup>7</sup> Sections 775.21 and 943.0435, F.S.

<sup>8</sup> Sections 775.21-775.25, 943.043-943.0437, 944.606, 944.607, and 985.481-985.4815, F.S.



FDLE, all Florida sheriffs, the DOC, the Department of Juvenile Justice, the Department of Highway Safety and Motor Vehicles, and the Department of Children and Families.

A person is designated as a sexual predator by a court if the person:<sup>9</sup>

- Has been convicted of a qualifying capital, life, or first degree felony sex offense committed on or after October 1, 1993;<sup>10</sup>
- Has been convicted of a qualifying sex offense committed on or after October 1, 1993, and has a prior conviction for a qualifying sex offense; or
- Was found to be a sexually violent predator in a civil commitment proceeding.<sup>11</sup>

A person is classified as a sexual offender if the person:<sup>12</sup>

- Has been convicted of a qualifying sex offense and has been released on or after October 1, 1997, from the sanction imposed for that offense;
- Establishes or maintains a Florida residence and is subject to registration, community or public notification in another state or jurisdiction, or is in the custody, control, or under the supervision of, another state or jurisdiction as a result of a conviction for a qualifying sex offense; or
- On or after July 1, 2007, has been adjudicated delinquent of a qualifying sexual battery or lewd offense committed when the juvenile was 14 years of age or older.<sup>13</sup>

### ***Sex Offender Recidivism***

Sex crimes have historically been difficult to measure due to the nature of the crimes, underreporting, and timeframes surrounding the crimes. These factors contribute to the complex nature of measuring offenses and rates of recidivism. Sexual recidivism rates vary widely, ranging from 5% after 3 years to 24% after 15 years.<sup>14</sup>

The DOC defines recidivism “as a return to prison, as the result of either a new conviction or a violation of post-prison supervision, within three years of their prison release date.” The 2025 Recidivism Report reflects a 23.3% recidivism rate for inmates incarcerated with the primary offense of a sexual/lewd behavior as follows:

- 8.4% of inmates reoffend within 12 months after release.
- 8.8% of inmates reoffend 13 to 24 months after release.

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<sup>9</sup> Section 775.21(4), F.S.

<sup>10</sup> Examples of qualifying sex offenses are sexual battery by an adult on a child under 12 years of age (s. 794.011(2)(a), F.S.) and lewd battery by an adult on a child 12 years of age or older but under 16 years of age (s. 800.04(4)(a), F.S.).

<sup>11</sup> Sections 775.21(4) and (5), F.S., The Jimmy Ryce Involuntary Civil Commitment for Sexually Violent Predators’ Treatment and Care Act, part V, ch. 394, F.S., provides for the civil confinement of a group of sexual offenders who, due to their criminal history and the presence of mental abnormality, are found likely to engage in future acts of sexual violence if they are not confined in a secure facility for long-term control, care, and treatment.

<sup>12</sup> Section 943.0435, F.S.

<sup>13</sup> Sections 943.0435(1)(h) and 985.4815(1)(h), F.S.; Sections 944.606(1)(f) and 944.607(1)(f), F.S., which address sexual offenders in the custody of or under the DOC’s supervision, also define the term “sexual offender.”

<sup>14</sup> U.S. Department of Justice, Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking, *Chapter 5: Adult Sex Offender Recidivism*, available at <https://smart.ojp.gov/somapi/chapter-5-adult-sex-offender-recidivism> (last visited Feb. 7, 2026).

- 6.1% of inmates reoffend 25 to 36 months after release.<sup>15</sup>

### **Residency Restrictions for Persons Convicted of Certain Sexual Offenses**

A person who has been convicted in Florida of committing a specified sexual offense that occurred on or after October 1, 2004, or who was convicted of committing an offense in another jurisdiction that is similar to a specified sexual offense that occurred on or after May 26, 2010, regardless of whether adjudication has been withheld, in which the victim of the offense was younger than 16 years of age may not reside within 1,000 feet of any:

- School;<sup>16</sup>
- Child-care facility;<sup>17</sup>
- Park;<sup>18</sup> or
- Playground.<sup>19</sup>

A person does not violate these residency restrictions and may not be forced to relocate if he or she is living in a residence that meets the restrictions and a school, child care facility, park, or playground is subsequently established within 1,000 feet of his or her residence.<sup>20</sup>

Specified sexual offenses that subject a person to residency restrictions include the following, provided the victim of the offense was younger than 16 years old:

- Sexual battery under s. 794.011, F.S.
- Lewd or lascivious battery, molestation, conduct, or exhibition under s. 800.04, F.S.
- Use or promotion of a child in a sexual performance or possessing child pornography under s. 827.071, F.S.
- Lewd or lascivious exhibition using a computer under s. 847.0135(5), F.S.

<sup>15</sup> Florida Department of Corrections, *Florida Prison Recidivism Report: Releases from 2010 to 2022*, available at <https://fdc-media.ccplatform.net/content/download/42673/file/Recidivism%20Report%202020%20Cohort.pdf>, 8 (last visited Feb. 7, 2026).

<sup>16</sup> Section 775.215(2)(c), F.S. “School” means an organization of students for instructional purposes on an elementary, middle or junior high school, secondary or high school, or other public school level authorized under rules of the State Board of Education, and includes a private school as defined in s. 1002.01, F.S., a voluntary prekindergarten program as described in s. 1002.53(3), F.S., a public school as described in s. 402.3025(1), F.S., the Florida School for the Deaf and the Blind, and the Florida Virtual School established under s. s. 1002.37, F.S., but does not includes facilities designated exclusively to the education of adults. s. 775.215(1)(d), F.S.

<sup>17</sup> “Child care facility” means any child care center or child care arrangement which provides child care for more than five children unrelated to the operator and which receives a payment, fee, or grant for any of the children receiving care, wherever operated, and whether or not operated for profit. The following are not included:

- Public schools and nonpublic schools and their integral programs, except as provided in s. 402.3025, F.S.;
- Summer camps having children in full-time residence;
- Summer day camps;
- Bible schools normally conducted during vacation periods; and
- Operators of transient establishments, as defined in ch. 509, F.S., which provide child care services solely for the guests of their establishment or resort, provided that all child care personnel of the establishment are screened according to the level 2 screening requirements of ch. 435, F.S. and s. 775.215(1)(a), F.S.

<sup>18</sup> “Park” means all public and private property specifically designated as being used for recreational purposes and where children regularly congregate. s. 775.215(1)(b), F.S.

<sup>19</sup> “Playground” means a designated independent area in the community or neighborhood that is designated solely for children and has one or more play structures. s. 775.215(1)(c), F.S.

<sup>20</sup> Section 775.215(3)(a), F.S.

- Selling or buying minors to engage in sexually explicit conduct under s. 847.0145, F.S.<sup>21</sup>

A violation is punishable as a:

- Third degree felony<sup>22</sup> if the underlying sexual offense was classified as a first degree felony<sup>23</sup> or higher; or
- First degree misdemeanor<sup>24</sup> if the underlying sexual offense was classified as a second<sup>25</sup> or third degree felony.<sup>26</sup>

A large number of cities and counties have passed local ordinances designed to restrict where people who have been convicted of a sexual offense may live. Generally, the ordinances extend the distance from 1,000 feet to 2,500 feet. Many of the ordinances also prohibit an offender from living within 2,500 feet of places such as libraries, churches, and bus stops which are not included in the state statute.

The Lauren Book Child Safety Ordinance, deems it unlawful for any person that has established residency on or after November 25, 2005, and has been convicted of a sexual battery, lewd and lascivious act on/in the presence of persons under age 16, sexual performance by a child, sexual acts transmitted over computer, or selling or buying of minors for portrayal in sexually explicit conduct, in which the victim of the offense was less than sixteen (16) years of age, or similar law of another jurisdiction, to reside within 2,500 feet of any school within Miami-Dade County.<sup>27</sup>

In April 2025, Clewiston city council passed an ordinance requiring sex offenders to live at least 2,500 feet from schools, parks, and playgrounds.<sup>28</sup>

### **Probation and Community Control**

Probation is a form of community supervision requiring specified contacts with a probation officer and other terms and conditions.<sup>29</sup> Community control is a form of intensive supervised custody of an offender who remains in the community, but whose freedom is restricted within the home, community, or noninstitutional residential placement, and includes specific sanctions and monitoring by probation officers with restricted caseloads.<sup>30</sup>

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<sup>21</sup> Section 775.215(2)(a), F.S.

<sup>22</sup> A felony of the third degree is punishable by a term of imprisonment of 5 years, as provided in ss. 775.082, 775.083, and 775.083, F.S.

<sup>23</sup> A first degree felony is generally punishable by not more than 30 years in state prison and a fine not exceeding \$10,000. When specifically provided by statute, a first degree felony may be punished by imprisonment for a term of years not exceeding life imprisonment. Sections 775.082 and 775.083, F.S.

<sup>24</sup> A first degree misdemeanor is punishable by not more than one year in a county jail and a fine not exceeding \$1,000. Sections 775.082 and 775.083, F.S.

<sup>25</sup> A second degree felony is punishable by a term of imprisonment not exceeding 30 years and a \$10,000 fine. Sections 775.082 and 775.083, F.S.

<sup>26</sup> Section 775.215(3)(b).

<sup>27</sup> Miami-Dade Sheriff's Office, *Sexual Predator and Offender Registration*, available at [https://www.miamidade.gov/global/service.page?Mduid\\_service=ser1522959874956151](https://www.miamidade.gov/global/service.page?Mduid_service=ser1522959874956151) (last visited Feb. 7, 2026).

<sup>28</sup> Fox 4 Southwest Florida, *'Not welcome here': Clewiston passes law to keep sex offenders farther away from schools*, available at [https://www.fox4now.com/clewiston/not-welcome-here-clewiston-passes-law-to-keep-sex-offenders-farther-away-from-schools#google\\_vignette](https://www.fox4now.com/clewiston/not-welcome-here-clewiston-passes-law-to-keep-sex-offenders-farther-away-from-schools#google_vignette) (last visited Feb. 7, 2026).

<sup>29</sup> Section 948.001(8), F.S.

<sup>30</sup> Section 948.001(3), F.S.

Several standard conditions of probation or community control apply automatically, including requirements to report to a probation officer as directed and to live without violating any law.<sup>31</sup> The court may also impose special conditions, such as community service hours, regular drug or alcohol testing, no contact orders, and treatment programs.<sup>32</sup> Failure to meet any condition of supervision is a violation of probation or community control (VOP).

Generally, upon a finding that an offender violated probation or community control, the court may revoke, modify, or continue supervision.<sup>33</sup> If the court revokes supervision, it may impose any sentence that was permissible at the offender's initial sentencing.<sup>34</sup>

If a violent felony offender of special concern (VFOSC)<sup>35</sup> commits a VOP and the court finds the VFOSC poses a danger to the community, the court must revoke probation and sentence the offender up to the statutory maximum, or longer if permitted by law.<sup>36</sup>

When a person is arrested for committing a crime, he or she is generally entitled to pretrial release on reasonable conditions under the Florida Constitution.<sup>37</sup> However, a person taken into custody for a VOP does not have a constitutional right to release pending the disposition of the VOP.<sup>38</sup> If the offender qualifies as a VFOSC, the court is prohibited from granting pretrial release.<sup>39</sup>

### ***Probation***

The court determines the terms and conditions of probation.<sup>40</sup> Section 948.03, F.S., provides standard conditions of probation;<sup>41</sup> however, a court may sentence an offender to special terms and conditions at the time of sentencing. Standard conditions of probation include:

- Reporting to the probation officer as directed.
- Permitting the probation officer to visit the probationer at his or her home.
- Working faithfully at suitable employment, when possible.
- Residing at a specified place.
- Living without violating the law.
- Paying restitution to any aggrieved party for the damage or loss caused by a probationer's offense.

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<sup>31</sup> Section 948.03(1), F.S.

<sup>32</sup> Section 948.03(2), F.S.

<sup>33</sup> Section 948.06(2)(a), F.S.

<sup>34</sup> Section 948.06(2)(b), F.S.

<sup>35</sup> A VFOSC is an offender who commits a specified qualifying offense or is in a special status like habitual violent felony offender and meets other specified criteria. Examples of qualified offenses include murder, kidnapping, and sexual battery. For a complete list of criteria, see s. 948.06(8), F.S.

<sup>36</sup> Section 948.06(8)(e)2.a., F.S.

<sup>37</sup> Art. I, s. 14, Fla. Const. Exceptions include when a person is charged with a capital offense or offense punishable by life and the proof of guilt is evident or the presumption is great, or if no conditions can reasonably protect the community from risk of physical harm.

<sup>38</sup> *Bernhardt v. State*, 288 So. 2d 490, 497 (Fla. 1974).

<sup>39</sup> Section 903.0351(1)(a), F.S.

<sup>40</sup> Section 948.03, F.S.

<sup>41</sup> Section 948.03(1)(a-l), F.S. Standard conditions include, in part, reporting to the probation officer as directed, permitting visits by the probation officer, work at suitable employment, and live without violating any law.

- Being prohibited from possessing, carrying, or owning a firearm or weapon, without the probation officer's consent.
- Being prohibited from using intoxicants to excess or possessing any drugs or narcotics.<sup>42</sup>

### ***Community Control***

In addition to the standard conditions which apply to normal probationers, an offender on community control must:

- Maintain specified contact with his or her parole or probation officer;
- Be confined to an agreed-upon residence during any hours he or she is away from work or public service activities;
- Complete mandatory public service; and
- Be supervised by the DOC by means of an electronic monitoring device or system.<sup>43</sup>

### ***Probation or Community Control for Persons Convicted of Certain Sexual Offenses***

A court must impose additional conditions of supervision on a person who is sentenced to probation or community control after being convicted of committing, or attempting, soliciting, or conspiring<sup>44</sup> to commit one of the following sexual offenses:

- Human trafficking using coercion or human trafficking of a child under 18 for commercial sexual activity under s. 787.06(3)(b), (d), (f), and (g), F.S.;<sup>45</sup>
- Sexual battery under ch. 794, F.S.;
- Lewd or lascivious battery, molestation, conduct, or exhibition under s. 800.04, F.S.;
- Use or promotion of a child in a sexual performance or possessing child pornography under s. 827.071, F.S.;
- Lewd or lascivious exhibition over the Internet under s. 847.0135, F.S.; and
- Selling or buying minors to engage in sexually explicit conduct under s. 847.0145, F.S.<sup>46</sup>

### **Conditional Release**

Conditional release requires mandatory post-prison supervision for inmates who are sentenced for certain violent crimes and who have served a prior felony commitment at a state or federal correctional institution, or who are sentenced as a habitual offender, violent habitual offender, violent career criminal, or court designated sexual predator. Unlike parole, conditional release is not discretionary release.<sup>47</sup> Conditional release is a form of probation in which a person who has been released from prison after completing the incarcerative portion of his or her sentence remains under close supervision of the DOC.<sup>48</sup> The determination of whether an inmate is subject to conditional release supervision after his or her release depends on the offense committed by the inmate, the inmate's prior criminal history, and the date the inmate committed the offense.

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<sup>42</sup> Section 948.03(1), F.S.

<sup>43</sup> Section 948.101(3), F.S.

<sup>44</sup> Section 948.30(1), F.S.

<sup>45</sup> *Id.*

<sup>46</sup> Section 948.30, F.S.

<sup>47</sup> Florida Commission on Offender Review, *Conditional Release*, available at <https://www.fcor.state.fl.us/release/release-types#conditionalRelease> (last visited January 14, 2026).

<sup>48</sup> Section 947.1405, F.S.

If a person violates the terms and conditions of his or her conditional release, the person is arrested and held pending a review by the Florida Commission on Offender Review (FCOR). If the FCOR determines that the person committed a violation, the FCOR may either revoke his or her conditional release and return the person to prison to serve the remainder of his or her sentence, reinstate the conditional release order, or enter another order as the FCOR deems appropriate, such as sentencing the person to serve the remainder of his or her prison sentence in a county detention facility in lieu of a state prison.<sup>49</sup>

### **Registration Search**

A state agency or governmental subdivision must, before making any decision to appoint or employ a person to work, whether for compensation or as a volunteer, at any park, playground, day care center, or other place where children regularly congregate, conduct a search of that person's name or other identifying information against the registration information regarding sexual predators and sexual offenders through the Dru Sjodin National Sexual Offender Public Website maintained by the United States Department of Justice.<sup>50</sup>

### **Public Swimming Pools**

"Public swimming pool" or "public pool" means a watertight structure of concrete, masonry, or other approved materials which is located either indoors or outdoors, used for bathing or swimming by humans, and filled with a filtered and disinfected water supply, together with buildings, appurtenances, and equipment used in connection therewith.<sup>51</sup>

A public swimming pool or public pool also includes a conventional pool, spa-type pool, wading pool, special purpose pool, or water recreation attraction, to which admission may be gained with or without payment of a fee and includes, but is not limited to, pools operated by or serving camps, churches, cities, counties, day care centers, group home facilities for eight or more clients, health spas, institutions, parks, state agencies, schools, subdivisions, or the cooperative living-type projects of five or more living units, such as apartments, boardinghouses, hotels, mobile home parks, motels, recreational vehicle parks, and townhouses.<sup>52</sup>

Currently, there is no statutory provision that specifically prohibits registered sex offenders from accessing public swimming pools or public pools.

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

### **Residency Restrictions for Persons Convicted of Certain Sex Offenses– Section 1**

The bill amends s. 775.215, F.S., to prohibit a person from residing within 1,000 feet of any school, child care facility, park, public swimming pool, or playground if:

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<sup>49</sup> Section 947.141, F.S.

<sup>50</sup> Section 943.04351, F.S.

<sup>51</sup> Section 514.011, F.S.

<sup>52</sup> *Id.*

- He or she has been convicted of committing specified sexual offenses<sup>53</sup> in Florida, or an offense in another jurisdiction that is similar to a specified sexual offense, regardless of whether adjudication has been withheld; and
- The victim was younger than 16 years of age.

The bill applies to offenses committed on or after July 1, 2026, and to individuals who change their residence on or after that date. A person who is subject to the residency restrictions in the bill would not be required to move if he or she is living in a residence that meets existing residency requirements and a public swimming pool is subsequently established within 1,000 feet of his or her residence. Violations of these residency restrictions constitute a third-degree felony if the underlying conviction was a felony of the first degree or higher, and a first degree misdemeanor if the underlying conviction was a felony of the second or third degree.

### **Restricted Locations for Persons Convicted of Certain Sex Offenses – Section 2**

The bill creates s. 775.216, F.S., which prohibits a person convicted of certain sex offenses<sup>54</sup> from being on the premises of a school, child care facility, park, public swimming pool, or playground. The swimming pool definition is limited to only include the water feature and the immediate surrounding area of the water feature. The bill prohibits certain offenders from visiting or being within these areas, with specified exceptions such as traveling past the location, dropping off or picking up his or her child or grandchild from a child care facility or school, attending religious services, voting, or conducting official business. A violation is a first degree misdemeanor.

### **Conditional Release – Sections 6 and 7**

The bill amends s. 947.1405, F.S., to require that any person who has been convicted of committing specified sexual offenses committed on or after July 1, 2026, involving a victim who is younger than 18 years of age and who is serving conditional release supervision, in addition to all other existing requirements and restrictions, to also be prohibited from:

- Living within 1,000 feet of a public swimming pool, although the person would not be required to move if he or she is living in a residence that meets existing residency requirements and a public swimming pool is subsequently established within 1,000 feet of his or her residence; or
- Working for pay or volunteering at a public swimming pool.

A person who is subject to conditional release supervision for committing a crime that occurred on or after July 1, 2026, and who was also convicted at any time of committing, or attempting, soliciting, or conspiring to commit, an offense requiring a sexual offender designation in which the victim was younger than 18 years of age may not visit a public swimming pool without the prior approval of his or her supervising officer.

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<sup>53</sup>Sections 794.011, F.S., Sexual Battery, 800.04, F.S., Lewd or lascivious offenses committed upon or in the presence of persons younger than 16 years of age, 827.071, F.S., Sexual performance by a child, 847.0135(5), F.S., Computer pornography, or 847.0145, F.S., Selling or buying of minors.

<sup>54</sup> See the sexual offenses listed above in footnote 54.

**Probation and Community Control – Sections 8 and 9**

The bill amends s. 948.001, F.S., to provide a public swimming pool definition by cross-reference. The bill also amends s. 948.30, F.S., to require any person who has been convicted of committing a crime on or after July 1, 2026, that involves specified sexual offenses involving a victim who is younger than 18 years of age and who is subject to conditional release supervision, in addition to all other existing requirements and restrictions, to also be prohibited from:

- Living within 1,000 feet of a public swimming pool, although the person would not be required to move if he or she is living in a residence that meets existing residency requirements and a public swimming pool is subsequently established within 1,000 feet of his or her residence; or
- Working for pay or volunteering at a public swimming pool.

A person who has been convicted of committing any crime that occurred on or after July 1, 2026, and who was also convicted at any time of committing, or attempting, soliciting, or conspiring to commit, an offense requiring sexual offender designation in which the victim was under the age of 18 years at the time of the offense and who is subject to conditional release supervision may not visit a public swimming pool without the prior approval of his or her supervising officer.

**Conducting a Search of Registration Information Section 5**

The bill amends s. 943.04351, F.S., to require a state agency or governmental subdivision, prior to making a decision to appoint or employ a person to work or volunteer at a public swimming pool, to conduct a search of the person's name or other identifying information against the registration information regarding sexual predators and sexual offenders through the Dru Sjodin National Sexual Offender Public Website maintained by the United States Department of Justice. However, if the website is unavailable, a search is required of the registration information regarding sexual predators and sexual offenders maintained by the FDLE. A state agency or governmental subdivision is not required to conduct a search if the position requires a state and national criminal history background check.

***Restrictions for Visiting a School or Child Care Facility – Section 3***

The bill amends s. 856.022, F.S., to require a person convicted of certain sexual crimes to provide written notice to the school board, superintendent, principal, or child care facility owner that he or she intends to be present at the school or child care facility.

**Warrantless Arrest – Section 4**

The bill adds another category to the current listings found in s. 901.15, F.S., for when a warrantless arrest is lawful based upon probable cause. The bill authorizes a law enforcement officer to arrest a person without a warrant when someone violates the provisions of s. 775.216, F.S., by being on the premises of a school, child care facility, park, public swimming pool, or playground after he or she was convicted of committing certain specified sexual offenses against a victim who was younger than 16 years of age at the time the offense was committed.



### Sections Containing Definitions of Public Swimming Pool

The bill amends s. 775.215, F.S., the residency restriction section, and s. 775.216, F.S., the restricted location section, to include the definition of a “public swimming pool” These terms are also added to ss. 947.005 and 948.001, F.S.

The bill takes effect July 1, 2026.

#### IV. Constitutional Issues:

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

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

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

None.

##### C. Trust Funds Restrictions:

None.

##### D. State Tax or Fee Increases:

None.

##### E. Other Constitutional Issues:

Under the Fourteenth Amendment of the U.S. Constitution and Article I, Section 9 of the Florida Constitution, restrictions that significantly limit where an individual may live or work may be challenged as infringing on liberty interests.

The bill adds additional residential requirements on sexual offenders to further define allowable living arrangements. Restrictions were addressed in *Doe v. Snyder*,<sup>55</sup> which found Michigan’s residency restrictions punitive when applied retroactively. Florida courts, such as in *State v. Robinson*,<sup>56</sup> have generally upheld registration requirements as non-punitive but recognize that significant limitations on residency may implicate constitutional concerns.

The bill creates s. 775.216, F.S., to prohibit a person convicted of specified sexual offenses in which the victim was younger than 16 years of age from visiting or otherwise being within 200 feet of any school, child care facility, park, public swimming pool, or playground. These added proximity restrictions may raise constitutional concerns as well as potential challenges based on overbreadth and vagueness. In *Doe v. City of Palm*

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<sup>55</sup> *Doe v. Snyder*, 834 F.3d 696 (6th Cir. 2016).

<sup>56</sup> *State v. Robinson*, 873 So. 2d 1205 (Fla. 2004).

*Bay*,<sup>57</sup> however, the court upheld a city ordinance prohibiting sexual predators and registered sexual offenders from making deliveries to or performing work at any residence, designated private or public school, or other place where children or vulnerable adults may reside or regularly congregate.

**V. Fiscal Impact Statement:**

**A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

The Department of Corrections supervises 6,124 sex offenders, of whom approximately 2,992 could be affected by this bill. The Department states in its agency analysis that 12,985 inmates, when released, would be impacted by the bill. The increased residential restrictions could make it difficult to obtain stable housing. Currently, 334 supervised sex offenders are classified by the Department as homeless and the number will likely increase if this bill takes effect.

The Department also states that the expanded restrictions pertaining to public pools and public bathing spaces could further reduce available housing. This may increase the risk that some offenders will abscond because they are unable to secure housing in compliance with the restrictions.<sup>58</sup>

**C. Government Sector Impact:**

The Legislature's Office of Economic and Demographic Research (EDR) and the Criminal Justice Impact Conference, which provides the final, official estimate of the prison bed impact, if any, of legislation, has determined that the bill may have a positive indeterminate prison bed impact (unquantifiable increase in prison beds) on the Department of Corrections (DOC). The EDR provides the following additional information regarding its estimate:

Per the DOC, in FY 24-25, there were 5,589 offenders returned to prison for conditional release, probation, and community control violations. As of October 10, 2025, there was a population of 6,124 offenders under supervision who could potentially be impacted by this new language, though it is not known how many would commit future violations under this language.<sup>59</sup>

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<sup>57</sup> *Doe v. City of Palm Bay*, 169 So. 3d 1211 (Fla. 5th DCA 2015).

<sup>58</sup> Florida Department of Corrections, *2026 Agency Legislative Bill Analysis for SB 212*, (Oct. 17, 2025) <https://abar.laspbs.state.fl.us/ABAR/Document.aspx?id=36184&yr=2026> (See SB0212\_DOC 2025-11-06.docx.) Note that the DOC analysis was prepared before the term "public bathing space" was removed from the bill.

<sup>59</sup> Office of Economic and Demographic Research, *SB 212- Sexual Offenders and Sexual Predators*, (on file with the Senate Committee on Criminal Justice).

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 775.215, 856.022, 901.15, 943.04351, 947.005, 947.1405, 948.001, and 948.30

This bill creates the following sections of the Florida Statutes: 775.216

**IX. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

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

**CS/CS by Judiciary on February 10, 2026:**

The committee substitute:

- Deletes the definition and all references to “public bathing space.”
- Revises the definition of “public swimming pool” in the residency restriction provision to include pools operated by a county, city, or municipality, but to exclude pools at a hotel, motel, or recreational vehicle park.
- Deletes the restriction prohibiting an offender from being “within 200 feet” of certain areas and replaces the prohibition by stating that the offender may not be “on the premises” of those areas. The warrantless arrest provision is similarly revised.
- Clarifies that a person who intends to be present at certain restricted locations must notify the specified personnel that he or she has a “conviction” of certain offenses, and not that he or she is a sexual offender or predator.
- Requires a supervising officer to deny a conditional releasee’s or probationer’s request to visit a public swimming pool unless specific exemptions apply.

**CS by Criminal Justice on January 20, 2026:**

The committee substitute:

- Narrows the definition of “public bathing place” and “public pool.”
- Applies the provisions of the bill prospectively to offenses committed on or after July 1, 2026, and to individuals who change their residence on or after that date.
- Creates s. 775.216, F.S., which establishes a 200-foot restricted zone around schools, child care facilities, parks, public swimming pools, public bathing places, and playgrounds, and prohibits certain offenders from visiting or being within these areas, with specified exceptions such as attending religious services, voting, or conducting official business. A violation is a first degree misdemeanor.

**B. Amendments:**

None.

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

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LEGISLATIVE ACTION

Senate

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House

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The Committee on Rules (McClain) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Present paragraph (d) of subsection (1) of  
section 775.215, Florida Statutes, is redesignated as paragraph  
(e), a new paragraph (d) is added to that subsection, subsection  
(4) is added to that section, and paragraph (c) of subsection  
(2) and paragraph (c) of subsection (3) of that section are  
amended, to read:

775.215 Residency restriction for persons convicted of



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certain sex offenses.—

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

(d) "Public swimming pool" means a structure that is located either indoors or outdoors and used for recreational bathing or swimming by humans. The term includes a conventional pool, spa-type pool, wading pool, special purpose pool, spray pool, splash pad, or other water recreation attraction, to which admission may be gained with or without payment of a fee, regardless of whether entry to the swimming pool is limited by a gate or other method of controlling access. The term includes swimming pools operated by or serving subdivisions, apartments, condominiums, mobile home parks, or townhouses, or any pool operated by a governmental entity which is held open to the public. The term does not include a swimming pool at a private single-family residence, hotel, motel, or recreational vehicle park, or a swimming pool where the operator prohibits the use of such pool by persons younger than 18 years of age.

(2)

(c) This subsection applies to any person convicted of a violation of s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145 for offenses that occurred ~~occur~~ on or after October 1, 2004, and before July 1, 2026, excluding persons who have been removed from the requirement to register as a sexual offender or sexual predator pursuant to s. 943.04354.

(3)

(c) This subsection applies to any person convicted of an offense in another jurisdiction that is similar to a violation of s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145 if such offense occurred on or after May 26, 2010, and



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before July 1, 2026, excluding persons who have been removed from the requirement to register as a sexual offender or sexual predator pursuant to s. 943.04354.

(4)(a) A person who has been convicted of a violation of s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, regardless of whether adjudication has been withheld, in which the victim was less than 16 years of age at the time of the offense, or who has been convicted of a similar offense in another jurisdiction, regardless of whether adjudication has been withheld, in which the victim was less than 16 years of age at the time of the offense, may not reside within 1,000 feet of any school, child care facility, park, playground, or public swimming pool. However, a person does not violate this subsection and may not be forced to relocate if he or she is living in a residence that meets the requirements of this subsection and a school, child care facility, park, playground, or public swimming pool is subsequently established within 1,000 feet of his or her residence.

(b) A person who violates this subsection and whose conviction under s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145 was classified as a felony of the first degree or higher or whose conviction in another jurisdiction resulted in a penalty that is substantially similar to a felony of the first degree or higher commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. A person who violates this subsection and whose conviction under s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145 was classified as a felony of the second or third degree or whose conviction in another



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jurisdiction was substantially similar to a felony of the second or third degree commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(c) This subsection applies to:

1. Any person convicted of a violation described in paragraph (a) for offenses that occur on or after July 1, 2026, excluding persons who have been removed from the requirement to register as a sexual offender or sexual predator pursuant to s. 943.04354.

2. Any person who is subject to the residency restrictions in subsection (2) or subsection (3) who changes his or her permanent residence, as that term is defined in s. 775.21(2), on or after July 1, 2026.

Section 2. Section 856.022, Florida Statutes, is amended to read:

856.022 Loitering or prowling by certain offenders in close proximity to children; prohibition on contact or communication with children in certain locations; penalty.—

(1) Except as provided in subsection (2), this section applies to a person convicted of committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes in this state or similar offenses in another jurisdiction against a victim who was younger than ~~under~~ 18 years of age at the time of the offense: s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor; s. 787.06(3)(g); s. 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145;





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s. 985.701(1); or any similar offense committed in this state which has been redesignated from a former statute number to one of those listed in this subsection, if the person has not received a pardon for any felony or similar law of another jurisdiction necessary for the operation of this subsection and a conviction of a felony or similar law of another jurisdiction necessary for the operation of this subsection has not been set aside in any postconviction proceeding.

(2) This section does not apply to a person who has been removed from the requirement to register as a sexual offender or sexual predator pursuant to s. 943.04354.

(3) A person described in subsection (1) commits loitering and prowling by a person convicted of a sexual offense against a minor if, in committing loitering and prowling, he or she was within 500 ~~300~~ feet of a place where children were congregating.

(4)(a) It is unlawful for a person described in subsection (1) to knowingly ~~approach,~~ contact, or communicate with, or approach with the intent to contact or communicate with a person younger than child under 18 years of age in any public park building or on real property comprising any public park, or playground, or public swimming pool. This subsection does not prohibit a person from contacting, communicating with, or approaching with the intent to contact or communicate with, a person younger than 18 years of age if such person is his or her family or household member as defined in s. 741.28 ~~with the intent to engage in conduct of a sexual nature or to make a communication of any type with any content of a sexual nature. This paragraph applies only to a person described in subsection (1) whose offense was committed on or after May 26, 2010.~~



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(b) It is unlawful for a person described in subsection (1) to knowingly be present in any child care facility or school containing any students in prekindergarten through grade 12 or on real property comprising any child care facility or school containing any students in prekindergarten through grade 12 when the child care facility or school is in operation, if such person fails to:

1. Provide written notification ~~of his or her intent to be present~~ to the school board, superintendent, principal, or child care facility owner that he or she has a conviction specified in subsection (1) and that he or she intends to be present at the school or child care facility;

2. Notify the child care facility owner or the school principal's office when he or she arrives and departs the child care facility or school; and ~~or~~

3. Remain under direct supervision of a school official or designated chaperone when present in the vicinity of children. As used in this paragraph, the term "school official" means a principal, a school resource officer, a teacher or any other employee of the school, the superintendent of schools, a member of the school board, a child care facility owner, or a child care provider.

(c) A person is not in violation of paragraph (b) if:

1. The child care facility or school is a voting location and the person is present for the purpose of voting during the hours designated for voting; ~~or~~

2. The person is a parent, grandparent, or legal guardian who is only dropping off or picking up his or her child or grandchild ~~own children or grandchildren~~ at the child care



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facility or school; or

3. The person is attending a religious service as defined in s. 775.0861.

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

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

(a) "Child care facility" has the same meaning s. 402.302.

(b) "Park" has the same meaning as in s. 775.215(1).

(c) "Playground" has the same meaning as in s. 775.215(1).

(d) "Public swimming pool" means a structure which is located either indoors or outdoors and used for recreational bathing or swimming by humans, including the area immediately surrounding the structure. The term includes a conventional pool, spa-type pool, wading pool, special purpose pool, spray pool, splash pad, or other water recreation attraction, to which admission may be gained with or without payment of a fee, regardless of whether entry to the swimming pool is limited by a gate or other method of controlling access. The term also includes, but is not limited to, pools operated by or serving camps, churches, governmental entities, day care centers, parks, schools, subdivisions, apartments, condominiums, hotels, motels, mobile home parks, recreational vehicle parks, and townhouses. The term does not include a swimming pool at a private single-family residence or a swimming pool where the operator prohibits the use of such pool by persons younger than 18 years of age.

(e) "School" has the same meaning as in s. 775.215(1).

Section 3. Paragraphs (h) and (i) are added to subsection (9) of section 901.15, Florida Statutes, to read:



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901.15 When arrest by officer without warrant is lawful.—A law enforcement officer may arrest a person without a warrant when:

(9) There is probable cause to believe that the person has committed:

(h) A violation of s. 856.022(4)(a) by knowingly contacting, communicating with, or approaching with the intent to contact or communicate with, a person younger than 18 years of age in any park building or on real property comprising any park, playground, or public swimming pool.

(i) A violation of s. 856.022(4)(b) by knowingly being present in any child care facility or school containing students in prekindergarten through grade 12 or on real property comprising a child care facility or school containing any students in prekindergarten through grade 12 when the child care facility or school is in operation.

Section 4. Section 943.04351, Florida Statutes, is amended to read:

943.04351 Search of registration information regarding sexual predators and sexual offenders required before appointment or employment.—A state agency or governmental subdivision, before making any decision to appoint or employ a person to work, whether for compensation or as a volunteer, at any park, playground, public swimming pool, child care facility ~~day care center~~, or other place where children regularly congregate, must conduct a search of that person's name or other identifying information against the registration information regarding sexual predators and sexual offenders through the Dru Sjodin National Sexual Offender Public Website maintained by the



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United States Department of Justice. If for any reason that site is not available, a search of the registration information regarding sexual predators and sexual offenders maintained by the Department of Law Enforcement under s. 943.043 must ~~shall~~ be performed. This section does not apply to those positions or appointments within a state agency or governmental subdivision for which a state and national criminal history background check is conducted.

Section 5. Subsections (15) and (16) are added to section 947.1405, Florida Statutes, to read:

947.1405 Conditional release program.—

(15) Effective for a releasee who is convicted of a crime committed on or after July 1, 2026, or who has been previously convicted of a crime committed on or after July 1, 2026, in violation of chapter 794, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, against a victim who was younger than 18 years of age at the time of the offense, in addition to any other provision of this section, the commission shall impose the following conditions:

(a) A prohibition on living within 1,000 feet of any public swimming pool, as defined in s. 775.215. A releasee who is subject to this paragraph may not be forced to relocate and does not violate his or her conditional release supervision if he or she is living in a residence that meets the requirements of this paragraph and a public swimming pool is subsequently established within 1,000 feet of his or her residence.

(b) A prohibition on working for pay or as a volunteer at any public swimming pool.

(16) In addition to all other conditions imposed, for a



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releasee who is subject to conditional release for a crime that  
was committed on or after July 1, 2026, and who has been  
convicted at any time of committing, or attempting, soliciting,  
or conspiring to commit, any of the criminal offenses listed in  
s. 943.0435(1)(h)1.a.(I), or a similar offense in another  
jurisdiction against a victim who was younger than 18 years of  
age at the time of the offense, if the releasee has not received  
a pardon for any felony or similar law of another jurisdiction  
necessary for the operation of this subsection, if a conviction  
of a felony or similar law of another jurisdiction necessary for  
the operation of this subsection has not been set aside in any  
postconviction proceeding, or if the releasee has not been  
removed from the requirement to register as a sexual offender or  
sexual predator pursuant to s. 943.04354, the commission must  
impose a condition prohibiting the releasee from visiting a  
public swimming pool, as defined in s. 856.022(6), without prior  
approval from his or her supervising officer.

Section 6. Subsections (6) and (7) are added to section  
948.30, Florida Statutes, to read:

948.30 Additional terms and conditions of probation or  
community control for certain sex offenses.—Conditions imposed  
pursuant to this section do not require oral pronouncement at  
the time of sentencing and shall be considered standard  
conditions of probation or community control for offenders  
specified in this section.

(6) In addition to all other conditions imposed, for a  
probationer or community controllee whose crime was committed on  
or after July 1, 2026, and who is placed on supervision for  
committing, or attempting, soliciting, or conspiring to commit,



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a violation of s. 787.06(3)(b), (d), (f), or (g); chapter 794;  
s. 800.04; s. 827.071; s. 847.0135(5); or s. 847.0145 against a  
victim who was younger than 18 years of age at the time of the  
offense, the court must impose the following conditions:

(a) A prohibition on living within 1,000 feet of any public  
swimming pool, as defined in s. 775.215. A probationer or  
community controllee who is subject to this paragraph may not be  
forced to relocate and does not violate his or her probation or  
community control if he or she is living in a residence that  
meets the requirements of this paragraph and a public swimming  
pool is subsequently established within 1,000 feet of his or her  
residence.

(b) A prohibition on working for pay or as a volunteer at  
any public swimming pool.

(7) In addition to all other conditions imposed, for a  
probationer or community controllee who is subject to  
supervision for a crime that was committed on or after July 1,  
2026, and who has been convicted at any time of committing, or  
attempting, soliciting, or conspiring to commit, any of the  
criminal offenses listed in s. 943.0435(1)(h)1.a.(I), or a  
similar offense in another jurisdiction, against a victim who  
was younger than 18 years of age at the time of the offense, if  
the offender has not received a pardon for any felony or similar  
law of another jurisdiction necessary for the operation of this  
subsection, if a conviction of a felony or similar law of  
another jurisdiction necessary for the operation of this  
subsection has not been set aside in any postconviction  
proceeding, or if the offender has not been removed from the  
requirement to register as a sexual offender or sexual predator



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pursuant to s. 943.04354, the court must impose a condition  
prohibiting the probationer or community controlee from visiting  
a public swimming pool, as defined in s. 856.022(6), without  
prior approval from his or her supervising officer.

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

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

And the title is amended as follows:

Delete everything before the enacting clause  
and insert:

A bill to be entitled

An act relating to sexual offenders and sexual  
predators; amending s. 775.215, F.S.; defining the  
term "public swimming pool"; revising residency  
restrictions for persons convicted of certain sexual  
offenses occurring on or after a specified date;  
providing penalties; providing applicability; amending  
s. 856.022, F.S.; revising the prohibition of  
specified offenders from coming within a specified  
distance of a place where children congregate;  
prohibiting certain persons from contacting,  
communicating with, or knowingly approaching with the  
intent to contact or communicate with certain persons  
at certain locations; providing an exception;  
requiring a person who has been convicted of specified  
offenses to provide notice to a school or child care  
facility under certain circumstances; defining terms;  
amending s. 901.15, F.S.; authorizing the warrantless  
arrest of a person if a law enforcement officer has





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probable cause to believe the person committed  
specified offenses; amending s. 943.04351, F.S.;  
revising requirements for state agencies or  
governmental subdivisions to search before appointing  
or employing a person to work at specified locations;  
amending s. 947.1405, F.S.; revising special  
conditions for certain sexual offenders subject to  
conditional release supervision for offenses committed  
on or after a specified date; amending s. 948.30,  
F.S.; revising conditions of probation or community  
control for certain sexual offenders for offenses  
committed on or after a specified date; providing an  
effective date.

By the Committees on Judiciary; and Criminal Justice; and  
Senator McClain

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1 A bill to be entitled  
2 An act relating to sexual offenders and sexual  
3 predators; amending s. 775.215, F.S.; defining the  
4 term "public swimming pool"; revising residency  
5 restrictions for persons convicted of certain sexual  
6 offenses; providing penalties; providing  
7 applicability; creating s. 775.216, F.S.; defining  
8 terms; prohibiting persons convicted of certain sexual  
9 offenses from visiting or otherwise being on the  
10 premises of specified locations; providing criminal  
11 penalties; providing exceptions; amending s. 856.022,  
12 F.S.; requiring a sexual offender or sexual predator  
13 to notify a school or child care facility of his or  
14 her conviction of specific offenses and that he or she  
15 intends to be present at the school or child care  
16 facility under certain circumstances; amending s.  
17 901.15, F.S.; authorizing the warrantless arrest of a  
18 person if a law enforcement officer has probable cause  
19 to believe the person was on the premises of specified  
20 prohibited locations after he or she was previously  
21 convicted of committing specified sexual offenses  
22 against a victim younger than 16 years of age;  
23 amending s. 943.04351, F.S.; revising requirements for  
24 a search of sexual predator or sexual offender  
25 registration information by a state agency or  
26 governmental subdivision before appointing or  
27 employing a person to work at specified locations;  
28 amending s. 947.005, F.S.; defining the term "public  
29 swimming pool"; amending s. 947.1405, F.S.; revising

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

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30 special conditions for certain sexual offenders  
31 subject to conditional release supervision for  
32 offenses committed on or after a specified date;  
33 conforming provisions to changes made by the act;  
34 amending s. 948.001, F.S.; defining the term "public  
35 swimming pool"; amending s. 948.30, F.S.; revising  
36 conditions of probation or community control for  
37 certain sexual offenders for offenses committed on or  
38 after a specified date; conforming provisions to  
39 changes made by the act; providing an effective date.  
40  
41 Be It Enacted by the Legislature of the State of Florida:  
42  
43 Section 1. Present paragraph (d) of subsection (1) of  
44 section 775.215, Florida Statutes, is redesignated as paragraph  
45 (e), a new paragraph (d) is added to that subsection, subsection  
46 (4) is added to that section, and paragraph (c) of subsection  
47 (2) and paragraph (c) of subsection (3) of that section are  
48 amended, read:  
49 775.215 Residency restriction for persons convicted of  
50 certain sex offenses.—  
51 (1) As used in this section, the term:  
52 (d) "Public swimming pool" means a watertight structure of  
53 concrete, masonry, or other approved materials which is located  
54 either indoors or outdoors, used for bathing or swimming by  
55 humans, and filled with a filtered and disinfected water supply,  
56 together with buildings, appurtenances, and equipment used in  
57 connection therewith. The term includes a conventional pool,  
58 spa-type pool, wading pool, special purpose pool, spray pool,

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splash pad, or water recreation attraction, to which admission may be gained with or without payment of a fee, regardless of whether entry to the public swimming pool is limited by a gate or other method of controlling access. The term also includes pools operated by or serving subdivisions, apartments, mobile home parks, or townhouses or any pool operated by a county, city, or municipality which is held open to the public. The term does not include a swimming pool at a private single-family residence, hotels, motels, or recreational vehicle parks or a swimming pool at a facility where the operator prohibits the use of such pool by persons younger than 18 years of age.

(2)

(c) This subsection applies to any person convicted of a violation of s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145 for offenses that occurred ~~occure~~ on or after October 1, 2004, and before July 1, 2026, excluding persons who have been removed from the requirement to register as a sexual offender or sexual predator pursuant to s. 943.04354.

(3)

(c) This subsection applies to any person convicted of an offense in another jurisdiction that is similar to a violation of s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145 if such offense occurred on or after May 26, 2010, and before July 1, 2026, excluding persons who have been removed from the requirement to register as a sexual offender or sexual predator pursuant to s. 943.04354.

(4)(a) A person who has been convicted of a violation of s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, regardless of whether adjudication has been withheld, in which

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the victim was younger than 16 years of age at the time of the offense, or who has been convicted of a similar offense in another jurisdiction, regardless of whether adjudication has been withheld, in which the victim was younger than 16 years of age at the time of the offense, may not reside within 1,000 feet of any school, child care facility, park, public swimming pool, or playground. However, a person does not violate this subsection and may not be forced to relocate if he or she is living in a residence that meets the requirements of this subsection and a school, child care facility, park, public swimming pool, or playground is subsequently established within 1,000 feet of his or her residence.

(b) A person who violates this subsection and whose conviction under s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145 was classified as a felony of the first degree or higher or whose conviction in another jurisdiction resulted in a penalty that is substantially similar to a felony of the first degree or higher commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. A person who violates this subsection and whose conviction under s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145 was classified as a felony of the second or third degree or whose conviction in another jurisdiction was substantially similar to a felony of the second or third degree commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(c) This subsection applies to:

1. Any person convicted of a violation described in paragraph (a) for offenses that occur on or after July 1, 2026,

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117 excluding persons who have been removed from the requirement to  
 118 register as a sexual offender or sexual predator pursuant to s.  
 119 943.04354.

120 2. Any person who is subject to the residency restrictions  
 121 in subsection (2) or subsection (3) who changes his or her place  
 122 of residence on or after July 1, 2026.

123 Section 2. Section 775.216, Florida Statutes, is created to  
 124 read:

125 775.216 Restricted locations for persons convicted of  
 126 certain sex offenses.—

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

128 (a) "Child care facility" has the same meaning as in s.  
 129 402.302.

130 (b) "Park," "playground," and "school" have the same  
 131 meanings as in s. 775.215.

132 (c) "Public swimming pool" means a watertight structure of  
 133 concrete, masonry, or other approved materials which is located  
 134 either indoors or outdoors, used for bathing or swimming by  
 135 humans, and filled with a filtered and disinfected water supply,  
 136 together with buildings, appurtenances, and equipment used in  
 137 connection therewith. The term includes a conventional pool,  
 138 spa-type pool, wading pool, special purpose pool, spray pool,  
 139 splash pad, or water recreation attraction, to which admission  
 140 may be gained with or without payment of a fee, regardless of  
 141 whether entry to the public swimming pool is limited by a gate  
 142 or other method of controlling access. The term only includes  
 143 the water feature and the immediate surrounding area of such  
 144 water feature. The term also includes, but is not limited to,  
 145 pools operated by or serving camps, churches, cities, counties,

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146 municipalities, day care centers, parks, state agencies,  
 147 schools, subdivisions, apartments, hotels, motels, mobile home  
 148 parks, recreational vehicle parks, and townhouses. The term does  
 149 not include a swimming pool at a private single-family residence  
 150 or a swimming pool at a facility where the operator prohibits  
 151 the use of such pool by persons younger than 18 years of age.

152 (2) A person who has been convicted of a violation of s.  
 153 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145,  
 154 regardless of whether adjudication has been withheld, in which  
 155 the victim was younger than 16 years of age at the time of the  
 156 offense, or who has been convicted of a similar offense in  
 157 another jurisdiction, regardless of whether adjudication has  
 158 been withheld, in which the victim was younger than 16 years of  
 159 age at the time of the offense, may not be on the premises of  
 160 any school, child care facility, park, public swimming pool, or  
 161 playground.

162 (3) A person who violates this section commits a  
 163 misdemeanor of the first degree, punishable as provided in s.  
 164 775.082 or s. 775.083.

165 (4) This section does not apply to a person who:

166 (a) Has been removed from the requirement to register as a  
 167 sexual offender or sexual predator under s. 943.04354.

168 (b) Is actively traveling past a location described in  
 169 subsection (1) while in transit to another destination.

170 (c) A parent, grandparent, or legal guardian who is  
 171 dropping off or picking up his or her child or grandchild from a  
 172 child care facility or school or who is visiting his or her  
 173 child's or grandchild's child care facility or school, subject  
 174 to the requirements in s. 856.022(4)(b).

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(d) A parent, grandparent, or legal guardian who is only dropping off or picking up his or her child or grandchild from a park, playground, or public swimming pool.

(e) A person who is on the premises of a location described in subsection (1) for the sole purpose of:

1. Attending a religious service as defined in s. 775.0861.

2. Voting, if such person is present during the hours designated for voting.

3. Conducting official business at a local, state, or federal government building.

Section 3. Paragraph (b) of subsection (4) of section 856.022, Florida Statutes, is amended to read:

856.022 Loitering or prowling by certain offenders in close proximity to children; penalty.—

(4)

(b) It is unlawful for a person described in subsection (1) to knowingly be present in any child care facility or school containing any students in prekindergarten through grade 12 or on real property comprising any child care facility or school containing any students in prekindergarten through grade 12 when the child care facility or school is in operation, if such person fails to:

1. Provide written notification that he or she has a conviction specified in subsection (1) of his or her intent to be present to the school board, superintendent, principal, or child care facility owner and that he or she intends to be present at the school or child care facility;

2. Notify the child care facility owner or the school principal's office when he or she arrives and departs the child

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care facility or school; or

3. Remain under direct supervision of a school official or designated chaperone when present in the vicinity of children.

As used in this paragraph, the term "school official" means a principal, a school resource officer, a teacher or any other employee of the school, the superintendent of schools, a member of the school board, a child care facility owner, or a child care provider.

Section 4. Paragraph (h) is added to subsection (9) of section 901.15, Florida Statutes, to read:

901.15 When arrest by officer without warrant is lawful.—A law enforcement officer may arrest a person without a warrant when:

(9) There is probable cause to believe that the person has committed:

(h) A violation of s. 775.216 by being on the premises of a school, child care facility, park, public swimming pool, or playground after he or she was convicted of committing a specified sexual offense against a victim who was younger than 16 years of age at the time of the offense.

Section 5. Section 943.04351, Florida Statutes, is amended to read:

943.04351 Search of registration information regarding sexual predators and sexual offenders required before appointment or employment.—A state agency or governmental subdivision, before making any decision to appoint or employ a person to work, whether for compensation or as a volunteer, at any park, playground, public swimming pool, child care facility ~~day care center~~, or other place where children regularly

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congregate, must conduct a search of that person's name or other identifying information against the registration information regarding sexual predators and sexual offenders through the Dru Sjodin National Sexual Offender Public Website maintained by the United States Department of Justice. If for any reason that site is not available, a search of the registration information regarding sexual predators and sexual offenders maintained by the Department of Law Enforcement under s. 943.043 must ~~shall~~ be performed. This section does not apply to those positions or appointments within a state agency or governmental subdivision for which a state and national criminal history background check is conducted.

Section 6. Present subsections (10) through (15) of section 947.005, Florida Statutes, are redesignated as subsections (11) through (16), respectively, and a new subsection (10) is added to that section, to read:

947.005 Definitions.—As used in this chapter, unless the context clearly indicates otherwise:

(10) "Public swimming pool" has the same meaning as in s. 775.215.

Section 7. Subsections (15) and (16) are added to section 947.1405, Florida Statutes, to read:

947.1405 Conditional release program.—

(15) Effective for a releasee who is convicted of a crime committed on or after July 1, 2026, or who has been previously convicted of a crime committed on or after July 1, 2026, in violation of chapter 794, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, against a victim who was younger than 18 years of age at the time of the offense, in addition to any other

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provision of this section, the commission shall impose the following conditions:

(a) A prohibition on living within 1,000 feet of any public swimming pool. A releasee who is subject to this paragraph may not be forced to relocate and does not violate his or her conditional release supervision if he or she is living in a residence that meets the requirements of this paragraph and a public swimming pool is subsequently established within 1,000 feet of his or her residence.

(b) A prohibition on working for pay or as a volunteer at any public swimming pool.

(16) In addition to all other conditions imposed, for a releasee who is subject to conditional release for a crime that was committed on or after July 1, 2026, and who has been convicted at any time of committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses listed in s. 943.0435(1)(h)1.a.(I), or a similar offense in another jurisdiction, against a victim who was younger than 18 years of age at the time of the offense, if the releasee has not received a pardon for any felony or similar law of another jurisdiction necessary for the operation of this subsection, if a conviction of a felony or similar law of another jurisdiction necessary for the operation of this subsection has not been set aside in any postconviction proceeding, or if the releasee has not been removed from the requirement to register as a sexual offender or sexual predator pursuant to s. 943.04354, the commission must impose a condition prohibiting the releasee from visiting a public swimming pool without prior approval from his or her supervising officer.

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291 (a) Except as provided in paragraph (b), a supervising  
 292 officer must deny a releasee's request to visit a public  
 293 swimming pool if the releasee is prohibited from visiting such a  
 294 public swimming pool under s. 775.216.

295 (b) A supervising officer may authorize a releasee who is  
 296 prohibited from visiting a public swimming pool under s. 775.216  
 297 if it is for any purpose listed in s. 775.216(4).

298 Section 8. Present subsections (9) through (13) of section  
 299 948.001, Florida Statutes, are redesignated as subsections (10)  
 300 through (14), respectively, and a new subsection (9) is added to  
 301 that section, to read:

302 948.001 Definitions.—As used in this chapter, the term:

303 (9) "Public swimming pool" has the same meaning as in s.  
 304 775.215.

305 Section 9. Subsections (6) and (7) are added to section  
 306 948.30, Florida Statutes, to read:

307 948.30 Additional terms and conditions of probation or  
 308 community control for certain sex offenses.—Conditions imposed  
 309 pursuant to this section do not require oral pronouncement at  
 310 the time of sentencing and shall be considered standard  
 311 conditions of probation or community control for offenders  
 312 specified in this section.

313 (6) In addition to all other conditions imposed, for a  
 314 probationer or community controllee whose crime was committed on  
 315 or after July 1, 2026, and who is placed on supervision for  
 316 committing, or attempting, soliciting, or conspiring to commit,  
 317 a violation of s. 787.06(3)(b), (d), (f), or (g); chapter 794;  
 318 s. 800.04; s. 827.071; s. 847.0135(5); or s. 847.0145 against a  
 319 victim who was younger than 18 years of age at the time of the

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320 offense, the court must impose the following conditions:

321 (a) A prohibition on living within 1,000 feet of any public  
 322 swimming pool. A probationer or community controllee who is  
 323 subject to this paragraph may not be forced to relocate and does  
 324 not violate his or her probation or community control if he or  
 325 she is living in a residence that meets the requirements of this  
 326 paragraph and a public swimming pool is subsequently established  
 327 within 1,000 feet of his or her residence.

328 (b) A prohibition on working for pay or as a volunteer at  
 329 any public swimming pool.

330 (7) In addition to all other conditions imposed, for a  
 331 probationer or community controllee who is subject to  
 332 supervision for a crime that was committed on or after July 1,  
 333 2026, and who has been convicted at any time of committing, or  
 334 attempting, soliciting, or conspiring to commit, any of the  
 335 criminal offenses listed in s. 943.0435(1)(h)1.a.(I), or a  
 336 similar offense in another jurisdiction, against a victim who  
 337 was younger than 18 years of age at the time of the offense, if  
 338 the offender has not received a pardon for any felony or similar  
 339 law of another jurisdiction necessary for the operation of this  
 340 subsection, if a conviction of a felony or similar law of  
 341 another jurisdiction necessary for the operation of this  
 342 subsection has not been set aside in any postconviction  
 343 proceeding, or if the offender has not been removed from the  
 344 requirement to register as a sexual offender or sexual predator  
 345 pursuant to s. 943.04354, the court must impose a condition  
 346 prohibiting the probationer or community controllee from  
 347 visiting a public swimming pool without prior approval from his  
 348 or her supervising officer.

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349       (a) Except as provided in paragraph (b), a supervising  
350 officer must deny a probationer's request to visit a public  
351 swimming pool if the probationer is prohibited from visiting  
352 such a public swimming pool under s. 775.216.

353       (b) A supervising officer may authorize a probationer who  
354 is prohibited from visiting a public swimming pool under s.  
355 775.216 if it is for any purpose listed in s. 775.216(4).

356       Section 10. 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.)

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Prepared By: The Professional Staff of the Committee on Rules

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BILL: CS/CS/SB 260

INTRODUCER: Community Affairs Committee; Transportation Committee; and Senator Burgess

SUBJECT: Removal, Storage, and Cleanup of Electric Vehicles

DATE: February 16, 2026

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

| ANALYST    | STAFF DIRECTOR | REFERENCE | ACTION             |
|------------|----------------|-----------|--------------------|
| 1. Shutes  | Vickers        | TR        | <b>Fav/CS</b>      |
| 2. Tolmich | Fleming        | CA        | <b>Fav/CS</b>      |
| 3. Shutes  | Kruse          | RC        | <b>Pre-meeting</b> |

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/CS/SB 260 requires counties, and authorizes municipalities, to establish a daily administration fee for the proper storage of electric vehicles which have been involved in a crash that results in visible damage to the batteries or battery compartment, or when the batteries or battery compartment have been submerged, for any length of time, in salt water, and until the appropriate local agency has inspected and verifies that the damaged battery is safe and not in danger of starting a fire. The daily administration fee for the storage of electric vehicles may be up to three times the maximum standard storage rates already established by counties and municipalities. The daily administration fee shall be applied in the event that the electric vehicle owner or operator is incapacitated, is unavailable, or leaves the procurement of wrecker service to the law enforcement officer at the scene or otherwise does not consent to the removal of the electric vehicle. The daily administration fee may not be applied unless the electric vehicle is properly stored as defined.

The bill provides definitions for the terms “daily administration fee” and “proper storage.” The bill also stipulates that the storage requirements relating to electric vehicles do not require a motor vehicle insurer to pay any costs beyond costs covered pursuant to a contract with its insured.

The bill may have an indeterminate negative fiscal impact on owners of electric vehicles and an indeterminate positive fiscal impact on towing-storage operators. See Section V. Fiscal Impact Statement for details.

The bill takes effect July 1, 2026.

## **II. Present Situation:**

### **Wrecker Operators**

A wrecker operator is any person or firm regularly engaged for hire in the business of towing or removing vehicles,<sup>1</sup> while a towing-storage operator refers to a person who engages in the business of transporting vehicles or vessels by wrecker, tow truck, or car carrier or who engages in storing towed vehicles or vessels.<sup>2</sup>

Current law allows counties and municipalities to establish wrecker operator systems similar to that of the Florida Highway Patrol as authorized in s. 321.051(2), F.S.<sup>3</sup> Under this system, a county or municipality may contract with one or more wrecker operators for towing or removal of wrecked, disabled, or abandoned vehicles from accident scenes, streets, or highways.

### **Towing and Storage Fees**

A county, municipality, or other entity of local government may not adopt an ordinance or a rule that imposes price controls upon lawful business activities that are not franchised by, owned by, or under contract with, the governmental agency, unless specifically provided by general law.<sup>4</sup>

Counties must establish maximum rates which may be charged on the towing of vehicles or vessels from or immobilization of vehicles or vessels on private property or which may be charged for removal and storage of wrecked or disabled vehicles or vessels from an accident scene or for the removal and storage of vehicles or vessels, in the event the owner or operator is incapacitated, unavailable, leaves the procurement of wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the vehicle or vessel.<sup>5</sup> Municipalities may elect to establish maximum rates for towing and storage.<sup>6</sup> However, if a municipality chooses to enact such ordinance, the county's ordinance established under s. 125.0103, F.S., does not apply within such municipality.<sup>7</sup>

A county or municipality that has established maximum towing and storage rates must publish such rates on its website and establish a process for investigating and resolving complaints regarding fees charged in excess of such rates.<sup>8</sup> The daily rates for storage adopted by local governments are based on a variety of factors and vary considerably across the state. For example, the daily rate for the outdoor storage for vehicles 25 feet or less in Palm Beach County

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<sup>1</sup> Section 1.01(15), F.S.

<sup>2</sup> Section 713.78(1)(f), F.S.

<sup>3</sup> Section 323.002(1)(c), F.S.

<sup>4</sup> Sections 125.0103(1)(a) and 166.043(1)(a), F.S.

<sup>5</sup> Section 125.0103(1)(c), F.S.

<sup>6</sup> Section 166.043(1)(c), F.S.

<sup>7</sup> Section 125.0103(1)(c), F.S.

<sup>8</sup> Sections 125.0103(1)(d) and 166.043(1)(d), F.S.

is \$31,<sup>9</sup> while the daily storage rate in Leon County for a vehicle weighing less than 10,000 pounds is \$55.<sup>10</sup>

Once a vehicle or vessel is towed or stored, the towing-storage operator has a lien on the vehicle or vessel for fees related to recovery, removal, or storage.<sup>11</sup> These fees may include any reasonable towing fees, administrative fees, or storage fees.<sup>12</sup> However, a storage fee may not be charged if the vehicle is stored for less than six hours.<sup>13</sup> In addition to the amount due for the towing and storage of the vehicle, a towing company may charge an administrative fee of up to \$250 for releasing the claim of lien.<sup>14</sup>

### Handling of Damaged Electric Vehicles

In 2012, the National Highway Traffic Safety Administration (NHTSA) issued guidance for the handling of electric and hybrid-electric vehicles equipped with high-voltage batteries in certain situations.<sup>15</sup> The guidance provides that in the event of damage, fire, or flooding involving an electric vehicle or hybrid-electric vehicle:

- Assume that the high-voltage battery and the associated components are energized and fully charged;
- Exposed electrical components, wires, and high-voltage batteries present potential high voltage shock hazards;
- Venting/off-gassing high-voltage battery vapors are potentially flammable;
- Physical damage to a vehicle or high-voltage battery may result in immediate or delayed release of toxic and/or flammable gases and fire; and
- A high-voltage battery in a flooded vehicle may have high-voltage and short circuits that can shock and cause fires.<sup>16</sup>

In a post-incident situation, the NHTSA guidance recommends not storing a severely damaged vehicle with a lithium-ion battery inside a structure or within 50 feet of any structure, vehicle, or combustible, and to ensure that the vehicle compartments remain well ventilated.<sup>17</sup>

In 2020, the National Transportation Safety Board (NTSB) issued a report entitled "Safety Risks to Emergency Responders from Lithium-Ion Battery Fires in Electric Vehicles" which included

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<sup>9</sup> Palm Beach County, *Maximum Non-Consent Towing and Immobilization Rates*, available at: [https://discover.pbc.gov/publicsafety/consumeraffairs/CA\\_PDFs/MaxTowingImmobilizationRates.pdf](https://discover.pbc.gov/publicsafety/consumeraffairs/CA_PDFs/MaxTowingImmobilizationRates.pdf) (last visited Feb. 9, 2026).

<sup>10</sup> Leon County, *Resolution No. 25-17*, available at: <https://cvimage.clerk.leon.fl.us/finance/Resolutions/2025/R25-17.pdf> (last visited Feb. 9, 2026).

<sup>11</sup> Section 713.78(2)(b), F.S.

<sup>12</sup> Section 713.78(2), F.S.

<sup>13</sup> Section 713.78(2)(b), F.S.

<sup>14</sup> Section 713.78(15)(a), F.S.

<sup>15</sup> U.S. Department of Transportation, National Highway Traffic Safety Administration, *Interim Guidance for Electric and Hybrid-Electric Vehicles*, available at: [https://www.nhtsa.gov/sites/nhtsa.gov/files/interimguide\\_electrichybridvehicles\\_012012\\_v3.pdf](https://www.nhtsa.gov/sites/nhtsa.gov/files/interimguide_electrichybridvehicles_012012_v3.pdf) (last visited February 9, 2026).

<sup>16</sup> *Id.* at 4.

<sup>17</sup> *Id.* at 7.

various findings and recommendations relating to the handling of damaged electric vehicles.<sup>18</sup> Notable findings in the report included:

- Thermal runaway and multiple battery reignitions after initial fire suppression are safety risks in high-voltage lithium-ion battery fires.
- The energy remaining in a damaged high-voltage lithium-ion battery, known as stranded energy, poses a risk of electric shock and creates the potential for thermal runaway that can result in battery reignition and fire.
- High-voltage lithium-ion batteries in electric vehicles, when damaged by crash forces or internal battery failure, present special challenges to first and second responders because of insufficient information from manufacturers on procedures for mitigating the risks of stranded energy.
- Storing an electric vehicle with a damaged high-voltage lithium-ion battery inside the recommended 50-foot-radius clear area may be infeasible at towing or storage yards.<sup>19</sup>

The report recommended that certain associations representing emergency responders (including the Towing and Recovery Association of America) inform their members about the circumstances of the fire risks described in the report and the guidance available to emergency personnel who respond to high-voltage lithium-ion battery fires in electric vehicles.<sup>20</sup>

The Florida State Fire Marshall has adopted R. 69A-73.005, F.A.C., related to storage of damaged electric vehicles. Specifically, electric vehicles with damaged, burned, or potentially damaged or burned batteries may not be stored or parked within 50 feet of a structure until the battery can be safely discharged by trained and qualified staff in accordance with the vehicle manufacture's procedures. The rule does not apply to electric vehicles stored for under 30 days for insurance claim adjudication, to a licensed motor vehicle auction that sells junk or salvage motor vehicles, or for the disassembly or repair of a damaged electric vehicle.<sup>21</sup>

### **Motor Vehicle Insurers**

Chapter 324, F.S., sets forth the financial responsibility laws for owners or operators of motor vehicles in Florida. Generally, a motor vehicle owner or operator is required to insure against losses from liability for bodily injury, death, and property damage by either:

- Purchasing auto insurance from an insurance carrier authorized by the Office of Insurance Regulation to do business in Florida;<sup>22</sup> or
- Obtaining a certificate of self-insurance from the Department of Highway Safety and Motor Vehicles after demonstrating the ability to cover potential losses arising out of the ownership, maintenance, or use of a motor vehicle.<sup>23</sup>

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<sup>18</sup> National Transportation Safety Board, *Safety Risks to Emergency Responders from Lithium-Ion Battery Fires in Electric Vehicles*, available at: <https://www.nts.gov/safety/safety-studies/Documents/SR2001.pdf> (last visited Feb. 9, 2026).

<sup>19</sup> *Id.* at 63.

<sup>20</sup> *Id.* at 64.

<sup>21</sup> State Fire Marshall, *Uniform Fire Safety Standards for Energy Storage Systems*, available at: [uniform-firesafety-standards-for-energy-storage-systems-draft-language-10-2-2024.pdf](https://www.floridastatefire.com/uniform-firesafety-standards-for-energy-storage-systems-draft-language-10-2-2024.pdf) (last visited Feb. 9, 2026).

<sup>22</sup> Section 324.021(8), F.S.

<sup>23</sup> Sections 324.161 and 324.171, F.S.

In addition to the mandatory types of coverage, drivers may acquire additional types of coverage, such as collision, comprehensive, roadside assistance, and liability.<sup>24</sup> Insurance may cover towing and storage fees after an accident, depending on the type and level of coverage and circumstances of the accident.<sup>25</sup> Additionally, insurance companies must provide notice before termination of payment for previously authorized storage charges and must provide 72 hours' notice to remove the vehicle from storage.<sup>26</sup>

### III. Effect of Proposed Changes:

The bill amends ss. 125.0103, and 166.043, F.S., to require counties, and allow municipalities, to establish a daily administration fee for the proper storage of electric vehicles which may have been involved in a crash that results in visible damage to the batteries or battery compartment, or when the batteries or battery compartment has been submerged, for any length of time, in salt water, and until the appropriate local agency has inspected and verifies that the damaged battery is safe and not in danger of starting a fire. The daily administration fee for proper storage of an electric vehicle may be up to three times the standard maximum amount established for those that run on gasoline or diesel fuels. The administration fee shall apply in the event the electric vehicle owner or operator is incapacitated, is unavailable, leaves the procurement of the wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the electric vehicle. The daily administration fee may not be charged unless the electric vehicle is properly stored as defined.

The bill defines the following terms:

- “Daily Administration Fee” - A fee imposed by a wrecker service or towing-storage or wrecker operator for administrative costs for storing a damaged or submerged electric vehicle in order to provide proper storage of the damaged or submerged electric vehicle.
- “Proper Storage” - The damaged electric vehicle is separated from combustibles and structures by at least 50 feet on all sides or is surrounded by a barrier of earth, steel, concrete, or solid masonry.

The bill creates s. 324.0222, F.S., to provide that nothing related to ordinances and rules imposing price controls in ss. 125.0103 and 166.043, F.S., relating to the storage of electric vehicles, requires a motor vehicle insurer to pay any costs beyond costs covered pursuant to a contract with its insured.

The bill amends s. 713.78, F.S., to provide that a towing-storage operator may charge the daily administration fee authorized by the bill.

The bill takes effect July 1, 2026.

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<sup>24</sup> Experian, *Does Car Insurance Cover Towing After an Accident?*, available at: <https://www.experian.com/blogs/ask-experian/does-car-insurance-cover-towing-after-accident/> (last visited Feb. 9, 2026).

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

<sup>26</sup> Section 626.9743(8), F.S.

**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

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

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

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

To the extent that counties and municipalities elect to establish the increased administration fee for storage of electric vehicles, electric vehicle owners could experience an indeterminate negative fiscal impact, and towing-storage operators could experience an indeterminate positive fiscal impact.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 125.0103, 166.043, and 713.78.

The bill creates section 324.0222 of the Florida Statutes.

**IX. Additional Information:**

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

**CS/CS by Community Affairs on February 10, 2026:**

The committee substitute specifies that the daily administration fee for the proper storage of electric vehicles authorized by the bill applies until the appropriate local agency inspects and verifies that the damaged battery is safe and not in danger of starting a fire. It also revises the definition of “daily administration fee” to remove the portion that refers to cleanup of the crash scene and debris removal.

**CS by Transportation on February 3, 2026:**

The committee substitute:

- Clarifies in order for an electric vehicle to be charged three times the daily administration fee for storage, there must be visible damage to the batteries or battery compartment, or the batteries or battery compartment has been submerged, for any length of time, in salt water.
- Clarifies that the bill is specific to storage only and does not include towing.

**B. Amendments:**

None.



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LEGISLATIVE ACTION

Senate

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House

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The Committee on Rules (Burgess) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Present paragraph (d) of subsection (1) of  
section 125.0103, Florida Statutes, is redesignated as paragraph  
(f), and new paragraph (d) and paragraph (e) are added to that  
subsection, to read:

125.0103 Ordinances and rules imposing price controls.—

(1)

(d)1. Counties shall establish a daily administration





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storage fee for the proper storage of electric vehicles, as defined in s. 320.01(36), which have been involved in a crash that results in visible damage to the batteries or battery compartment, or when the batteries or battery compartment have been submerged, for any length of time, in salt water, and until the appropriate local agency has inspected and verified that the damaged battery is safe and not in danger of starting a fire.

The daily administration storage fee for proper storage of an electric vehicle may be up to three times the amount established under paragraph (c) and applies in the event that the electric vehicle owner or operator is incapacitated, is unavailable, leaves the procurement of wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the electric vehicle. Such fee may not be charged unless the electric vehicle is properly stored as defined in this paragraph.

2. For purposes of this paragraph, the term:

a. "Daily administration storage fee" means a fee imposed by a wrecker service or towing-storage or wrecker operator for administrative costs for storing a damaged or submerged electric vehicle in order to provide proper storage of the damaged or submerged electric vehicle.

b. "Proper storage" means the damaged electric vehicle is separated from combustibles and structures by at least 50 feet on all sides or is surrounded by a barrier of earth, steel, concrete, or solid masonry.

(e)1. Beginning January 1, 2027, and ending December 31, 2028, a wrecker service or towing-storage wrecker or operator shall collect and submit to the Division of State Fire Marshal



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data relating to the storage of damaged or submerged electric vehicles as described in subparagraph (d)1. The State Fire Marshal shall create a form for such data, which must include, but is not limited to, all of the following information:

- a. The vehicle identification number.
- b. A description of the damage to the electric vehicle.
- c. The remaining percentage of battery charge, if known or reasonably ascertainable.
- d. The dates during which the electric vehicle was stored by the wrecker service or towing-storage or wrecker operator.
- e. Any fire-related incidents during the time the electric vehicle was stored.
- f. Any other information deemed relevant by the State Fire Marshal.

2. By March 1, 2029, the State Fire Marshal shall submit a report to the President of the Senate and the Speaker of the House of Representatives with a summary of the data received pursuant to subparagraph 1. The report must assess the potential threat of fire posed when storing an electric vehicle with battery damage and make recommendations on the best practices to reduce the threat of fire during such storage.

3. This paragraph expires on July 1, 2029.

Section 2. Present paragraph (d) of subsection (1) of section 166.043, Florida Statutes, is redesignated as paragraph (f), and new paragraph (d) and paragraph (e) are added to that subsection, to read:

166.043 Ordinances and rules imposing price controls.—

(1)

(d)1. Municipalities may establish a daily administration



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storage fee for the proper storage of electric vehicles, as defined in s. 320.01(36), which have been involved in a crash that results in visible damage to the batteries or battery compartment, or when the batteries or battery compartment have been submerged, for any length of time, in salt water, and until the appropriate local agency has inspected and verified that the damaged battery is safe and not in danger of starting a fire. The daily administration storage fee for proper storage of an electric vehicle may be up to three times the amount established under paragraph (c) and applies in the event that the electric vehicle owner or operator is incapacitated, is unavailable, leaves the procurement of wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the electric vehicle. Such fee may not be charged unless the electric vehicle is properly stored as defined in this paragraph. If a municipality enacts an ordinance establishing a daily administration storage fee as defined in this paragraph, a county's ordinance establishing a daily administration storage fee under s. 125.0103(1)(d) does not apply within such municipality.

2. For purposes of this paragraph, the term:

a. "Daily administration storage fee" means a fee imposed by a wrecker service or towing-storage or wrecker operator for administrative costs for storing a damaged or submerged electric vehicle in order to provide proper storage of the damaged or submerged electric vehicle.

b. "Proper storage" means the damaged electric vehicle is separated from combustibles and structures by at least 50 feet on all sides or is surrounded by a barrier of earth, steel,



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99 concrete, or solid masonry.

100 (e)1. Beginning January 1, 2027, and ending December 31,  
101 2028, a wrecker service or towing-storage wrecker or operator  
102 shall collect and submit to the Division of State Fire Marshal  
103 data relating to the storage of damaged or submerged electric  
104 vehicles as described in subparagraph (d)1. The State Fire  
105 Marshal shall create a form for such data, which must include,  
106 but is not limited to, all of the following information:

107 a. The vehicle identification number.

108 b. A description of the damage to the electric vehicle.

109 c. The remaining percentage of battery charge, if known or  
110 reasonably ascertainable.

111 d. The dates during which the electric vehicle was stored  
112 by the wrecker service or towing-storage or wrecker operator.

113 e. Any fire-related incidents during the time the electric  
114 vehicle was stored.

115 f. Any other information deemed relevant by the State Fire  
116 Marshal.

117 2. By March 1, 2029, the State Fire Marshal shall submit a  
118 report to the President of the Senate and the Speaker of the  
119 House of Representatives with a summary of the data received  
120 pursuant to subparagraph 1. The report must assess the potential  
121 threat of fire posed when storing an electric vehicle with  
122 battery damage and make recommendations on the best practices to  
123 reduce the threat of fire during such storage.

124 3. This paragraph expires on July 1, 2029.

125 Section 3. Section 324.0222, Florida Statutes, is created  
126 to read:

127 324.0222 Storage of electric vehicles; coverage.—Nothing in



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s. 125.0103 or s. 166.043 relating to the storage of electric vehicles requires a motor vehicle insurer to pay any costs beyond costs covered pursuant to a contract with its insured.

Section 4. Paragraph (a) of subsection (2) of section 713.78, Florida Statutes, is amended to read:

713.78 Liens for recovering, towing, or storing vehicles and vessels.—

(2) (a) A towing-storage operator may charge the owner or operator of a vehicle or vessel only the following fees for, or incidental to, the recovery, removal, or storage of the vehicle or vessel:

1. Any reasonable fee for service, including any daily administration storage fee, specifically authorized under s. 125.0103 or s. 166.043 by ordinance, resolution, regulation, or rule of the county or municipality in which the service is performed.

2. Any reasonable fee for service specifically authorized by the Division of Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles under s. 321.051(2).

3. Any reasonable fee for service as agreed upon in writing between a towing-storage operator and the owner of a vehicle or vessel.

4. Any lien release administrative fee as set forth in paragraph (15) (a).

5. Any reasonable administrative fee or charge imposed by a county or municipality pursuant to s. 125.01047, s. 166.04465, or s. 323.002 upon the registered owner or other legally authorized person in control of a vehicle or vessel.

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



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

And the title is amended as follows:

Delete everything before the enacting clause  
and insert:

A bill to be entitled

An act relating to the removal, storage, and cleanup  
of electric vehicles; amending s. 125.0103, F.S.;  
requiring counties to establish a daily administration  
storage fee for the proper storage of certain electric  
vehicles; providing a maximum amount for such fees;  
providing applicability; defining the terms "daily  
administration storage fee" and "proper storage";  
requiring any wrecker service or towing-storage  
wrecker or operator to collect and submit specific  
data to the Division of State Fire Marshal relating to  
stored damaged or submerged electric vehicles by a  
specified date; requiring the State Fire Marshal to  
create a form to submit such data; requiring the State  
Fire Marshal to submit a report with specified  
information to the Legislature by a specified date;  
providing for an expiration; amending s. 166.043,  
F.S.; authorizing municipalities to establish a daily  
administration storage fee for the proper storage of  
certain electric vehicles; providing a maximum amount  
for such fees; providing applicability; defining the  
terms "daily administration storage fee" and "proper  
storage"; requiring any wrecker service or towing-  
storage wrecker or operator to submit specific data to



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the Division of State Fire Marshal relating to stored damaged or submerged electric vehicles by a specified date; requiring the State Fire Marshal to create a form to submit such data; requiring the State Fire Marshal to submit a report with specified information to the Legislature by a specified date; providing for an expiration; creating s. 324.0222, F.S.; providing that motor vehicle insurers are not required to pay certain costs; amending s. 713.78, F.S.; providing that a reasonable fee for service includes any daily administration storage fee; providing an effective date.

By the Committees on Community Affairs; and Transportation; and  
Senator Burgess

578-02726A-26

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A bill to be entitled

An act relating to the removal, storage, and cleanup of electric vehicles; amending s. 125.0103, F.S.; requiring counties to establish a daily administration fee for the proper storage of certain electric vehicles; providing a maximum amount for such fees; providing applicability; defining the terms "daily administration fee" and "proper storage"; amending s. 166.043, F.S.; authorizing municipalities to establish a daily administration fee for the proper storage of certain electric vehicles; providing a maximum amount for such fees; providing applicability; defining the terms "daily administration fee" and "proper storage"; creating s. 324.0222, F.S.; providing that motor vehicle insurers are not required to pay certain costs; amending s. 713.78, F.S.; providing that a reasonable fee for service includes any daily administration fee; providing an effective date.

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

Section 1. Present paragraph (d) of subsection (1) of section 125.0103, Florida Statutes, is redesignated as paragraph (e), and a new paragraph (d) is added to that subsection, to read:

125.0103 Ordinances and rules imposing price controls.—

(1)

(d)1. Counties shall establish a daily administration fee for the proper storage of electric vehicles, as defined in s.

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

578-02726A-26

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320.01(36), which have been involved in a crash that results in visible damage to the batteries or battery compartment, or when the batteries or battery compartment have been submerged, for any length of time, in salt water, and until the appropriate local agency has inspected and verified that the damaged battery is safe and not in danger of starting a fire. The daily administration fee for proper storage of an electric vehicle may be up to three times the amount established under paragraph (c) and applies in the event that the electric vehicle owner or operator is incapacitated, is unavailable, leaves the procurement of wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the electric vehicle. Such fee may not be charged unless the electric vehicle is properly stored as defined in this paragraph.

2. For purposes of this paragraph, the term:

a. "Daily administration fee" means a fee imposed by a wrecker service or towing-storage or wrecker operator for administrative costs for storing a damaged or submerged electric vehicle in order to provide proper storage of the damaged or submerged electric vehicle.

b. "Proper storage" means the damaged electric vehicle is separated from combustibles and structures by at least 50 feet on all sides or is surrounded by a barrier of earth, steel, concrete, or solid masonry.

Section 2. Present paragraph (d) of subsection (1) of section 166.043, Florida Statutes, is redesignated as paragraph (e), and a new paragraph (d) is added to that subsection, to read:

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



578-02726A-26

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166.043 Ordinances and rules imposing price controls.-

(1)

(d)1. Municipalities may establish a daily administration fee for the proper storage of electric vehicles, as defined in s. 320.01(36), which have been involved in a crash that results in visible damage to the batteries or battery compartment, or when the batteries or battery compartment have been submerged, for any length of time, in salt water, and until the appropriate local agency has inspected and verified that the damaged battery is safe and not in danger of starting a fire. The daily administration fee for proper storage of an electric vehicle may be up to three times the amount established under paragraph (c) and applies in the event that the electric vehicle owner or operator is incapacitated, is unavailable, leaves the procurement of wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the electric vehicle. Such fee may not be charged unless the electric vehicle is properly stored as defined in this paragraph. If a municipality enacts an ordinance establishing a daily administration fee as defined in this paragraph, a county's ordinance establishing a daily administration fee under s. 125.0103(1)(d) does not apply within such municipality.

2. For purposes of this paragraph, the term:

a. "Daily administration fee" means a fee imposed by a wrecker service or towing-storage or wrecker operator for administrative costs for storing a damaged or submerged electric vehicle in order to provide proper storage of the damaged or submerged electric vehicle.

b. "Proper storage" means the damaged electric vehicle is

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separated from combustibles and structures by at least 50 feet on all sides or is surrounded by a barrier of earth, steel, concrete, or solid masonry.

Section 3. Section 324.0222, Florida Statutes, is created to read:

324.0222 Storage of electric vehicles; coverage.-Nothing in s. 125.0103 or s. 166.043 relating to the storage of electric vehicles requires a motor vehicle insurer to pay any costs beyond costs covered pursuant to a contract with its insured.

Section 4. Paragraph (a) of subsection (2) of section 713.78, Florida Statutes, is amended to read:

713.78 Liens for recovering, towing, or storing vehicles and vessels.-

(2)(a) A towing-storage operator may charge the owner or operator of a vehicle or vessel only the following fees for, or incidental to, the recovery, removal, or storage of the vehicle or vessel:

1. Any reasonable fee for service, including any daily administration fee, specifically authorized under s. 125.0103 or s. 166.043 by ordinance, resolution, regulation, or rule of the county or municipality in which the service is performed.

2. Any reasonable fee for service specifically authorized by the Division of Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles under s. 321.051(2).

3. Any reasonable fee for service as agreed upon in writing between a towing-storage operator and the owner of a vehicle or vessel.

4. Any lien release administrative fee as set forth in paragraph (15)(a).

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117        5. Any reasonable administrative fee or charge imposed by a  
118 county or municipality pursuant to s. 125.01047, s. 166.04465,  
119 or s. 323.002 upon the registered owner or other legally  
120 authorized person in control of a vehicle or vessel.

121        Section 5. 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.)

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Prepared By: The Professional Staff of the Committee on Rules

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BILL: CS/SB 350

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Grall

SUBJECT: Public Records/Crime Victims

DATE: February 16, 2026

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

| ANALYST    | STAFF DIRECTOR | REFERENCE | ACTION             |
|------------|----------------|-----------|--------------------|
| 1. Wyant   | Stokes         | CJ        | <b>Favorable</b>   |
| 2. Harmsen | McVane         | GO        | <b>Fav/CS</b>      |
| 3. Wyant   | Kruse          | RC        | <b>Pre-meeting</b> |

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 350 amends s. 119.071, F.S., to revise the current public records exemption from inspection and copying requirements for documents that identify a person as a victim of a crime. The bill specifies any portion of a public record that reveals the identity of a victim of crime, *including his or her name or personal identification number*, home or employment address, or personal assets, *or any other information or record that could be used to locate, intimidate, harass, or abuse the victim*, which is a public record generated or received by any agency that regularly generates or receives information from or concerning the victims of crime, is exempt from public records inspection and copying requirements. The bill also applies these protections to the portions of a public record that identifies the victim and a person who is the victim's family member, next of kin, and lawful representative.

The bill also requires that the portion of a public record which contains the name of an officer who became a victim in the course and scope of his or her employment or official duties be held as confidential and exempt for a period of 72 hours immediately following such incident. This portion of a public record then becomes exempt from public records copying and inspection requirements for the next 60 days, which permits an agency to release the officer's name, but does not require it. At the end of the 60-day period, the officer's name may be released as a public record.

The bill provides definitions for "officer," "family member," and "victim."

The exemption applies to information held by an agency that regularly generates or receives information about a victim on or after July 1, 2026, and is repealed on October 2, 2031, unless reenacted by the Legislature.

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

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

The bill takes effect July 1, 2026.

## **II. Present Situation:**

### **Access to Public Records - Generally**

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.<sup>1</sup> 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.<sup>2</sup>

Additional requirements and exemptions related to public records are found in various statutes and rules, depending on the branch of government involved. For instance, s. 11.0431, F.S., provides public access requirements for legislative records. Relevant exemptions are codified in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the legislature.<sup>3</sup> Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.<sup>4</sup> Lastly, ch. 119, F.S., known as the Public Records Act, provides requirements for public records held by executive branch and local government agencies.

### ***Violation of Public Record Law***

Any person who willfully and knowingly violates any public record law commits a first-degree misdemeanor.<sup>5,6</sup>

Pursuant to s. 119.105, F.S., any person who comes into possession of exempt or confidential information contained in police reports is prohibited from using that information for any commercial solicitation of the victims or the relatives of the victims of the reported crimes or accidents, and is further prohibited from knowingly disclosing such information to any third party for the purpose of such solicitation during the period of time that the information remains

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<sup>1</sup> FLA. CONST. art. I, s. 24(a).

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

<sup>3</sup> See Rule 1.48, *Rules and Manual of the Florida Senate*, (2024-2026) and Rule 14.1, *Rules of the Florida House of Representatives*, Edition 1, (2024-2026).

<sup>4</sup> *State v. Wooten*, 260 So. 3d 1060 (Fla. 4<sup>th</sup> DCA 2018).

<sup>5</sup> Section 119.10(2)(a), F.S.

<sup>6</sup> A first-degree misdemeanor is punishable by a term of imprisonment not exceeding 1 year and a fine of up to \$1,000. Sections 775.082 and 775.083, F.S.

exempt or confidential. Any person who violates such prohibitions commits a third-degree felony.<sup>7,8</sup>

### **Open Government Sunset Review Act**

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act<sup>9</sup> (the Act), prescribe a legislative review process for newly created or substantially amended<sup>10</sup> public records or open meetings exemptions, with specified exceptions.<sup>11</sup> The Act requires the repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment; in order to save an exemption from repeal, the Legislature must reenact the exemption or repeal the sunset date.<sup>12</sup> In practice, many exemptions are continued by repealing the sunset date, rather than reenacting the exemption.

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.<sup>13</sup> An exemption serves an identifiable purpose if the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption and it meets one of the following purposes:

- It allows the state or its political subdivisions to effectively and efficiently administer a program, and administration would be significantly impaired without the exemption;<sup>14</sup>
- It protects sensitive, personal information, the release of which would be defamatory, cause unwarranted damage to the good name or reputation of the individual, or would jeopardize the individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;<sup>15</sup> or
- It protects information of a confidential nature concerning entities, such as trade or business secrets.<sup>16</sup>

The Act also requires specified questions to be considered during the review process.<sup>17</sup> In examining an exemption, the Act directs the Legislature to question the purpose and necessity of reenacting the exemption.

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<sup>7</sup> Section 119.10(2)(b), F.S.

<sup>8</sup> A third-degree felony is generally punishable by not more than 5 years in state prison and a fine not exceeding \$5,000. Sections 775.082 and 775.083, F.S.

<sup>9</sup> Section 119.15, F.S.

<sup>10</sup> 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.

<sup>11</sup> 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.

<sup>12</sup> Section 119.15(3), F.S.

<sup>13</sup> Section 119.15(6)(b), F.S.

<sup>14</sup> Section 119.15(6)(b)1., F.S.

<sup>15</sup> Section 119.15(6)(b)2., F.S.

<sup>16</sup> Section 119.15(6)(b)3., F.S.

<sup>17</sup> Section 119.15(6)(a), F.S. The specified questions are:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?

If the exemption is continued and expanded, then a public necessity statement and a two-thirds vote for passage are again required.<sup>18</sup> 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.<sup>19</sup>

### **Marsy's Law**

On November 6, 2018, a constitutional revision to article I of the State Constitution was approved by voters; such revision is colloquially known as “Marsy’s Law.”<sup>20</sup> Marsy’s Law provides crime victims specific rights, including the right:

- To be free from intimidation, harassment, and abuse.
- To be reasonably protected from the accused and any person acting on behalf of the accused within the judicial process.
- To prevent the disclosure of information or records that could be used to locate or harass the victim or the victim’s family, or which could disclose confidential or privileged information of the victim.<sup>21</sup>

Under Marsy’s Law, a “victim” means a person who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of a crime or delinquent act or against whom the crime or delinquent act is committed. The term includes the victim’s lawful representative, the parent or guardian of a minor, or the next of kin of a homicide victim, except upon a showing that the interest of such individual would be in actual or potential conflict with the interests of the victim. The term does not include the accused.<sup>22</sup>

Pursuant to article I, section 16(c) of the Florida Constitution, the victim can assert and seek enforcement of such rights in any trial or appellate court, or before any other authority with jurisdiction over the case, as a matter of right. The court or other authority must act promptly on such a request, affording a remedy by due course of law for the violation of any right.<sup>23</sup>

In 2023, the Florida Supreme Court held that Marsy’s Law “does not guarantee to a victim the categorical right to withhold his or her name from disclosure.”<sup>24</sup> The Court held that “Marsy’s Law speaks only to the right of victims to ‘prevent the disclosure of information or records that could be used to locate or harass’ them or their families” and that “one’s name, standing alone, is not that kind of information or record; it communicates nothing about where the individual can be found and bothered.”<sup>25</sup> The Court noted that by reading Marsy’s Law to only shield

- 
- Is the record or meeting protected by another exemption?
  - Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

<sup>18</sup> See generally s. 119.15, F.S.

<sup>19</sup> Section 119.15(7), F.S.

<sup>20</sup> Art. I, s. 16(b)-(e), Fla. Const.

<sup>21</sup> Art. I, s. 16(b), Fla. Const.

<sup>22</sup> Art. I, s. 16(e), Fla. Const.

<sup>23</sup> Art. I, s. 16(c), Fla. Const.

<sup>24</sup> *City of Tallahassee v. Fla. Police Benv. Assn., Inc.*, 375 So. 3d 178, 183 (2023).

<sup>25</sup> *Id.* at 184 (internal citations omitted).

information that can be used to locate or harass, rather than identify, it can give effect to Marsy's Law while also protecting a defendant's right to confront adverse witnesses at trial.

Additionally, the question of whether police officers acting in an official capacity can be Marsy's Law "victims" was presented to the Court. However, the Court decided to answer the question of anonymity stating, "we decide only what Marsy's Law says and does not say; we do not pass upon the validity of any statutory right of certain persons, in certain situations, to withhold their identities from disclosure."<sup>26</sup>

### **Public Record Exemption for Agency Investigations**

#### ***Agency Documents that Identify a Victim of a Sexual Offense***

Section 119.071(2)(h), F.S., makes confidential and exempt from public records law any information that may reveal the identity of a victim of specified sexual offenses that are included in criminal intelligence information or criminal investigative information. In general, information cannot be withheld from public inspection as criminal investigative or intelligence information after its release to a defendant.<sup>27</sup> However, this is not the case for information that would reveal identifying information of a victim of a sexual offense, child abuse, or certain human trafficking crimes.<sup>28</sup>

#### ***Agency Documents that Identify a Victim of a Crime***

Section 119.071(2)(j), F.S., provides a public record exemption for any document that reveals the identity, home or employment telephone number, home or employment address, or personal assets of the victim of a crime and also identifies that person as the victim of a crime, which document is received by any agency that regularly receives information from or concerning the victims of crime.<sup>29</sup> This provision has been interpreted to exempt only those documents received, not generated by, an agency; police reports are not included in this exemption.<sup>30</sup>

Additionally, any information not otherwise held confidential or exempt from public record requirements which reveals the home or employment telephone number, home or employment address, or personal assets of a person who has been the victim of sexual battery, aggravated child abuse, aggravated stalking, harassment, aggravated battery, or domestic violence is exempt from public record requirements upon written request by the victim, which request must include official verification that an applicable crime has occurred. Such an exemption will cease five years after the receipt of the written request.<sup>31</sup>

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<sup>26</sup> *Id.* at 188.

<sup>27</sup> See s. 119.011(3)(c)5., F.S.

<sup>28</sup> 119.071(2)(h), F.S. See also, Op. Att'y Gen. Fla. 2003-56 (2003), <https://www.myfloridalegal.com/ag-opinions/identity-of-sexual-crime-victim-in-court-records> (last visited Jan. 27, 2026).

<sup>29</sup> Section 119.071(2)(j)1., F.S.

<sup>30</sup> Op. Att'y Gen. Fla. 90-80 (1990).

<sup>31</sup> *Id.* Notwithstanding this exemption, any state or federal agency that is authorized to have access to such documents by any provision of law must be granted access in the furtherance of such agency's statutory duties.

### III. Effect of Proposed Changes:

The bill amends s. 119.071, F.S., to revise the public record exemption for documents that identify a person as a victim of a crime. The bill specifies any portion of a public record that reveals the identity, including name or personal identification number, home or employment address, or personal assets of a victim, or any other information or record that could be used to locate, intimidate, harass, or abuse the victim which identifies the person as a victim of a crime and is a public record that is generated or received by any agency that regularly generates or receives information from or concerning the victims of crime, is exempt from public records copying and inspection requirements.

The bill applies the same exemption to any portion of a public record that reveals the identity of a lawful representative, family member, or next of kin of a person identified as a victim by the public record, or any other information that could be used to locate, intimidate, harass, or abuse such persons, if that record is a public record that was generated or received by an agency that regularly generates or receives information from or concerning victims of crime.

This portion of the bill expands the application of the exemption to include any public record, whether a document, an audio recording, or video recording, rather than just a written or electronic document—but the exemption covers only that portion of the record which provides the identity or related information of the victim, or their family, lawful representative, or next of kin. The exemption is also expanded to include public records that are generated by the agency, rather than just those records that are received by the agency. Neither the accused, nor a person whose interest is in actual or potential conflict with the victim's interest can avail themselves of this protection.

The bill additionally requires that a portion of a public record which reveals the name of an officer who becomes a victim within the course and scope of his or her employment or official duties be held confidential and exempt for a 72-hour period immediately following such incident. Thereafter, the officer's name automatically becomes exempt for a 60-day period, which allows, but does not require the agency that holds the record to release the officer's name. After the 60-day period, the officer's name may be released as a public record.

The bill provides that the protections afforded to an officer's name do not supersede the exemption provided for victims of sexual battery in s. 119.071(2)(h)1.b., F.S.

The bill provides the following definitions:

- “Officer” means any full-time, part-time, or auxiliary law enforcement officer, correctional officer, or correctional probation officer certified under s. 943.13, F.S.
- “Victim” means a person who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of a crime or delinquent act or against whom the crime or delinquent act is committed. The term does not include the accused.

The exemption applies to information held by an agency on or after July 1, 2026, and is repealed on October 2, 2031, unless reenacted by the Legislature.



The bill provides a statement of necessity as required by the State Constitution. The public necessity statement provides that exempting records or documents from s. 119.07(1), F.S., and article I, section 24(a) of the State Constitution which identify a crime victim, the victim's family, or any information that may be used to threaten or harass the victim or the victim's family is a necessity to prevent the possibility of further trauma and the release of such records may deter crime victims from cooperating with law enforcement and reporting criminal acts.

The bill takes effect July 1, 2026.

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

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

The bill does not appear to require the cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by article VII, section 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 from the public records inspection and copying requirements. This bill expands an exemption for records pertaining to victims of crimes and officers involved in a use of force incident; therefore, the bill requires a two-thirds vote of each chamber for enactment.

###### **Public Necessity Statement**

Article I, section 24(c) of the State Constitution requires a bill creating or expanding an exemption from the public records inspection and copying requirements to state with specificity the public necessity justifying the exemption. Section 2 of the bill contains a statement of public necessity for the exemption.

###### **Breadth of Exemption**

Article I, section 24(c) of the State Constitution requires an exemption from the public records inspection and copying requirements to be no broader than necessary to accomplish the stated purpose of the law. The purpose of the law is to protect victims of crime and such victim's family members, and the bill exempts only the portions of records pertaining to those persons from the public records inspection and copying requirements.

The bill requires any public record that reveals the identity, location information, or personal assets for a crime victim to be made exempt. The bill additionally makes the portion of a public record which reveals the name of officers who become the victim of a

crime in the course and scope of their employment or official duties confidential and exempt for 72 hours and exempt for an additional 60 days.

C. Trust Funds Restrictions:

None identified.

D. State Tax or Fee Increases:

None identified.

E. Other Constitutional Issues:

**Marsy's Law**

If a court determines that officers are not victims for the purpose of Marsy's Law, the language in the bill may provide new protections, in particular for officers, in addition to those for other victims under current constitutional requirements.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The private sector will be subject to the costs associated with an agency's review and redactions of exempt records in response to a public records request.

C. Government Sector Impact:

The bill may increase costs minimally for agencies that hold records containing identifying information about victims, their lawful representatives, family, or next of kin, because staff responsible for complying with public records requests may need training related to the new public record exemption. Additionally, agencies 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 identified.

**VII. Related Issues:**

Section 119.0714, F.S., excludes information made part of a court file from the exemptions provided for in ch. 119, F.S., except those documents specifically closed by a court or specifically listed in law. Additionally, Florida courts have consistently held that the judiciary is

not an “agency” for purposes of ch. 119, F.S.<sup>32</sup> However, art. I, s. 34 of the State Constitution still provides a constitutional right of access to judicial records. In order to balance the separation of powers between the Legislative and Judicial branches, confidentiality of court records is governed by court rule and court decisions.<sup>33</sup> Florida Rule of General Practice and Judicial Administration 2.420, entitled “Public Access to and Protection of Judicial Branch Records”, provides that “the public shall have access to all records of the judicial branch of government except as provided [in the rule].”

Florida courts have also adopted a rule implementing Marsy's Law which sets out definitions of a crime, criminal, victim, and exempt information and the procedure for identifying exempt information in criminal and juvenile court records.<sup>34</sup>

A statutory update to the exempt status of a victim's information that is not consistent with the court's rule implementation of Marsy's Law regarding confidentiality of a victim's information within court records may result in distinctions between protections provided by statute and court rule.

## **VIII. Statutes Affected:**

This bill substantially amends section 119.071 of the Florida Statutes.

## **IX. Additional Information:**

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

#### **CS by Governmental Oversight and Accountability on January 26, 2026:**

- Narrows the exemptions provided to the portions of a public record which contain the exempt or confidential and exempt information.
- Clarifies the protections for a victim's lawful representative, family member, and next of kin.
- Provides for the release of the portion of a public record that contains the name of an officer who became a victim in the course and scope of his or her employment after a 72-hour period in which that information is held as confidential and exempt, and a separate 60-day period in which that information is held as exempt.
- Specifies that the exemption for an officer's name does not supersede the provisions of s. 119.071(2)(h)1.b., F.S., which makes the identifying information of a victim of a sexual offense confidential and exempt when held as criminal intelligence or criminal investigative information.

<sup>32</sup> See, e.g., *Times Publishing Company v. Ake*, 660 So. 2d 255 (Fla. 1995); *State v. Wooten*, 260 So. 2d 1060, 1069 (Fla. 4<sup>th</sup> DCA 2018) (“Access to judicial branch records is governed by the rules and decisions of the Florida Supreme Court, not Chapter 119, Florida Statutes.”); and *Locke v. Hawkes*, 595 So. 2d 32 (Fla. 1992)

<sup>33</sup> *State v. Wooten*, 260 So. 2d 1060, 1069 (Fla. 4<sup>th</sup> DCA 2018).

<sup>34</sup> Fla. R. Gen. Prac & Jud. Admin 2.423. Note, for purposes of the Florida Rule of General Practice and Judicial Administration, “confidential,” as applied to information contained within a record of the judicial branch, means that information is exempt from the public right of access under article I, section 24(a). of the Florida Constitution and may be released only to the persons or organizations designated by law, statute, or court order. Fla. R. Gen. Prac & Jud. Admin 2.420(b)(4).

**B. Amendments:**

None.

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

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By the Committee on Governmental Oversight and Accountability;  
and Senator Grall

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1 A bill to be entitled  
2 An act relating to public records; amending s.  
3 119.071, F.S.; defining terms; expanding a public  
4 records exemption for crime victims to include the  
5 name and personal identification number of a victim  
6 and any other information that could be used to  
7 locate, intimidate, harass, or abuse the victim;  
8 providing that such exemption includes the portions of  
9 records generated by any agency that regularly  
10 generates or receives information from or concerning  
11 victims of crime; providing for a public records  
12 exemption for the identity of a victim's family  
13 member, lawful representative, or next of kin and any  
14 other information that could be used to locate,  
15 intimidate, harass, or abuse these individuals;  
16 providing that such exemption includes the portions of  
17 records generated by any agency that regularly  
18 generates or receives information from or concerning  
19 victims of crime and that the record identifies the  
20 person as a family member, lawful representative, or  
21 next of kin of a person identified as a victim of  
22 crime in the record; providing that the name of a law  
23 enforcement officer in a public record which  
24 identifies him or her as a victim of crime in  
25 specified circumstances is confidential and exempt for  
26 72 hours and providing that such information is exempt  
27 for 60 days thereafter; providing that such exemption  
28 includes the portions of records generated by any  
29 agency that regularly generates or receives

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30 information from or concerning victims of crime;  
31 providing applicability; providing for future  
32 legislative review and repeal of the exemptions;  
33 providing a statement of public necessity; providing  
34 an effective date.  
35  
36 Be It Enacted by the Legislature of the State of Florida:  
37  
38 Section 1. Paragraph (j) of subsection (2) of section  
39 119.071, Florida Statutes, is amended to read:  
40 119.071 General exemptions from inspection or copying of  
41 public records.—  
42 (2) AGENCY INVESTIGATIONS.—  
43 (j)1.a. For purposes of this subparagraph, the term:  
44 (I) "Family member" means a spouse, child, parent or legal  
45 guardian, or sibling. This term does not include the accused.  
46 (II) "Officer" means any full-time, part-time, or auxiliary  
47 law enforcement officer, correctional officer, or correctional  
48 probation officer certified under s. 943.13.  
49 (III) "Victim" means a person who suffers direct or  
50 threatened physical, psychological, or financial harm as a  
51 result of the commission or attempted commission of a crime or  
52 delinquent act or against whom the crime or delinquent act is  
53 committed. The term does not include the accused.  
54 b.(I) Any portion of a public record document that reveals  
55 the identity, including the name or personal identification  
56 number, home or employment telephone number, home or employment  
57 address, or personal assets of a the victim, or any other  
58 information that could be used to locate, intimidate, harass, or

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59 ~~abuse the victim, which of a crime and~~ identifies that person as  
 60 the victim of a crime, and which is a public record that is  
 61 generated or ~~document is~~ received by any agency that regularly  
 62 generates or receives information from or concerning the victims  
 63 of crime, is exempt from s. 119.07(1) and s. 24(a), Art. I of  
 64 the State Constitution.

65 (II) Any portion of a public record that reveals the  
 66 identity, including name or personal identification number, home  
 67 or employment telephone number, home or employment address, or  
 68 personal assets of the lawful representative, family member, or  
 69 next of kin of the person identified as a victim by the public  
 70 record, or any other information that could be used to locate,  
 71 intimidate, harass, or abuse such persons, and which is a public  
 72 record that is generated or received by any agency that  
 73 regularly generates or receives information from or concerning  
 74 the victims of crime, is exempt from s. 119.07(1) and s. 24(a),  
 75 Art. I of the State Constitution. This exemption does not apply  
 76 to the accused, or to a lawful representative, family member, or  
 77 next of kin of a victim upon a showing that the interest of such  
 78 person would be in actual or potential conflict with the  
 79 interests of the victim.

80 (III) (A) Notwithstanding sub-sub-subparagraph  
 81 (2)(j)1.b.(I), the portion of a public record exempted under  
 82 sub-sub-subparagraph (2)(j)1.b.(I) which contains the name of an  
 83 officer who became a victim in the course and scope of the  
 84 officer's employment or official duties is confidential and  
 85 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
 86 Constitution for the first 72 hours after the incident in which  
 87 the officer became a victim. These portions of a public record

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88 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
 89 Constitution for an additional 60 days after the expiration of  
 90 the 72-hour period. After the expiration of the 60-day period,  
 91 the portion of a public record which contains the name of an  
 92 officer who became a victim in the course and scope of his or  
 93 her employment or official duties and which identifies the  
 94 officer as a victim is no longer exempt.

95 (B) Sub-sub-sub-subparagraph (2)(j)1.b.(III) (A) does not  
 96 supersede the exemption provided for victims of sexual battery  
 97 in sub-subparagraph (2)(h)1.b.

98 (IV) This sub-subparagraph is subject to the Open  
 99 Government Sunset Review Act in accordance with s. 119.15 and  
 100 shall stand repealed on October 2, 2031, unless reviewed and  
 101 saved from repeal through reenactment by the Legislature. If,  
 102 after review, this sub-subparagraph is not reenacted, the text  
 103 of this sub-subparagraph shall revert to that in existence on  
 104 June 30, 2026, except that any amendments to this sub-  
 105 paragraph enacted other than by this act shall be preserved  
 106 and continue to operate to the extent that such amendments are  
 107 not dependent upon the amendments to the sub-subparagraph made  
 108 by this act.

109 C. Any information not otherwise held confidential or  
 110 exempt from s. 119.07(1) which reveals the home or employment  
 111 telephone number, home or employment address, or personal assets  
 112 of a person who has been the victim of sexual battery,  
 113 aggravated child abuse, aggravated stalking, harassment,  
 114 aggravated battery, or domestic violence is exempt from s.  
 115 119.07(1) and s. 24(a), Art. I of the State Constitution, upon  
 116 written request by the victim, which must include official

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117 verification that an applicable crime has occurred. Such  
 118 information shall cease to be exempt 5 years after the receipt  
 119 of the written request.

120 d. Any state or federal agency that is authorized to have  
 121 access to such documents by any provision of law shall be  
 122 granted such access in the furtherance of such agency's  
 123 statutory duties, notwithstanding this section.

124 2.a. Any information in a videotaped statement of a minor  
 125 who is alleged to be or who is a victim of sexual battery, lewd  
 126 acts, or other sexual misconduct proscribed in chapter 800 or in  
 127 s. 794.011, s. 827.071, s. 847.012, s. 847.0125, s. 847.013, s.  
 128 847.0133, or s. 847.0145, which reveals that minor's identity,  
 129 including, but not limited to, the minor's face; the minor's  
 130 home, school, church, or employment telephone number; the  
 131 minor's home, school, church, or employment address; the name of  
 132 the minor's school, church, or place of employment; or the  
 133 personal assets of the minor; and which identifies that minor as  
 134 the victim of a crime described in this subparagraph, held by a  
 135 law enforcement agency, is confidential and exempt from s.  
 136 119.07(1) and s. 24(a), Art. I of the State Constitution. Any  
 137 governmental agency that is authorized to have access to such  
 138 statements by any provision of law shall be granted such access  
 139 in the furtherance of the agency's statutory duties,  
 140 notwithstanding the provisions of this section.

141 b. A public employee or officer who has access to a  
 142 videotaped statement of a minor who is alleged to be or who is a  
 143 victim of sexual battery, lewd acts, or other sexual misconduct  
 144 proscribed in chapter 800 or in s. 794.011, s. 827.071, s.  
 145 847.012, s. 847.0125, s. 847.013, s. 847.0133, or s. 847.0145

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146 may not willfully and knowingly disclose videotaped information  
 147 that reveals the minor's identity to a person who is not  
 148 assisting in the investigation or prosecution of the alleged  
 149 offense or to any person other than the defendant, the  
 150 defendant's attorney, or a person specified in an order entered  
 151 by the court having jurisdiction of the alleged offense. A  
 152 person who violates this provision commits a misdemeanor of the  
 153 first degree, punishable as provided in s. 775.082 or s.  
 154 775.083.

155 Section 2. (1) The Legislature finds that it is a public  
 156 necessity that the following information held by an agency that  
 157 regularly generates or receives information from or concerning  
 158 victims of crime be made exempt from s. 119.07(1), Florida  
 159 Statutes, and s. 24(a), Article I of the State Constitution:

160 (a) The portions of public records that identify a person  
 161 as a victim of a crime, or any other information that could be  
 162 used to locate, intimidate, harass, or abuse a victim.

163 (b) The portions of public records that reveal the identity  
 164 of the lawful representative, family member, or next of kin of a  
 165 person identified as a victim by the public record, or any other  
 166 information that could be used to locate, intimidate, harass, or  
 167 abuse such persons.

168 (2) The Legislature finds that it is a public necessity  
 169 that the portion of public records that is held by an agency  
 170 that regularly generates or receives information from or  
 171 concerning victims of crime which contains the name of an  
 172 officer who became a victim in the course and scope of the  
 173 officer's employment or official duties be made confidential and  
 174 exempt from s. 119.07(1), Florida Statutes and s. 24(a), Art. I

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of the State Constitution for a 72-hour period after the incident in which the officer became a victim. The Legislature further finds it is a public necessity that these portions of a public record be exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Art. I of the State Constitution for an additional 60 days after the expiration of the 72-hour period.

(3) Victims, their lawful representative, family member, and next of kin, have a right to be free from intimidation, harassment, and abuse. Community attention is often piqued when a person becomes a victim, which may lead to the undue intrusion into the person's privacy, as well as his or her lawful representative, family members, or next of kin. The identifying information of such persons could be used to further traumatize them. The risk of additional harm or harassment outweighs any public benefit that may be derived from the public disclosure of such information. The Legislature also finds that the release of such portions of records may deter crime victims from cooperating with law enforcement and reporting criminal acts based on a victim's fear of additional retaliation or attention. This exemption is narrowly tailored to balance the public's right to access public records by allowing the release of the name of a law enforcement officer who becomes a victim within the course and scope of his or her employment or duties 63 days after the incident. The risk of additional harm or harassment outweighs any public benefit that may be derived from the public disclosure of such information.

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.)

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Prepared By: The Professional Staff of the Committee on Rules

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BILL: SB 394

INTRODUCER: Senator Leek

SUBJECT: Reinsurance Intermediary Managers

DATE: February 16, 2026

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

|    | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION             |
|----|---------|----------------|-----------|--------------------|
| 1. | Thomas  | Knudson        | BI        | <b>Favorable</b>   |
| 2. | Sanders | Betta          | AEG       | <b>Favorable</b>   |
| 3. | Thomas  | Kruse          | RC        | <b>Pre-meeting</b> |

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## **I. Summary:**

SB 394 exempts an underwriting manager who manages assumed facultative risks for a reinsurer, if the facultative reinsurance business managed by the underwriting manager is less than 10 percent of the assumed annual gross written premium of the reinsurer, from reinsurance intermediary manager licensing requirements.

The bill does not impact state expenditures or revenues. See Section V., Fiscal Impact Statement.

The bill is effective July 1, 2026.

## **II. Present Situation:**

### **Reinsurance**

Reinsurance is basically insurance for insurers. Insurers rely on reinsurance to finance the payment of losses and make them better able to withstand major catastrophes, like hurricanes.<sup>1</sup> Reinsurance is a major driver in the cost of insurance. As much as 40 percent of the premium a consumer pays goes to purchase reinsurance.<sup>2</sup> The Office of Insurance Regulation (OIR) directly regulates authorized reinsurers domiciled and licensed in Florida as well as reinsurers licensed in Florida but domiciled in a foreign state.<sup>3</sup>

The main types of reinsurance are treaty and facultative, which are further categorized into proportional and non-proportional. Treaty reinsurance is a standing agreement covering a group of policies without evaluating each risk separately, offering efficiency and stability for insurers

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<sup>1</sup> Florida Office of Insurance Regulation, *Florida Property Insurance Market, Stats, Data and Facts*, <https://floir.com/property-casualty/market-overview> (last visited Jan. 20, 2026).

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

<sup>3</sup> Section 624.610, F.S.

managing large volumes of similar policies. Facultative reinsurance is a one-time deal for individual, specific risks, allowing the reinsurer to assess and accept or reject each policy, making it ideal for large or unusual exposures requiring tailored coverage.<sup>4</sup> Within these, proportional reinsurance shares both premiums and claims in a set ratio, and non-proportional reinsurance covers losses exceeding a specific, predetermined amount.<sup>5</sup>

When an insurer cedes business to an accredited reinsurer, the insurer may under statutory accounting rules recognize a reduction in its liabilities for the amount of ceded liabilities, without a regulatory requirement for the reinsurer to post collateral to secure the reinsurer's ultimate payment of the reinsured liabilities.<sup>6</sup> An accredited reinsurer is one that:

- Files with the OIR evidence of its submission to the jurisdiction of Florida;
- Submits to Florida's authority to examine its books and records;
- Is licensed or authorized to transact insurance or reinsurance in at least one state or, in the case of a United States branch of an alien assuming insurer, is entered through, licensed, or authorized to transact insurance or reinsurance in at least one state; and
- Files annually with the OIR a copy of its annual statement filed with the insurance department of its state of domicile and any quarterly statements if required by its state of domicile or such quarterly statements if requested by the OIR, and a copy of its most recent audited financial statement; and
  - Maintains a surplus as regards policyholders in an amount not less than \$20 million and whose accreditation has not been denied by the OIR within 90 days after its submission; or
  - Maintains a surplus as regards policyholders in an amount not less than \$20 million and whose accreditation has been approved by the OIR.<sup>7</sup>

A reinsurer must pay the actual costs and expenses incurred by the OIR to review a reinsurer's request for accreditation and subsequent reviews.<sup>8</sup> If the reinsurer fails to pay the actual costs and expenses promptly when due, the OIR may refuse to accredit the reinsurer or may revoke the reinsurer's accreditation.<sup>9</sup>

### **Regulation of Reinsurance Intermediaries**

Chapter 626, F.S., governs the regulation of insurance field representatives, navigators, insurance administrators, unauthorized insurers and surplus lines, viatical settlements, structured settlements, and operations. Part I of this chapter contains general provisions with respect to insurance agents, insurance agencies, managing general agents, insurance adjusters, reinsurance intermediaries, viatical settlement brokers, customer representatives, service representatives, and agencies. Section 626.7492, F.S., provides for the regulation of reinsurance intermediary brokers and reinsurance intermediary managers.

<sup>4</sup> Investopedia, *Facultative vs. Treaty Reinsurance: Key Differences Explained* (Nov. 6, 2025), <https://www.investopedia.com/articles/markets/081716/facultative-vs-treaty-reinsurance-differences-and-examples.asp> (last visited Jan. 20, 2026).

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

<sup>6</sup> Section 624.610(4), F.S.

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

<sup>8</sup> Section 624.610(3)(b)4., F.S.

<sup>9</sup> *Id.*

A “reinsurance intermediary broker” is “any person, other than an officer or employee of the ceding insurer, who solicits, negotiates, or places reinsurance cessions or retrocessions on behalf of a ceding insurer without the authority or power to bind reinsurance on behalf of the ceding insurer.”<sup>10</sup>

A “reinsurance intermediary manager” is “any person who has authority to bind, or manages all or part of, the assumed reinsurance business of a reinsurer, including the management of a separate division, department, or underwriting office, and acts as a representative for the reinsurer whether known as a reinsurance intermediary manager, manager, or other similar term.”<sup>11</sup> However, the following persons are not considered a reinsurance intermediary manager for licensure purposes:

- An employee of the reinsurer;
- A manager of the United States branch of an alien reinsurer;
- An underwriting manager which, pursuant to contract, manages all the reinsurance operations of the reinsurer, is under common control with the reinsurer, subject to the holding company act, and whose compensation is not based on the volume of premiums written.
- The manager of a group, association, pool, or organization of insurers which engage in joint underwriting or joint reinsurance and who are subject to examination by the insurance regulatory authority of the state in which the manager’s principal business office is located.<sup>12</sup>

The Division of Insurance Agent and Agency Services (Division) within the Department of Financial Services (DFS) licenses and appoints individuals and entities authorized to transact insurance in Florida, including those for reinsurance intermediaries. The Division receives and reviews applications for insurance licenses and oversees the examination, licensing, and continuing education of licensees. The Division also conducts investigations of alleged violations of the Florida Insurance Code and refers suspected criminal violations of the Florida Insurance Code to the Division's Bureau of Insurance Fraud within the DFS or other law enforcement agencies as appropriate.<sup>13</sup> Prior to July 1, 2023, the DFS provided a separate license for reinsurance intermediary brokers and managers, but it was discontinued.<sup>14</sup> Firms wanting to act as a reinsurance intermediary now must hold an insurance agency license and either a reinsurance intermediary broker appointment or a reinsurance intermediary manager appointment.<sup>15</sup>

A reinsurance intermediary broker must be a licensed producer in Florida or in another state, is a licensed producer in Florida or in another state having a law substantially similar to this section, or the reinsurance intermediary broker is licensed in Florida as an insurance agency and

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<sup>10</sup> Section 626.7492(1)(f), F.S.

<sup>11</sup> Section 626.7492(1)(g), F.S.

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

<sup>13</sup> Sections 624.307, 624.317, and 624.321, F.S.

<sup>14</sup> Florida Department of Financial Services, Reinsurance Intermediary Brokers and Managers Appointment- Firms, [https://myfloridacfo.com/docs-sf/insurance-agents-and-agency-services-libraries/agents-docs/licensure/agents-adjusters/00-65-68-firm-reinsurance-broker-manager-license.pdf?sfvrsn=6dbd95be\\_9](https://myfloridacfo.com/docs-sf/insurance-agents-and-agency-services-libraries/agents-docs/licensure/agents-adjusters/00-65-68-firm-reinsurance-broker-manager-license.pdf?sfvrsn=6dbd95be_9) (last visited Jan. 20, 2026).

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

appointed as a reinsurance intermediary.<sup>16</sup> A reinsurance intermediary manager must be a licensed producer in Florida or another state having a law substantially similar to Florida's law.<sup>17</sup>

The DFS may require a reinsurance intermediary manager to file a bond in an amount acceptable to the DFS for the protection of the reinsurer and to maintain an errors and omissions insurance policy in an amount acceptable to the DFS.<sup>18</sup> A reinsurance intermediary is subject to examination by the DFS and must allow the DFS access to all books, bank accounts, and records of the reinsurance intermediary.<sup>19</sup> A reinsurance intermediary manager may be examined as if it were the reinsurer.<sup>20</sup> An attorney licensed in Florida, when acting in a professional capacity, is exempt from the licensure requirements.<sup>21</sup>

A transaction between a reinsurance intermediary broker and the insurer it represents must be pursuant to a written authorization specifying the responsibilities of each party. The authorization must provide, at a minimum, that:

- The insurer may terminate the reinsurance intermediary broker's authority at any time.
- The reinsurance intermediary broker must render accounts to the insurer accurately detailing all material transactions, including information necessary to support all commissions, charges, and other fees received by, or owing to, the reinsurance intermediary broker and must remit all funds due to the insurer within 30 days after receipt.
- All funds collected for the insurer's account will be held by the reinsurance intermediary broker in a fiduciary capacity in a bank which is a qualified United States financial institution.
- The reinsurance intermediary broker will comply with the recordkeeping requirements.
- The reinsurance intermediary broker will comply with the written standards established by the insurer for the cession or retrocession of all risks.
- The reinsurance intermediary broker will disclose to the insurer any relationship with any reinsurer to which business will be ceded or retroceded.<sup>22</sup>

Transactions between a reinsurance intermediary manager and the reinsurer it represents must be pursuant to a written contract specifying the responsibilities of each party, which must be approved by the reinsurer's board of directors. The contract must provide, at a minimum, that:

- The reinsurer may terminate the contract for cause upon written notice to the reinsurance intermediary manager. The reinsurer may immediately suspend the authority of the reinsurance intermediary manager to assume or cede business during the pendency of any dispute regarding the cause of termination.
- The reinsurance intermediary manager must render accounts to the reinsurer, accurately detailing all material transactions, including information necessary to support all commissions, charges, and other fees received by or owing to the reinsurance intermediary manager, and must remit all funds due under the contract to the reinsurer at least monthly.

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<sup>16</sup> Section 626.7492(3)(a), F.S.

<sup>17</sup> Section 626.7492(3)(b), F.S.

<sup>18</sup> Section 626.7492(3)(c), F.S.

<sup>19</sup> Section 626.7492(10)(a), F.S.

<sup>20</sup> Section 626.7492(10)(b), F.S.

<sup>21</sup> Section 626.7492(3)(h), F.S.

<sup>22</sup> Section 626.7492(6), F.S.

- All funds collected for the reinsurer's account must be held by the reinsurance intermediary manager in a fiduciary capacity in a bank which is a qualified United States financial institution. The reinsurance intermediary manager may retain no more than three months' estimated claims payments and allocated loss adjustment expenses. The reinsurance intermediary manager shall maintain a separate bank account for each reinsurer which it represents.
- For at least 10 years after expiration of each contract of reinsurance transacted by the reinsurance intermediary manager, the reinsurance intermediary manager must keep a complete record of each transaction, showing:
  - The type of contract, limits, underwriting restrictions, classes or risks, and territory.
  - The period of coverage, including effective and expiration dates, cancellation provisions and notice required of cancellation, and disposition of outstanding reserves on covered risks;
  - The reporting and settlement requirements of balances;
  - The rate used to compute the reinsurance premium;
  - The names and addresses of reinsurers;
  - The rates of all reinsurance commissions, including the commissions on any retrocessions handled by the reinsurance intermediary manager;
  - Related correspondence and memoranda;
  - Proof of placement;
  - Details regarding retrocessions handled by the reinsurance intermediary manager, as permitted by this section, including the identity of retrocessionaires (a reinsurer of a reinsurer) and the percentage of each contract assumed or ceded;
  - Financial records, including, but not limited to, premium and loss accounts; and
  - If the reinsurance intermediary manager places a reinsurance contract on behalf of a ceding insurer:
    - Directly from any assuming reinsurer, written evidence that the assuming reinsurer has agreed to assume the risk; or
    - If such contract is placed through a representative of the assuming reinsurer, other than an employee, written evidence that such reinsurer has delegated binding authority to the representative.
- The reinsurer shall have access to and the right to copy all accounts and records maintained by the reinsurance intermediary manager related to its business in a form usable by the reinsurer.
- The contract cannot be assigned in whole or in part by the reinsurance intermediary manager.
- The reinsurance intermediary manager will comply with the written underwriting and rating standards established by the insurer for the acceptance, rejection, or cession of all risks.
- Sets forth the rates, terms, and purposes of commissions, charges, and other fees which the reinsurance intermediary manager may levy against the reinsurer.
- If the contract permits the reinsurance intermediary manager to settle claims on behalf of the reinsurer:
  - All claims will be reported to the reinsurer in a timely manner.
  - A copy of the claim file will be sent to the reinsurer at its request or as soon as it becomes known that the claim:
    - Has the potential to exceed the lesser of an amount determined by the DFS or the limit set by the reinsurer;

- Involves a coverage dispute;
- May exceed the reinsurance intermediary manager's claims settlement authority;
- Is open for more than six months; or
- Is closed by payment of the lesser of an amount set by the DFS or an amount set by the reinsurer.
- All claim files will be the joint property of the reinsurer and reinsurance intermediary manager provided that upon an order of liquidation of the reinsurer, the files shall become the sole property of the reinsurer or its estate; provided, further, that the reinsurance intermediary manager must have reasonable access to and the right to copy the files on a timely basis.
- Any settlement authority granted to the reinsurance intermediary manager may be terminated for cause upon the reinsurer's written notice to the reinsurance intermediary manager or upon the termination of the contract. The reinsurer may suspend the settlement authority during the pendency of the dispute regarding the cause of termination.
- If the contract provides for a sharing of interim profits by the reinsurance intermediary manager, that the interim profits will not be paid until one year after the end of each underwriting period for property business and five years after the end of each underwriting period for casualty business, or a later period set by the DFS for specified lines of insurance, and not until the adequacy of reserves on remaining claims has been verified pursuant to this section.
- The reinsurance intermediary manager must annually provide the reinsurer with a statement of its financial condition prepared by an independent certified accountant.
- The reinsurer must at least semiannually conduct an onsite review of the underwriting and claims processing operations of the reinsurance intermediary manager.
- The reinsurance intermediary manager must disclose to the reinsurer any relationship it has with any insurer prior to ceding or assuming any business with the insurer pursuant to this contract.

Within the scope of its actual or apparent authority, the acts of the reinsurance intermediary manager shall be deemed to be the acts of the reinsurer on whose behalf it is acting.<sup>23</sup>

### III. Effect of Proposed Changes:

**Section 1** amends s. 626.7492, F.S., to exempt from the reinsurance intermediary manager licensing requirements an underwriting manager who manages assumed facultative risks for a reinsurer, if the facultative reinsurance business managed by the underwriting manager is less than 10 percent of the assumed annual gross written premium of the reinsurer.

The bill also amends the definition of "controlling person" to "controlling" as the existing definition encompasses all persons as well as firms, associations or corporations.

**Section 2** reenacts s. 626.022, F.S., relating to the scope of part I of ch. 626, F.S., for the purpose of incorporating the changes made to s. 626.7492, F.S., by the bill.

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<sup>23</sup> Section 626.7492(7), F.S.

**Section 3** provides an effective date of 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:

Prior to July 1, 2023, the DFS provided a separate license for reinsurance intermediary brokers and managers, but it was discontinued.<sup>24</sup> The bill will allow certain firms to continue to operate as a reinsurance intermediary manager.

C. Government Sector Impact:

The bill does not impact state expenditures or revenues.

**VI. Technical Deficiencies:**

None.

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<sup>24</sup> Florida Department of Financial Services, Reinsurance Intermediary Brokers and Managers Appointment- Firms, [https://myfloridacfo.com/docs-sf/insurance-agents-and-agency-services-libraries/agents-docs/licensure/agents-adjusters/00-65-68-firm-reinsurance-broker-manager-license.pdf?sfvrsn=6dbd95be\\_9](https://myfloridacfo.com/docs-sf/insurance-agents-and-agency-services-libraries/agents-docs/licensure/agents-adjusters/00-65-68-firm-reinsurance-broker-manager-license.pdf?sfvrsn=6dbd95be_9) (last visited Jan. 20, 2026).

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 626.7492 and 626.022.

**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.

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

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By Senator Leek

7-00547-26

2026394

1 A bill to be entitled  
 2 An act relating to reinsurance intermediary managers;  
 3 amending s. 626.7492, F.S.; defining the term  
 4 "controlling"; revising the definition of the term  
 5 "reinsurance intermediary manager" to exclude certain  
 6 underwriting managers; reenacting s. 626.022(1)(a),  
 7 F.S., relating to the scope of part I of ch. 626,  
 8 F.S., to incorporate the amendment made to s.  
 9 626.7492, F.S., in a reference thereto; providing an  
 10 effective date.  
 11  
 12 Be It Enacted by the Legislature of the State of Florida:  
 13  
 14 Section 1. Paragraphs (b) and (g) of subsection (2) of  
 15 section 626.7492, Florida Statutes, are amended to read:  
 16 626.7492 Reinsurance intermediaries.—  
 17 (2) DEFINITIONS.—As used in this section:  
 18 (b) "Controlling ~~person~~" means having the direct or  
 19 indirect power, as a ~~any~~ person, firm, association, or  
 20 corporation, ~~who directly or indirectly has the power~~ to direct  
 21 or cause to be directed, the management, control, or activities  
 22 of the reinsurance intermediary.  
 23 (g) "Reinsurance intermediary manager" means any person who  
 24 has authority to bind, or manages all or part of, the assumed  
 25 reinsurance business of a reinsurer, including the management of  
 26 a separate division, department, or underwriting office, and  
 27 acts as a representative for the reinsurer whether known as a  
 28 reinsurance intermediary manager, manager, or other similar  
 29 term. Notwithstanding the above, none of the following persons

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

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30 is a reinsurance intermediary manager with respect to the  
 31 reinsurer for the purposes of this section:  
 32 1. An employee of the reinsurer.~~†~~  
 33 2. A manager of the United States branch of an alien  
 34 reinsurer.~~†~~  
 35 3. An underwriting manager who ~~which~~, pursuant to contract,  
 36 manages all the reinsurance operations of the reinsurer, is  
 37 under common control with the reinsurer, subject to the holding  
 38 company act, and whose compensation is not based on the volume  
 39 of premiums written.  
 40 4. The manager of a group, association, pool, or  
 41 organization of insurers which engages ~~engage~~ in joint  
 42 underwriting or joint reinsurance and ~~who~~ are subject to  
 43 examination by the insurance regulatory authority of the state  
 44 in which the manager's principal business office is located.  
 45 5. An underwriting manager who manages assumed facultative  
 46 risks for a reinsurer, if the facultative reinsurance business  
 47 managed by the underwriting manager is less than 10 percent of  
 48 the assumed annual gross written premium of the reinsurer.  
 49 Section 2. For the purpose of incorporating the amendment  
 50 made by this act to section 626.7492, Florida Statutes, in a  
 51 reference thereto, paragraph (a) of subsection (1) of section  
 52 626.022, Florida Statutes, is reenacted to read:  
 53 626.022 Scope of part.—  
 54 (1) This part applies as to insurance agents, service  
 55 representatives, adjusters, and insurance agencies; as to any  
 56 and all kinds of insurance; and as to stock insurers, mutual  
 57 insurers, reciprocal insurers, and all other types of insurers,  
 58 except that:

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

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59 (a) It does not apply as to reinsurance, except that ss.  
60 626.011-626.022, ss. 626.112-626.181, ss. 626.191-626.211, ss.  
61 626.291-626.301, s. 626.331, ss. 626.342-626.511, ss. 626.541-  
62 626.591, and ss. 626.601-626.711 shall apply as to reinsurance  
63 intermediaries as defined in s. 626.7492.

64 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.)

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Prepared By: The Professional Staff of the Committee on Rules

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BILL: CS/CS/SB 422

INTRODUCER: Commerce and Tourism Committee; Transportation Committee; and Senator Wright

SUBJECT: Automatic Dependent Surveillance-broadcasts

DATE: February 16, 2026

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

|    | ANALYST        | STAFF DIRECTOR | REFERENCE | ACTION             |
|----|----------------|----------------|-----------|--------------------|
| 1. | <u>Johnson</u> | <u>Vickers</u> | <u>TR</u> | <b>Fav/CS</b>      |
| 2. | <u>Renner</u>  | <u>McKay</u>   | <u>CM</u> | <b>Fav/CS</b>      |
| 3. | <u>Johnson</u> | <u>Kruse</u>   | <u>RC</u> | <b>Pre-meeting</b> |

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/CS/SB 422 prohibits an airport from using information derived from automatic dependent surveillance-broadcast (ADS-B) systems emitted from certain aircraft as a means of calculating, generating, and collecting fees from aircraft owners or operators if:

- The operation for which a fee would be assessed is a departure or a landing, including, but not limited to, touch-and-go landings.
- The fee would be assessed based on an aircraft entering into the airspace of the airport where the fee is assessed.

These prohibitions are limited to aircraft with a gross weight of 12,499 pounds or less operating under the Federal Aviation Administration's (FAA) general operating and flight rules.

This bill does not appear to have a fiscal impact on state or local governments.

This bill takes effect July 1, 2026.

**II. Present Situation:**

Florida law defines the term the term "aircraft" to mean a powered or unpowered machine or device capable of atmospheric flight, including, but not limited to, an airplane, an autogyro, a

glider, a gyrodyne, a helicopter, a lift and cruise, a multicopter, paramotors, a powered lift, a seaplane, a tiltrotor, an ultralight, and a vectored thrust.<sup>1</sup>

### **Automatic Dependent Surveillance-Broadcast (ADS-B)**

Automated Dependent Surveillance-Broadcast (ADS-B) is an advanced surveillance technology combining an aircraft's positioning source, aircraft avionics, and a ground infrastructure to create an accurate surveillance interface between aircraft and air traffic control. ADS-B is a performance-based surveillance technology that is more precise than radar and consists of two different services: ADS-B Out and ADS-B In. ADS-B Out broadcasts information to ground stations and other aircraft, once per second, about the aircraft's GPS location, altitude, ground speed, and other data. ADS-B In delivers weather and traffic position information directly to the cockpit.<sup>2</sup>

As of January 1, 2020, the Federal Aviation Administration (FAA) requires aircraft flying in most U.S. airspace to be equipped with ADS-B systems.<sup>3</sup> While the FAA requires ADS-B for safety purposes, the data generated can also be used for safety monitoring, data tracking for planning and reporting, and automated fee collection by third parties.<sup>4</sup> To address these privacy concerns, the FAA offers a privacy protection program that allows owners of certain aircraft to request an alternate, temporary call-sign that limits the extent to which an aircraft can be identified by non-U.S. government entities while maintaining safety and efficiency for Air Traffic Control services.<sup>5</sup>

### **Aircraft Landing Fees in Florida**

Publicly owned and operated airports are authorized to assess fees for the use of airport facilities by aircraft, and municipal airports are authorized to charge aircraft owners and operators sufficient fees to cover the cost of services provided.<sup>6</sup> However, publicly owned airports may not charge landing fees for aircraft operations conducted by certain accredited nonprofit institutions for flight training.<sup>7</sup>

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<sup>1</sup> Section 330.27(2), F.S., The term does not include a parachute or other such device used primarily as safety equipment.

<sup>2</sup> Federal Aviation Administration, *Ins and Outs*, available at [https://www.faa.gov/air\\_traffic/technology/equipadsb/capabilities/ins\\_outs](https://www.faa.gov/air_traffic/technology/equipadsb/capabilities/ins_outs) (last visited Feb. 3, 2026).

<sup>3</sup> 14 C.F.R. § 91.225

<sup>4</sup> Altaport, *Unlocking the Power of ADS-B: Transforming Operations at Your Airport with ADS-B Operations Tracking and Reporting*, available at: <https://www.altaport.com/blog/unlocking-the-power-of-ads-b-transforming-operations-at-your-airport-with-adsb-operations-tracking-and-reporting> (last visited Feb. 3, 2026).

<sup>5</sup> Federal Aviation Administration, *ADS-B Privacy*, available at [https://www.faa.gov/air\\_traffic/technology/equipadsb/privacy](https://www.faa.gov/air_traffic/technology/equipadsb/privacy) (last visited Feb. 3, 2026).

<sup>6</sup> Sections 329.40(1) and 332.08(1)(e), F.S.

<sup>7</sup> Section 330.355, F.S. The accredited nonprofit institution must offer a 4-year collegiate aviation program in order for its flight training operations to be exempt from an airport's landing fees.

Recently, some Florida airports have considered implementing the automated collection of landing fees using ADS-B information.<sup>8</sup> One vendor of automatic landing fee services that uses ADS-B data to bill and collect landing fees lists at least three Florida airports as clients.<sup>9</sup>

### III. Effect of Proposed Changes:

**Section 1** creates s. 330.42, F.S., to prohibit an airport from using information broadcast or collected by ADS-B systems, regardless of whether the data originates from ADS-B In or ADS-B Out, as a means for calculating, generating, and collecting fees from aircraft owners or operators who operate aircraft within Florida's geographic boundaries, if:

- The operation for which a fee would be assessed is a departure or a landing, including, but not limited to, a touch-and-go landing.
- The fee would be assessed based on an aircraft entering into a specified radius of the airspace of the airport assessing the fee.

The bill defines the term "aircraft" to have the same meaning as in s. 330.27, F.S., except that the aircraft must have a gross weight<sup>10</sup> of 12,499 pounds or less and operate under the FAA's general operating and flight rules.<sup>11</sup>

The bill defines the term "Automated Dependent Surveillance-Broadcast" or "ADS-B" to mean an advanced aviation surveillance technology that combines an aircraft's positioning source, aircraft avionics, and a ground infrastructure to create an accurate surveillance interface and air traffic control. The term includes two different services, ADS-B In and ADS-B Out, which can provide information such as an aircraft's global positioning system location, altitude, ground speed, and other data, to ground stations and other aircraft, as well as weather and traffic information to aircraft operators.

The bill defines the term "touch-and-go landing" to mean an operation by an aircraft that lands and departs on a runway without stopping or exiting the runway.

**Section 2** provides that the bill takes effect July 1, 2026.

### IV. Constitutional Issues:

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

None.

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<sup>8</sup> General Aviation News Staff, *Florida Airports Prepare to Impose Landing Fees*, General Aviation News, September 7, 2024, available at <https://generalaviationnews.com/2024/09/07/florida-airports-prepare-to-impose-landing-fees/> (last visited Feb. 3, 2026).

<sup>9</sup> Vector Airport Systems lists the following Florida airports as clients of its "PLANEPASS" service: Kissimmee Gateway Airport, Tallahassee International Airport, and St. George Island Airport. Vector Airport Systems, *About Our Clients*, available at <https://www.vector-us.com/clients> (last visited Feb. 3, 2026).

<sup>10</sup> Gross Weight refers to the total weight of an aircraft at any given moment, including the aircraft itself, passengers, cargo, and fuel. See <https://www.globeair.com/g/gross-weight> (last visited Feb. 3, 2026).

<sup>11</sup> 14 C.F.R. part 91. As a reference, the FAA defines the term "small aircraft" to mean an aircraft with a maximum certified takeoff weight of 12,500 pounds or less. See 14 C.F.R. part 1.

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

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None identified.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The bill prohibits airports from using a specified technology to calculate, generate, and collect departing, landing, and flyover fees. This may reduce the efficiency of collecting such fees; as a result, the fiscal impact is indeterminate.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates section 330.42 of the Florida Statutes.

**IX. Additional Information:**

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

**CS/CS by Commerce and Tourism on February 4, 2026:**

The committee substitute clarifies that the prohibition on using aircraft ADS-B data to calculate fees applies when the aircraft operation is a departure or a landing, including but not limited to, a touch-and-go landing.

**CS by Transportation on January 27, 2026:**

The committee substitute:

- Defines the term “touch-and-go landing.”
- Prohibits airports from using ADS-B data as a means for calculating, generating, and collecting landing fees and flyover fees from aircraft owners.

- B. **Amendments:**

None.

By the Committees on Commerce and Tourism; and Transportation;  
and Senator Wright

577-02495-26

2026422c2

A bill to be entitled

An act relating to automatic dependent surveillance-  
broadcasts; creating s. 330.42, F.S.; defining terms;  
prohibiting airports from using information broadcast  
or collected by automatic dependent surveillance-  
broadcast systems for specified purposes under certain  
circumstances; providing an effective date.

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

Section 1. Section 330.42, Florida Statutes, is created to  
read:

330.42 Automatic dependent surveillance-broadcasts.-

(1) For purposes of this section, the term:

(a) "Aircraft" has the same meaning as in s. 330.27, except  
that the aircraft must have a gross weight of 12,499 pounds or  
less and operate under 14 C.F.R. part 91.

(b) "Automatic dependent surveillance-broadcast" or "ADS-B"  
means an advanced aviation surveillance technology that combines  
an aircraft's positioning source, the aircraft's avionics, and a  
ground infrastructure to create an accurate surveillance  
interface between an aircraft and air traffic control. The term  
includes two different services, ADS-B In and ADS-B Out, which  
can provide information, such as an aircraft's global  
positioning system location, altitude, ground speed, and other  
data, to ground stations and other aircraft, as well as weather  
and traffic information to aircraft operators.

(c) "Touch-and-go landing" means an operation by an  
aircraft that lands and departs on a runway without stopping or

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

577-02495-26

2026422c2

exiting the runway.

(2) An airport may not use information broadcast or  
collected by automatic dependent surveillance-broadcast systems,  
regardless of whether that data originates from ADS-B In or ADS-  
B Out, as a means for calculating, generating, and collecting  
fees from aircraft owners or operators who operate aircraft  
within the geographic boundaries of this state under the  
following circumstances:

(a) When the operation for which a fee would be assessed is  
a departure or a landing, including, but not limited to, a  
touch-and-go landing.

(b) When the fee would be assessed based on an aircraft  
entering into a specified radius of the airspace of the airport  
assessing the fee.

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

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



**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.)

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Prepared By: The Professional Staff of the Committee on Rules

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BILL: SB 434

INTRODUCER: Senators Leek and Gaetz

SUBJECT: Assessment of Property Used for Residential Purposes

DATE: February 16, 2026

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

| ANALYST  | STAFF DIRECTOR | REFERENCE | ACTION             |
|----------|----------------|-----------|--------------------|
| 1. Black | Khan           | FT        | <b>Favorable</b>   |
| 2. Black | Sadberry       | AP        | <b>Favorable</b>   |
| 3. Black | Kruse          | RC        | <b>Pre-meeting</b> |

## I. Summary:

SB 434 provides that, in determining the assessed value of real property used for residential purposes, any increase in just value attributable to changes or improvements made to improve the property's resistance to wind damage may not be considered.

The Revenue Estimating Conference determined that the bill will not affect local government revenue. See Section V., Fiscal Impact Statement.

The bill takes effect July 1, 2026.

## II. Present Situation:

### General Overview of Property Taxation

The ad valorem tax or "property tax" is an annual tax levied by counties, municipalities, school districts, and some special districts. The tax is based on the taxable value of a property as of January 1 of each year.<sup>1</sup> The property appraiser annually determines the "just value"<sup>2</sup> of property within the taxing authority and then applies relevant exclusions, assessment limitations, and exemptions to determine the property's "taxable value."<sup>3</sup> The state constitution prohibits the state

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<sup>1</sup> Both real property and tangible personal property are subject to tax. Section 192.001(12), F.S., defines "real property" as land, buildings, fixtures, and all other improvements to land. Section 192.001(11)(d), F.S., defines "tangible personal property" as all goods, chattels, and other articles of value capable of manual possession and whose chief value is intrinsic to the article itself.

<sup>2</sup> Property must be valued at "just value" for purposes of property taxation, unless the Florida Constitution provides otherwise. FLA. CONST. Art VII, s. 4. Just value has been interpreted by the courts to mean the fair market value that a willing buyer would pay a willing seller for the property in an arm's-length transaction. See, e.g., *Walter v. Schuler*, 176 So. 2d 81 (Fla. 1965); *Deltona Corp. v. Bailey*, 336 So. 2d 1163 (Fla. 1976); *S. Bell Tel. & Tel. Co. v. Dade Cnty.*, 275 So. 2d 4 (Fla. 1973).

<sup>3</sup> See ss. 192.001(2) and (16), F.S.

from levying ad valorem taxes<sup>4</sup> and it limits the Legislature's authority to provide for property valuations at less than just value, unless expressly authorized.<sup>5</sup>

### **Changes, Additions, and Improvements to Real Property**

Article VII, s. 4 of the Florida Constitution, requires that all property be assessed at just value for ad valorem tax purposes.<sup>6</sup> However, there are exceptions to the just valuation requirement for certain classes of property. Specifically, the Florida Constitution has authorized assessment limitations for homestead property and other types of residential and non-residential property.<sup>7</sup>

Changes, additions, or improvements to real property are assessed at just value as of the first January 1 after they are substantially completed.<sup>8</sup> However, when property is destroyed or removed and not replaced, the assessed value of the parcel is reduced by the assessed value attributable to the destroyed or removed property.<sup>9</sup>

When property is damaged or destroyed by calamity or misfortune, the property may be repaired or replaced without the change, addition, or improvement being assessed at just value. Such change, addition, or improvement is calculated using the assessed value subject to the assessment limitations that the damaged or replaced property had before being damaged or destroyed.<sup>10</sup> This treatment has certain limitations.<sup>11</sup>

For changes, additions and improvements made to homestead property damaged or destroyed by calamity or misfortune, only square footage greater than 130 percent of the property before damaged or beyond a total of 2000 square feet is assessed at just value.<sup>12</sup> The rebuilding of damaged or destroyed property must commence within 5 years after January 1 following the damage or destruction to qualify for the assessment limitation described above.<sup>13</sup>

Article VII, s. 4 (i) of the Florida Constitution, approved by Florida electors in the November 2008 general election, amended the Florida Constitution to provide the following:

- (i) The legislature, by general law and subject to conditions specified therein, may prohibit the consideration of the following in the determination of the assessed value of real property used for residential purposes:
  - Any change or improvement made for the purpose of improving the property's resistance to wind damage.
  - The installation of a solar or renewable energy source device.<sup>14</sup>

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<sup>4</sup> FLA. CONST. art. VII, s. 1(a).

<sup>5</sup> FLA. CONST. art. VII, s. 4.

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

<sup>7</sup> FLA. CONST. art. VII, s. 4(d) and (g)

<sup>8</sup> Sections 193.155(4)(a), 193.1554(6)(a), and 193.1555(6)(a), F.S.

<sup>9</sup> Sections 193.155(5), 193.1554(8), and 193.1555(8), F.S.

<sup>10</sup> Sections 193.155(4)(b)1., 193.1554(6)(b)1., and 193.1555(6)(b)1., F.S.

<sup>11</sup> Section 193.155(4)(b), F.S.

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

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

<sup>14</sup> FLA. CONST. art. VII, s. 4(i)

### III. Effect of Proposed Changes:

The bill provides that, in determining the assessed value of real property used for residential purposes, any increase in just value attributable to changes or improvements made to improve the property's resistance to wind damage may not be considered.

The bill also defines the term "changes or improvements made to improve the property's resistance to wind damage" to include, but is not limited to, all of the following:

- Strengthening roof deck attachments.
- Creating a secondary water barrier to prevent water intrusion.
- Installing wind-resistant shingles, gable-end bracing, storm shutters, and opening protections.
- Reinforcing roof-to-wall connections.

The bill is effective July 1, 2026, and applies to improvements made on or after January 1, 2027.

### IV. Constitutional Issues:

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

Article VII, s. 18(b) 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. The mandate requirement does not apply to laws having an insignificant impact,<sup>15</sup> which for Fiscal Year 2026-2027<sup>16</sup> is forecast at approximately \$2.4 million or less.

The Revenue Estimating Conference determined that the bill does not affect local government revenue.<sup>17</sup> Therefore, this bill is not a mandate subject to the requirements of Art. VII, s. 18(b) of the Florida Constitution.

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

None.

#### C. Trust Funds Restrictions:

None.

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<sup>15</sup> 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. 26, 2026).

<sup>16</sup> 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. 26, 2026).

<sup>17</sup> OFF. OF ECON. & DEMOGRAPHIC RSCH., *Revenue Estimating Conference Impact Results: HB 617 & SB 434*, 108, (Dec. 12, 2025), available at [https://edr.state.fl.us/Content/conferences/revenueimpact/archives/2026/\\_pdf/page108.pdf](https://edr.state.fl.us/Content/conferences/revenueimpact/archives/2026/_pdf/page108.pdf) (last visited Jan. 26, 2026).

**D. State Tax or Fee Increases:**

Article VII, s. 19 of the Florida Constitution requires legislation pass each chamber by a 2/3 vote and be contained in a separate bill with no other subject if the legislation imposes, authorizes an imposition, increases, or authorizes an increase in a state tax or fee or if it decreases or eliminates a state tax or fee exemption or credit.

The bill does not affect the imposition or increasing of a state tax or fee nor decreases or eliminates a state tax or fee exemption or credit. Thus, the constitutional requirements may not apply.

**E. Other Constitutional Issues:**

None identified.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

The Revenue Estimating Conference has determined that the bill has no fiscal impact.<sup>18</sup>

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates section 193.6245 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.

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

B. Amendments:

None.

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

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By Senator Leek

7-00340-26

2026434

A bill to be entitled

An act relating to assessment of property used for residential purposes; creating s. 193.6245, F.S.; defining the term "changes or improvements made to improve the property's resistance to wind damage"; prohibiting the consideration of the increase in just value of a property which is attributable to changes or improvements made to improve the property's resistance to wind damage in determinations of the assessed value of certain property; providing applicability; providing an effective date.

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

Section 1. Section 193.6245, Florida Statutes, is created to read:

193.6245 Assessment of property; changes or improvements for resistance to wind damage.—

(1) As used in this section, the term "changes or improvements made to improve the property's resistance to wind damage" includes, but is not limited to, all of the following:

(a) Improving the strength of the roof deck attachment.

(b) Creating a secondary water barrier to prevent water intrusion.

(c) Installing wind-resistant shingles.

(d) Installing gable-end bracing.

(e) Reinforcing roof-to-wall connections.

(f) Installing storm shutters.

(g) Installing opening protections.

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7-00340-26

2026434

(2) In determining the assessed value of real property used for residential purposes, any increase in just value of a property which is attributable to changes or improvements made to improve the property's resistance to wind damage may not be considered.

(3) This section applies to changes or improvements made to improve the property's resistance to wind damage made on or after January 1, 2027.

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

Page 2 of 2

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

**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.)

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Prepared By: The Professional Staff of the Committee on Rules

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BILL: SB 442

INTRODUCER: Senator Yarborough

SUBJECT: Return of Certain Search Warrants

DATE: February 16, 2026

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

| ANALYST   | STAFF DIRECTOR | REFERENCE | ACTION             |
|-----------|----------------|-----------|--------------------|
| 1. Cellon | Stokes         | CJ        | <b>Favorable</b>   |
| 2. Davis  | Cibula         | JU        | <b>Favorable</b>   |
| 3. Cellon | Kruse          | RC        | <b>Pre-meeting</b> |

## I. Summary:

SB 442 amends s. 933.05, F.S., to extend the time from 45 days to 365 days within which a search warrant for a computer, computer system, or an electronic device must be returned to the court. The computer, computer system, or electronic device must be in the actual possession of a law enforcement agency when the search warrant is issued.

The bill is not likely to have a fiscal impact. See Section V., Fiscal Impact Statement.

The bill becomes effective July 1, 2026.

## II. Present Situation:

### Search Warrant

A search warrant is a written order issued by a judge that authorizes a law enforcement officer to search a specific place and seize evidence.<sup>1</sup> A warrant may not be issued unless the person seeking the warrant demonstrates in an affidavit that probable cause exists to believe that the evidence sought will aid in apprehending someone for a particular offense. The warrant must describe with particularity the place that is to be searched and the items to be seized.<sup>2</sup>

### Digital Evidence

Law enforcement agencies can glean a lot of information from a criminal suspect's computer, computer system, and electronic devices.<sup>3</sup> The Florida Department of Law Enforcement (FDLE) relies on specialized tools and techniques to recover data from electronic devices that have been

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<sup>1</sup> BLACK'S LAW DICTIONARY (12th ed. 2024).

<sup>2</sup> Section 933.05, F.S., and 14A Fla. Jur 2d Criminal Law – Procedure: Pretrial Matters s. 657.

<sup>3</sup> Section 815.03, F.S., provides definitions for these terms.

used or involved in criminal cases. An increasing number of devices and gadgets, including laptops, cell phones, gaming consoles, and Internet of Things (IoT),<sup>4</sup> are being used by both victims and perpetrators of crimes. The digital evidence gathered from these devices, such as web browser history, location data, text messages, and call records can provide significant insight into the events and activities surrounding a particular crime or incident. Digital evidence analysts rely on advanced forensic tools and techniques to retrieve and extract data; however, they frequently encounter the challenges created by encryption and passcodes, damaged and corroded devices, and deleted data recovery.<sup>5</sup>

Law enforcement officials point out that strong, end-to-end encryption on devices, or what they have called “warrant-proof encryption,” prevents them from gaining lawful access to certain data. Companies that employ such strong encryption have emphasized that they do not hold encryption keys. The practical effect is that they may not be readily able to unlock, or decrypt, the devices or communications—even if a law enforcement officer presents an authorized search warrant or wiretap order.<sup>6</sup>

A law enforcement agency’s efforts to gain access to a device or its content may be affected by several factors. For example, if a law enforcement agency attempts to unlock a device it would likely use software to try multiple combinations of keys in an effort to unlock the device. The agency’s success may depend, however, on the amount of time available to try and unlock the device.<sup>7</sup>

### Search and Seizure Process

Section 933.04, F.S., states “The right of the people to be secure in their persons, houses, papers and effects against unreasonable seizures and searches shall not be violated and no search warrant shall be issued except upon probable cause, supported by oath or affirmation particularly describing the place to be searched and the person and thing to be seized.”<sup>8</sup> Similarly, the State Constitution provides this same guarantee but adds the provision that this right extends to the people “against the unreasonable interception of private communications by any means.”<sup>9</sup>

When proper affidavits are made, a search warrant may be issued under the provisions of ch. 933, F.S., upon any of the following grounds:

- When the property was stolen or embezzled in violation of law;
- When any property was used:
  - As a means to commit any crime;

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<sup>4</sup> “Internet of Things” is described as a network of devices that are interrelated and connect and exchange data with similar devices and the cloud. The devices are generally embedded with various forms of technology which might include sensors and software. Alexander S. Gillis and Kinza Yasar, TechTarget Network, *What is IoT (internet of things)?* (July 21, 2025) <https://www.techtarget.com/iotagenda/definition/Internet-of-Things-IoT>.

<sup>5</sup> *Digital and Multimedia Evidence*, Forensics Disciplines, FDLE, available at <https://www.fdle.state.fl.us/Forensics/Disciplines/Digital-Evidence>, (last viewed February 3, 2026).

<sup>6</sup> Kristin Finklea, Congressional Research Service, *Law Enforcement and Technology: The “Lawful Access” Debate* (Jan. 16, 2024) [https://www.congress.gov/crs\\_external\\_products/IF/PDF/IF11769/IF11769.3.pdf](https://www.congress.gov/crs_external_products/IF/PDF/IF11769/IF11769.3.pdf).

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

<sup>8</sup> Section 933.04, F.S. This section of the Florida Statutes is nearly identical to the Fourth Amendment of the U.S. Constitution, which must also be followed in matters related to search and seizure and privacy. See U.S. CONST. amend. IV.

<sup>9</sup> FLA. CONST. art. I, s. 12.



- In connection with gambling, gambling implements, and appliances; or
- In violation of s. 847.011, F.S., or other laws in reference to obscene prints and literature;
- When any property constitutes evidence relevant to proving that a felony has been committed; and
- When any property is being held or possessed in violation of:
  - Any of the laws prohibiting the manufacture, sale, and transportation of intoxicating liquors;
  - The fish and game laws;
  - The laws relative to food and drug; or
  - The laws related to citrus disease pursuant to s. 581.184, F.S.; or
- When the laws in relation to cruelty to animals, as provided in ch. 828, F.S., have been or are violated in any building or place.

This section also applies to any papers or documents used as a means of or in aid of the commission of any offense against the laws of the state.<sup>10</sup>

A search warrant cannot be issued:

- Except upon probable cause supported by an affidavit or affidavits naming or describing the person, place, or thing to be searched and particularly describing the property or thing to be seized.
- In blank.

Any search warrant must be returned within 10 days after it is issued; however, a search warrant issued for a computer, a computer system, or an electronic device, that is in the actual possession of a law enforcement agency at the time the warrant is issued, must be returned to the court within 45 days after issuance thereof.<sup>11</sup>

### **Search Warrant Litigation and 2025 Legislation**

A defendant was suspected of possessing child pornography in Manatee County in 2020. The sheriff's office seized his two mobile phones, a tablet, and a laptop. The detectives later applied for search warrants, one of which was for a forensic search of the devices. The circuit court issued the search warrant in July but one of the detectives working on the case admitted that the warrant was not executed until sometime in September, long past the 10 day period. The defendant moved to suppress the evidence but the circuit court rejected his argument finding that he had not been prejudiced by the time delay. On appeal, the Second District Court of Appeal noted that "the legislature has decided that ten days is a reasonable time" and that the language had been in place for over a century. The court reversed the judgment and sentences of the lower court and remanded the case for dismissal of the charges.<sup>12</sup>

Section 933.05, F.S., was amended by the Legislature during the 2025 Session to increase the time frame from 10 to 45 days within which a search warrant for a computer, a computer system,

<sup>10</sup> Section 933.02, F.S.

<sup>11</sup> Section 933.05, F.S.

<sup>12</sup> *Moschella v. State*, 413 So. 3d 851 (Fla. 2d DCA 2025).

or an electronic device must be returned to the court.<sup>13</sup> At the time the search warrant for the computer, computer system, or electronic device is issued by the court, the property must be in the actual possession of a law enforcement agency.

### III. Effect of Proposed Changes:

SB 442 amends s. 933.05, F.S., to give a law enforcement agency up to 365 days to return a search warrant to the court for a computer, a computer system, or an electronic device. The computer, computer system, or electronic device must be in the actual possession of a law enforcement agency *at the time such search warrant is issued* for the 365 day return date to apply.

The bill takes effect on July 1, 2026.

### IV. Constitutional Issues:

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

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

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

None.

#### C. Trust Funds Restrictions:

None.

#### D. State Tax or Fee Increases:

None.

#### E. Other Constitutional Issues:

None.

### V. Fiscal Impact Statement:

#### A. Tax/Fee Issues:

None.

#### B. Private Sector Impact:

None.

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<sup>13</sup> Ch. 2025-176, s. 7, Laws of Fla. Note that other search warrants must be returned within 10 days of the warrant's issue date.

**C. Government Sector Impact:**

The bill may not have a fiscal impact on local law enforcement agencies unless the bill results in law enforcement agencies storing the computers, computer systems, and electronic devices until such time as secure storage becomes less available for other items, and secure storage will have to be increased.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends s. 933.05 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.



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LEGISLATIVE ACTION

Senate

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House

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The Committee on Rules (Yarborough) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsection (6) is added to section 933.02,  
Florida Statutes, to read:

933.02 Grounds for issuance of search warrant.—Upon proper  
affidavits being made, a search warrant may be issued under the  
provisions of this chapter upon any of the following grounds:

(6) To recover a deceased body.



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This section also applies to any papers or documents used as a means of or in aid of the commission of any offense against the laws of the state.

Section 2. Section 933.05, Florida Statutes, is amended to read:

933.05 Issuance and return of search warrants; issuance in blank prohibited.—

(1) A search warrant cannot be issued except upon probable cause supported by affidavit or affidavits, naming or describing the person, place, or thing to be searched and particularly describing the property or thing to be seized. A ~~no~~ search warrant may not ~~shall~~ be issued in blank.

(2) A search, and any such warrant must ~~shall~~ be returned within 10 days after issuance, not including the date of issuance thereof, except that a search warrant issued:

(a) To an out-of-state provider for electronic communications data as described in s. 934.23 must be returned within 20 days.

(b) To search for and seize specimens from a specific person for DNA analysis and comparison, including blood and saliva samples, or to seize specimens pursuant to s. 943.325 for entry into the DNA database must be returned within 30 days.

(c) For a computer, a computer system, or an electronic device must be returned within 365 days, ~~as those terms are defined in s. 815.03, that is in the actual possession of a law enforcement agency at the time such warrant is issued shall be returned to the court within 45 days after issuance thereof.~~

(3) If a search warrant is issued to search for and seize data or information contained in a computer, computer system, or



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electronic device, such warrant is considered timely executed if the computer, computer system, or electronic device was seized by a law enforcement agency within 10 days of the issuance of the search warrant, not including the date of issuance.

(4) This section does not require a law enforcement agency to complete the analysis or review of data or information contained in a computer, computer system, or electronic device within the period provided in subsection (2) if such computer, computer system, or electronic device was timely seized by a law enforcement agency under subsection (3).

(5) For purposes of this section, the terms "computer," "computer system," and "electronic device" have the same meaning as in s. 815.03.

Section 3. Subsection (5) is added to section 933.07, Florida Statutes, and subsection (1) of that section is republished, to read:

933.07 Issuance of search warrants.—

(1) The judge, upon examination of the application and proofs submitted, if satisfied that probable cause exists for the issuing of the search warrant, shall thereupon issue a search warrant signed by him or her with his or her name of office, to any sheriff and the sheriff's deputies or any police officer or other person authorized by law to execute process, commanding the officer or person forthwith to search the property described in the warrant or the person named, for the property specified, and to bring the property and any person arrested in connection therewith before the judge or some other court having jurisdiction of the offense.

(5) A judge may authorize a law enforcement officer



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applying for a search warrant under subsection (1) to appear remotely using audio-video communication technology. As used in this section, the term "audio-video communication technology" has the same meaning as in s. 117.201.

Section 4. Section 934.025, Florida Statutes, is created to read:

934.025 Search warrants and court orders; remote appearance authorized.—A judge may authorize a law enforcement officer applying for a search warrant or court order pursuant to this chapter to appear remotely using audio-video communication technology. As used in this section, the term "audio-video communication technology" has the same meaning as in s. 117.201.

Section 5. Paragraph (b) of subsection (4) of section 934.50, Florida Statutes, is amended to read:

934.50 Searches and seizure using a drone.—

(4) EXCEPTIONS.—This section does not prohibit the use of a drone:

(b) If the law enforcement agency first obtains a search warrant signed by a judge authorizing the use of a drone, including, but not limited to, a search warrant authorizing a law enforcement agency to search an area or areas where evidence that a crime was committed might reasonably be found.

Section 6. This act shall take effect July 1, 2026.

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

Delete everything before the enacting clause  
and insert:

A bill to be entitled



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An act relating to search warrants; amending s. 933.02, F.S.; authorizing a search warrant to be issued to recover a deceased body; amending s. 933.05, F.S.; revising the time within which certain search warrants must be returned to the court; specifying the time period within which a search warrant issued for certain devices is considered timely executed; specifying that a law enforcement agency may review data or information contained in certain devices after specified periods if the devices were timely seized; providing definitions; amending s. 933.07, F.S.; providing that a judge may authorize a law enforcement officer applying for a search warrant to appear remotely; defining the term "audio-video communication technology"; creating s. 934.025, F.S.; providing that a judge may authorize a law enforcement officer applying for a search warrant or court order to appear remotely; defining the term "audio-video communication technology"; amending s. 934.50, F.S.; authorizing a law enforcement agency to obtain a search warrant to use a drone to conduct a search in certain circumstances; providing an effective date.



By Senator Yarborough

4-00808-26

2026442\_\_

A bill to be entitled

An act relating to return of certain search warrants;  
amending s. 933.05, F.S.; extending the time period  
within which a search warrant issued for computers,  
computer systems, or electronic devices that are in  
the actual possession of a law enforcement agency at  
the time the warrant is issued must be returned to the  
court; providing an effective date.

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

Section 1. Section 933.05, Florida Statutes, is amended to  
read:

933.05 Issuance in blank prohibited.—A search warrant  
cannot be issued except upon probable cause supported by  
affidavit or affidavits, naming or describing the person, place,  
or thing to be searched and particularly describing the property  
or thing to be seized; a ~~no~~ search warrant may not ~~shall~~ be  
issued in blank, and any such warrant must ~~shall~~ be returned  
within 10 days after issuance thereof, except that a search  
warrant issued for a computer, a computer system, or an  
electronic device, as those terms are defined in s. 815.03, that  
is in the actual possession of a law enforcement agency at the  
time such warrant is issued must ~~shall~~ be returned to the court  
within 365 ~~45~~ days after issuance thereof.

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.)

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Prepared By: The Professional Staff of the Committee on Rules

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BILL: CS/SB 484

INTRODUCER: Community Affairs Committee and Senators Avila and Yarborough

SUBJECT: Data Centers

DATE: February 16, 2026

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

|    | ANALYST         | STAFF DIRECTOR | REFERENCE | ACTION             |
|----|-----------------|----------------|-----------|--------------------|
| 1. | <u>Schrader</u> | <u>Imhof</u>   | <u>RI</u> | <b>Favorable</b>   |
| 2. | <u>Hackett</u>  | <u>Fleming</u> | <u>CA</u> | <b>Fav/CS</b>      |
| 3. | <u>Schrader</u> | <u>Kruse</u>   | <u>RC</u> | <b>Pre-meeting</b> |

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 484 revises Florida law regarding the regulation of large-scale data centers and certain other large electricity users. Specifically, the bill:

- Specifies that agencies may not enter into non-disclosure agreements, or other contracts restricting the agency from disclosing information about a potential data center development to members of the public.
- Maintains the authority of local governments to exercise the powers and responsibilities for comprehensive planning and land development regulation granted by law with respect to large load customers.
- Provides definitions for the terms “controlled by,” foreign country of concern,” “foreign entity,” “large load customer,” “public utility,” “data center,” and “large-scale data center.”
- Requires the Public Service Commission to develop minimum large load tariff requirements for public electric utilities. The tariff requirements must reasonably ensure that large load customers (such as large data centers) pay for their own cost of service and that the general body of rate payers do not bear the risk of non-payment of such cost, and include provisions to prevent a public utility from providing electric service to a foreign entity large load customer.
- Prohibits public electric utilities from knowingly providing service to large load facilities owned or controlled by foreign countries of concern.
- Establishes a distinct large-scale data center consumptive use permit (CUP) permit requirements and application process. The bill also authorizes water management districts or

the Department of Environmental Protection to require large-scale data centers to use some portion of reclaimed water as part of a CUP approval.

- Specifies that CUP modifications involving a large-scale data center must be treated as new, initial applications.

The bill takes effect July 1, 2026.

## **II. Present Situation:**

### **Florida Public Service Commission**

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

### **Electric Utilities**

The PSC monitors the safety and reliability of the electric power grid<sup>4</sup> and may order the addition or repair of infrastructure as necessary.<sup>5</sup> The PSC has broad jurisdiction over the rates and service of investor-owned electric and gas utilities<sup>6</sup> (defined as “public utilities” under ch. 366, F.S.).<sup>7</sup> However, the PSC does not fully regulate municipal electric utilities (utilities owned or operated on behalf of a municipality) or rural electric cooperatives. The PSC does have jurisdiction over these types of utilities with regard to rate structure, territorial boundaries, and bulk power supply operations and planning.<sup>8</sup> Municipally-owned utility rates and revenues are regulated by their respective local governments or local utility boards. Rates and revenues for a cooperative utility are regulated by its governing body elected by the cooperative's membership.

### ***Public Electric Utilities in Florida***

There are four investor-owned electric utility companies (electric IOUs) in Florida: Florida Power & Light Company (FPL), Duke Energy Florida (Duke), Tampa Electric Company (TECO), and Florida Public Utilities Corporation (FPUC).<sup>9</sup>

Electric IOU rates and revenues are regulated by the PSC, and the utilities must file periodic earnings reports. This allows the PSC to monitor earnings levels on an ongoing basis and adjust

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<sup>1</sup> Section 350.001, F.S.

<sup>2</sup> See Florida Public Service Commission, *Florida Public Service Commission Homepage*, <http://www.psc.state.fl.us> (last visited Dec. 3, 2025).

<sup>3</sup> Florida Public Service Commission, *About the PSC*, <https://www.psc.state.fl.us/about> (last visited Feb. 2, 2026).

<sup>4</sup> Section 366.04(5) and (6), F.S.

<sup>5</sup> Section 366.05(1) and (8), F.S.

<sup>6</sup> Section 366.05, F.S.

<sup>7</sup> Section 366.02(8), F.S.

<sup>8</sup> Florida Public Service Commission, *About the PSC*, *supra* note 3.

<sup>9</sup> Florida Public Service Commission, *2025 Facts and Figures of the Florida Utility Industry*, pg. 4, Apr. 2025 (available at: <https://www.floridapsc.com/pscfiles/website-files/PDF/Publications/Reports/General/FactsAndFigures/April%202025.pdf>).

customer rates quickly if a company appears to be overearning.<sup>10</sup> If a utility believes it is earning below a reasonable level, it can petition the PSC for a change in rates.<sup>11</sup>

Section 366.041(2), F.S., requires public utilities to provide adequate service to customers. As compensation for fulfilling that obligation, s. 366.06, F.S., requires the PSC to allow the IOUs to recover honestly and prudently invested costs of providing service, including investments in infrastructure and operating expenses used to provide electric service.<sup>12</sup>

### ***Water and Wastewater Utilities***

Florida's Water and Wastewater System Regulatory Law, ch. 367, F.S., regulates water and wastewater systems in the state. Section 367.011, F.S., grants the PSC exclusive jurisdiction over each utility with respect to its authority, service, and rates. For the chapter, a "utility" is defined as "a water or wastewater utility and, except as provided in s. 367.022, [F.S.], includes every person, lessee, trustee, or receiver owning, operating, managing, or controlling a system, or proposing construction of a system, who is providing, or proposes to provide, water or wastewater service to the public for compensation." In 2024, the PSC had jurisdiction over 153 investor-owned water and/or wastewater utilities in 40 of Florida's 67 counties.<sup>13</sup>

Section 367.022, F.S., exempts certain types of water and wastewater operations from PSC jurisdiction and the provisions of ch. 367, F.S. (except as expressly provided in the chapter). Such exempt operations include: municipal water and wastewater systems, public lodging systems that only provide service to their guests, systems with a 100-person or less capacity, landlords that include service to their tenants without specific compensation for such service, and mobile home parks operating both as a mobile home park and a mobile home subdivision that provide "service within the park and subdivision to a combination of both tenants and lot owners, provided that the service to tenants is without specific compensation," and others.<sup>14</sup> The PSC also does not regulate utilities in counties that have exempted themselves from PSC regulation pursuant to s. 367.171, F.S. However, under s. 367.171(7), F.S., the PSC retains exclusive jurisdiction over all utility systems whose service crosses county boundaries, except for utility systems that are subject to interlocal utility agreements.

### ***Municipal Water and Sewer Utilities in Florida***

A municipality<sup>15</sup> may establish a utility by resolution or ordinance under s. 180.03, F.S. A municipality may establish a service area within its municipal boundary or within five miles of its corporate limits of the municipality.<sup>16</sup>

Under s. 180.19, F.S., a municipality may permit another municipality and the owners or association of owners of lands outside of its corporate limits or within another municipality's

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<sup>10</sup> PSC, 2024 *Annual Report*, p. 6, (available at: <https://www.floridapsc.com/pscfiles/website-files/PDF/Publications/Reports/General/AnnualReports/2024.pdf>) (last visited Feb. 2, 2026).

<sup>11</sup> *Id.*

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

<sup>13</sup> Florida Public Service Commission, 2025 *Facts and Figures of the Florida Utility Industry*, *supra* note 9, at 4.

<sup>14</sup> Section 367.022, F.S.

<sup>15</sup> Defined by s. 180.01, F.S., "as any city, town, or village duly incorporated under the laws of the state."

<sup>16</sup> Section 180.02, F.S., *see also* s. 180.06, F.S.

corporate limits to connect to its utilities upon such terms and conditions as may be agreed upon between the municipalities.

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

### **PSC Setting of Public Utility Rates and Other Charges**

Section 366.041, F.S., establishes the considerations the PSC must apply in fixing just, reasonable, and compensatory rates:

the [PSC] is authorized to give consideration, among other things, to the efficiency, sufficiency, and adequacy of the facilities provided and the services rendered; the cost of providing such service and the value of such service to the public; the ability of the utility to improve such service and facilities; and energy conservation and the efficient use of alternative energy resources; provided that no public utility shall be denied a reasonable rate of return upon its rate base

Section 366.06, F.S., establishes the PSC's authority to establish and implement procedures for the fixing of and changing public utility rates. Under this section, all applications made by public utilities for changes in rates must be in writing with the PSC under the PSC's established rules and regulations.<sup>17</sup> Section 366.06(2), F.S., requires the PSC to hold a public hearing whenever it finds, upon request made, or upon its own motion, one or more of the following:

- That the rates demanded, charged, or collected by any public utility for public utility service, or that the rules, regulations, or practices of any public utility affecting such rates, are unjust, unreasonable, unjustly discriminatory, or in violation of law;
- That such rates are insufficient to yield reasonable compensation for the services rendered;
- That such rates yield excessive compensation for services rendered; or
- That such service is inadequate or cannot be obtained.

During such a hearing, the PSC must determine just and reasonable rates to be thereafter charged for such service, and promulgate rules and regulations affecting equipment, facilities, and service to be thereafter installed, furnished, and used.<sup>18</sup>

The PSC establishes separate rates and charges for various components of a public utility's cost of providing service to its customers. These are established through various proceedings and processes which include:

- Base rate proceedings (also known as rate cases);
- Cost recovery clauses;
- Interim charges;
- Infrastructure surcharges;

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<sup>17</sup> Section 366.06(1), F.S.

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

- Tariffs.<sup>19</sup>

### ***Tariffs***

A public utility's tariffs are a series of documents, approved by the PSC, that provide the utility's rates, terms, and conditions for service. These tariffs also include standardized forms for the utility's service offerings and its standard contracts and agreements. Tariffs are generally revised, as necessary, after a PSC-approved change in a utility's rates or charges and are generally part of any proceeding revising rates or charges. Utilities may also request a tariff change if circumstances warrant doing so. However, the PSC does not establish a return on equity (ROE) or overall rates of return in reviewing stand-alone requests to approve a new, modified, or canceled tariff.<sup>20</sup>

### ***Rate Cases***

Rate cases are generally held less frequently than the PSC's other rate and charge proceedings for public utilities. For a public utility, these wide-ranging proceedings seek to address:

- A reasonable rate of return on investment;
- Operating and maintenance expenses; and
- Cost of administering the public utility.<sup>21</sup>

According to the PSC, in setting a reasonable rate of return, it is guided by the principles established in *Bluefield Water Works & Improvement Co. v. Pub. Serv. Comm'n of W. Va.*, 262 U.S. 679 (1923) and *Fed. Power Comm'n v. Hope Natural Gas Co.*, 320 U.S. 591 (1944).<sup>22</sup> In *Bluefield*, the United States Supreme Court found that:

Rates which are not sufficient to yield a reasonable return on the value of the property used at the time it is being used to render the service are unjust, unreasonable and confiscatory, and their enforcement deprives the public utility company of its property in violation of the Fourteenth Amendment....A public utility is entitled to such rates as will permit it to earn a return on the value of the property which it employs for the convenience of the public equal to that generally being made at the same time and in the same general part of the country on investments in other business undertakings which are attended by corresponding risks and uncertainties.<sup>23</sup>

Further, the court in *Bluefield* found that such return should be "reasonably sufficient to assure confidence in the financial soundness of the utility and should be adequate, under efficient and economical management, to maintain and support its credit and enable it to raise the money necessary for the proper discharge of its public duties." Further, this "rate of return may be reasonable at one time and become too high or too low by changes affecting opportunities for

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<sup>19</sup> Florida Public Service Commission, *2026 Agency Legislative Bill Analysis for SB 126*, (Nov. 7, 2025) (on file with the Senate Committee on Regulated Industries).

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

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

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

<sup>23</sup> *Bluefield Waterworks & Imp. Co. v. Pub. Serv. Comm'n of W. Va.*, 262 U.S. 679, 690-92 (1923).

investment, the money market and business conditions generally.”<sup>24</sup> Thus, for a rate of return to be non-confiscatory, it must be adjusted as broader-market circumstances change.

The Supreme Court in *Hope* found that:

The fixing of ‘just and reasonable’ rates, involves a balancing of the investor and the consumer interests.... From the investor or company point of view it is important that there be enough revenue not only for operating expenses but also for the capital costs of the business.... By that standard the return to the equity owner should be commensurate with returns on investments in other enterprises having corresponding risks. That return, moreover, should be sufficient to assure confidence in the financial integrity of the enterprise, so as to maintain its credit and to attract capital.<sup>25</sup>

In *Hope*, the Supreme Court also reiterates its previous decision in *Fed. Power Comm’n v. Nat. Gas Pipeline Co. of Am.*, 315 U.S. 575, 586 (1942) that the “[United States] Constitution does not bind rate-making bodies to the service of any single formula or combination of formulas.” Rather, it is “not theory but the impact of the rate order which counts.”<sup>26</sup> The court cites with approval that the Federal Power Commission, in its rate-making function, uses “pragmatic adjustments” in fixing rates.<sup>27</sup>

In a base rate proceeding, the PSC establishes a public utility’s rate of return or cost of capital. It sets this based on:

- Return on equity (ROE);
- Long-term and short-term debt;
- Customer deposits; and
- Deferred taxes.<sup>28</sup>

The PSC, in a rate proceeding, develops a substantial evidentiary record, which includes analysis of ROE using models generally used in the utility industry. The PSC also takes into account various risks to the public utility when setting ROE. When the PSC approves an ROE for a public utility, it does so within a 100-basis point rate of return (i.e. plus or minus 1 percent).<sup>29</sup>

The rate of return actually earned by the utility is dependent on both the utility’s ability to manage costs and react to other factors that may impact its operations. These factors may include:

- Changes in revenues due to the impact of weather on sales;
- New, modified, or cancelled tariffed rates or charges;
- Costs of materials, supplies, and labor; and
- Interest rates affecting the cost of debt.<sup>30</sup>

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<sup>24</sup> *Id.* at 692.

<sup>25</sup> *Fed. Power Comm’n v. Hope Nat. Gas Co.*, 320 U.S. 591, 603 (1944).

<sup>26</sup> *Id.* at 602.

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

<sup>28</sup> Florida Public Service Commission, 2026 Agency Legislative Bill Analysis for SB 126, *supra* note 19.

<sup>29</sup> *Id.*

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

Salaries and benefits paid to employees of the public utility, including its executives, are part of the PSC's review in a rate case proceeding and the PSC examines these figures in the aggregate. In determining whether such expenses are reasonable and prudent, the PSC will consider industry norms and the need to attract and retain qualified executive and non-executive utility personnel.<sup>31</sup>

### ***Establishment of other Bases of Public Utility Customer Charges***

Outside of rate cases, the PSC also has other processes for revising, or creating, utility rates and charges. These proceedings include cost recovery clause proceedings and interim charges.

Cost recovery clause proceedings allow public utilities to recover variable, volatile, or legislatively mandated costs.<sup>32</sup> For public electric utilities, the PSC holds annual hearings to allow the utilities to recover expenditures on:

- Fuel and purchased power costs;
- Capacity costs;
- Environmental compliance costs pursuant to s. 366.8255, F.S.;
- Storm protection plan costs pursuant to s. 366.96, F.S.; and
- Energy conservation program costs pursuant to s. 366.80 through 366.83, F.S.

Section 366.93, F.S., also authorizes similar cost recovery for nuclear costs. However, the PSC has not conducted a nuclear cost recovery proceeding since 2018 as no public utility has petitioned for recovery under this clause since that year.<sup>33</sup>

For public natural gas utilities, the PSC holds annual hearings to allow the utilities to recover expenditures on:

- Purchased natural gas costs;
- Energy conservation costs pursuant to s. 366.80 through 366.83, F.S.; and
- Natural gas infrastructure relocation costs pursuant to s. 366.99, F.S.<sup>34</sup>

Outside of cost recovery clause proceedings, the PSC also provides a process for establishing interim charges to quickly recover estimated storm-recovery related expenses. These interim charges are time-limited and are subject to a final true-up proceeding once final costs can be determined for a particular storm or series of storms.<sup>35</sup>

The PSC does not establish ROEs or overall rates of returns in recovery clause and interim charge proceedings, as these focused rate proceedings are limited in scope. Rather, ROE and overall rates of return are set during rate cases, as those proceedings are substantially broader in scope.<sup>36</sup>

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

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

<sup>33</sup> Florida Public Service Commission, *2025 Agency Legislative Bill Analysis for SB 354*, (Feb. 28, 2025) (on file with the Senate Committee on Regulated Industries).

<sup>34</sup> Florida Public Service Commission, *2026 Agency Legislative Bill Analysis for SB 126*, *supra* note 19.

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

<sup>36</sup> Florida Public Service Commission, *2026 Agency Legislative Bill Analysis for SB 126*, *supra* note 19.



## Data Centers

At its most basic, a data center is a physical facility that contains information technology (IT) infrastructure for storing, processing, and distributing data and the running of shared and distributed applications and services. Data centers can be anything from a dedicated space within a building, a dedicated building, or, for the largest-scale data centers, multi-building campuses.<sup>37</sup>

Generally, the major components of a data center are:

- IT equipment: This would be the core processing, storage, and transmission hardware for a data center—this would include servers, data storage systems, and network gear (such as routers and switches).
- Power infrastructure: This would be all the equipment to supply and maintain power to the facility, including power supplies (including redundant and uninterruptable power supplies to ensure continuous operation), and power distribution units.
- Cooling systems: This would include cooling infrastructure to maintain the data center at ideal temperatures and prevent IT equipment from overheating.
- Physical security: This would include systems that restrict access to the data center and fire suppression systems.<sup>38</sup>

Technically, data centers came about during earliest days of electronic digital computing when machines like the US military's Electrical Numerical Integrator and Computer (ENIAC), completed in 1945, required dedicated computer room space to house its massive machines. For many years, mainframe computers dominated computer rooms. However, in the 1990's when microcomputers came about and replaced mainframes in computer rooms, these microcomputers became known as servers and the computer rooms became known as what would eventually become the modern data center.<sup>39</sup>

The emergence of cloud computing in the early 2000s changed the data center landscape significantly in regard to the purpose and scale of data centers. Data centers went from serving solely one organization's needs (or even one organization's needs at a single location), to shared resources that can be sold and provided as needed to multiple individuals and organizations with the ability to scale up or down as needed—these shared spaces are generally known as colocation data centers.<sup>40</sup>

### *Tiers/Types of Data Centers*

While there are no hard-set size classification scale or guidelines for data centers, they generally fall into one of the below categories:<sup>41</sup>

<sup>37</sup> Cisco, *What is a Data Center*, <https://www.cisco.com/site/us/en/learn/topics/computing/what-is-a-data-center.html> (last visited Feb. 2, 2026); and IBM, *What is a Data Center*, <https://www.ibm.com/think/topics/data-centers> (last visited Feb. 2, 2026).

<sup>38</sup> McKinsey & Company, *What is a Data Center*, <https://www.mckinsey.com/featured-insights/mckinsey-explainers/what-is-a-data-center> (last visited Feb. 2, 2026).

<sup>39</sup> IBM *supra* note 37.

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

<sup>41</sup> IBM, *What is a hyperscale data center*, <https://www.ibm.com/think/topics/hyperscale-data-center> (last visited Feb. 2, 2026); City Science, *Data Centres and Local Planning: Balancing Growth with Environmental Commitments*, Nov. 7, 2025

- Micro data center: These are the smallest type of data center—generally used by single companies or for remote offices of larger operations. Generally, these centers will have up to 10 server racks (or fewer than 140 servers).
  - Power capacity: Less than 150 kilowatts (kW).
  - Size: Less than 5,000 square feet.
- Small-sized data centers: These types of data centers are typical for onsite or regional enterprise facilities. Generally, these types of centers will range from 500-2,000 servers.
  - Power capacity: 1 to 5 megawatts (MW).
  - Size: 5,000 to 20,000 square feet.
- Medium-sized data centers: Also used for onsite or regional enterprise facilities. At the upper end of this scale, one may also see colocation data centers. Generally, these data centers will range from 2,000 to 5,000 servers.
  - Power capacity: 5 to 20 MW.
  - Size: 20,000 to 100,000 square feet.
- Large-scale data center: These are large-scale facilities. However, they are not quite up to what would generally, currently, be considered hyperscale. These facilities can be used for colocation, cloud services, big data analytics, and artificial intelligence. Generally, these data centers will fall somewhere between a medium-sized data center and a hyperscale data center in regard to servers, power capacity, and size.
- Hyperscale data center: These are massive-scale facilities, often involving a large campus of buildings. The International Data Corporation defines “hyperscale” as having at least 5,000 servers and at least 10,000 square feet of data center floor space. In practice, these facilities are multitudes larger than that.<sup>42</sup> Hyperscale data centers are used for cloud services, big data analytics, artificial intelligence and machine learning, streaming services, and large social networks and are run by large cloud providers and big tech firms.<sup>43</sup> While the minimum scale to qualify as a hyperscale can differ according to various sources—generally these facilities start at 40 to 100 MW in power capacity and reach up to a gigawatt or more.<sup>44</sup>

The size of data center facilities is anticipated to continue to grow and the share of the overall market for hyperscale facilities is also anticipated to grow. As of 2025, 41 percent of all data center capacity worldwide is within facilities with a power capacity of 100 MW or more. This figure is expected to grow to 60 percent by 2029.<sup>45</sup>

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(available at: <https://cityscience.com/news/data-centres-and-local-planning-balancing-growth-with-environmental-commitments/>);

<sup>42</sup> IBM, *What is hyperscale?*, <https://www.ibm.com/think/topics/hyperscale> (last visited Feb. 2, 2026).

<sup>43</sup> BenchMark, *Hyperscale Data Centers and How to Power Them*, Jan. 15, 2025 (available at: <https://info.burnsmcd.com/benchmark/article/hyperscale-data-centers-and-how-to-power-them>).

<sup>44</sup> Ryan Abramson, Scout Cities, *Titans of Tech: Exploring America's Largest Hyperscale Data Centers*, Jul. 23, 2024 (available at: <https://scoutcities.com/blog/the-titans-of-tech-exploring-the-worlds-largest-hyperscale-data-centers>); Tawen Dawn-Hiscox, *What is a hyperscale data center*, DATA CENTER DYNAMICS, Sep. 13, 2022 (available at: <https://www.datacenterdynamics.com/en/analysis/what-is-a-hyperscale-data-center/#:~:text=How%20big%20is%20a%20hyperscale,capacity%20above%20the%20100MW%20mark.>); and Orrick, *Powering Data Centers*, Nov. 20, 2025 (available at <https://www.orrick.com/en/Insights/2025/11/Powering-Data-Centers>).

<sup>45</sup> Orrick *supra* note 44.

### ***Data Center Growth***

An analysis published by McKenzie and Company in 2025 found that the global demand for data center capacity will triple by 2030 and it anticipates a 20 to 25 percent annual growth of data center capacity within the United States during that time. That same analysis found that this growth will likely place substantial strains on United States energy and water supplies.<sup>46</sup>

### ***Data Center Impact on Water Resources***

Every piece of electronic IT equipment generates heat as it operates, and high-performance computing tasks, such as machine learning, cloud computing, and large-scale data processing, intensify this heat production because of their near-continuous heavy workloads. This heat must be offloaded in some manner, otherwise high temperatures can lead to hardware malfunctions, efficiency reductions, and permanent hardware damage.<sup>47</sup> Data centers, thus, require extensive cooling systems to help dissipate large amounts of heat.<sup>48</sup>

This cooling can be accomplished through a number of strategies and technologies:

- Centralized cooling systems: These systems either moved chilled air through centralized duct work (essentially large-scale central air conditioning) or by moving chilled water through a cooling loop that exchanges heat with the environment.
- De-centralized/room scale cooling systems: A common type of these cooling systems is called computer room air conditioners (or CRACs) and are popular with smaller data centers.

Methods that directly consume water are the most effective for cooling and this water can come from many sources including local water utilities, on-site wells, and on-site reservoirs or other co-located water resources. The International Energy Agency estimates that a 100 MW data center in the United States consumes approximately the same amount of water as 2,600 households in direct consumption and cooling.<sup>49</sup> This does not account for, however, the water needed to produce the electricity need to power such facilities—which can be substantial.

### ***Data Center Impact on Electricity Resources***

In larger economies like the United States, China, and the European Union, data centers, as of 2024, account for two to four percent of total electricity consumption.<sup>50</sup> Studies have estimated, for the United States, data centers' percentage of total consumption could rise to anywhere

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<sup>46</sup> McKinsey & Company, *The data center balance: How US states can navigate the opportunities and challenges*, Aug. 8, 2025 (available at: <https://www.mckinsey.com/industries/public-sector/our-insights/the-data-center-balance-how-us-states-can-navigate-the-opportunities-and-challenges>).

<sup>47</sup> Terry Nguyen and Ben Green, *What Happens When Data Centers Come to Town*, UNIVERSITY OF MICHIGAN FORD SCHOOL OF SCIENCE, TECHNOLOGY, AND PUBLIC POLICY, Jul. 2025 (available at: <https://stpp.fordschool.umich.edu/sites/stpp/files/2025-07/stpp-data-centers-2025.pdf>).

<sup>48</sup> Martin C. Offutt and Ling Zhu, Cong. Rsch. Serv., R48646, *Data Centers and Their Energy Consumption: Frequently Asked Questions* (Introduction) (Aug. 26, 2025), (available at: <https://www.congress.gov/crs-product/R48646#:~:text=In%20its%20simplest%20form%2C%20a,transmit%20large%20amounts%20of%20data>).

<sup>49</sup> *Id.*

<sup>50</sup> International Energy Agency, *What the data centre and AI boom could mean for the energy sector*, Oct. 18, 2024 (available at <https://www.iea.org/commentaries/what-the-data-centre-and-ai-boom-could-mean-for-the-energy-sector>).

between 6.7 percent and 12 percent by 2030 (the United States, as of 2025, stands at approximately four percent).<sup>51</sup>

The total consumption of data centers, however, does not show the entire context of their electricity demand. Data centers, thus far in the United States, have tended to be spatially concentrated, with the data center sector surpassing 10 percent of electricity consumption in five states as of 2024.<sup>52</sup> A single large or hyperscale data center consuming 20 to 100 MW of electricity continuously can have the electricity demand equivalent of 15,000 to 75,000 United States homes or more (the equivalent of a single small city). A large 650 MW facility would be the equivalent of 500,000 homes.<sup>53</sup> For comparison, the U.S. Census Reporter estimates that Orange County, Florida, currently has 556,557 total households and Florida has a total of 8.967 million households.<sup>54</sup>

Thus the growth of data centers in an area can lead to considerable strain on local electric grids—especially with the considerable mismatch between the speed with which data centers can be constructed and the ability to get approval for and build new generation capacity and interconnect that generation into the electric transmission grid.<sup>55</sup> Data center-driven increases in demand may have also lead to an increase in electricity prices for consumers, at least in the short term (while the medium and long term impact on overall electric rates is still debated).<sup>56</sup>

In markets with the most data centers (such as the Pacific Northwest, Northern California, Phoenix, Dallas, Chicago, and Northern Virginia), surging demand is creating electric capacity challenges. Due to this, hyperscale operators are looking to secondary markets (with lower but fast-growing electricity demand—such as Kansas, Iowa, Indiana, Oklahoma, Nebraska, and much of the Southeastern United States) and emerging markets (where electricity is still, comparatively, abundant—such as Florida, Ohio, Pennsylvania, New York, and New Jersey).<sup>57</sup>

<sup>51</sup> Gartner, *Gartner Says Electricity Demand for Data Centers to Grow 16% in 2025 and Double by 2030*, Nov. 17, 2025 (available at: <https://www.gartner.com/en/newsroom/press-releases/2025-11-17-gartner-says-electricity-demand-for-data-centers-to-grow-16-percent-in-2025-and-double-by-2030>), United States Department of Energy, Clean Energy Resources to Meet Data Center Electricity Demand, <https://www.energy.gov/gdo/clean-energy-resources-meet-data-center-electricity-demand> (last visited Feb. 2, 2026); and World Resources Institute, *Powering the US Data Center Boom: Why Forecasting Can Be So Tricky*, Sep. 17, 2025 (available at: <https://www.wri.org/insights/us-data-centers-electricity-demand>).

<sup>52</sup> International Energy Agency *supra* note 50.

<sup>53</sup> IAEI Magazine, *How Much Electricity Does a Data Center Use? Complete 2025 Analysis*, Jan. 1, 2026 (available at: <https://iaeimagazine.org/electrical-fundamentals/how-much-electricity-does-a-data-center-use-complete-2025-analysis/#:~:text=Frequently%20Asked%20Questions,homes%20for%20an%20entire%20year>).

<sup>54</sup> Census Reporter, Orange County, FL <https://censusreporter.org/profiles/05000US12095-orange-county-fl/> [https://censusreporter.org/profiles/05000US12095-orange-county-fl/-:~:text=Here's%20some%20census%20data%20for%20Orange%20County%2C,households%20\\*%2015.5%25%20moved%20since%20previous%20year](https://censusreporter.org/profiles/05000US12095-orange-county-fl/-:~:text=Here's%20some%20census%20data%20for%20Orange%20County%2C,households%20*%2015.5%25%20moved%20since%20previous%20year) (last visited Feb. 2, 2026).

<sup>55</sup> McKinsey & Company, *The data center balance: How US states can navigate the opportunities and challenges*, Aug. 8, 2025 (available at: <https://www.mckinsey.com/industries/public-sector/our-insights/the-data-center-balance-how-us-states-can-navigate-the-opportunities-and-challenges>).

<sup>56</sup> See Ryan Wiser et al., *Factors influencing recent trends in retail electricity prices in the United States*, 38 ELECTRICITY J. 107516 (2025), <https://doi.org/10.1016/j.tej.2025.107516>; but see Eliza Martin and Ari Peskoe, *Extracting Profits from the Public: How Utility Ratepayers Are Paying for Big Tech's Power*, ENVIRONMENTAL & ENERGY LAW PROGRAM: HARVARD LAW SCHOOL, Mar. 2025 (available at: <https://eelp.law.harvard.edu/wp-content/uploads/2025/03/Harvard-ELI-Extracting-Profits-from-the-Public.pdf>).

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

## Consumptive Use Permits

Consumptive use is any use of water which reduces the supply from which it is withdrawn or diverted.<sup>58</sup> A consumptive use permit (CUP), also known as a water use permit (WUP), establishes the duration and type of water use as well as the maximum quantity of water that may be withdrawn.<sup>59</sup> The Florida Department of Environmental Protection (DEP) and Florida's five Water Management Districts (WMDs) are authorized to issue CUPs and impose reasonable conditions as necessary to assure such use is consistent with the DEP or the WMD's goals and is not harmful to the water resources of the area.<sup>60</sup> This authority is primarily delegated to the WMDs, which implement extensive CUP programs within their respective jurisdictions.<sup>61</sup> To obtain a CUP, an applicant must establish that the proposed use of water:

- Is a reasonable-beneficial use;<sup>62</sup>
- Will not interfere with any presently existing legal use of water; and
- Is consistent with the public interest.<sup>63</sup>

The DEP has also adopted additional rules implementing s. 373.219(3), F.S., which provides that the agency, for Outstanding Florida Springs, adopt CUP rules “which prevent groundwater withdrawals that are harmful to the water resources and adopt by rule a uniform definition of the term ‘harmful to the water resources’ to provide water management districts with minimum standards necessary to be consistent with the overall water policy of the state.” Florida Admin. Code R. 62-41.401 defines “harmful to the water resources” as:

A consumptive use that adversely impacts an Outstanding Florida Spring or its spring run in one or more of the following ways: (a) Causing harmful water quality impacts to the Outstanding Florida Spring or its spring run resulting from the withdrawal or diversion; (b) Causing harmful water quality impacts from dewatering discharge to the Outstanding Florida Spring or its spring run; (c) Causing harmful saline water intrusion or harmful upconing to the Outstanding Florida Spring or its spring run; (d) Causing harmful hydrologic alterations to natural systems associated with an Outstanding Florida Spring or its spring run, including wetlands or other surface waters; and (e) Otherwise causing harmful hydrologic alterations to the water resources of the Outstanding Florida Spring or its spring run.

Each of the five WMDs publishes an applicant's handbook, incorporated by reference into their respective rules, identifying the procedures and information used by district staff for review of CUP applications.<sup>64</sup> Generally, there are two types of CUP permits: general permits that may be

<sup>58</sup> Fla. Admin. Code R. 62-40.210(4).

<sup>59</sup> Chapter 373, part II, F.S.

<sup>60</sup> Section 373.219, F.S. No permit is required for domestic consumption of water by individual users.

<sup>61</sup> Section 373.216, F.S.; Fla Admin. Code Chapters 40A-2, 40B-2, 40C-2, 40D-2, and 40E-2.

<sup>62</sup> Section 373.019(16), F.S. “Reasonable-beneficial use” is defined as “the use of water in such quantity as is necessary for economic and efficient utilization for a purpose and in a manner which is both reasonable and consistent with the public interest”; Fla. Admin. Code R. 62-40.410. DEP rules contain a list of factors that must be considered when determining whether a water use is a reasonable-beneficial use.

<sup>63</sup> Section 373.223, F.S.; see s. 373.229, F.S. Permit applications must contain certain specified information.

<sup>64</sup> South Florida WMD, *Applicant's Handbook for Water Use Permit Applications* (2022)[hereinafter *SFWMD WUP Handbook*], available at [https://www.sfwmd.gov/sites/default/files/documents/wu\\_applicants\\_handbook.pdf](https://www.sfwmd.gov/sites/default/files/documents/wu_applicants_handbook.pdf); Southwest Florida WMD, *Water Use Permit Applicant's Handbook Part B* (2022)[hereinafter *SWFWMD WUP Handbook*], available at



granted by rule based on regulatory thresholds for factors such as withdrawal volume or pipe diameter, and individual permits requiring applications when regulatory thresholds are exceeded.<sup>65</sup> The WMDs have different schedules for application processing fees, which can vary based on total requested withdrawal amounts or type of application.<sup>66</sup> The DEP and the WMDs are authorized to grant permits for a period of up to 20 years, if there is sufficient data to provide reasonable assurance that the conditions for permit issuance will be met for the duration of the permit.<sup>67</sup>

The WMDs are required to include appropriate monitoring efforts as part of their CUP programs.<sup>68</sup> CUPs must be monitored when they authorize groundwater withdrawals of 100,000 gallons or more per day from a well with an inside diameter of eight inches or more.<sup>69</sup> Such monitoring must be at intervals and must use methods determined by the applicable WMD.<sup>70</sup> The results of such monitoring must be reported to the applicable WMD at least annually.<sup>71</sup> The WMD's respective CUP applicant handbooks contain various monitoring standards, which may include thresholds for required monitoring, reporting requirements, and specific standards for metering.<sup>72</sup> Generally, pursuant to the handbooks, the permittee is responsible for required monitoring of withdrawal quantities.

### ***Minimum Flows and Minimum Water Levels***

Minimum Flows and Minimum Water Levels (MFLs) are adopted standards that identify the limit at which further withdrawals would be significantly harmful to the water resources or ecology of the area.<sup>73</sup> The DEP and the WMDs are required to establish MFLs based on priority lists for surface water courses, aquifers, and surface waters.<sup>74</sup> By establishing the limit at which further withdrawals would be significantly harmful, the MFLs provide a benchmark to help establish excess quantities of water that are available from priority water bodies. A key goal of

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[https://www.swfwmd.state.fl.us/sites/default/files/medias/documents/WUP%20Applicant%27s%20Handbook%20Part%20B%20-%20January%202022\\_0.pdf](https://www.swfwmd.state.fl.us/sites/default/files/medias/documents/WUP%20Applicant%27s%20Handbook%20Part%20B%20-%20January%202022_0.pdf); St. John's River WMD, *Applicant's Handbook: Consumptive Uses of Water* (2025)[hereinafter *SJRWMD CUP Handbook*], available at <https://aws.sjrwmd.com/SJRWMD/permitting/CUP-Applicant-Handbook.pdf>; Northwest Florida WMD, *Water Use Permit Applicant's Handbook* (2015)[hereinafter *NFWFMD WUP Handbook*], available at [https://www.nfwfwater.com/content/download/8605/71075/Applicant\\_Handbook\\_201504.pdf](https://www.nfwfwater.com/content/download/8605/71075/Applicant_Handbook_201504.pdf); Suwannee River WMD, *Water Use Permit Applicant's Handbook* (2019)[hereinafter *SRWMD WUP Handbook*], available at [https://www.flrules.org/gateway/readRefFile.asp?refId=11315&filename=REFERENCE%20MATERIAL\\_WUP%20Applicant%27s%20Handbook%20FINAL%2010-31-2019.pdf](https://www.flrules.org/gateway/readRefFile.asp?refId=11315&filename=REFERENCE%20MATERIAL_WUP%20Applicant%27s%20Handbook%20FINAL%2010-31-2019.pdf).

<sup>65</sup> See Michael T. Olexa et al., University of Florida, Institute of Food and Agricultural Sciences, *Handbook of Florida Water Regulation: Consumptive Use*, 2 (2021), available at <https://edis.ifas.ufl.edu/pdf/FE/FE60400.pdf>.

<sup>66</sup> See s. 373.109, F.S.

<sup>67</sup> Section 373.236, F.S.

<sup>68</sup> Section 373.216, F.S.

<sup>69</sup> Section 373.223(6), F.S. The water management districts are authorized to adopt or enforce certain rules in lieu of these requirements, in accordance with the statute.

<sup>70</sup> *Id.*

<sup>71</sup> *Id.*

<sup>72</sup> *SFWMD WUP Handbook*, at 100-105; *SFWFMD WUP Handbook*, at 75-77, 85-89; *SJRWMD CUP Handbook*, at 4-1-4-3; *NFWFMD WUP Handbook*, at 63-64; *SRWMD WUP Handbook*, at 43-44, 50.

<sup>73</sup> Section 373.042, F.S.

<sup>74</sup> Sections 373.042 and 373.0421, F.S.; Fla. Admin. Code R. 62-40.473.

establishing an MFL is to identify and establish the limit at which further withdrawals would be significantly harmful to the water resources or ecology of the area.<sup>75</sup>

### III. Effect of Proposed Changes:

**Section 1** of the bill creates s. 112.231, F.S., which provides that state, county, district, authority, or municipal officer, public employee, department, division, board, bureau, or commission, or other units of Florida government (defined collectively as an “agency”) may not enter into nondisclosure agreements or other contract restricting the agency from disclosing information about a potential data center development to members of the public. Data center is defined as a “facility that primarily contains electronic equipment used to process, store, and transmit digital information which may be a free-standing structure or a facility within a larger structure which uses environmental control equipment to maintain the proper conditions for the operation of electronic equipment.” The section states that any such agreements, entered into on or after July 1, 2026, are void and unenforceable. The section also provides for a civil fine penalty of \$1,000 for agencies that violate this provision. It applies to agreements entered on or after July 1, 2026.

**Section 2** of the bill creates s. 163.326, F.S., provides that it is the finding of the Legislature that facilities with substantial electric or other utility demands (such as data centers and other large load electricity customers), present unique planning, infrastructure, and compatibility considerations. The section further provides that it is the intent of the Legislature that such considerations shall be addressed through local comprehensive planning and land development regulations adopted pursuant to ch. 163, F.S., including provisions related to infrastructure capacity, land use compatibility, environmental impacts, and the efficient provision of public facilities and services. Local governments, under the section, are to maintain the authority to exercise the powers and responsibilities for comprehensive planning and land development regulation granted by law with respect to large load electric customers.

**Section 3** of the bill creates s. 366.043, F.S., which modifies Florida’s public utility code to create a requirement that the Public Service Commission (PSC) develop minimum large load service and tariff requirements for public electric utilities. The tariff requirements must reasonably ensure that large load customers (such as large data centers) pay for their own cost of service and that the general body of rate payers do not bear the risk of non-payment of such cost. The tariff requirements must also include provisions reasonably designed to prevent a public utility from providing electric service to a customer that otherwise qualifies as both a large load customer and a foreign entity. The bill defines a “large load customer” as one that a customer with an anticipated monthly peak load of 50 megawatts or more, calculated as the highest average load over a 15-minute interval at a single location. In addition, the section:

- Specifies that large load customers cannot split up loads to avoid being subject to the large load tariff requirements established by the provisions of the bill. The peak load threshold does not include a load aggregated across multiple locations owned by the same customer. However, it does include all customers or other entities that have entered into a colocation or similar agreement at a single location that otherwise meets the peak load threshold.

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<sup>75</sup> see DEP, *Minimum Flows and Minimum Water Levels and Reservations*, <https://floridadep.gov/water-policy/water-policy/content/minimum-flows-and-minimum-water-levels-and-reservations> (last visited Feb. 2, 2026).

- Does not specify rate mechanisms or specific service policies, rather, it specifies the end goal and directs the PSC, by rule, to develop baseline requirements for serving large load customers using utility industry-accepted ratemaking and other financial tools, such as, but not limited to:
  - Contributions in aid of construction or other required customer infrastructure investments;
  - Demand charges;
  - Incremental generation charges;
  - Financial guarantees;
  - Minimum load factors;
  - Take-or-pay provisions or similar provisions requiring payment for contracted capacity; and
  - Minimum period of service contract requirements.
- Prohibits a public utility from knowingly providing a large load customer with a tariff, contractual provision, service requirement, or other policy that would prevent or otherwise hinder the curtailment or interruption of electric service to a large load customer where such curtailment or interruption is intended to ensure grid stability, reduce the likelihood or breadth of wider service outages, or ensure public safety during an emergency or other exceptional circumstance.
- Prohibits public utilities from providing electrical service to facilities that would otherwise qualify for a large load tariff if such facility is owned or controlled by a foreign country of concern. It defines control to include a person or entity that controls 25 percent of the voting interest of a company or is entitled to 25 percent or more of the profits of the company. Foreign country of concern has the same meaning as in s. 692.201, F.S., which defines the term as the People's Republic of China, the Russian Federation, the Islamic Republic of Iran, the Democratic People's Republic of Korea, the Republic of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian Arab Republic, including any agency of or any other entity of significant control of such foreign country of concern.
- Provides that the PSC is to adopt rules to implement this section, that it must propose a rule for adoption by March 1, 2027, and that public utilities must file for approval of a tariff complying with the final rule within 60 days after its adoption.

The section also provides a legislative finding that the provision of safe and reliable electric services, provided at fair, just, and reasonable rates, is essential to the welfare of Florida ratepayers. Further, it finds that when one class of electric service customer requires uniquely large electrical loads at a single location, it imposes a disproportionate risk on other Florida ratepayers and makes it necessary for the PSC to develop policies to mitigate this risk and avoid the shifting of costs to provide service to such customers to the general body of ratepayers.

**Section 4** amends s. 373.203, F.S., to create a definition for data centers and large-scale data centers for ch. 373, F.S., which regulates Florida's water resources. Specifically, the section defines:

- "Data center" as a facility that primarily contains electronic equipment used to process, store, and transmit digital information—which may be a free-standing structure or a facility within a larger structure which uses environmental control equipment to maintain the proper conditions for the operation of electronic equipment.



- “Large-scale data center” as a single location, with a data center on site, that has an anticipated monthly peak load of 50 megawatts or more, calculated as the highest average load over a 15-minute interval. This does not include a load aggregated across multiple locations owned by the same customer. However, it does include all customers or other entities that have entered into a colocation or similar agreement at a single location that otherwise meets the anticipated monthly peak load threshold.

**Section 5** amends s. 373.262, F.S., to create distinct large-scale data center consumptive use permit (CUP) permit requirements. Specifically, the section:

- Provides that, consistent with the other provisions of Florida’s CUP law, a water management district (WMD) or the Department of Environmental Protection (DEP) may not grant a CUP to a large-scale data center for an allocation of water if the proposed use of the water is harmful to the water resources of the area or is prohibited by the applicable local government zoning regulations and comprehensive plan. A CUP may only be issued if the proposed use of water:
  - Is a reasonable-beneficial use as defined in s. 373.019, F.S.;
  - Will not interfere with any presently existing legal use of water; and
  - Is consistent with the public interest.
- Provides that the WMD or DEP may require the large-scale data center to use some portion of reclaimed water, in lieu of surface or groundwater, if:
  - A suitable reclaimed water supply source is available and permitted;
  - Reclaimed water distribution or supply lines are available at the property boundary in sufficient capacity and quality to serve the applicant’s needs;
  - The applicant can access the reclaimed water source through distribution or supply lines;
  - Use of reclaimed water is environmentally, economically, and technically feasible; and
  - Use of reclaimed water would not conflict with the requirements contained in the applicant’s surface water discharge permit, if applicable.
- In addition to the minimum CUP filing requirements under s. 373.229, F.S., all CUP applications requesting an allocation of at least an average daily flow of 100,000 gallons of water per day by a large-scale data center must contain:
  - All sources and amounts of water and losses of water used for cooling, industrial and treatment processes, personal or sanitary needs of employees, and landscape irrigation; and
  - A water conservation plan that, at a minimum, incorporates recycling cooling water before discharge or disposal, implementation of a leak detection and repair program, use of water efficient fixtures, and implementation of an employee awareness and education program concerning water conservation.
- Prohibits large-scale data center CUP application approvals without a hearing.

**Section 6** amends s. 373.239, F.S., to provide that if a CUP modification application is filed by a large-scale data center, it must be treated in the same manner as an initial CUP permit application.

**Section 7** provides an effective date of the bill of 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 most likely have an impact on the electricity rates, fees, and other costs paid by large load electric customers of public electric utilities. However, the degree of this impact is indeterminate given the multitude of factors present in determining an electric utility rate, particular customer circumstances, and that the impact is likely to be partly determined upon the particular rule provisions adopted by the Public Service Commission. In addition, large-scale data centers seeking consumptive use permits may see an increase in costs relating to the application process and additional permitting requirements authorized by the bill.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 373.203 and 373.239.

This bill creates the following sections of the Florida Statutes: 112.231, 163.326, 366.043, and 373.262.

**IX. Additional Information:**

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

**CS by Community Affairs on February 3, 2026:**

The committee substitute provides that the tariffs the PSC create under the bill must include provisions to prevent a public utility from providing electric service to a foreign entity large load customer, and adds that public utility providers may not *knowingly* provide to a foreign entity. It also revises the timeline, giving the PSC until March 2027 to adopt a final rule, and public utilities 60 days from rule adoption to file conforming updated tariffs.

- B. **Amendments:**

None.



296102

LEGISLATIVE ACTION

Senate

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House

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The Committee on Rules (Avila) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 165 - 167  
and insert:  
required to serve a large load customer. The risk of nonpayment  
of such costs must be minimized to the maximum extent  
practicable through commercially reasonable performance and  
financial security arrangements established with the large load  
customer, including financial guarantees sufficient to protect  
the public utility and its ratepayers.



296102

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

And the title is amended as follows:

Between lines 23 and 24

insert:

requiring certain measures to minimize the risk of  
nonpayment of such costs;



947912

LEGISLATIVE ACTION

Senate

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House

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The Committee on Rules (Avila) recommended the following:

**Senate Substitute for Amendment (296102) (with title amendment)**

Delete lines 112 - 167  
and insert:  
respect to large load customers. A large load customer may not  
be considered an electric substation for the purposes of s.  
163.3208.

Section 3. Section 366.043, Florida Statutes, is created to  
read:

366.043 Large load tariffs for public electric utilities.-



947912

(1) The Legislature finds that the provision of safe and reliable electric services, provided at fair, just, and reasonable rates, is essential to the welfare of the ratepayers of this state. The Legislature further finds that when one class of electric service customer requires uniquely large electrical loads at a single location, it imposes a disproportionate risk on the other ratepayers of this state and makes it necessary for the commission to develop and enforce rate structures and other policies for such customers which ensure such risk is mitigated as much as possible and prevent shifting the costs of serving large load customers to the general body of ratepayers.

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

(a) "Controlled by" means having the power to direct or cause the direction of the management or policies of a company, whether through ownership of securities, by contract, or otherwise. A person or an entity that directly or indirectly has the right to vote 25 percent or more of the voting interests of the company or that is entitled to 25 percent or more of its profits is presumed to control the entity.

(b) "Foreign country of concern" has the same meaning as in s. 692.201.

(c) "Foreign entity" means an entity that is:

1. Owned or controlled by the government of a foreign country of concern; or

2. A partnership, an association, a corporation, an organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country of concern, or a subsidiary of such entity.

(d) "Large load customer" means a customer with an



947912

anticipated monthly peak load of 50 megawatts or more,  
calculated as the highest average load over a 15-minute interval  
at a single location. This does not include a load aggregated  
across multiple locations owned by the same customer. However,  
it does include all customers or other entities that have  
entered into a colocation or similar agreement at a single  
location that otherwise meets the anticipated monthly peak load  
provided in this paragraph.

(e) "Public utility" has the same meaning as in s. 366.02,  
except that it does not include a gas utility.

(3) The commission shall develop minimum tariff and service  
requirements for large load customers pursuant to all of the  
following:

(a) The minimum tariff and service requirements must  
reasonably ensure that each large load customer bears its own  
full cost of service and that such cost is not shifted to the  
general body of ratepayers. Such cost of service includes, but  
is not limited to, connection, incremental transmission,  
incremental generation, and other infrastructure costs;  
operations and maintenance expenses; and any other costs  
required to serve a large load customer. The risk of nonpayment  
of such costs must be minimized to the maximum extent  
practicable through commercially reasonable performance and  
financial security arrangements established with the large load  
customer, including financial guarantees sufficient to protect  
the public utility and its ratepayers.

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





947912

And the title is amended as follows:

Delete lines 16 - 23

and insert:

regulations related to large load customers;  
prohibiting a large load customer from being  
considered an electric substation; creating s.  
366.043, F.S.; providing legislative findings;  
defining terms; requiring the Florida Public Service  
Commission to develop minimum tariff and service  
requirements for large load customers; requiring that  
such requirements ensure that large load customers  
bear their costs of service and that such costs are  
not shifted to the general body of ratepayers;  
requiring certain measures to minimize the risk of  
nonpayment of such costs;

By the Committee on Community Affairs; and Senators Avila and Yarborough

578-02478-26

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1 A bill to be entitled  
 2 An act relating to data centers; creating s. 112.231,  
 3 F.S.; defining terms; prohibiting an agency from  
 4 entering into a nondisclosure agreement or other  
 5 contract that restricts the agency from disclosing  
 6 certain information to the public; providing that an  
 7 agreement or contract, or a provision of an agreement  
 8 or contract, is void and unenforceable under certain  
 9 circumstances; providing civil penalties; authorizing  
 10 the state attorney or Attorney General to bring an  
 11 action to collect a fine; providing applicability;  
 12 creating s. 163.326, F.S.; providing legislative  
 13 findings; specifying that local governments maintain  
 14 authority to exercise power and responsibility over  
 15 comprehensive planning and land development  
 16 regulations related to large load customers; creating  
 17 s. 366.043, F.S.; providing legislative findings;  
 18 defining terms; requiring the Florida Public Service  
 19 Commission to develop minimum tariff and service  
 20 requirements for large load customers; requiring that  
 21 such requirements ensure that large load customers  
 22 bear their costs of service and that such costs are  
 23 not shifted to the general body of ratepayers;  
 24 requiring that such minimum tariff and service  
 25 requirements include certain provisions designed to  
 26 prevent a public utility from providing electric  
 27 service to a large load customer that is a foreign  
 28 entity; prohibiting a customer from separating a  
 29 certain electrical load into multiple smaller

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

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30 connections for a specified purpose; authorizing the  
 31 commission to include certain measures in minimum  
 32 tariff and service requirements; prohibiting any  
 33 tariff, contractual provision, service requirement, or  
 34 other public utility policy from preventing or  
 35 hindering the curtailment or interruption of electric  
 36 service to a large load customer for certain purposes;  
 37 prohibiting a public utility from knowingly providing  
 38 electric service to a large load customer that is a  
 39 foreign entity; requiring the commission to adopt  
 40 rules by a specified date; specifying a deadline for  
 41 utilities to file a tariff in compliance with the  
 42 final rule; amending s. 373.203, F.S.; defining terms;  
 43 creating s. 373.262, F.S.; providing legislative  
 44 intent; prohibiting the governing board of a water  
 45 management district or the Department of Environmental  
 46 Protection from issuing a permit for the consumptive  
 47 use of water to a large-scale data center under  
 48 certain circumstances; requiring that such permit be  
 49 issued to a large-scale data center applicant if the  
 50 applicant establishes that the proposed use of water  
 51 satisfies certain requirements; requiring the  
 52 governing board or the department to require the use  
 53 of reclaimed water for a large-scale data center  
 54 applicant's allocation when certain requirements are  
 55 met; specifying requirements for certain permit  
 56 applications; prohibiting the approval of permit  
 57 applications without a hearing; amending s. 373.239,  
 58 F.S.; requiring that consumptive use permit

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

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modifications proposed by a large-scale data center be treated in a specified manner; providing an effective date.

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

Section 1. Section 112.231, Florida Statutes, is created to read:

112.231 Data center nondisclosure agreements.-

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

(a) "Agency" means any state, county, district, authority, or municipal officer, public employee, department, division, board, bureau, or commission, or other separate unit of government created or established by law and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any such agency.

(b) "Data center" means a facility that primarily contains electronic equipment used to process, store, and transmit digital information, which may be:

1. A free-standing structure; or

2. A facility within a larger structure which uses environmental control equipment to maintain the proper conditions for the operation of electronic equipment.

(2) An agency may not enter into a nondisclosure agreement or other contract restricting the agency from disclosing information about a potential data center development to members of the public.

(3) An agreement or contract, or a provision of an agreement or contract, that violates this section is against

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public policy and is void and unenforceable.

(4) An agency that violates this section is subject to a civil fine of not more than \$1,000. The state attorney of the county in which the violation occurred or the attorney general may bring an action to collect the fine.

(5) This section applies to agreements entered into on or after July 1, 2026.

Section 2. Section 163.326, Florida Statutes, is created to read:

163.326 Large load customer considerations.-

(1) The Legislature finds that certain land uses, including facilities with substantial electric or other utility demands, such as data centers and other large load customers as defined in s. 366.043(2)(d), may present unique planning, infrastructure, and compatibility considerations. The Legislature intends that such considerations shall be addressed through local comprehensive planning and land development regulations adopted pursuant to this chapter, including provisions related to infrastructure capacity, land use compatibility, environmental impacts, and the efficient provision of public facilities and services.

(2) Local governments shall maintain the authority to exercise the powers and responsibilities for comprehensive planning and land development regulation granted by law with respect to large load customers.

Section 3. Section 366.043, Florida Statutes, is created to read:

366.043 Large load tariffs for public electric utilities.-

(1) The Legislature finds that the provision of safe and

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reliable electric services, provided at fair, just, and reasonable rates, is essential to the welfare of the ratepayers of this state. The Legislature further finds that when one class of electric service customer requires uniquely large electrical loads at a single location, it imposes a disproportionate risk on the other ratepayers of this state and makes it necessary for the commission to develop and enforce rate structures and other policies for such customers which ensure such risk is mitigated as much as possible and prevent shifting the costs of serving large load customers to the general body of ratepayers.

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

(a) "Controlled by" means having the power to direct or cause the direction of the management or policies of a company, whether through ownership of securities, by contract, or otherwise. A person or an entity that directly or indirectly has the right to vote 25 percent or more of the voting interests of the company or that is entitled to 25 percent or more of its profits is presumed to control the entity.

(b) "Foreign country of concern" has the same meaning as in s. 692.201.

(c) "Foreign entity" means an entity that is:

1. Owned or controlled by the government of a foreign country of concern; or

2. A partnership, an association, a corporation, an organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country of concern, or a subsidiary of such entity.

(d) "Large load customer" means a customer with an anticipated monthly peak load of 50 megawatts or more,

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calculated as the highest average load over a 15-minute interval at a single location. This does not include a load aggregated across multiple locations owned by the same customer. However, it does include all customers or other entities that have entered into a colocation or similar agreement at a single location that otherwise meets the anticipated monthly peak load provided in this paragraph.

(e) "Public utility" has the same meaning as in s. 366.02, except that it does not include a gas utility.

(3) The commission shall develop minimum tariff and service requirements for large load customers pursuant to all of the following:

(a) The minimum tariff and service requirements must reasonably ensure that each large load customer bears its own full cost of service and that such cost is not shifted to the general body of ratepayers. Such cost of service includes, but is not limited to, connection, incremental transmission, incremental generation, and other infrastructure costs; operations and maintenance expenses; and any other costs required to serve a large load customer. The risk of nonpayment of such costs may not be borne by the general body of ratepayers.

(b) The minimum tariff and service requirements must include provisions reasonably designed to prevent a public utility from providing electric service to a customer that would otherwise qualify as a large load customer if that customer is a foreign entity.

(4) A customer may not separate an electrical load at a single location into multiple smaller connections to avoid being

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classified as a large load customer.

(5) To effectuate the requirements of subsection (3), the commission may include in such requirements utility industry-accepted ratemaking and other financial tools, including, but not limited to, all of the following:

(a) Contributions in aid of construction or other required customer infrastructure investments that may be returned, in whole or in part, to such customers over time.

(b) Demand charges, including minimum demand charges.

(c) Incremental generation charges.

(d) Financial guarantees.

(e) Minimum load factors.

(f) Take-or-pay provisions or similar provisions requiring payment for contracted capacity, regardless of a large load customer's actual electricity use or demand.

(g) Minimum period of service contract requirements, including early termination fees or other fees for violation of such contracts.

(6) Any tariff, contractual provision, service requirement, or other public utility policy relating to large load customers may not prevent or otherwise hinder the curtailment or interruption of electric service to a large load customer where such curtailment or interruption is intended to ensure grid stability, reduce the likelihood or breadth of wider service outages, or ensure public safety during an emergency or other exceptional circumstance.

(7) A public utility may not knowingly provide electric service to a customer that would otherwise qualify as a large load customer if that customer is a foreign entity.

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(8) The commission shall adopt rules to implement and administer this section and shall propose a rule for adoption by March 1, 2027.

(9) Within 60 days after adoption of the final rule implementing this section, each public utility shall file, for commission approval, a tariff that complies with the final rule.

Section 4. Present subsections (3) and (4) of section 373.203, Florida Statutes, are redesignated as subsections (5) and (6), respectively, and new subsections (3) and (4) are added to that section, to read:

373.203 Definitions.—

(3) "Data center" means a facility that primarily contains electronic equipment used to process, store, and transmit digital information, which may be:

(a) A free-standing structure; or

(b) A facility within a larger structure which uses environmental control equipment to maintain the proper conditions for the operation of electronic equipment.

(4) "Large-scale data center" means a single location, with a data center on site, that has an anticipated monthly peak load of 50 megawatts or more, calculated as the highest average load over a 15-minute interval. This does not include a load aggregated across multiple locations owned by the same customer. However, it does include all customers or other entities that have entered into a colocation or similar agreement at a single location that otherwise meets the anticipated monthly peak load provided in this subsection.

Section 5. Section 373.262, Florida Statutes, is created to read:

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233 373.262 Large-scale data center permitting.-

234 (1) It is the intent of the Legislature that the  
 235 development and operation of large-scale data centers in this  
 236 state be managed under a permitting framework that ensures this  
 237 state's water resources are used in the public interest, in a  
 238 manner that is not harmful to the water resources of this state,  
 239 and consistent with local government zoning regulations and  
 240 comprehensive plans.

241 (2) Consistent with other provisions of this part, the  
 242 governing board of a water management district or the department  
 243 may not issue a permit to a large-scale data center applicant  
 244 for an allocation of water if the proposed use of the water is  
 245 harmful to the water resources of the area or is prohibited by  
 246 the applicable local government zoning regulations and  
 247 comprehensive plan. A permit shall be issued to a large-scale  
 248 data center applicant for an allocation of water if the  
 249 applicant establishes that the proposed use of water:

250 (a) Is a reasonable-beneficial use as defined in s.  
 251 373.019;

252 (b) Will not interfere with any presently existing legal  
 253 use of water; and

254 (c) Is consistent with the public interest.

255 (3) The governing board or the department shall require the  
 256 use of reclaimed water in lieu of all or a portion of a proposed  
 257 use of surface water or groundwater by a large-scale data center  
 258 applicant when:

259 (a) A suitable reclaimed water supply source is available  
 260 and permitted;

261 (b) Reclaimed water distribution or supply lines are

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262 available at the property boundary in sufficient capacity and  
 263 quality to serve the applicant's needs;

264 (c) The applicant is capable of accessing the reclaimed  
 265 water source through distribution or supply lines;

266 (d) Use of reclaimed water is environmentally,  
 267 economically, and technically feasible; and

268 (e) Use of reclaimed water would not conflict with the  
 269 requirements contained in the applicant's surface water  
 270 discharge permit, if applicable.

271 (4)(a) In addition to the requirements of s. 373.229, all  
 272 permit applications made under this part requesting an  
 273 allocation of at least an average daily flow of 100,000 gallons  
 274 of water per day by a large-scale data center must contain:

275 1. All sources and amounts of water and losses of water  
 276 used for cooling, industrial and treatment processes, personal  
 277 or sanitary needs of employees, and landscape irrigation; and

278 2. A water conservation plan that, at a minimum,  
 279 incorporates recycling cooling water before discharge or  
 280 disposal, implementation of a leak detection and repair program,  
 281 use of water efficient fixtures, and implementation of an  
 282 employee awareness and education program concerning water  
 283 conservation.

284 (b) Notwithstanding s. 373.229(4), the governing board or  
 285 the department may not approve a permit application made under  
 286 this part by a large-scale data center without a hearing.

287 Section 6. Subsection (2) of section 373.239, Florida  
 288 Statutes, is amended to read:

289 373.239 Modification and renewal of permit terms.-

290 (2) If the proposed modification involves water use of

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291 100,000 gallons or more per day or is proposed by a large-scale  
292 data center as defined in s. 373.203, the application shall be  
293 treated under the provisions of s. 373.229 in the same manner as  
294 the initial permit application. Otherwise, the governing board  
295 or the department may at its discretion approve the proposed  
296 modification without a hearing, provided the permittee  
297 establishes that:

298 (a) A change in conditions has resulted in the water  
299 allowed under the permit becoming inadequate for the permittee's  
300 need, or

301 (b) The proposed modification would result in a more  
302 efficient utilization of water than is possible under the  
303 existing permit.

304 Section 7. 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.)

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Prepared By: The Professional Staff of the Committee on Rules

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BILL: CS/SB 546

INTRODUCER: Environment and Natural Resources Committee and Senator Mayfield and others

SUBJECT: Conservation Lands

DATE: February 16, 2026      REVISED: \_\_\_\_\_

|    | ANALYST         | STAFF DIRECTOR | REFERENCE  | ACTION             |
|----|-----------------|----------------|------------|--------------------|
| 1. | <u>Barriero</u> | <u>Rogers</u>  | <u>EN</u>  | <b>Fav/CS</b>      |
| 2. | <u>Reagan</u>   | <u>Betta</u>   | <u>AEG</u> | <b>Favorable</b>   |
| 3. | <u>Barriero</u> | <u>Kruse</u>   | <u>RC</u>  | <b>Pre-meeting</b> |

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 546 requires the Division of State Lands (division) within the Department of Environmental Protection and water management districts to provide 30 days' notice before any meeting to review the proposed sale or exchange of conservation lands. The bill requires the notice to contain certain information, such as the parcels proposed for sale or exchange, the portions of lands which will be preserved in a permanent conservation easement, a statement explaining why the lands are no longer needed for conservation purposes or how the exchange will result in a conservation benefit to the state, and any applicable recommendations. The bill also provides that, for exchanges involving state-owned lands, each parcel proposed for exchange must have at least one appraisal that follows board-approved appraisal criteria, techniques, and methods.

The division and the water management districts may incur indeterminate costs to implement the bill's notice requirements. See Section V., Fiscal Impact Statement.

The bill has an effective date of July 1, 2026.



## II. Present Situation:

### Florida's Conservation Lands

Florida has a long tradition of conserving land and water areas to protect natural and cultural resources and to support outdoor, resource-based recreation.<sup>1</sup> Florida's land acquisition and conservation efforts shifted from ad hoc purchases before the 1960s to a series of structured, bond- and tax-funded programs beginning with the creation of the Land Acquisition Trust Fund in 1963.<sup>2</sup> Over the ensuing decades, programs such as Environmentally Endangered Lands, Conservation and Recreation Lands (CARL), Save Our Coast, Save Our Rivers, and Preservation 2000 were created to further the state's commitment to conserve sensitive land and natural resources.<sup>3</sup> Florida's current blueprint for public land acquisition is the Florida Forever program, which was created in 1999 as the successor to the Preservation 2000 program.<sup>4</sup> The Florida Forever program has protected over one million acres since its inception.<sup>5</sup>

In Florida, conservation lands can be owned by public or private entities and can be obtained in fee or less-than-fee simple ownership.<sup>6</sup> Of the total 10.93 million acres of conservation lands in Florida, 96.9 percent are publicly owned.<sup>7</sup> Among the publicly owned lands, approximately 55.4 percent is owned by the state, 39.7 percent is owned by the federal government, and five percent is owned by local governments.<sup>8</sup> In total, over 31 percent of all land in the state is currently designated for conservation purposes.<sup>9</sup>

The Board of Trustees of the Internal Improvement Trust Fund—composed of the Governor, Chief Financial Officer, Attorney General, and Commissioner of Agriculture—is charged with the acquisition, administration, management, control, supervision, conservation, protection, and disposition of state lands.<sup>10</sup> The Acquisition and Restoration Council (ARC) is a 10-member body that makes recommendations to the board of trustees on the acquisition, management, and disposal of state-owned lands.<sup>11</sup> The Division of State Lands within the Department of

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<sup>1</sup> Office of Economic and Demographic Research (EDR), *Annual Assessment of Florida's Conservation Lands: 2025 Edition, Chapter 1*, 6 (2025), available at <https://edr.state.fl.us/Content/natural-resources/index.cfm>.

<sup>2</sup> *See id.*

<sup>3</sup> *See id.* at 6-7.

<sup>4</sup> *Id.* at 7; ch. 99-247, Laws of Fla. (codified as amended at section 259.105, F.S.).

<sup>5</sup> Department of Environmental Protection (DEP), *2025 Florida Forever Plan*, 3 (2025), available at [https://floridadep.gov/sites/default/files/FLDEP\\_DSL\\_OES\\_FF\\_2025\\_FloridaForeverAnnualPlan.pdf](https://floridadep.gov/sites/default/files/FLDEP_DSL_OES_FF_2025_FloridaForeverAnnualPlan.pdf).

<sup>6</sup> EDR, *Annual Assessment of Florida's Conservation Lands: 2025 Edition, Chapter 1* at 4.

<sup>7</sup> *Id.* at 13. This figure is as of July 2024. *Id.*

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

<sup>9</sup> *Id.*

<sup>10</sup> Section 253.03(1), F.S.; FLA. CONST. art. IV, s. 4(f); *see also* section 253.03, F.S.

<sup>11</sup> Sections 259.035(1) and (3), F.S. Four of ARC's 10 members are appointed by the Governor: three from scientific disciplines related to land, water, or environmental sciences and one with least five years of experience in managing lands for both active and passive types of recreation. Four of the members must include the Secretary of Environmental Protection, the director of the Florida Forest Service, the executive director of the Fish and Wildlife Conservation Commission, and the director of the Division of Historical Resources of the Department of State, or their respective designees. One member is appointed by the Commissioner of Agriculture from a discipline related to agriculture, including silviculture, and one member is appointed by the Fish and Wildlife Conservation Commission from a discipline related to wildlife management or wildlife ecology. Section 259.035(1)(a)-(c), F.S.

Environmental Protection (DEP) provides primary staff support for the board of trustees and the ARC.<sup>12</sup>

### Surplusing State-owned Conservation Lands

The Florida Constitution and state statutes establish the process for surplusing conservation lands. For state-owned conservation lands, the process begins with a review by the ARC.<sup>13</sup> The ARC reviews requests to surplus lands by private and public entities.<sup>14</sup> In its review, the ARC must determine whether the request for surplusing is compatible with the resource values of and management objectives for the subject lands and makes a recommendation to the board of trustees.<sup>15</sup>

In addition to surplus requests, the ARC also reviews conservation lands that are not actively managed by a state agency, lands that do not have a land management plan, and lands not being used for the purpose for which they were originally leased to a land manager.<sup>16</sup> The ARC then recommends to the board of trustees whether such lands should be retained in public ownership or disposed of by the board of trustees.<sup>17</sup>

Upon receiving the ARC's recommendation, and pursuant to the State Constitution, the board of trustees may dispose of conservation lands if it determines the lands are no longer needed for conservation purposes and upon an affirmative vote of at least three members.<sup>18</sup> The Division of State Lands sets the sale price for surplus lands based on an appraisal of the property.<sup>19</sup> If the estimated value of the land is \$500,000 or less, a comparable sales analysis or broker's opinion of value may be used. The value must be based on the highest and best use of the property, considering all applicable development rights, to ensure the maximum benefit and use to the state.<sup>20</sup>

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<sup>12</sup> DEP, *2025 Florida Forever Plan* at 2.

<sup>13</sup> Section 253.0341(1), F.S. See generally DEP, *FAQ: Disposition of State Lands and Facilities Annual Report*, <https://floridadep.gov/lands/bureau-public-land-administration/content/faq-disposition-state-lands-and-facilities-annual> (last visited Dec. 10, 2025).

<sup>14</sup> Section 253.0341(11), F.S. Local government requests to surplus land, whether for purchase, exchange, or any other means of transfer, must be expedited throughout the surplusing process. Section 253.0341(1), F.S.

<sup>15</sup> Section 253.0341(6), F.S.

<sup>16</sup> Sections 253.0341(4) and (5), F.S. At least every 10 years, as a component of each land management plan or land use plan, each manager must evaluate and indicate to the board of trustees those lands that are not being used for the purpose for which they were originally leased. Section 253.0341(4), F.S.

<sup>17</sup> Section 253.0341(4), F.S.

<sup>18</sup> FLA. CONST. art. X, sec. 18.; section 253.0341(1), F.S. Lands acquired by the state before July 1, 1999, using proceeds from Preservation 2000 bonds, the former CARL Trust Fund, the former Water Management Lands Trust Fund, Environmentally Endangered Lands Program, and the Save Our Coast Program and titled to the board of trustees which are identified as core parcels or within original project boundaries are deemed to have been acquired for conservation purposes. For any lands purchased by the state on or after July 1, 1999, the board of trustees must determine which parcels must be designated as having been acquired for conservation purposes before acquisition. Sections 253.0341(2) and (3), F.S. If the land was acquired under the Preservation 2000 program, the board of trustees (or water management districts, if applicable) must determine that the land no longer needs to be preserved in furtherance of the intent of the Florida Preservation 2000 Act. Section 259.101(5)(b), F.S.

<sup>19</sup> Section 253.0341(8), F.S. The division may require a second appraisal. *Id.*

<sup>20</sup> *Id.* "Highest and best use" means the reasonable, probable, and legal use of vacant land or an improved property which is physically possible, appropriately supported, financially feasible, and results in the highest value. *Id.*

### ***Land Exchanges***

In addition to selling lands, the board of trustees is also authorized to exchange state lands for other lands in the state, including lands owned by counties, local governments, individuals, or private or public corporations.<sup>21</sup>

A person who owns land contiguous to state-owned land may submit a request to the Division of State Lands to exchange some or all of their private land for some or all of the state land, provided the state keeps a permanent conservation easement on portions of both the state and private lands being exchanged.<sup>22</sup> The exchanged state-owned land must be contiguous to the privately owned land upon which the state retains a permanent conservation easement.<sup>23</sup>

After receiving a request and the Division of State Lands's recommendations, the board of trustees may approve the request if:

- At least 30 percent of the perimeter of the privately owned land is bordered by state-owned land and the exchange does not create an inholding;
- The approval does not result in a violation of the terms of a preexisting lease or agreement by the board of trustees, the DEP, the Department of Agriculture and Consumer Services, or the Fish and Wildlife Conservation Commission;
- For state-owned conservation lands, the board of trustees makes a determination that the exchange of land will result in a net positive conservation benefit;
- The approval does not conflict with any existing flowage easement; and
- The request is approved by three or more members of the board of trustees.<sup>24</sup>

An appraisal is required for each parcel conveyed to the board of trustees through a land exchange.<sup>25</sup> Two appraisals are required when the estimated value of the parcel exceeds \$5 million.<sup>26</sup> If both appraisals exceed \$5 million and differ significantly, a third appraisal may be obtained.<sup>27</sup> If a parcel is estimated to be worth \$100,000 or less and the director of the Division of State Lands finds that the cost of an outside appraisal is not justified, a comparable sales analysis, an appraisal prepared by the division, or other reasonably prudent procedures may be used by the division to estimate the value of the parcel, provided the public's interest is reasonably protected.<sup>28</sup> All appraisals must be prepared by a state-certified appraiser.<sup>29</sup> Appraisal fees and associated costs are paid by the agency proposing the acquisition.<sup>30</sup>

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<sup>21</sup> Section 253.42 (1), F.S. For conservation lands acquired by the state through gift, donation, or any other conveyance for which no consideration was paid, the state may request land of equal conservation value from the county or local government but no other consideration. *Id.*

<sup>22</sup> Section 253.42(4)(a), F.S.

<sup>23</sup> *Id.* Land subject to a permanent conservation easement is subject to inspection by DEP to ensure compliance with the terms of such easement. Section 253.42(4)(d), F.S.

<sup>24</sup> Section 253.42(4)(b), F.S.

<sup>25</sup> Section 253.025(8)(b), F.S. and Fla. Admin. Code R. 18-1.010. However, the state is not required to appraise the value of lands that are being donated. Section 253.025(8)(b), F.S.

<sup>26</sup> Section 253.025(8)(b), F.S.

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

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

<sup>29</sup> Section 253.025(8)(c), F.S. *See also* Fla. Admin. Code R. 18-1.007.

<sup>30</sup> Section 253.025(8)(c), F.S.

***Notice***

State agencies must give notice of public meetings, hearings, and workshops by publication in the Florida Administrative Register and on the agency's website at least seven days before the event.<sup>31</sup> The notice must include a statement of the general subject matter to be considered.<sup>32</sup> The agenda and meeting materials must also be published on the agency's website.<sup>33</sup> Changes to the agenda can only be made for good cause, and notice of the change must be provided at the earliest practicable time.<sup>34</sup>

After receiving an application requesting the board of trustees to sell, exchange, lease, or grant an easement on state-owned land, the board must provide notice of the application and certain information related to the proposal.<sup>35</sup> The notice must include:

- Name and address of the applicant;
- A brief description of the proposed activity and any mitigation;
- The location of the proposed activity, including whether it is located within an Outstanding Florida Water<sup>36</sup> or aquatic preserve;
- A map identifying the location of the proposed activity subject to the application;
- A diagram of the limits of the proposed activity; and
- A name or number identifying the application and the office where the application can be inspected.<sup>37</sup>

Any public lands vested in the board of trustees may not be sold, conveyed, or disposed of by the board of trustees until such notice has been given.<sup>38</sup> However, state law does not specify when the notice must be issued. Failure to provide notice does not invalidate the sale, exchange, lease, or easement.<sup>39</sup> The board may also publish or require an applicant to publish a notice of receipt of the application and intended agency action in a newspaper of general circulation.<sup>40</sup>

**Surplusage Water Management District (WMD) Conservation Lands**

Like the board of trustees, a WMD's governing board is authorized to sell land it determines to be surplus.<sup>41</sup> For conservation lands, the governing board must make a determination that the

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<sup>31</sup> Section 120.525(1), F.S. "Agencies" subject to public hearing requirements include, among others, state officers, the Governor, and governmental entities including, but not limited to, state departments; multicounty special districts (unless a majority of its governing board is comprised of nonelected persons); entities described in chapters 163, 373, 380, and 582; and officers and governmental entities in the state having statewide jurisdiction or jurisdiction in more than one county. Section 120.52(1), F.S.

<sup>32</sup> Section 120.525(1), F.S.

<sup>33</sup> Section 120.525(2), F.S.

<sup>34</sup> *Id.*

<sup>35</sup> Section 253.115(1), F.S.

<sup>36</sup> An Outstanding Florida Water is a water designated worthy of special protection because of its natural attributes. DEP, *Outstanding Florida Waters*, <https://floridadep.gov/dear/water-quality-standards/content/outstanding-florida-waters> (last visited Dec. 10, 2025); see Fla. Admin. Code R. 62-302.700(2) and (9).

<sup>37</sup> Section 253.115(1), F.S.

<sup>38</sup> Section 270.07, F.S. Notice requirements do not apply to homestead, railroad, or canal grants, or the conveyance of certain riparian lands. *Id.*

<sup>39</sup> Section 253.115(4), F.S.

<sup>40</sup> Section 253.115(3), F.S.

<sup>41</sup> Section 373.089(1)(a), F.S.

lands are no longer needed for conservation purposes and may dispose of them by a two-thirds vote.<sup>42</sup> For lands acquired with Florida Forever funds, the WMDs must first offer title to the board of trustees, with certain exceptions.<sup>43</sup> Otherwise, surplus lands must be sold at the highest price obtainable, but not less than the appraised value of the lands, as determined by a certified appraisal obtained within 360 days before the effective date of the contract for sale.<sup>44</sup> When a parcel is no longer necessary for conservation purposes and is valued at \$25,000 or less, a WMD may be offer it for sale to adjacent landowners before being made available to the general public.<sup>45</sup>

WMD governing boards can also exchange district-owned lands for other lands within the state.<sup>46</sup> The WMD's governing board sets the terms and conditions of any such exchange and may pay or receive any sum of money the governing board considers necessary to equalize the values of exchanged properties.<sup>47</sup>

### *Notice*

Before selling surplus land, a WMD's governing board must publish a notice of intention to sell on its website and in a newspaper published in the county where the land is situated once each week for three successive weeks.<sup>48</sup> The first publication must occur at least 30 days, but not more than 360 days, before the governing board approves the sale.<sup>49</sup>

If the governing board elects to offer for sale the parcel to adjacent property owners, the governing board only needs to publish the notice one time; however, the governing board must also send the notice to adjacent property owners by certified mail and publish the notice on its website.<sup>50</sup> Fourteen days after publication of such notice, the governing board may sell the parcel to an adjacent property owner or, if there are two or more owners of adjacent property, accept sealed bids and sell the parcel to the highest bidder.<sup>51</sup> If the parcel is not sold to an adjacent property owner, the governing board may sell the parcel at any time to the general public for the highest price obtainable.<sup>52</sup>

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<sup>42</sup> Section 373.089(6)(a), F.S. and FLA. CONST. art. X, s. 18. Any land a governing board owned before July 1, 1999, is considered to have been acquired for conservation purposes. For lands acquired after this date, the governing board must determine which parcels will be designated as having been acquired for conservation purposes. Section 373.089(6)(c) and (d), F.S.

<sup>43</sup> Section 373.089(7), F.S. These exceptions include the disposition of lands for the following purposes: (a) linear facilities, including electric transmission and distribution facilities, telecommunication transmission and distribution facilities, pipeline transmission and distribution facilities, public transportation corridors, and related appurtenances; (b) the disposition of the fee interest in the land where a conservation easement is retained by the district to fulfill the conservation objectives for which the land was acquired; (c) an exchange of the land for other lands that meet or exceed the conservation objectives for which the original land was acquired; (d) lands to be used by a governmental entity for a public purpose; (e) the portion of an overall purchase deemed surplus at the time of the acquisition. *Id.*

<sup>44</sup> Section 373.089(6)(b), F.S.

<sup>45</sup> Section 373.089(8)(a), F.S.

<sup>46</sup> Section 373.089(4), F.S.

<sup>47</sup> *Id.*

<sup>48</sup> Section 373.089(3), F.S.

<sup>49</sup> *Id.*

<sup>50</sup> Section 373.089(8)(a), F.S.

<sup>51</sup> Section 373.089(8)(b), F.S.

<sup>52</sup> Section 373.089(8)(c), F.S.

### *Summary of Recent Surplus Conservation Land Sales*

The table below summarizes recent surplus conservation land sales and available surplus.<sup>53</sup>

| WMD/State         | FY 2021-22 |                      | FY 2022-23 |                      | FY 2023-24 |                      | FY 2024-25 |                      | Available Acres for Surplus |
|-------------------|------------|----------------------|------------|----------------------|------------|----------------------|------------|----------------------|-----------------------------|
|                   | Acres      | Revenue (\$Millions) | Acres      | Revenue (\$Millions) | Acres      | Revenue (\$Millions) | Acres      | Revenue (\$Millions) |                             |
| NWFWMD            | -          | \$ -                 | -          | \$ -                 | -          | \$ -                 | -          | \$ -                 | 115.0                       |
| SJRWMD            | -          | \$ -                 | -          | \$ -                 | -          | \$ -                 | -          | \$ -                 | -                           |
| SFWMD             | 1,052.0    | \$ 11.29             | -          | \$ -                 | -          | \$ -                 | -          | \$ -                 | -                           |
| SWFWMD            | -          | \$ -                 | -          | \$ -                 | -          | \$ -                 | -          | \$ -                 | 23.5                        |
| SRWMD             | -          | \$ -                 | -          | \$ -                 | -          | \$ -                 | -          | \$ -                 | -                           |
| Board of Trustees | 1.3        | \$ 0.07              | -          | \$ -                 | 20.3       | \$ 0.29              | -          | \$ -                 | 6.9                         |
| Total             | 1,053.3    | \$ 11.36             | -          | \$ -                 | 20.3       | \$ 0.29              | -          | \$ -                 | 145.4                       |

### III. Effect of Proposed Changes:

**Section 1** amends s. 253.0341, F.S., regarding surplus of state-owned lands. The bill provides that at least 30 days before any meeting of the Acquisition and Restoration Council or Board of Trustees of the Internal Improvement Trust Fund to review the proposed sale of conservation lands, the Division of State Lands<sup>54</sup> must publish the following information on its website:

- The parcels of state-owned land for sale; and
- A statement explaining why the lands are no longer needed for conservation purposes.

**Section 2** amends s. 253.42, F.S., regarding land exchanges by the board of trustees. The bill provides that each parcel proposed for exchange must have at least one appraisal that follows the appraisal criteria, techniques, and methods adopted by the board of trustees.

The bill provides that at least 30 days before any meeting of Acquisition and Restoration Council or board of trustees to review the proposed land exchange of conservation lands, the Division of State Lands must publish the following information on its website:

- The parcels of state-owned lands proposed for exchange;
- The privately owned parcels of land proposed for exchange;
- The portions of such lands which will be preserved in a permanent conservation easement;
- A statement from the division explaining how the exchange will result in a conservation benefit to the state; and
- Any recommendations from the division and the council related to the request.

<sup>53</sup> EDR, *Annual Assessment of Florida's Conservation Lands: 2025 Edition, Chapter 1*, 8 (2025), available at <https://edr.state.fl.us/Content/natural-resources/index.cfm>; Division of State Lands, *2025 Disposition of State Lands and Facilities Report*, 6-7 (2025), available at <https://dms-media.ccplatform.net/content/download/439934/file/10.1.25%202025%20DEP%20Disposition%20of%20State%20Lands%20and%20Facilities%20Report.pdf>.

<sup>54</sup> The Division of State Lands provides primary staff support for the board of trustees and the Acquisition and Restoration Council. DEP, *2025 Florida Forever Plan*, 2 (2025), available at [https://floridadep.gov/sites/default/files/FLDEP\\_DSL\\_OES\\_FF\\_2025\\_FloridaForeverAnnualPlan.pdf](https://floridadep.gov/sites/default/files/FLDEP_DSL_OES_FF_2025_FloridaForeverAnnualPlan.pdf).

**Section 3** amends s. 373.089, F.S., regarding the sale or exchange of lands by governing boards of water management districts. The bill provides that at least 30 days before the governing board meets to review the proposed sale or exchange of conservation lands, it must publish the following information on its website, as applicable:

- The parcels of district-owned lands for sale or proposed for exchange;
- The parcels of privately owned lands proposed for exchange;
- The portions of such lands which will be preserved in a permanent conservation easement; and
- A statement from the district explaining why the lands are no longer needed for conservation purposes.

**Section 4** amends s. 215.196, F.S., to conform a cross-reference.

**Section 5** provides an effective date of 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:**

None.

C. **Government Sector Impact:**

The Division of State Lands and water management districts may incur indeterminate costs to implement the bill's notice requirements.

VI. **Technical Deficiencies:**

None.

VII. **Related Issues:**

None.

VIII. **Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 253.0341, 253.42, 373.089, and 215.196.

IX. **Additional Information:**

A. **Committee Substitute – Statement of Substantial Changes:**

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

**CS by Environment and Natural Resources on January 13, 2026:**

Clarified that the same notice requirements apply to the Acquisition and Restoration Council, the Board of Trustees of the Internal Improvement Trust Fund, and water management districts for any meeting to review the proposed sale or exchange of conservations lands.

B. **Amendments:**

None.



By the Committee on Environment and Natural Resources; and  
Senators Mayfield and Harrell

592-01913-26

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A bill to be entitled

An act relating to conservation lands; amending s. 253.0341, F.S.; requiring the Division of State Lands to publish certain information on its website before the Acquisition and Restoration Council or the Board of Trustees of the Internal Improvement Trust Fund meets to review the proposed sale of conservation lands; amending s. 253.42, F.S.; requiring that certain parcels proposed for exchange be appraised in accordance with certain criteria; deleting provisions requiring the division to submit certain requests to the council for review; deleting provisions requiring the division to provide certain recommendations to the board; requiring the division to publish certain information on its website before the council or the board meets to review a proposed land exchange; requiring the division to submit certain requests to the council for review and requiring the council to provide recommendations to the division in certain circumstances; requiring the division to provide certain recommendations to the board of trustees in certain circumstances; making a technical change; amending s. 373.089, F.S.; requiring the governing board of a water management district to publish certain information on its website before meeting to review the proposed sale or exchange of certain lands; amending s. 215.196, F.S.; conforming a cross-reference; providing an effective date.

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

Section 1. Present subsections (7) through (19) of section 253.0341, Florida Statutes, are redesignated as subsections (8) through (20), respectively, a new subsection (7) is added to that section, and present subsection (11) of that section is amended, to read:

253.0341 Surplus of state-owned lands.—

(7) At least 30 days before any meeting of the Acquisition and Restoration Council or board of trustees to review the proposed sale of conservation lands, the Division of State Lands shall publish the following information on its website:

(a) The parcels of state-owned land for sale; and

(b) A statement from the division explaining why the lands are no longer needed for conservation purposes.

(12)(11) Requests to surplus lands may be made by any public or private entity or person and shall be determined by the board of trustees. All requests to surplus conservation lands shall be submitted to the lead managing agency for review and recommendation to the Acquisition and Restoration Council, and all requests to surplus nonconservation lands shall be submitted to the Division of State Lands for review and recommendation to the board of trustees. The lead managing agencies shall review such requests and make recommendations to the council within 90 days after receipt of the requests. Any requests to surplus conservation lands that are not acted upon within the 90-day period shall be immediately scheduled for hearing at the next regularly scheduled meeting of the council. Requests to surplus lands shall be considered by the board of

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trustees within 60 days after receipt of the requests from the council or division. Requests to surplus lands pursuant to this subsection are not required to be offered to state agencies as provided in subsection (8) ~~(7)~~.

Section 2. Present paragraphs (b), (c), and (d) of subsection (4) of section 253.42, Florida Statutes, are redesignated as paragraphs (d), (e), and (f), respectively, new paragraphs (b) and (c) are added to that subsection, and paragraph (a) of that subsection is amended, to read:

253.42 Board of trustees may exchange lands.—This section applies to all lands owned by, vested in, or titled in the name of the board of trustees whether the lands were acquired by the state as a purchase, or through gift, donation, or any other conveyance for which no consideration was paid.

(4)(a) A person who owns land contiguous to state-owned land titled to the board of trustees may submit a request to the Division of State Lands to exchange all or a portion of the privately owned land for all or a portion of the state-owned land, whereby the state retains a permanent conservation easement over all or a portion of the exchanged state-owned land and a permanent conservation easement over all or a portion of the exchanged privately owned land. State-owned land exchanged pursuant to this subsection ~~must shall~~ be contiguous to the privately owned land upon which the state retains a permanent conservation easement. Each parcel proposed for exchange pursuant to this subsection must have at least one appraisal that follows the appraisal criteria, techniques, and methods adopted by the board of trustees pursuant to s. 253.025(8)(e) If ~~the division elects to proceed with a request, the division must~~

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~~submit the request to the Acquisition and Restoration Council for review and the council must provide recommendations to the division. If the division elects to forward a request to the board of trustees, the division must provide its recommendations and the recommendations of the council to the board.~~ This subsection does not apply to state-owned sovereign submerged land.

(b) At least 30 days before any meeting of the Acquisition and Restoration Council or board of trustees to review the proposed land exchange of conservation lands, the Division of State Lands shall publish the following information on its website:

1. The parcels of state-owned lands proposed for exchange;
2. The privately owned parcels of land proposed for exchange;
3. The portions of the lands identified in subparagraphs 1. and 2. which will be preserved in a permanent conservation easement;
4. A statement from the division explaining how the exchange will result in a conservation benefit to the state; and
5. Any recommendations from the division and the council related to the request.

(c) If the Division of State Lands elects to proceed with a request, the division must submit the request to the council for review, and the council must provide recommendations to the division. If the division elects to forward a request to the board of trustees, the division must provide its recommendations and the recommendations of the council to the board.

Section 3. Paragraph (a) of subsection (6) of section

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373.089, Florida Statutes, is amended to read:

373.089 Sale or exchange of lands, or interests or rights in lands.—The governing board of the district may sell lands, or interests or rights in lands, to which the district has acquired title or to which it may hereafter acquire title in the following manner:

(6) Any lands the title to which is vested in the governing board of a water management district may be surplused pursuant to the procedures set forth in this section and s. 373.056 and the following:

(a) For those lands designated as acquired for conservation purposes, the governing board shall make a determination that the lands are no longer needed for conservation purposes and may dispose of them by a two-thirds vote. At least 30 days before the governing board meets to review the proposed sale or exchange of such lands, the governing board shall publish the following information on its website, as applicable:

1. The parcels of district-owned lands for sale or proposed for exchange;

2. The parcels of privately owned lands proposed for exchange;

3. The portions of the lands identified in subparagraphs 1. and 2. which will be preserved in a permanent conservation easement; and

4. A statement from the district explaining why the lands are no longer needed for conservation purposes.

If the Board of Trustees of the Internal Improvement Trust Fund declines to accept title to the lands offered under this

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section, the land may be disposed of by the district under the provisions of this section.

Section 4. Subsection (1) of section 215.196, Florida Statutes, is amended to read:

215.196 Architects Incidental Trust Fund; creation; assessment.—

(1) There is created the Architects Incidental Trust Fund for the purpose of:

(a) Collecting all funds received through the sale of surplus state-owned office buildings, as defined in s. 255.248, and the nonconservation lands associated with such buildings;

(b) Diverting funds referenced in s. 253.0341(15)(b) ~~§ 253.0341(14)(b)~~; and

(c) Providing sufficient funds for the operation of the facilities development activities of the Department of Management Services.

Section 5. 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.)

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Prepared By: The Professional Staff of the Committee on Rules

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BILL: CS/SB 556

INTRODUCER: Education Pre-K - 12 Committee and Senators Berman and Simon

SUBJECT: Requirements for a Standard High School Diploma

DATE: February 16, 2026

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

| ANALYST     | STAFF DIRECTOR | REFERENCE | ACTION             |
|-------------|----------------|-----------|--------------------|
| 1. Sabitsch | Bouck          | ED        | <b>Fav/CS</b>      |
| 2. Kennedy  | Tuszynski      | CF        | <b>Favorable</b>   |
| 3. Sabitsch | Kruse          | RC        | <b>Pre-meeting</b> |

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 556 allows a student with a disability to meet the required one credit of physical education for a standard high school diploma by participating in the Special Olympics.

Additionally, the bill allows completion of two years of marching band to substitute for both physical education and fine or performing arts towards a standard high school diploma.

The bill takes effect on July 1, 2026.

**II. Present Situation:**

**Florida Graduation Requirements**

Florida's graduation requirements for receiving a standard high school diploma are outlined in statute.<sup>1</sup> Florida students entering grade nine may choose from one of five options to earn a standard diploma. The five options are:<sup>2</sup>

- 24-credit program.
- 18-credit program, Academically Challenging Curriculum to Enhance Learning or ACCEL.
- A Career and Technical Education (CTE) Pathway.

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<sup>1</sup> Sections 1003.4282, and 1002.3105, F.S.

<sup>2</sup> Florida Department of Education, Student Support Services, *Graduation Requirements*, <https://www.fldoe.org/schools/k-12-public-schools/ssss/graduation-requirements/> (last visited Jan. 10, 2026).

- An International Baccalaureate (IB) curriculum.
- An Advanced International Certificate of Education (AICE) curriculum.

To be awarded a standard high school diploma under the 24-credit program requires students entering the ninth grade in 2023-2024 or later must earn the following credits:<sup>3</sup>

- Four credits in English Language Arts (ELA).
- Four credits in mathematics.
- Three credits in science.
- Three credits in social studies.
- One credit in fine or performing arts, speech and debate, or career and technical education.
- One credit in physical education, which includes the integration of health.<sup>4</sup>
- Seven and one-half credits in electives.
- One-half credit in personal financial literacy.

Students may choose to substitute the required one credit in physical education through participation in an interscholastic sport at the junior varsity or varsity level for two full seasons. Participation in two years of marching band may satisfy one credit of physical education or one credit in fine or performing arts. Students may also satisfy one-half of the credit for physical education by completing one semester and earning a “C” or better in a marching band class, a physical activity class that requires participation in marching band activities, or a dance class.<sup>5</sup> Students may also substitute the required one credit in physical education through completion of two years of Reserve Officer Training Corps (R.O.T.C) class.

In each circumstance where students may choose a substitute for the one credit in physical education, Florida law does not allow the substitution to be used to satisfy the personal fitness requirement or the requirement for adaptive physical education under an individual education plan (IEP) or 504 plan.<sup>6</sup>

### **Special Olympics**

The mission of the Special Olympics is to provide year-round sports training and athletic competition in a variety of Olympic-type sports for children and adults with intellectual disabilities, giving them continuing opportunities to develop physical fitness, demonstrate courage, experience joy and participate in a sharing of gifts, skills and friendship with their families, other Special Olympics athletes and the community.<sup>7</sup>

The origins of the Special Olympics can be traced to the first Camp Shriver that was founded by Eunice Kennedy Shriver in the early 1960’s on her Maryland farm. Her vision was that through sports, the lives of people with intellectual disabilities would be transformed and public perceptions would be changed forever.<sup>8</sup>

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<sup>3</sup> Section 1003.4282(3), F.S.

<sup>4</sup> Section 1003.4282(3)(f), F.S.

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

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

<sup>7</sup> Special Olympics, *About Page*, <https://www.specialolympics.org/about/mission> (last visited Jan. 6, 2026).

<sup>8</sup> Special Olympics, *Camp Shriver – The Beginning of a Movement*, <https://www.specialolympics.org/about/history/camp-shriver> (last visited Jan. 7, 2026).

The establishment of these camps gathered momentum that led to the first International Special Olympics Summer Games held at Soldier Field in Chicago as a joint venture between the Kennedy Foundation and the Chicago Park District. About 1,000 athletes with intellectual disabilities from the United States and Canada competed in the first Special Olympics International Summer Games in Chicago. The event was so successful that Eunice Kennedy Shriver soon pledged that more games would be held in 1970 and every two years thereafter in a "Biennial International Special Olympics."<sup>9</sup>

Today the Special Olympics has grown to be a worldwide organization with 256 national and state programs in 207 countries and jurisdictions. In 2024, there were 4,660,299 participants that included 3.8 million athletes with intellectual disabilities that were joined by over 800,000 unified partners (individuals without an intellectual disability who may or may not have another type of disability).<sup>10</sup>

Through the Special Olympics there are more than 30 Olympic-style individual and team sports that provide meaningful training and competition opportunities for persons with intellectual disabilities. Sports offered are varied and include such diverse activities as:<sup>11</sup>

- Alpine Skiing;
- Basketball;
- Bowling;
- Competitive Cheer;
- Cycling;
- Equestrian;
- Figure Skating;
- Judo;
- Kayaking; and
- Powerlifting.

The Special Olympics also supports Unified Sports, which joins people with and without intellectual disabilities on the same team. It was inspired by a simple principle: training together and playing together is a quick path to friendship and understanding. Young people with disabilities do not often get a chance to play on their school sports teams. U.S. states are adopting the Unified Sports approach that Special Olympics pioneered. Special Olympics Unified Champion Schools® programming is in more than 10,800 schools in 50 U.S. states, the District of Columbia, and the Commonwealth of Puerto Rico.<sup>12</sup>

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<sup>9</sup> Special Olympics, *The Beginning of a Worldwide Movement*, <https://www.specialolympics.org/about/history/camp-shriver> (last visited Jan. 7, 2026).

<sup>10</sup> Special Olympics, *Global Reach Report* (2024), available at: <https://www.specialolympics.org/about/reports>.

<sup>11</sup> Special Olympics, *Sports*, <https://www.specialolympics.org/what-we-do/sports/sports-offered> (last visited January 7, 2026).

<sup>12</sup> Special Olympics, *Unified Sports*, <https://www.specialolympics.org/what-we-do/sports/unified-sports> (last visited Jan. 7, 2026).

***Special Olympics in Florida***

The Special Olympics in Florida consists of 69,453 registered athletes and unified partners (2023) supported by 15,521 coaches and 45,225 volunteers. There are 23 different individual and team sports offered.<sup>13</sup>

Currently, there are 303 public high schools participating in the Special Olympics United Champion Schools and Developmental Sports Program that include 4,664 athletes and 1,144 unified partners. Additionally, there are 1,330 high school level programs taking place in Florida communities outside of public schools that include 4,664 athletes and 1,144 unified partners.<sup>14</sup>

**III. Effect of Proposed Changes:**

CS/SB 556 amends s. 1003.4282, F.S., to allow students with disabilities who participate in the Special Olympics to substitute that participation for the required one credit of physical education to earn a standard high school diploma.

The provision requires one year of participation in the Special Olympics as determined by the student's Individual Education Plan (IEP) team.

The bill allows the completion of two years of marching band to satisfy the one-credit requirement in physical education and the one-credit requirement in fine or performing arts to earn a standard high school diploma, rather than just one credit in either physical education or fine or performing arts.

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.

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<sup>13</sup> Special Olympics, *Florida Fact Sheet*, available at: <https://media.specialolympics.org/resources/leading-a-program/program-profiles/SONA/Florida-FactSheet-2024.pdf>.

<sup>14</sup> Email, Special Olympics Florida (January 6, 2026).

E. Other Constitutional Issues:

None identified.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

This bill does not have a fiscal impact on state revenues or expenditures.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends s. 1003.4282 of the Florida Statutes.

**IX. Additional Information:**

A. Committee Substitute – Statement of Substantial Changes:

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

**CS by Education Pre-K – 12 on January 13, 2026:**

The committee substitute modifies s. 1003.4282, F.S., to allow a student to substitute completion of two years of marching band for the one-credit requirement in physical education and the one-credit requirement in fine or performing arts to earn a standard high school diploma instead of just one of the two requirements.

B. Amendments:

None.



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

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A bill to be entitled

An act relating to requirements for a standard high school diploma; amending s. 1003.4282, F.S.; providing that students can substitute marching band experience for physical education and performing fine arts credit requirements for a standard high school diploma; providing that students with disabilities may participate in the Special Olympics to meet the physical education requirement for a standard high school diploma; providing an effective date.

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

Section 1. Paragraph (f) of subsection (3) and paragraph (b) of subsection (8) of section 1003.4282, Florida Statutes, are amended to read:

1003.4282 Requirements for a standard high school diploma.—

(3) STANDARD HIGH SCHOOL DIPLOMA; COURSE AND ASSESSMENT REQUIREMENTS.—

(f) *One credit in physical education.*—Physical education must include the integration of health. Participation in an interscholastic sport at the junior varsity or varsity level for two full seasons shall satisfy the one-credit requirement in physical education. A district school board may not require that the one credit in physical education be taken during the 9th grade year. Completion of 2 years of marching band shall satisfy the one-credit requirement in physical education and ~~or~~ the one-credit requirement in performing arts. This credit may not be used to satisfy the personal fitness requirement or the

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requirement for adaptive physical education under an individual education plan (IEP) or 504 plan. Completion of one semester with a grade of "C" or better in a marching band class, in a physical activity class that requires participation in marching band activities as an extracurricular activity, or in a dance class shall satisfy one-half credit in physical education or one-half credit in performing arts. This credit may not be used to satisfy the personal fitness requirement or the requirement for adaptive physical education under an IEP or 504 plan. Completion of 2 years in a Reserve Officer Training Corps (R.O.T.C.) class, a significant component of which is drills, shall satisfy the one-credit requirement in physical education and the one-credit requirement in performing arts. This credit may not be used to satisfy the personal fitness requirement or the requirement for adaptive physical education under an IEP or 504 plan.

(8) STUDENTS WITH DISABILITIES.—Beginning with students entering grade 9 in the 2014-2015 school year, this subsection applies to a student with a disability.

(b) The following options, in addition to the other options specified in this section, may be used to satisfy the standard high school diploma requirements, as specified in the student's individual education plan:

1. For a student with a disability for whom the IEP team has determined that the Florida Alternate Assessment is the most appropriate measure of the student's skills:

a. A combination of course substitutions, assessments, industry certifications, other acceleration options, or occupational completion points appropriate to the student's

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unique skills and abilities that meet the criteria established by State Board of Education rule.

b. A portfolio of quantifiable evidence that documents a student's mastery of academic standards through rigorous metrics established by State Board of Education rule. A portfolio may include, but is not limited to, documentation of work experience, internships, community service, and postsecondary credit.

2. A student with a disability may participate in the Special Olympics as a course substitution for the physical education requirement under paragraph (3)(f). A student who chooses this option must participate in the Special Olympics for one school year, as determined by the student's IEP team.

3. For a student with a disability for whom the IEP team has determined that mastery of academic and employment competencies is the most appropriate way for a student to demonstrate his or her skills:

a. Documented completion of the minimum high school graduation requirements, including the number of course credits prescribed by rules of the State Board of Education.

b. Documented achievement of all annual goals and short-term objectives for academic and employment competencies, industry certifications, and occupational completion points specified in the student's transition plan. The documentation must be verified by the IEP team.

c. Documented successful employment for the number of hours per week specified in the student's transition plan, for the equivalent of 1 semester, and payment of a minimum wage in compliance with the requirements of the federal Fair Labor

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Standards Act.

d. Documented mastery of the academic and employment competencies, industry certifications, and occupational completion points specified in the student's transition plan. The documentation must be verified by the IEP team, the employer, and the teacher. The transition plan must be developed and signed by the student, parent, teacher, and employer before placement in employment and must identify the following:

(I) The expected academic and employment competencies, industry certifications, and occupational completion points;

(II) The criteria for determining and certifying mastery of the competencies;

(III) The work schedule and the minimum number of hours to be worked per week; and

(IV) A description of the supervision to be provided by the school district.

4.3. Any change to the high school graduation option specified in the student's IEP must be approved by the parent and is subject to verification for appropriateness by an independent reviewer selected by the parent as provided in s. 1003.572.

The State Board of Education shall adopt rules under ss. 120.536(1) and 120.54 to implement this subsection, including rules that establish the minimum requirements for students described in this subsection to earn a standard high school diploma. The State Board of Education shall adopt emergency rules pursuant to ss. 120.536(1) and 120.54.

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.)

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Prepared By: The Professional Staff of the Committee on Rules

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BILL: CS/CS/SB's 658 & 608

INTRODUCER: Community Affairs Committee; Regulated Industries Committee; and Senators Burgess and Smith

SUBJECT: Water Safety Requirements for the Rental of Residential and Vacation Properties

DATE: February 16, 2026

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

|    | ANALYST        | STAFF DIRECTOR | REFERENCE | ACTION                 |
|----|----------------|----------------|-----------|------------------------|
| 1. | <u>Baird</u>   | <u>Imhof</u>   | <u>RI</u> | <u>Fav/CS Combined</u> |
| 2. | <u>Hackett</u> | <u>Fleming</u> | <u>CA</u> | <u>Fav/CS</u>          |
| 3. | <u>Baird</u>   | <u>Kruse</u>   | <u>RC</u> | <u>Pre-meeting</u>     |

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/CS/SB's 658 and 608 amend s. 83.51 and 509.211, F.S., to incorporate enhanced water safety provisions governing residential rental properties and vacation rental properties.

The bill would require a landlord and a vacation rental licensee to equip a property with a water safety feature in the form of an exit alarm or self-closing device if the property is within 150 feet of a water body other than a swimming pool, and a water safety feature commensurate with those required for newly constructed swimming pools if the property has a swimming pool on the premises.

A landlord or licensee that is not in compliance commits a misdemeanor of the second degree, unless the violation was due to the removal or modification of a safety feature by a tenant or guest without the landlord or licensee's knowledge, and the landlord or licensee corrects the violation promptly upon learning of the deficiency.

The bill requires licensees to file a certificate upon license and renewal affirming their compliance, and gives authority to the Division of Hotels and Restaurants to suspend or revoke a license for a vacation home and fine the licensee for noncompliance.

The bill provides an effective date of July 1, 2026.

## II. Present Situation:

### Landlord and Tenant Relationship

Chapter 83, F.S., which governs landlord and tenant relations, is divided into three parts:

- Part I, which governs nonresidential tenancies not governed by Part II.<sup>1</sup>
- Part II, the Florida Residential Landlord and Tenant Act (act), which governs residential tenancies.<sup>2</sup>
- Part III, the Self-Storage Facility Act, which governs self-service storage spaces.<sup>3</sup>

### *Florida Residential Landlord and Tenant Act*

The act governs the rights and responsibilities of both landlords and tenants in connection with the rental of dwelling units (i.e. residential tenancies).<sup>4</sup> For purposes of the act, “dwelling unit” means:

- A structure or part of a structure that is rented for use as a home, residence, or sleeping place by one person or by two or more persons who maintain a common household;
- A mobile home rented by a tenant; or
- A structure or part of a structure that is furnished, with or without rent, as an incident of employment for use as a home, residence, or sleeping place by one or more persons.<sup>5</sup>

Notably, the act does not apply to:

- Residency or detention in a facility, whether public or private, when residence or detention is incidental to the provision of medical, geriatric, educational, counseling, religious, or similar services.
- Occupancy under a contract of sale of a dwelling unit or the property of which it is a part, in which the buyer has paid at least 12 months’ rent or a contract in which the buyer has paid at least one month’s rent and a deposit of at least 5 percent of the purchase price of the property.
- Transient occupancy in a hotel, condominium, motel, rooming house, or similar public lodging, or in a mobile home park.
- Occupancy by a holder of a proprietary lease in a cooperative apartment.
- Occupancy by an owner of a condominium unit.<sup>6</sup>

Significant provisions of the act include provisions relating to:

- Unconscionable rental agreements or provisions.<sup>7</sup>
- Rent and duration of tenancies.<sup>8</sup>
- Prohibited provisions in rental agreements.<sup>9</sup>

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<sup>1</sup> Chapter 83, Part I, F.S. (encompassing ss. 83.001-83.251, F.S.); *see also* s. 83.001, F.S. (providing same).

<sup>2</sup> Chapter 83, Part II, F.S. (encompassing ss. 83.40-83.683, F.S.).

<sup>3</sup> Chapter 83, Part III, F.S. (encompassing ss. 83.801-83.809, F.S.).

<sup>4</sup> Section 83.41, F.S.; *but see* s. 83.42, F.S. (excluding from the act’s scope certain kinds of residencies).

<sup>5</sup> Section 83.43(5), F.S.; *but see* s. 83.42, F.S. (excluding certain facilities and occupancies).

<sup>6</sup> Section 83.42, F.S.

<sup>7</sup> Section 83.45, F.S.

<sup>8</sup> Section 83.46, F.S.

<sup>9</sup> Section 83.47, F.S.

- The landlord's obligation to maintain the premises.<sup>10</sup>
- The tenant's obligation to maintain the dwelling unit.<sup>11</sup>
- The landlord's access to a dwelling unit.<sup>12</sup>
- Termination of the tenancy.<sup>13</sup>
- Enforcement, damages, and attorney fees.<sup>14</sup>

If a landlord fails to maintain the property according to applicable laws, codes, or the lease agreement, a tenant may withhold rent until the issue is corrected,<sup>15</sup> terminate the lease agreement,<sup>16</sup> or take civil action against the landlord.<sup>17</sup>

### **The Danger of Drowning**

Drowning is one of the leading causes of accidental death among children. For all ages, the current annual global estimate is 295,000 drowning deaths, although this figure is thought to underreport fatal drownings, in particular boating and disaster related drowning mortality.

Drowning disproportionately impacts children and young people, with over half of all drowning deaths occurring among people younger than 25 years old. In many countries, children under five years of age record the highest rate of fatal and non-fatal drowning, with incidents commonly occurring in swimming pools and bathtubs in high income countries and in bodies of water in and around a home in low-income contexts.<sup>18</sup>

### ***Drowning Deaths in Florida***

Drowning deaths in Florida have consistently ranged between 350 and 500 deaths per year in the state from 2005 to present at an average rate of approximately two deaths per 100,000 population.<sup>19</sup> Children aged four and under, however, drown nearly three times as often with a rate of approximately six per 100,000 population.<sup>20</sup> Comparably, children between the ages of one and seven drown at a rate of approximately five per 100,000 population and made up 87 out of 452, or nearly 20 percent, of the drowning deaths in Florida in 2024.<sup>21</sup>

<sup>10</sup> Section 83.51, F.S.

<sup>11</sup> Section 83.52, F.S.

<sup>12</sup> Section 83.53, F.S.

<sup>13</sup> Section 83.46(2) or (3), F.S., (providing for the durations of rental agreements); s. 83.57, F.S., (providing for the termination of tenancies without specific terms); s. 83.56(4), F.S., (providing additional notice requirements); and s. 83.575(1), F.S. (providing for the termination of tenancies with specific terms).

<sup>14</sup> Section 83.54, F.S., (providing for the enforcement of rights and duties); s. 83.48, F.S., (providing for attorney fees); s. 83.55, F.S. (providing a right of recovery for damages).

<sup>15</sup> Section 83.60, F.S.

<sup>16</sup> Section 83.56, F.S.

<sup>17</sup> Section 83.54, F.S.

<sup>18</sup> Peden AE, Franklin RC. Learning to Swim: An Exploration of Negative Prior Aquatic Experiences among Children. *Int J Environ Res Public Health*, May 19, 2020, available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7277817/> (last visited Feb. 9, 2026).

<sup>19</sup> Florida Health Charts, Deaths from Unintentional Drowning, available at <https://www.flhealthcharts.gov/ChartsDashboards/rdPage.aspx?rdReport=Death.DataViewer&cid=0105>, (last visited Feb. 9, 2026).

<sup>20</sup> *Id.* (Rate type changed to "crude" and age range selected from "0 to 4").

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

## Swimming Safety Laws in Florida

In 2000, upon finding that drowning was the leading cause of death of young children in Florida, as well as a significant cause of death for medically frail elderly persons, the Legislature enacted ch. 515, F.S., the Residential Swimming Pool Safety Act (pool safety act).<sup>22</sup> The pool safety act provides that all new residential swimming pools, spas, and hot tubs must be equipped with at least one pool safety feature to protect children under age six, and medically frail elderly persons, defined as those who are at least 65 years of age with a medical problem that affects balance, vision, or judgment.<sup>23</sup>

In Florida, certain certified pool alarms were added in 2016 as a method to meet the required pool safety features for new residential swimming pools.<sup>24</sup> In addition, the Legislature exempted the following entities, pools, structures, and operations from the requirements of the pool safety act:

- Sumps, irrigation canals, or irrigation flood control or drainage works constructed or operated to store, deliver, or distribute water;
- Agricultural stock ponds, storage tanks, livestock operations, livestock watering troughs, or other structures;
- Public swimming pools;<sup>25</sup>
- Any political subdivision that has adopted or adopts a residential pool safety ordinance that is equal to or more stringent than the provisions of the pool safety act (ch. 515, F.S.);
- Any portable spa with a safety cover;<sup>26</sup> and
- Small, temporary pools without motors (*i.e.*, kiddie pools).

### *Requirements for Pool Safety Features for New Residential Swimming Pools*

Section 515.27(1), F.S., provides the requirements a new residential swimming pool must meet in order to pass its final inspection and receive a certification of completion. At least one of the following pool safety features must be in place:

- The pool must be isolated from access to a home by an enclosure that meets certain pool barrier requirements (discussed below);
- The pool must be equipped with an approved safety pool cover;<sup>27</sup>

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<sup>22</sup> See ch. 2000-143, Laws of Fla. (creating ch. 515, F.S., effective Oct. 1, 2000).

<sup>23</sup> Section 515.25, F.S. Such problems include, but are not limited to, a heart condition, diabetes, or Alzheimer's disease or any related disorder.

<sup>24</sup> See ch. 2016-129, s. 14, Laws of Fla.

<sup>25</sup> Section 515.25(9), F.S., defines "public swimming pool" to mean a swimming pool operated with or without charge for the use of the general public (but not a pool located on the grounds of a private residence), as defined in s. 514.011(2), F.S. For comparison, s. 514.011(3), F.S., defines a "private pool" to mean a facility used only by an individual, family, or living unit members and their guests which does not serve any type of cooperative housing or joint tenancy of five or more living units.

<sup>26</sup> The pool cover must comply with ASTM F1346-91 (Standard Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs), issued by the American Society for Testing and Materials (ASTM). See <https://www.astm.org/Standards/F1346.htm> (last visited Feb. 9, 2026), which provides an abstract of the specification that is available for purchase from ASTM.

<sup>27</sup> An "approved safety pool cover" means a manually or power-operated pool cover that meets all of the standards of the American Society for Testing and Materials, in compliance with standard F1246-91. See s. 515.25(1), F.S.

- All doors and windows providing direct access from the home to the pool must be equipped with an exit alarm with a minimum sound pressure rating of 85 decibels at 10 feet;<sup>28</sup>
- All doors providing access from the home to the pool must have a self-closing, self-latching device, and the release mechanism must be more than 54 inches above the floor; or
- There is a pool alarm that, when placed in a pool, sounds an alarm upon detection of an accidental or unauthorized entrance into the water, and the alarm meets and is independently certified to meet safety specifications for residential pool alarms.<sup>29</sup> Personal swimming protection alarm devices (e.g., alarm devices that attach to a child and are triggered if a child exceeds a certain distance or becomes submerged in water), do not meet the pool alarm requirement.

### ***Residential Swimming Pool Barrier Requirements***

The term “barrier” is defined in s. 515.25(2), F.S., to mean a fence, dwelling wall, or non-dwelling wall, or any combination, which completely surrounds a swimming pool and obstructs access to the pool, especially access from the residence or from the yard outside the barrier.

Section 515.29(1), F.S., provides a residential swimming pool barrier must:

- Be at least 4 feet high on the outside;
- Not have any gaps or components that could allow a child under the age of six to crawl under, squeeze through, or climb over the barrier;
- Be placed around the pool’s perimeter, separate from any fence, wall, or other enclosure surrounding the yard, unless the fence, wall, or other enclosure or any portion on the perimeter of the pool, is being used as part of the barrier, and meets all other barrier requirements; and
- Be placed sufficiently away from the water’s edge to prevent a child under the age of six or a medically frail elderly person who may have managed to penetrate the barrier from immediately falling into the water.

Gates that provide access to residential swimming pools must:

- Open outward away from the pool and be self-closing; and
- Be equipped with a self-latching locking device, with a release mechanism on the pool side of the gate, placed that it cannot be reached by a child under the age of six, either over the top or through any opening or gap.<sup>30</sup>

A dwelling wall may be part of barrier if the wall has no door or window opening providing access to the pool, but a barrier may not be located in a way that allows any permanent structure, equipment, or similar object to be used for climbing the barrier.<sup>31</sup>

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<sup>28</sup> The exit alarm must make continuous alarm sounds when any door or window with access to the pool area is opened or left ajar; at a level of 85 decibels (85 dbA, using A-weighted sounds), the alarm would sound louder than a passing freight train passing 100 feet away, which has a typical sound level of 80 dbA. See s. 515.25(4), F.S., and [https://www.osha.gov/dts/osta/otm/new\\_noise/index.html#decibels](https://www.osha.gov/dts/osta/otm/new_noise/index.html#decibels) (last visited Feb. 9, 2026).

<sup>29</sup> The alarm must meet and be certified to ASTM Standard F2208, titled “Standard Safety Specification for Residential Pool Alarms” issued by the ASTM. See <https://www.astm.org/Standards/F2208.htm> (last visited Feb. 9, 2026), which provides an abstract of the specification that is available for purchase from ASTM.

<sup>30</sup> Section 515.29(3), F.S.

<sup>31</sup> Sections 515.29(4) and (5), F.S.

For an aboveground residential swimming pool, the barrier may be the pool's structure itself or may be mounted on top of the pool's structure, but any such barrier must meet all barrier requirements in s. 515.29, F.S., as described above.<sup>32</sup> In addition, any ladder or steps accessing an aboveground pool must be able to be secured, locked, or removed to prevent access or must themselves be surrounded by a barrier meeting all safety requirements.<sup>33</sup>

### ***Penalties for Noncompliance with Requirements for Safety Features for New<sup>34</sup> Residential Swimming Pools***

Section 515.27(2), F.S., provides that a person who fails to equip a new residential swimming pool with at least one of the required pool safety features commits a second degree misdemeanor.<sup>35</sup> No penalty may be imposed if, within 45 days after arrest or issuance of a summons or a notice to appear, the person equips the pool with one of the required safety features and has attended a drowning prevention education program, if such a program is offered, within 45 days of the citation.<sup>36</sup>

The drowning prevention education program required by s. 515.31, F.S., was adopted by rule of the Department of Health (DOH) in 2001 for persons in violation of the pool safety requirements in the 1995 American Red Cross Community Water Safety Course.<sup>37</sup> An updated course is available from the American Red Cross.<sup>38</sup> The DOH also adopted by rule the 1994 U.S. Consumer Product Safety Commission publication Number 362, Safety Barrier Guidelines for Residential Home Pools.<sup>39</sup>

### **Vacation Rentals**

The Division of Hotels and Restaurants (division) within the Department of Business and Professional Regulation (DBPR) is the state agency charged with enforcing the provisions of ch. 509, F.S., relating to the regulation of public lodging establishments and public food service establishments for the purpose of protecting the public health, safety, and welfare.

A public lodging establishment is classified as a hotel, motel, vacation rental, non-transient apartment, transient apartment, bed and breakfast inn, or timeshare project if the establishment satisfies specified criteria.<sup>40</sup>

A "vacation rental" is defined in s. 509.242(1)(c), F.S., as:

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<sup>32</sup> Section 515.29(2), F.S.

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

<sup>34</sup> Chapter 2000-143, Laws of Fla., established the "Preston de Ibern/McKenzie Merriam Residential Swimming Pool Safety Act" with an effective date of October 1, 2000. Penalties apply to residential swimming pools built after that date.

<sup>35</sup> Section 775.082, F.S., provides a misdemeanor of the second degree is punishable by a term of imprisonment not to exceed 60 days. Section 775.083, F.S., provides a misdemeanor of the second degree is punishable by a fine not to exceed \$500.

<sup>36</sup> See s. 515.27(2), F.S.

<sup>37</sup> See Fla. Admin. Code R. 64E-21.001 (2025) at <https://www.flrules.org/gateway/ruleNo.asp?id=64E-21.001> (last visited Feb. 9, 2026).

<sup>38</sup> See <https://www.nspf.org/training> or <https://www.redcross.org/get-help/how-to-prepare-for-emergencies/types-of-emergencies/water-safety/home-pool-safety.html> (last visited Feb. 9, 2026).

<sup>39</sup> See Fla. Admin. Code R. 64E-21.001(2) (2025) at <https://www.flrules.org/gateway/ruleNo.asp?id=64E-21.001> and <https://www.cpsc.gov/s3fs-public/362%20Safety%20Barrier%20Guidelines%20for%20Pools.pdf> (last visited Feb. 9, 2026).

<sup>40</sup> Section 509.242(1), F.S.



...any unit or group of units in a condominium, cooperative, or timeshare plan or any individually or collectively owned single-family, two-family, three-family, or four-family house or dwelling unit that is also a transient public lodging establishment but is not a timeshare project.

The DBPR licenses vacation rentals as condominiums, dwellings, or timeshare projects.<sup>41</sup> The division may issue a vacation rental license for “a single-family house, a townhouse, or a unit or group of units in a duplex, triplex, quad plex, or other dwelling unit that has four or less units collectively.”<sup>42</sup>

According to the DBPR, there are a total of 168,983 licensed vacation rentals in Florida.<sup>43</sup>

### ***Safety Requirements for Vacation Rentals***

Vacation rentals must adhere to the safety regulations laid out in ch. 509, F.S., they are as follows:<sup>44</sup>

- At least one (1) approved locking device is required that cannot be opened by a non-master guest room key on all outside and connecting doors. Cannot be a sliding chain or hook and eye type of locking device.
- A current Certificate of Balcony Inspection (DBPR HR 7020) must be filed with the division every three years, unless exterior balconies and stairwells are “common” elements of a condominium. (For exemption to this requirement, the licensee must provide proof to the division that these areas are common elements.)<sup>45</sup>
- Railings shall be installed on all stairways and around all porches and steps.
- Heating and ventilation must be kept in good repair or installed to maintain a minimum of 68 degrees Fahrenheit throughout the building.
- Boiler Certificate required, if needed. (Not required if boiler is located in common area.) A water heating device is considered a boiler if it exceeds any one of the following limits: maximum heat input of 400,000 BTUH; water temperature of 210 degrees Fahrenheit; water capacity of 120 gallons.
- High hazard areas like boiler rooms and laundry rooms shall be kept clean and free of debris and flammables.
- Smoke alarms must be installed in every living unit.

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<sup>41</sup> Fla. Admin. Code R. 61C-1.002(4)(a)1.

<sup>42</sup> The division further classifies a vacation rental license as a single, group, or collective license. *See* Fla. Admin. Code R. 61C-1.002(4)(a)1. A single license may include one single-family house or townhouse, or a unit or group of units within a single building that are owned and operated by the same individual person or entity. A group license is a license issued by the division to a licensed agent to cover all units within a building or group of buildings in a single complex. A collective license is a license issued by the division to a licensed agent who represents a collective group of houses or units found on separate locations not to exceed 75 houses or units per license.

<sup>43</sup> Email from Sam Kerce, Chief of Staff, DBPR, to Steven Baird, Staff Attorney, Florida Senate, (Feb. 9, 2026) (on file with the Florida Senate Committee on Regulated Industries).

<sup>44</sup> The Division of Hotels and Restaurants, *Guide to Vacation Rentals and Timeshare Projects for Florida's Public Lodging Establishments*, Jan. 2022, available at [https://www2.myfloridalicense.com/hr/forms/documents/5025\\_753.pdf](https://www2.myfloridalicense.com/hr/forms/documents/5025_753.pdf) (last visited Feb. 9, 2026).

<sup>45</sup> The balcony certificate is available from the Division of Hotels and Restaurants website at <http://www.myfloridalicense.com/>; by email request submitted at <http://www.myfloridalicense.com/contactus/>; or by phone request to 850.487.1395.

- Electrical wiring must be in good repair.
- A fire extinguisher must be present, properly charged and accessible.
- If present, fire alarm panel must have power and be maintained.
- Automatic fire sprinklers may be required in Vacation Rental condominiums if the majority of the rental units are located within a single building of three stories or more or greater than 75 feet in height. (If 50% or fewer of the units within the building are rented transiently, a fire sprinkler system is not required.)
- Specialized smoke alarms for the hearing impaired shall be available at a rate of one per every fifty rental units with a maximum of five required.
- Specialized smoke alarms for the hearing impaired shall be available upon request without charge.
- Must meet all local fire authority requirements.

### ***Inspections of Vacation Rentals***

The division must inspect each licensed public lodging establishment at least biannually, but must inspect transient and non-transient apartments at least annually. However, the division is not required to inspect vacation rentals, but vacation rentals must be available for inspection upon a request to the division.<sup>46</sup>

The division conducts inspections of vacation rentals in response to a consumer complaint. In Fiscal Year 2024-2025, the division received 252 consumer complaints regarding vacation rentals. In response to the complaints, the division's inspection confirmed a violation for 27 of the complaints.<sup>47</sup>

The division's inspection of vacation rentals includes matters of safety (for example, fire hazards, smoke detectors, and boiler safety), sanitation (for example, safe water sources, bedding, and vermin control), consumer protection (for example, unethical business practices, compliance with the Florida Clean Air Act, and maintenance of a guest register), and other general safety and regulatory matters.<sup>48</sup> The division must notify the local fire safety authority or the State Fire Marshal of any readily observable violation of a rule adopted under ch. 633, F.S.,<sup>49</sup> which relates to a public lodging establishment.<sup>50</sup> The rules of the State Fire Marshall provide fire safety standards for transient public lodging establishments, including occupancy limits for one and two family dwellings.<sup>51</sup>

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<sup>46</sup> Section 509.032(2)(a), F.S.

<sup>47</sup> DBPR, Division of Hotels and Restaurants Annual Report for FY 2024-2025 at page 14, available [https://www2.myfloridalicense.com/hr/reports/annualreports/documents/ar2024\\_25.pdf](https://www2.myfloridalicense.com/hr/reports/annualreports/documents/ar2024_25.pdf), (last visited Feb. 9, 2026).

<sup>48</sup> See ss. 509.211 and 509.221, F.S., for the safety and sanitary regulations, respectively. See also Fla. Admin. Code R. 61C-1.002; *Lodging Inspection Report, DBPR Form HR 5022-014*, which details the safety and sanitation matters addressed in the course of an inspection. A copy of the Lodging Inspection Report is available at: <https://www.flrules.org/Gateway/reference.asp?No=Ref-07062> (last visited Feb. 9, 2026).

<sup>49</sup> Chapter 633, F.S., relates to fire prevention and control, including the duties of the State Fire Marshal and the adoption of the Florida Fire Prevention Code.

<sup>50</sup> Section 509.032(2)(d), F.S.

<sup>51</sup> See Fla. Admin. Code R. 69A-43.018, relating to one and two family dwellings, recreational vehicles and mobile homes licensed as public lodging establishments.

Additionally, an applicant for a vacation rental license is required to submit with the license application a signed certificate evidencing the inspection of all balconies, platforms, stairways, railings, and railways, from a person competent to conduct such inspections.<sup>52</sup>

### **Preemption**

Section 509.032(7)(a), F.S., provides that “the regulation of public lodging establishments and public food service establishments, including, but not limited to, sanitation standards, inspections, training and testing of personnel, and matters related to the nutritional content and marketing of foods offered in such establishments, is preempted to the state.”

Current law does not preempt the authority of a local government or a local enforcement district to conduct inspections of public lodging establishments for compliance with the Florida Building Code and the Florida Fire Prevention Code, pursuant to ss. 553.80 and 633.206, F.S.<sup>53</sup>

Section 509.032(7)(b), F.S., does not allow local laws, ordinances, or regulations that prohibit vacation rentals or regulate the duration or frequency of rental of vacation rentals. However, this prohibition does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011.

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

The bill amends ss. 83.51 and 509.211, F.S., to create an obligation a landlord or licensee of a vacation rental, respectively, owes to a tenant in maintaining the premises regarding water safety features.

Under the bill, if there exists within 150 feet of the dwelling unit a water body<sup>54</sup> other than a swimming pool, a landlord or licensee must ensure that either:

- All doors and windows providing direct access to the exterior of the dwelling unit or to an indoor swimming pool within the dwelling unit are equipped with an exit alarm that has a minimum sound pressure rating of 85 dB A at 10 feet; or
- All doors providing direct access to the exterior of the dwelling unit or to an indoor swimming pool within the dwelling unit are equipped with a self-closing, self-latching device with a release mechanism placed no lower than 54 inches above the floor.

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<sup>52</sup> See ss. 509.211(3) and 509.2112, F.S., and form *DBPR HR-7020, Division of Hotels and Restaurants Certificate of Balcony Inspection*, available at: [http://www.myfloridalicense.com/dbpr/hr/forms/documents/application\\_packet\\_for\\_vacation\\_rental\\_license.pdf](http://www.myfloridalicense.com/dbpr/hr/forms/documents/application_packet_for_vacation_rental_license.pdf) (last visited Feb. 9, 2026).

<sup>53</sup> Section 509.032(7)(a), F.S.

<sup>54</sup> Defined by the bill to mean any water or body of water regularly at a depth of at least 24 inches at its deepest point. However, the term does not include underground water that cannot be accessed by individuals from an access point located within 150 feet of the dwelling unit.

A landlord or licensee must ensure that, if the dwelling unit has a swimming pool<sup>55</sup> on its premises, the unit is equipped with one of the pool safety features required for newly constructed residential swimming pools.<sup>56</sup>

A landlord or licensee who violates this subsection commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, except that it is not a violation of this subsection if:

- The violation is due to the removal or modification of any safety feature required by paragraph (a) by the tenant or guest, a member of the tenant or guest's family, or a person on the premises with the tenant or guest's consent;
- Such removal or modification occurred without the landlord's knowledge; and
- The landlord corrects the violation within 45 days of receiving actual knowledge thereof.

Specific to landlords, a landlord is not responsible to the tenant under this section for conditions created or caused by the negligent or wrongful act or omission of the tenant, a member of the tenant's family, or another person on the premises with the tenant's consent, including the removal or modification of any safety features required by the tenant, a member of the tenant's family, or a person on the premises with the tenant's consent.

Specific to licensees, the bill requires licensees to file a certificate upon license and renewal affirming their compliance, and gives authority to the Division of Hotels and Restaurants to suspend or revoke a license for a vacation home and fine the licensee for noncompliance.

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.

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<sup>55</sup> Defined by the bill with the same meaning as in s. 515.25, F.S.: any structure, located in a residential area, that is intended for swimming or recreational bathing and contains water over 24 inches deep, including but not limited to, in-ground, above-ground, and on-ground swimming pools, hot tubs, and nonportable spas.

<sup>56</sup> See Analysis section *Requirements for Pool Safety Features for New Residential Swimming Pools*, above.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The proposed requirements may strain existing agency resources, possibly requiring additional budgetary allocations for enforcement and compliance monitoring.

The DBPR, through an email from Chief of Staff Sam Kerce on file with the Florida Senate Committee on Regulated Industries stated:

“[t]here is an indeterminate, but sizeable number of vacation rentals that will need to follow these requirements. If even a small portion led to complaints, this will be a significant increase in inspections and potential administrative action needed. The Department estimates a need of two additional FTE to help offset the potential workload. A total of \$137k recurring cost for S&B and an additional \$32k non-recurring for the purchase of a vehicle for the inspector and other expenses.”

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 83.51 and 509.211.

**IX. Additional Information:**

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

**CS/CS by Community Affairs on February 10, 2026:**

The CS corrects a reference from "department" to "division," corrects an internal reference to non-violations, requires licensees to file a certificate upon license and renewal affirming their compliance, and removes a provision regarding the authority of local governments.

**CS by Regulated Industries on January 20, 2026:**

The committee substitute amended SB 658 in the following ways:

- The CS kept SB 658 in its entirety and combined a provision from SB 608 dealing with the Department of Business and Professional Regulation's (DBPR) ability to suspend or revoke a vacation rental license if certain water safety requirements aren't met and allows the DBPR to fine the licensee for noncompliance.
- The CS also added a provision that allows locals to impose additional water safety requirements to those specified in s. 509.211, F.S.

- B. **Amendments:**

None.

By the Committees on Community Affairs; and Regulated Industries; and Senators Burgess and Smith

578-02727-26

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A bill to be entitled

An act relating to water safety requirements for the rental of residential and vacation properties; amending s. 83.51, F.S.; requiring a landlord to equip certain rental properties with specified water safety features; providing criminal penalties; providing an exception; defining the terms "swimming pool" and "water body"; conforming a provision to changes made by the act; amending s. 509.211, F.S.; requiring a public lodging establishment licensed as a vacation rental to equip certain rental units with specified water safety features; authorizing the Division of Hotels and Restaurants to suspend or revoke the license and fine the licensee for noncompliance; providing criminal penalties; providing an exception; defining terms; requiring certain public lodging establishments to file a certificate of compliance upon licensure and renewal; requiring the division to adopt rules; providing an effective date.

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

Section 1. Present subsection (4) of section 83.51, Florida Statutes, is redesignated as subsection (5) and amended, and a new subsection (4) is added to that section, to read:

83.51 Landlord's obligation to maintain premises.—

(4)(a) At all times during a tenancy, if a water body that is not a swimming pool exists within 150 feet of the dwelling unit, the landlord must ensure that either:

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

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1. All doors and windows providing direct access to the exterior of the dwelling unit are equipped with an exit alarm that has a minimum sound pressure rating of 85 dB A at 10 feet; or

2. All doors providing direct access to the exterior of the dwelling unit are equipped with a self-closing, self-latching device with a release mechanism placed no lower than 54 inches above the floor.

(b) If the dwelling unit has a swimming pool on its premises, the landlord must ensure that the dwelling unit is equipped with at least one pool safety feature as described in s. 515.27(1).

(c) A landlord who violates this subsection commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, except that it is not a violation of this subsection if:

1. The violation is due to the removal or modification of any safety feature required under paragraph (a) or paragraph (b) by the tenant, a member of the tenant's family, or a person on the premises with the tenant's consent;

2. Such removal or modification occurred without the landlord's knowledge; and

3. The landlord corrects the violation within 45 days after receiving actual knowledge thereof.

(d) For the purposes of this subsection, the term:

1. "Swimming pool" has the same meaning as in s. 515.25.

2. "Water body" means any water or body of water regularly at a depth of at least 24 inches at its deepest point. The term does not include underground water that cannot be accessed by

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individuals from an access point located within 150 feet of the dwelling unit.

~~(5)(4)~~ The landlord is not responsible to the tenant under this section for conditions created or caused by the negligent or wrongful act or omission of the tenant, a member of the tenant's family, or ~~a other~~ person on the premises with the tenant's consent, including the removal or modification of any safety features required under subsection (4) by the tenant, a member of the tenant's family, or a person on the premises with the tenant's consent.

Section 2. Subsection (6) is added to section 509.211, Florida Statutes, to read:

509.211 Safety regulations.—

(6) (a) If a public lodging establishment licensed as a vacation rental has a water body within 150 feet of the rental unit which is not a swimming pool, the licensee must ensure that:

1. All doors and windows providing direct access to the exterior of the rental unit are equipped with an exit alarm that has a minimum sound pressure rating of 85 dB A at 10 feet; or

2. All doors providing direct access to the exterior of the rental unit are equipped with a self-closing, self-latching device with a release mechanism placed no lower than 54 inches above the floor.

(b) If a public lodging establishment licensed as a vacation rental has a swimming pool on its premises, the licensee must ensure that the rental unit is equipped with at least one pool safety feature as described in s. 515.27(1).

(c) The division may suspend or revoke the license and fine

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the licensee for noncompliance with this subsection.

(d) A licensee who violates this subsection commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, except that it is not a violation of this subsection if:

1. The violation is due to the removal or modification of any safety feature required under paragraph (a) or paragraph (b) by a guest, a member of a guest's family, or a person on the premises of the rental unit with a guest's consent;

2. Such removal or modification occurred without the licensee's knowledge; and

3. The licensee corrects the violation within 45 days after receiving actual knowledge thereof.

(e) For the purposes of this subsection, the term:

1. "Swimming pool" has the same meaning as in s. 515.25.

2. "Vacation rental" has the same meaning as in s. 509.242(1) (c).

3. "Water body" means any water or body of water regularly at a depth of at least 24 inches at its deepest point. The term does not include underground water that cannot be accessed by individuals from an access point located within 150 feet of the rental unit.

(f) A public lodging establishment that is licensed as a vacation rental which has a water body within 150 feet of the rental unit or a swimming pool located on the premises must file a certificate upon licensure and renewal stating that the rental unit complies with the requirements of this subsection.

(g) The division shall adopt rules to implement this subsection.



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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.)

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Prepared By: The Professional Staff of the Committee on Rules

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BILL: SB 684

INTRODUCER: Senator McClain

SUBJECT: Electronic Signatures Associated with Total Loss Vehicles and Vessels

DATE: February 16, 2026

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

| ANALYST   | STAFF DIRECTOR | REFERENCE | ACTION             |
|-----------|----------------|-----------|--------------------|
| 1. Shutes | Vickers        | TR        | <b>Favorable</b>   |
| 2. Moody  | Knudson        | BI        | <b>Favorable</b>   |
| 3. Shutes | Kruse          | RC        | <b>Pre-meeting</b> |

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## **I. Summary:**

SB 684 addresses the use of electronic signatures in connection with total loss vehicles and vessels. Specifically, the bill requires insurance companies to implement certain control processes and procedures for electronic signatures in relation to the total loss of a motor vehicle or vessel and deletes the requirement that electronic signatures on odometer disclosures submitted through insurance companies be executed in a certain manner.

The bill is anticipated to have an insignificant fiscal impact on private and governmental sectors.

This bill takes effect July 1, 2026.

## **II. Present Situation:**

The Electronic Signature Act of 1996, which Florida enacted in May 1996, permits the use of electronic signatures and use of electronic records as valid and legal documents. Federal legislation enacted the Electronic Signatures in Global and National Commerce Act (15 U.S.C.) on June 30, 2000.

### **Use of Electronic Signatures**

Florida has adopted the Uniform Electronic Transactions Act, which provides that electronic signatures have the same legal effect as traditional handwritten signatures.<sup>1</sup> Additionally, the federal Electronic Signatures in Global and National Commerce Act (E-Sign Act) became law on June 30, 2000, providing that electronic signatures have the same legal effect as handwritten signatures and establishing a general rule that electronic records and signatures are valid for transactions in or affecting interstate or foreign commerce. The E-Sign Act allows the use of

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<sup>1</sup> Section 688.50, F.S.

electronic records to satisfy any statute, regulation, or rule of law requiring that such information be provided in writing, if the consumer has affirmatively consented to such use and has not withdrawn such consent.<sup>2</sup>

In September 2019, the U.S. Department of Transportation's National Highway Traffic Safety Administration (NHTSA) announced the publication of a Final Rule establishing standards which states may allow for odometer disclosures in an electronic format. Odometer fraud is a federal crime and NHTSA rules have required sellers to disclose vehicle odometer readings at the time of sale for decades. However, most vehicle transfers have been subject to a requirement that odometer disclosures be made in a paper format with handwritten names and wet ink signatures. This Final Rule removes the paper requirement by allowing for electronic disclosure systems that have robust security and authentication. This action also removed the last remaining federal impediment to paperless motor vehicle transfers.<sup>3</sup>

### **Florida Requirements – Total Loss Vehicles and Vessels**

Florida law provides that an electronic signature that is consistent with Chapter 668, F.S., satisfies any signature that is required under s. 319.30 (3), F.S., in relation to the total loss of a vehicle or vessel, *except* that an electronic signature on an odometer disclosure that is submitted through an insurance company must be executed using an electronic signature, which uses a system providing an Identity Assurance Level, Authenticator Assurance Level, and Federal Assurance Level, as described in the National Institute of Standards and Technology Special Publication 800-63-3, as of December 1, 2017, which are equivalent to or greater than Level 2, for each level, for a certificate of destruction or for a salvage certificate of title.<sup>4</sup>

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

The bill amends s. 319.30, F.S., to provide that an electronic signature that is consistent with Chapter 668, F.S., satisfies any signature that is required under s. 319.30(3), F.S., However, insurance companies must implement control processes and procedures which are acceptable to the Department of Highway Safety and Motor Vehicles (DHSMV) to ensure that there is adequate identity verification and preservation, disposition, integrity, security, confidentiality, and audibility of electronic signatures.

The bill deletes the requirement that electronic signatures on odometer disclosures submitted through insurance companies must be executed in a certain manner. According to DHSMV, this change would simplify the process for insurance companies while still ensuring that electronic signatures are valid and secure.<sup>5</sup>

This provision puts Florida law in line with NHTSA's current guidelines regarding the use of electronic signatures.

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<sup>2</sup> 15 U.S.C. ss. 7001, et seq.

<sup>3</sup> 49 C.F.R s. 580.5.

<sup>4</sup> Section 319.30, F.S.

<sup>5</sup> DHSMV, *2026 Legislative Bill Analysis: SB 684* (December 16, 2025) at p. 3 (on file with the Senate Committee on Transportation)

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 identified.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill may result in indeterminate cost savings to the insurance industry associated with simplified electronic signature-related processes and procedures.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 319.30 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.

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

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903488

LEGISLATIVE ACTION

Senate

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House

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The Committee on Rules (McClain) recommended the following:

**Senate Amendment (with title amendment)**

Delete line 20

and insert:

However, insurance companies or their authorized agents must  
implement control processes

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

And the title is amended as follows:

Delete line 4

and insert:



903488

12        319.30, F.S.; requiring insurance companies or their  
13        authorized agents to

By Senator McClain

9-00805A-26

2026684

A bill to be entitled

An act relating to electronic signatures associated with total loss vehicles and vessels; amending s. 319.30, F.S.; requiring insurance companies to implement certain control processes and procedures for certain electronic signatures; deleting a requirement that electronic signatures on odometer disclosures submitted through insurance companies be executed in a specified manner; providing an effective date.

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

Section 1. Paragraph (d) of subsection (3) of section 319.30, Florida Statutes, is amended to read:

319.30 Definitions; dismantling, destruction, change of identity of motor vehicle, vessel, or mobile home; salvage.—

(3)

(d) An electronic signature that is consistent with chapter 668 satisfies any signature required under this subsection.

However, insurance companies must implement control processes and procedures acceptable to the department to ensure adequate identity verification and preservation, disposition, integrity, security, confidentiality, and auditability of electronic signatures, except that an electronic signature on an odometer disclosure submitted through an insurance company must be executed using an electronic signature, as defined in s. 668.003(4), which uses a system providing an Identity Assurance Level, Authenticator Assurance Level, and Federation Assurance Level, as described in the National Institute of Standards and

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~~Technology Special Publication 800-63-3, as of December 1, 2017, which are equivalent to or greater than Level 2, for each level, for a certificate of destruction or for a salvage certificate of title.~~

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

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



**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.)

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Prepared By: The Professional Staff of the Committee on Rules

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BILL: SB 696

INTRODUCER: Senator Martin

SUBJECT: Registration of Trademarks

DATE: February 16, 2026

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

|    | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION             |
|----|---------|----------------|-----------|--------------------|
| 1. | Dike    | McKay          | CM        | <b>Favorable</b>   |
| 2. | Wells   | Nortelus       | ATD       | <b>Favorable</b>   |
| 3. | Dike    | Kruse          | RC        | <b>Pre-meeting</b> |

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## I. Summary:

SB 696 aligns Florida’s trademark registration system with federal law and international standards. This bill creates an online registration system and allows for verification of applications to be made via a written declaration or other statutorily accepted methods rather than a Notary Public. The bill also mandates the Department of State (Department) must adopt the U.S. Patent and Trademark Office’s (USPTO) system of classification of goods and services yearly to avoid repeatedly amending state statutes.

The bill will have a significant negative fiscal impact to state expenditures. See Section V., Fiscal Impact Statement.

The bill takes effect on July 1, 2026.

## II. Present Situation:

### Trademarks

A registered trademark can be any word, phrase, symbol, or design which distinguishes the source of goods and services and provides legal protection for a brand.<sup>1</sup> A trademark (“TM”) protects a good while a service mark (“SM”) protects a service.<sup>2</sup> While an owner can register their mark with federal and state governments, it is not required by law—an owner of an unregistered mark may still use it to brand their goods or services and still enforce trademark

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<sup>1</sup> USPTO, *What is a trademark?*, available at <https://www.uspto.gov/trademarks/basics/what-trademark> (last visited Jan. 12, 2026).

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

rights under certain laws.<sup>3</sup> However, trademark registration allows a person to prove ownership more easily in legal proceedings and provides additional protections under state and federal law.<sup>4</sup>

### **Federal Law and Nice Classification**

The USPTO regulates interstate use of trademarks pursuant to the Lanham Act, which was adopted in 1946.<sup>5</sup> In 1972, U.S. became a signatory to the Nice Agreement, a multilateral treaty administered by the World Intellectual Property Organization.<sup>6</sup> As such, all applications filed under the Lanham Act after September 1, 1973, are subject to the Nice Classification. Under the treaty, the Nice System classifications are reviewed and updated to reflect changes in technology and commercial practices. The USPTO updates these classifications via federal rulemaking to follow the Nice Classification.<sup>7</sup>

The Nice Classification is reviewed and revised by its Committee of Experts, which is made up of representatives of each party to the Nice Agreement. “In 2013, the Committee of Experts began annual revisions to the Nice Classification. The annual revisions enter into force on January 1 each year [and] are referred to as versions and identified by an edition number and the year of the effective date (e.g., “Nice Classification, 10th ed., ver. 2013” or “NCL 10-2013”).”<sup>8</sup> The changes consist of the addition and deletion of new or obsolete goods and services from the Nice Classification’s class headings, alphabetical list of named goods and services, and explanatory notes, as well as any other required amendments.

Pursuant to the Nice Agreement and prior to registration under federal law, a trademark application must specify the class of the goods and services to which the trademark applies.<sup>9</sup> For example, Class 1 includes chemical products for use in industry, science, and agriculture, while Class 7 includes mainly machines, machine tools, motors, and engines.<sup>10</sup>

### **Florida Trademark Registration**

In Florida, ch. 495, F.S., governs the intrastate use of trademarks in Florida, the registration of which is overseen by the Department’s Division of Corporations (Division). Registering a trademark in the state gives an owner greater rights over its use. There are currently 18,307 active trademark or service mark registrations in Florida.<sup>11</sup>

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

<sup>4</sup> USPTO., *Why register your trademark?*, available at <https://www.uspto.gov/trademarks/basics/why-register-your-trademark> (last visited Jan. 12, 2026).

<sup>5</sup> 15 U.S.C. § 1051.

<sup>6</sup> See World Intellectual Property Organization, *WIPO-Administered Treaties*, available at [https://www.wipo.int/wipolex/en/treaties/ShowResults?search\\_what=C&treaty\\_id=12](https://www.wipo.int/wipolex/en/treaties/ShowResults?search_what=C&treaty_id=12) (last visited Jan. 12, 2026).

<sup>7</sup> See, e.g., International Trademark Classification Changes, 90 Fed. Reg. 47,592 (Oct. 2, 2025) (codified at 37 C.F.R. 6.1).

<sup>8</sup> *Id.*, see also World Intellectual Property Organization, *About the Nice Classification*, available at <https://www.wipo.int/en/web/classification-nice/preface> (last visited Jan. 12, 2026).

<sup>9</sup> USPTO, *Nice Agreement current edition version - general remarks, class headings and explanatory notes*, available at <https://www.uspto.gov/trademarks/trademark-updates-and-announcements/nice-agreement-current-edition-version-general-remarks> (last visited Jan. 12, 2026).

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

<sup>11</sup> Div. of Corp., *Yearly Statistics*, available at <https://dos.fl.gov/sunbiz/about-us/yearly-statistics/> (last visited Jan. 12, 2026).

To register for a trademark,<sup>12</sup> an applicant<sup>13</sup> must mail a paper application to the Division, which must include:

- The name, address, and if applicable, place of incorporation.
- An explanation of how the trademark will be used in connection with goods and services.
- The class(es) under which the goods or services fall—such classes are detailed in s. 495.111, F.S.
- The date the trademark was first used, along with other details of the history of the trademark’s use.
- A statement that the applicant is the owner of the trademark, the trademark is in use, and that no other entity or person has registered the trademark or has the right to use the trademark in Florida.<sup>14</sup>

The Division may require the applicant to provide additional information or amend the application as needed.<sup>15</sup> Furthermore, the applicant must sign the application form before a Notary Public to comply with the statutory requirement that the application be “signed and verified.”<sup>16</sup>

### **Recent Changes and Recommendations**

In 2019, Florida law was updated to conform the state’s classifications for trademark goods and services to the 11<sup>th</sup> edition of the Nice Classification;<sup>17</sup> however, international standards are updated often, making Florida law out of date already.<sup>18</sup> The Florida Bar Business Law Section has proposed amendments to Florida law to align the state trademark registration system with national and international standards without needing to enact technical amendments each year that ministerial updates are made on the national level.<sup>19</sup> Additionally, the Florida Bar Business Law Section recommended an online application to modernize the registration system and ensure timely applications.<sup>20</sup>

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

### **Classification**

**Section 1** amends s. 495.111, F.S., to remove the previous classifications in this statute and require the Department to adopt the USPTO’s classification system on July 1 each year. The

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<sup>12</sup> “Trademark” means any word, name, symbol, or device, or any combination thereof, used by a person to identify and distinguish the goods of such person, including a unique product, from those manufactured or sold by others, and to indicate the source of the goods, even if the source is unknown. S. 495.011, F.S.

<sup>13</sup> “Applicant” means the person filing an application for registration of a mark under this chapter and the legal representatives, successors, or assigns of such person. S. 495.011, F.S.

<sup>14</sup> Section 495.031, F.S.

<sup>15</sup> Section 495.035, F.S.

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

<sup>17</sup> See s. 495.111, F.S.; see also Fla. SB 198 (2019).

<sup>18</sup> Florida Bar Business Law Section, *Trademark Modernization Amendments Act of 2026 White Paper*, available at <https://flabizlaw.org/wp-content/uploads/2025/06/2026-Trademark-Draft-Bill-White-Paper-for-Circulation-1.pdf> (last visited Jan. 12, 2026).

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

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

Department must publish this classification system as part of the trademark registration application as set out in ss. 495.031 and 495.0315, F.S.

### **Application for Registration**

**Section 2** creates s. 495.0315, F.S., to direct the Department to create and maintain a website for applicants to submit online trademark registration applications and renewals. The website must protect applicants' information to ensure data integrity and the website must be available by July 1, 2027. The website must also allow the applicant to provide an electronic version of the required specimen of use, provide an electronic version of a drawing of the mark, pay the required fee, and complete the required verification.

**Section 3** amends s. 495.031, F.S., to mandate that verification for applications be made in accordance with s. 92.525, F.S., which allows verification by oath/affirmation or written declaration. Additionally, the bill requires that every online application be accompanied by an electronic copy of the specimen which complies with the requirements of the Department, showing the mark as actually used.

### **Effective Date**

**Section 4** sets out an effective date of 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:**

Under art. II, s. 3, of the Florida Constitution, the non-delegation doctrine prohibits the Legislature from delegating its primary policymaking functions to the other branches of state government or the federal government.<sup>21</sup> Pursuant to this doctrine, the Legislature

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<sup>21</sup> *Bush v. Schiavo*, 885 So. 2d 321, 332 (Fla. 2004).

may not adopt or incorporate any federal law that has not yet been enacted.<sup>22</sup> In *Welch*, the Florida Supreme Court struck down a statute criminalizing certain acts by reference to future drug abuse laws.<sup>23</sup> The Court held that when a statute incorporates by reference future federal laws, Florida courts should apply federal law that was in effect at the time a state law was enacted—not federal laws, rules, or standards that come into existence afterwards.<sup>24</sup> This bill directs the department to look to future federal law.

However, in *Eastern Air Lines*, the Florida Supreme Court limited the holding of *Welch* to cases which incorporate federal statutes and rules which substantively change the law.<sup>25</sup> In that case, the statute at issue mandated that adjustments to the fuel tax should be based on the Consumer Price Index, updated monthly by the U.S. Department of Labor.<sup>26</sup> The Court upheld the statute as constitutional because the calculations were ministerial and the Legislature provided clear guidelines.<sup>27</sup> Here, as the classification of trademarks does not affect the rights and remedies of a trademark owner under law,<sup>28</sup> USPTO's revisions to the federal trademark classification system could be found to be ministerial and thus potentially constitutional.

## V. Fiscal Impact Statement:

### A. Tax/Fee Issues:

None.

### B. Private Sector Impact:

Indeterminate. Businesses in Florida will have minimal costs to comply with the requirements of this bill.<sup>29</sup>

### C. Government Sector Impact:

The bill has a significant negative fiscal impact on the Department as it requires the Department to establish and maintain a secure online registration system no later than July 1, 2027, and in accordance with the requirements of the bill. The costs should be less than \$500,000 and may be absorbed within existing resources; however, at this time the department has not submitted an analysis of the fiscal impact of the bill.

<sup>22</sup> *Abbott Labs. v. Mylan Pharm., Inc.*, 15 So. 3d 642, 654 (Fla. 1st DCA 2009); *State v. Welch*, 279 So. 2d 11 (Fla. 1973); *Fla. Indus. Comm'n v. State ex rel. Orange State Oil Co.*, 21 So. 2d 599 (Fla. 1945); *State v. Rodriguez*, 365 So. 2d 157 (Fla. 1978); *State v. Camil*, 279 So.2d 832 (Fla. 1973); *Hughes v. State*, 943 So. 2d 176 (Fla. DCA 3d 2006).

<sup>23</sup> *Welch*, 279 So. 2d at 12-13.

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

<sup>25</sup> *Eastern Air Lines, Inc. v. Dep't of Revenue*, 455 So. 2d 311, 316 (Fla. 1984).

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

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

<sup>28</sup> 15 U.S.C. s. 1112 ("The Director may establish a classification of goods and services, for convenience of Patent and Trademark Office administration, but not to limit or extend the applicant's or registrant's rights.").

<sup>29</sup> Florida Bar Business Law Section, *Trademark Modernization Amendments Act of 2026 White Paper*, available at <https://flabizlaw.org/wp-content/uploads/2025/06/2026-Trademark-Draft-Bill-White-Paper-for-Circulation-1.pdf> (last visited Jan. 12, 2026).

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections: 495.111 and 495.031 of the Florida Statutes.

This bill creates section 495.0315 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.



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LEGISLATIVE ACTION

Senate

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House

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The Committee on Rules (Martin) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsection (1) of section 495.111, Florida  
Statutes, is amended to read:

495.111 Classification.—

(1) The department shall use the international schedule of  
classes of goods and services as set forth in 37 C.F.R. s. 6.1,  
as amended, as the state classification system for trademarks

~~The following general classes of goods and services, conforming~~



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~~to the classification adopted by the United States Patent and Trademark Office, are established for convenience of administration of this chapter:~~

~~(a) Goods:~~

~~1. Class 1 Chemicals for use in industry, science and photography, as well as in agriculture, horticulture and forestry; unprocessed artificial resins, unprocessed plastics; fire extinguishing and fire prevention compositions; tempering and soldering preparations; substances for tanning animal skins and hides; adhesives for use in industry; putties and other paste fillers; compost, manures, fertilizers; biological preparations for use in industry and science.~~

~~2. Class 2 Paints, varnishes, lacquers; preservatives against rust and against deterioration of wood; colorants, dyes; inks for printing, marking and engraving; raw natural resins; metals in foil and powder form for use in painting, decorating, printing and art.~~

~~3. Class 3 Non-medicated cosmetics and toiletry preparations; non-medicated dentifrices; perfumery, essential oils; bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations.~~

~~4. Class 4 Industrial oils and greases, wax; lubricants; dust absorbing, wetting and binding compositions; fuels and illuminants; candles and wicks for lighting.~~

~~5. Class 5 Pharmaceuticals, medical and veterinary preparations; sanitary preparations for medical purposes; dietetic food and substances adapted for medical or veterinary use, food for babies; dietary supplements for humans and animals; plasters, materials for dressings; material for~~





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~~stopping teeth, dental wax; disinfectants; preparations for  
destroying vermin; fungicides, herbicides.~~

~~6. Class 6 Common metals and their alloys, ores; metal  
materials for building and construction; transportable buildings  
of metal; non-electric cables and wires of common metal; small  
items of metal hardware; metal containers for storage or  
transport; safes.~~

~~7. Class 7 Machines, machine tools, power-operated tools;  
motors and engines, except for land vehicles; machine coupling  
and transmission components, except for land vehicles;  
agricultural implements, other than hand-operated hand tools;  
incubators for eggs; automatic vending machines.~~

~~8. Class 8 Hand tools and implements, hand-operated;  
cutlery; side arms, except firearms; razors.~~

~~9. Class 9 Scientific, nautical, surveying, photographic,  
cinematographic, optical, weighing, measuring, signaling,  
checking (supervision), life-saving and teaching apparatus and  
instruments; apparatus and instruments for conducting,  
switching, transforming, accumulating, regulating or controlling  
electricity; apparatus for recording, transmission or  
reproduction of sound or images; magnetic data carriers,  
recording discs; compact discs, DVDs and other digital recording  
media; mechanisms for coin-operated apparatus; cash registers,  
calculating machines, data processing equipment, computers;  
computer software; fire extinguishing apparatus.~~

~~10. Class 10 Surgical, medical, dental and veterinary  
apparatus and instruments; artificial limbs, eyes and teeth;  
orthopaedic articles; suture materials; therapeutic and  
assistive devices adapted for the disabled; massage apparatus;~~



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~~apparatus, devices and articles for nursing infants; sexual  
activity apparatus, devices and articles.~~

~~11. Class 11 Apparatus for lighting, heating, steam  
generating, cooking, refrigerating, drying, ventilating, water  
supply and sanitary purposes.~~

~~12. Class 12 Vehicles; apparatus for locomotion by land,  
air or water.~~

~~13. Class 13 Firearms; ammunition and projectiles;  
explosives; fireworks.~~

~~14. Class 14 Precious metals and their alloys; jewellery,  
precious and semi-precious stones; horological and chronometric  
instruments.~~

~~15. Class 15 Musical instruments.~~

~~16. Class 16 Paper and cardboard; printed matter;  
bookbinding material; photographs; stationery and office  
requisites, except furniture; adhesives for stationery or  
household purposes; drawing materials and materials for artists;  
paintbrushes; instructional and teaching materials; plastic  
sheets, films and bags for wrapping and packaging; printers'  
type, printing blocks.~~

~~17. Class 17 Unprocessed and semi-processed rubber, gutta-  
percha, gum, asbestos, mica and substitutes for all these  
materials; plastics and resins in extruded form for use in  
manufacture; packing, stopping and insulating materials;  
flexible pipes, tubes and hoses, not of metal.~~

~~18. Class 18 Leather and imitations of leather; animal  
skins and hides; luggage and carrying bags; umbrellas and  
parasols; walking sticks; whips, harness and saddlery; collars,  
leashes and clothing for animals.~~



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~~19. Class 19 Building materials (non-metallic); non-metallic rigid pipes for building; asphalt, pitch and bitumen; non-metallic transportable buildings; monuments, not of metal.~~

~~20. Class 20 Furniture, mirrors, picture frames; containers, not of metal, for storage or transport; unworked or semi-worked bone, horn, whalebone or mother-of-pearl; shells; meerschaum; yellow amber.~~

~~21. Class 21 Household or kitchen utensils and containers; cookware and tableware, except forks, knives and spoons; combs and sponges; brushes, except paintbrushes; brush-making materials; articles for cleaning purposes; unworked or semi-worked glass, except building glass; glassware, porcelain and earthenware.~~

~~22. Class 22 Ropes and string; nets; tents and tarpaulins; awnings of textile or synthetic materials; sails; sacks for the transport and storage of materials in bulk; padding, cushioning and stuffing materials, except of paper, cardboard, rubber or plastics; raw fibrous textile materials and substitutes therefor.~~

~~23. Class 23 Yarns and threads, for textile use.~~

~~24. Class 24 Textiles and substitutes for textiles; household linen; curtains of textile or plastic.~~

~~25. Class 25 Clothing, footwear, headgear.~~

~~26. Class 26 Lace and embroidery, ribbons and braid; buttons, hooks and eyes, pins and needles; artificial flowers; hair decorations; false hair.~~

~~27. Class 27 Carpets, rugs, mats and matting, linoleum and other materials for covering existing floors; wall hangings (non-textile).~~



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~~28. Class 28 Games, toys and playthings; video game apparatus; gymnastic and sporting articles; decorations for Christmas trees.~~

~~29. Class 29 Meat, fish, poultry and game; meat extracts; preserved, frozen, dried and cooked fruits and vegetables; jellies, jams, compotes; eggs; milk and milk products; oils and fats for food.~~

~~30. Class 30 Coffee, tea, cocoa and artificial coffee; rice; tapioca and sago; flour and preparations made from cereals; bread, pastries and confectionery; edible ices; sugar, honey, treacle; yeast, baking powder; salt; mustard; vinegar, sauces (condiments); spices; ice (frozen water).~~

~~31. Class 31 Raw and unprocessed agricultural, aquacultural, horticultural and forestry products; raw and unprocessed grains and seeds; fresh fruits and vegetables, fresh herbs; natural plants and flowers; bulbs, seedlings and seeds for planting; live animals; foodstuffs and beverages for animals; malt.~~

~~32. Class 32 Beers; mineral and aerated waters and other non-alcoholic beverages; fruit beverages and fruit juices; syrups and other preparations for making beverages.~~

~~33. Class 33 Alcoholic beverages (except beers).~~

~~34. Class 34 Tobacco; smokers' articles; matches.~~

~~(b) Services:~~

~~1. Class 35 Advertising; business management; business administration; office functions.~~

~~2. Class 36 Insurance; financial affairs; monetary affairs; real estate affairs.~~

~~3. Class 37 Building construction; repair; installation~~



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~~services.~~

~~4. Class 38 Telecommunications.~~

~~5. Class 39 Transport; packaging and storage of goods;  
travel arrangement.~~

~~6. Class 40 Treatment of materials.~~

~~7. Class 41 Education; providing of training;  
entertainment; sporting and cultural activities.~~

~~8. Class 42 Scientific and technological services and  
research and design relating thereto; industrial analysis and  
research services; design and development of computer hardware  
and software.~~

~~9. Class 43 Services for providing food and drink;  
temporary accommodation.~~

~~10. Class 44 Medical services; veterinary services;  
hygienic and beauty care for human beings or animals;  
agriculture, horticulture and forestry services.~~

~~11. Class 45 Legal services; security services for the  
physical protection of tangible property and individuals;  
personal and social services rendered by others to meet the  
needs of individuals.~~

~~(c) Certification and collective membership marks:~~

~~1. Class 200 Collective membership marks.~~

~~2. Class A Certification marks for goods.~~

~~3. Class B Certification marks for services.~~

~~(d) The goods and services recited in collective trademark  
and collective service mark applications are assigned to the  
same classes that are appropriate for those goods and services  
in general.~~

Section 2. Subsections (5) and (6) of section 495.031,



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Florida Statutes, are amended to read:

495.031 Application for registration.—

(5) Every application under this section shall be signed and verified by the applicant or by a member of the firm or an officer or other authorized representative of the business entity applying. Verification must be made in accordance with s. 92.525 and may be accomplished electronically in compliance with ss. 668.001-668.006.

(6) Every paper application under this section shall be accompanied by three specimens or facsimiles showing the mark as actually used. Every online application submission under s. 495.0315 must be accompanied by an electronic copy of a specimen, complying with the requirements of the department, showing the mark as actually used.

Section 3. Section 495.0315, Florida Statutes, is created to read:

495.0315 Online application for registration.—

(1) The department shall establish and maintain a secure Internet website that allows an applicant to submit an online trademark registration application in accordance with ss. 495.031 and 495.035 and a renewal application in accordance with s. 495.071. The website must safeguard the applicant's information to ensure data integrity and allow the applicant to do all of the following:

(a) Provide an electronic version of a required specimen of use.

(b) Provide an electronic version of a drawing of the mark.

(c) Pay the fee required by s. 495.191.

(d) Complete the verification required by s. 495.031(5).



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(2) The department shall make the online application system required by this section available no later than December 31, 2027.

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

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

And the title is amended as follows:

Delete everything before the enacting clause  
and insert:

A bill to be entitled

An act relating to registration of trademarks;  
amending s. 495.111, F.S.; requiring the Department of  
State to use the international schedule of classes of  
goods and services for trademarks; deleting provisions  
relating to the classification of goods and services  
for trademark purposes; amending s. 495.031, F.S.;  
providing online application requirements; creating s.  
495.0315, F.S.; requiring the department to establish  
and maintain a secure Internet website that allows  
submission of an online trademark registration  
application and renewal application; providing website  
requirements; requiring the department to make the  
online application system available by a specified  
date; providing an effective date.

By Senator Martin

33-00850-26

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A bill to be entitled

An act relating to registration of trademarks; amending s. 495.111, F.S.; removing provisions relating to the classification of goods and services for trademark purposes; requiring the Department of State to adopt a federal system of classification each year; requiring publication of the classification as part of the trademark registration application; creating s. 495.0315, F.S.; requiring the department to establish and maintain a secure Internet website that allows submission of an online trademark registration application and renewal application; providing website requirements; requiring the department to make the online application system available by a specified date; amending s. 495.031, F.S.; providing online application requirements; providing an effective date.

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

Section 1. Subsection (1) of section 495.111, Florida Statutes, is amended to read:

495.111 Classification.—

(1) The department shall, no later than July 1 of each year, adopt as the state classification system the United States Patent and Trademark Office's system of classification of goods and services in effect on June 1 of that year. The classification shall be published as part of the trademark registration application as set forth in ss. 495.031 and

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

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~~495.0315. The following general classes of goods and services, conforming to the classification adopted by the United States Patent and Trademark Office, are established for convenience of administration of this chapter.~~

~~(a) Goods:~~

~~1. Class 1 Chemicals for use in industry, science and photography, as well as in agriculture, horticulture and forestry; unprocessed artificial resins, unprocessed plastics; fire extinguishing and fire prevention compositions; tempering and soldering preparations; substances for tanning animal skins and hides; adhesives for use in industry; putties and other paste fillers; compost, manures, fertilizers; biological preparations for use in industry and science.~~

~~2. Class 2 Paints, varnishes, lacquers, preservatives against rust and against deterioration of wood; colorants, dyes, inks for printing, marking and engraving; raw natural resins; metals in foil and powder form for use in painting, decorating, printing and art.~~

~~3. Class 3 Non-medicated cosmetics and toiletry preparations; non-medicated dentifrices; perfumery, essential oils; bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations.~~

~~4. Class 4 Industrial oils and greases, wax; lubricants; dust absorbing, wetting and binding compositions; fuels and illuminants; candles and wicks for lighting.~~

~~5. Class 5 Pharmaceuticals, medical and veterinary preparations; sanitary preparations for medical purposes; dietetic food and substances adapted for medical or veterinary use; food for babies; dietary supplements for humans and~~

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



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59 animals; plasters, materials for dressings; material for  
60 stopping teeth, dental wax; disinfectants; preparations for  
61 destroying vermin; fungicides, herbicides.

62 ~~6. Class 6 Common metals and their alloys, ores, metal~~  
63 ~~materials for building and construction; transportable buildings~~  
64 ~~of metal; non-electric cables and wires of common metal; small~~  
65 ~~items of metal hardware; metal containers for storage or~~  
66 ~~transport; safes.~~

67 ~~7. Class 7 Machines, machine tools, power-operated tools;~~  
68 ~~motors and engines, except for land vehicles; machine coupling~~  
69 ~~and transmission components, except for land vehicles;~~  
70 ~~agricultural implements, other than hand operated hand tools;~~  
71 ~~incubators for eggs; automatic vending machines.~~

72 ~~8. Class 8 Hand tools and implements, hand-operated;~~  
73 ~~cutlery; side arms, except firearms; razors.~~

74 ~~9. Class 9 Scientific, nautical, surveying, photographic,~~  
75 ~~cinematographic, optical, weighing, measuring, signaling,~~  
76 ~~checking (supervision), life-saving and teaching apparatus and~~  
77 ~~instruments; apparatus and instruments for conducting,~~  
78 ~~switching, transforming, accumulating, regulating or controlling~~  
79 ~~electricity; apparatus for recording, transmission or~~  
80 ~~reproduction of sound or images; magnetic data carriers,~~  
81 ~~recording discs; compact discs, DVDs and other digital recording~~  
82 ~~media; mechanisms for coin-operated apparatus; cash registers,~~  
83 ~~calculating machines, data processing equipment, computers,~~  
84 ~~computer software; fire-extinguishing apparatus.~~

85 ~~10. Class 10 Surgical, medical, dental and veterinary~~  
86 ~~apparatus and instruments; artificial limbs, eyes and teeth;~~  
87 ~~orthopaedic articles; suture materials; therapeutic and~~

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88 ~~assistive devices adapted for the disabled; massage apparatus;~~  
89 ~~apparatus, devices and articles for nursing infants; sexual~~  
90 ~~activity apparatus, devices and articles.~~

91 ~~11. Class 11 Apparatus for lighting, heating, steam~~  
92 ~~generating, cooking, refrigerating, drying, ventilating, water~~  
93 ~~supply and sanitary purposes.~~

94 ~~12. Class 12 Vehicles; apparatus for locomotion by land,~~  
95 ~~air or water.~~

96 ~~13. Class 13 Firearms; ammunition and projectiles;~~  
97 ~~explosives; fireworks.~~

98 ~~14. Class 14 Precious metals and their alloys; jewellery,~~  
99 ~~precious and semi precious stones; horological and chronometric~~  
100 ~~instruments.~~

101 ~~15. Class 15 Musical instruments.~~

102 ~~16. Class 16 Paper and cardboard; printed matter;~~  
103 ~~bookbinding material; photographs; stationery and office~~  
104 ~~requisites, except furniture; adhesives for stationery or~~  
105 ~~household purposes; drawing materials and materials for artists;~~  
106 ~~paintbrushes; instructional and teaching materials; plastic~~  
107 ~~sheets, films and bags for wrapping and packaging; printers'~~  
108 ~~type, printing blocks.~~

109 ~~17. Class 17 Unprocessed and semi-processed rubber, gutta-~~  
110 ~~percha, gum, asbestos, mica and substitutes for all these~~  
111 ~~materials; plastics and resins in extruded form for use in~~  
112 ~~manufacture; packing, stopping and insulating materials;~~  
113 ~~flexible pipes, tubes and hoses, not of metal.~~

114 ~~18. Class 18 Leather and imitations of leather; animal~~  
115 ~~skins and hides; luggage and carrying bags; umbrellas and~~  
116 ~~parasols; walking sticks; whips, harness and saddlery; collars,~~

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leashes and clothing for animals.

~~19. Class 19 Building materials (non-metallic); non-metallic rigid pipes for building; asphalt, pitch and bitumen; non-metallic transportable buildings; monuments, not of metal.~~

~~20. Class 20 Furniture, mirrors, picture frames; containers, not of metal, for storage or transport; unworked or semi-worked bone, horn, whalebone or mother-of-pearl; shells; meerschauum; yellow amber.~~

~~21. Class 21 Household or kitchen utensils and containers; cookware and tableware, except forks, knives and spoons; combs and sponges; brushes, except paintbrushes; brush-making materials; articles for cleaning purposes; unworked or semi-worked glass, except building glass; glassware, porcelain and earthenware.~~

~~22. Class 22 Ropes and string; nets; tents and tarpaulins; awnings of textile or synthetic materials; sails; sacks for the transport and storage of materials in bulk; padding, cushioning and stuffing materials, except of paper, cardboard, rubber or plastics; raw fibrous textile materials and substitutes therefor.~~

~~23. Class 23 Yarns and threads, for textile use.~~

~~24. Class 24 Textiles and substitutes for textiles; household linen; curtains of textile or plastic.~~

~~25. Class 25 Clothing, footwear, headgear.~~

~~26. Class 26 Lace and embroidery, ribbons and braid; buttons, hooks and eyes, pins and needles; artificial flowers; hair decorations; false hair.~~

~~27. Class 27 Carpets, rugs, mats and matting, linoleum and other materials for covering existing floors; wall hangings~~

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~~(non-textile).~~

~~28. Class 28 Games, toys and playthings; video game apparatus; gymnastic and sporting articles; decorations for Christmas trees.~~

~~29. Class 29 Meat, fish, poultry and game; meat extracts; preserved, frozen, dried and cooked fruits and vegetables; jellies, jams, compotes; eggs; milk and milk products; oils and fats for food.~~

~~30. Class 30 Coffee, tea, cocoa and artificial coffee; rice; tapioca and sago; flour and preparations made from cereals; bread, pastries and confectionery; edible ices; sugar; honey, treacle; yeast, baking powder; salt; mustard; vinegar, sauces (condiments); spices; ice (frozen water).~~

~~31. Class 31 Raw and unprocessed agricultural, aquacultural, horticultural and forestry products; raw and unprocessed grains and seeds; fresh fruits and vegetables, fresh herbs, natural plants and flowers; bulbs, seedlings and seeds for planting; live animals; foodstuffs and beverages for animals; malt.~~

~~32. Class 32 Beers; mineral and aerated waters and other non-alcoholic beverages; fruit beverages and fruit juices; syrups and other preparations for making beverages.~~

~~33. Class 33 Alcoholic beverages (except beers).~~

~~34. Class 34 Tobacco; smokers' articles; matches.~~

~~(b) Services.~~

~~1. Class 35 Advertising; business management; business administration; office functions.~~

~~2. Class 36 Insurance; financial affairs; monetary affairs; real estate affairs.~~

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175 ~~3. Class 37 Building construction, repair, installation~~  
 176 ~~services.~~  
 177 ~~4. Class 38 Telecommunications.~~  
 178 ~~5. Class 39 Transport, packaging and storage of goods,~~  
 179 ~~travel arrangement.~~  
 180 ~~6. Class 40 Treatment of materials.~~  
 181 ~~7. Class 41 Education, providing of training,~~  
 182 ~~entertainment, sporting and cultural activities.~~  
 183 ~~8. Class 42 Scientific and technological services and~~  
 184 ~~research and design relating thereto; industrial analysis and~~  
 185 ~~research services; design and development of computer hardware~~  
 186 ~~and software.~~  
 187 ~~9. Class 43 Services for providing food and drink,~~  
 188 ~~temporary accommodation.~~  
 189 ~~10. Class 44 Medical services; veterinary services;~~  
 190 ~~hygienic and beauty care for human beings or animals;~~  
 191 ~~agriculture, horticulture and forestry services.~~  
 192 ~~11. Class 45 Legal services; security services for the~~  
 193 ~~physical protection of tangible property and individuals;~~  
 194 ~~personal and social services rendered by others to meet the~~  
 195 ~~needs of individuals.~~  
 196 ~~(e) Certification and collective membership marks:~~  
 197 ~~1. Class 200 Collective membership marks.~~  
 198 ~~2. Class A Certification marks for goods.~~  
 199 ~~3. Class B Certification marks for services.~~  
 200 ~~(d) The goods and services recited in collective trademark~~  
 201 ~~and collective service mark applications are assigned to the~~  
 202 ~~same classes that are appropriate for those goods and services~~  
 203 ~~in general.~~

33-00850-26

2026696

204 Section 2. Section 495.0315, Florida Statutes, is created  
 205 to read:  
 206 495.0315 Online application for registration.-  
 207 (1) The department shall establish and maintain a secure  
 208 Internet website that allows an applicant to submit an online  
 209 trademark registration application in accordance with ss.  
 210 495.031 and 495.035 and a renewal application in accordance with  
 211 s. 495.071. The website must safeguard the applicant's  
 212 information to ensure data integrity and allow the applicant to:  
 213 (a) Provide an electronic version of a required specimen of  
 214 use.  
 215 (b) Provide an electronic version of a drawing of the mark.  
 216 (c) Pay the fee required by s. 495.191.  
 217 (d) Complete the verification required by s. 495.031(5).  
 218 (2) The department shall make the online application system  
 219 required by this section available no later than July 1, 2027.  
 220 Section 3. Subsections (5) and (6) of section 495.031,  
 221 Florida Statutes, are amended to read:  
 222 495.031 Application for registration.-  
 223 (5) Every application under this section shall be signed  
 224 and verified by the applicant or by a member of the firm or an  
 225 officer or other authorized representative of the business  
 226 entity applying. Verification must be made in accordance with s.  
 227 92.525.  
 228 (6) Every paper application under this section shall be  
 229 accompanied by three specimens or facsimiles showing the mark as  
 230 actually used. Every online application under this section must  
 231 be accompanied by an electronic copy of a specimen, complying  
 232 with the requirements of the department, showing the mark as

33-00850-26

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233 actually used.

234 Section 4. 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.)

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Prepared By: The Professional Staff of the Committee on Rules

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BILL: CS/SB 706

INTRODUCER: Transportation Committee and Senator Mayfield and others

SUBJECT: Commercial Service Airports

DATE: February 9, 2026

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

| ANALYST    | STAFF DIRECTOR | REFERENCE | ACTION             |
|------------|----------------|-----------|--------------------|
| 1. Johnson | Vickers        | TR        | <b>Fav/CS</b>      |
| 2. Tolmich | Fleming        | CA        | <b>Favorable</b>   |
| 3. Johnson | Kruse          | RC        | <b>Pre-meeting</b> |

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 706 preempts to the state the naming of major commercial service airports, which are defined as commercial service airports classified by the Federal Aviation Administration (FAA) as large or medium hub airports.

The bill codifies in law the names of Florida's seven major commercial service airports. The only name being changed from its current name is "Palm Beach International Airport," which the bill renames as the "Donald J. Trump International Airport." The name change is subject to the approval of the Federal Aviation Administration (FAA) and the execution of an agreement with the rights holders authorizing the use of the name "Donald J. Trump International Airport."

The bill provides that each airport's name remains valid if the airport no longer meets the criteria for a major commercial service airport and requires the Florida Department of Transportation (FDOT) to annually review the list of major commercial service airports and notify the Legislature if any airport needs to be added or removed from the list.

The bill provides that an airport's name is a branding designation and that a name change does not require a change to any existing documents. A political subdivision is in compliance with the name change if it diligently pursues all needed approvals and, upon receipt of approvals, timely commences making such changes.

Palm Beach County may incur indeterminate costs associated with changing the name of the airport. See Section V. Fiscal Impact Statement for details.

This bill takes effect July 1, 2026.

## II. Present Situation:

The Federal Aviation Administration (FAA) regulates airports in the United States, including federal aid, aspects of airport operations, aviation safety, and the construction, activation, deactivation, and certification of airports.<sup>1</sup>

The FAA considers publicly owned airports with at least 2,500 annual passenger enplanements and scheduled air carrier service to be commercial service airports. Commercial services airports are categorized by their size. Large hub airports are commercial service airports that receive 1 percent or more of the annual United States commercial passenger enplanements. Medium hub airports are commercial service airports that receive 0.25 to 1 percent of annual United States commercial passenger enplanements.<sup>2</sup>

Florida's large hub airports and their governing bodies are:

- Orlando International Airport (Greater Orlando Aviation Authority);
- Miami International Airport (Miami-Dade County);
- Fort Lauderdale/Hollywood International Airport (Broward County); and
- Tampa International Airport (Hillsborough County Aviation Authority).

Florida's medium hub airports and their governing bodies are:

- Southwest Florida International Airport (Lee County Port Authority);
- Palm Beach International Airport (Palm Beach County); and
- Jacksonville International Airport (Jacksonville Aviation Authority).<sup>3</sup>

Section 332.0075, F.S., provides transparency and accountability requirements for commercial service airports. These requirements include posting specified items on the airport's website, procurement requirements, and reporting requirements.

### Federal Aviation Administration Approval of Name Changes

Federal regulations require certain data, including changes to airport names, ownership, and management to be submitted to the FAA on specified forms.<sup>4</sup> The FAA uses this information to

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<sup>1</sup> See generally 14 C.F.R., parts 140-169.

<sup>2</sup> Federal Aviation Administration (FAA), *Airport Categories*, available at: [https://www.faa.gov/airports/planning\\_capacity/categories](https://www.faa.gov/airports/planning_capacity/categories) (last visited Feb. 2, 2026).

<sup>3</sup> FAA, *CY 2024 Enplanements at All Commercial Service Airports (by Rank)*, September 15, 2025, available at: [https://www.faa.gov/airports/planning\\_capacity/passenger\\_allcargo\\_stats/passenger/arp-cy2024-commercial-service-enplanements.pdf](https://www.faa.gov/airports/planning_capacity/passenger_allcargo_stats/passenger/arp-cy2024-commercial-service-enplanements.pdf) (last visited Feb. 2, 2026) and Florida Department of Transportation (FDOT), *2025 Florida Airport Directory*, available at: [https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/aviation/charts---directories/florida\\_directory\\_2025.pdf](https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/aviation/charts---directories/florida_directory_2025.pdf) (last visited Feb. 2, 2026).

<sup>4</sup> FAA, *Submitting Aeronautical Data*, [https://www.faa.gov/air\\_traffic/flight\\_info/aeronav/aero\\_data/Submitting\\_Data/](https://www.faa.gov/air_traffic/flight_info/aeronav/aero_data/Submitting_Data/) available at: (last visited Feb. 2, 2026). These regulations are codified in 14 C.F.R., part 157.

evaluate the effect of the proposed action on the safe and efficient use of airspace and on public safety.<sup>5</sup>

### **President Donald J. Trump**

President Donald J. Trump was born in Queens, New York, on June 14, 1946. President Trump was inaugurated as the 45<sup>th</sup> President of the United States on January 20, 2017. President Trump was again elected President in 2024 and was inaugurated as the 47<sup>th</sup> President of the United States on January 20, 2025.<sup>6</sup>

In Palm Beach County, President Trump owns the Mar-A Lago Club, the Trump National Golf Club, and the Trump International Golf Club. In 2019, President Trump made Palm Beach County his permanent residence.<sup>7</sup> He is the first president to be a Florida resident.<sup>8</sup>

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

**Section 1** amends s. 332.0075, F.S., to preempt to the state the naming of major commercial service airports.

The bill defines the term “major commercial service airport” to mean an airport providing commercial service which is a medium or large hub airport under FAA established classification criteria.

The bill names the following major commercial service airports:

- The airport located at One Jeff Fuqua Boulevard in Orlando, or nearest thereto, as the “Orlando International Airport.”
- The airport located at 2100 NW 42<sup>nd</sup> Avenue in Miami, or nearest thereto, as the “Miami International Airport.”
- The airport located at 100 Terminal Drive in Fort Lauderdale, or nearest thereto, as the “Fort Lauderdale-Hollywood International Airport.”
- The airport located at 4100 George J. Bean Parkway in Tampa, or nearest thereto, as the “Tampa International Airport.”
- The airport located at 11000 Terminal Access Road in Fort Myers, or nearest thereto, as the “Southwest Florida International Airport.”
- The airport located at 1000 James L. Turnage Boulevard in West Palm Beach, or nearest thereto, as the “Donald J. Trump International Airport.”
- The airport located at 2400 Yankee Clipper Drive in Jacksonville, or nearest thereto, as the “Jacksonville International Airport.”

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<sup>5</sup> FAA, *Part 157 Notice of Construction, Alteration, Activation and Deactivation*, available at: <https://www.faa.gov/airports/central/engineering/part157> (last visited Feb. 2, 2026).

<sup>6</sup> Donald J. Trump Presidential Library, *President Donald J. Trump*, available at: <https://www.trumphlibrary.gov/trumps/president-donald-j-trump> (last visited Feb. 2, 2026).

<sup>7</sup> Kristina Webb, *Palm Beach moves toward official support for President Donald J. Trump Boulevard*, Palm Beach Daily News, August 12, 2025, available at: <https://www.palmbeachdailynews.com/story/news/trump/2025/08/12/palm-beach-moves-toward-support-for-president-donald-j-trump-blvd/85623174007/> (last visited Feb. 2, 2026).

<sup>8</sup> James C. Clark, *After 175 years as a state, Florida has its first president in Donald Trump*, Orlando Sentinel, November 4, 2019, available at: <https://www.orlandosentinel.com/2019/11/04/after-175-years-as-a-state-florida-has-its-first-president-in-donald-trump-commentary/> (last visited Feb. 2, 2026).

The only name being changed from its existing name is the “Palm Beach International Airport,” which is being changed to the “Donald J. Trump International Airport.”

This name change is subject to FAA approval and execution of an agreement with the rights holder authorizing Palm Beach County’s commercial use of “Donald J. Trump International Airport,” as well as reasonable abbreviations and deviations of that name, at no cost, in signage, advertising, marketing, merchandising, and promotions, and for the branding of the airport, its operations, services and amenities, and all related purposes.

The bill provides that if an airport no longer meets the classification criteria as a major commercial service airport, the airport’s name continues to be valid.

The bill requires the Florida Department of Transportation (FDOT) to annually review the major commercial service airports to identify airports that may be added or removed based on any change in status as a major commercial service airport. If FDOT identifies any such airport, it must notify the President of the Senate and the Speaker of the House of Representatives 60 days before the next regular legislative session. FDOT’s notice must include the name of the airport and specify the reasons for the airport’s change in status.

The bill also requires government records created on or after July 1, 2026, which refer to a major commercial service airport, to use the airport’s designated name. For this purpose, the bill provides airport names are understood to be only brand designations and may not be construed to create or require the creation of a new legal entity. The bill does not require a political subdivision to amend any existing agreement with any person or entity solely to update references to an airport’s name, nor does it require the political subdivision to contract in the name of the airport.

The bill defines the term “political subdivision” to mean the local government of any county, municipality, town, village, or other subdivision or agency thereof, or any district or special district, port commission, port authority, or other such agency authorized to establish or operate airports in the state.<sup>9</sup> A political subdivision may not be considered in violation of any state law, including, but not limited to, s. 540.08, F.S., relating to the unauthorized publication of a name or likeness, and the Registration and Protection of Trademarks Act,<sup>10</sup> for using a designated airport name.

A political subdivision is considered in compliance with the law if it diligently pursues all necessary approvals and agreements to implement the name change following its effective date and timely commences signage and branding changes upon receipt of such approval. The bill provides that “timely commences” means to initiate planning, procurement, and implementation within a reasonable period after receiving all necessary approvals, considering the availability of budgeted funds and the timeframes necessary to comply with applicable procurement laws, regulations, and procedures.

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<sup>9</sup> This is as the term “political subdivision” is defined in s. 333.01(14), F.S.

<sup>10</sup> Chapter 495, F.S.



**Section 2** provides that this bill takes effect July 1, 2026.

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

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

Article VII, section 18 (a) of the Florida Constitution provides in part that a county or municipality may not be bound by a general law requiring a county or municipality to spend funds or take an action that requires the expenditure of funds unless certain specified exemptions or exceptions are met.

The bill provides for the renaming of the “Palm Beach International Airport” as the “Donald J. Trump International Airport.” To the extent that Palm Beach County would be required to expend funds to replace signage and to update advertising, marketing, merchandising, promotional materials, and branding for the airport, the bill may constitute an unfunded mandate.

However, the mandate requirements do not apply to laws having an insignificant impact,<sup>11</sup> which for Fiscal Year 2026-2027<sup>12</sup> is forecast at approximately \$2.4 million or less. If the bill does qualify as a mandate, not meeting an exemption or exception, in order to be binding, the bill must include a finding of important state interest and be approved by a two-thirds vote of the membership of each house.

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

None.

##### **C. Trust Funds Restrictions:**

None.

##### **D. State Tax or Fee Increases:**

None.

##### **E. Other Constitutional Issues:**

None.

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<sup>11</sup> 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), available at: <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf> (last visited Feb. 2, 2026).

<sup>12</sup> Based on the Demographic Estimating Conference’s estimated population adopted on June 30, 2025, available at: <https://edr.state.fl.us/Content/conferences/population/archives/250630demographic.pdf> (last visited Feb. 2, 2026).

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The Palm Beach International Airport, which is being renamed by the bill, is owned by Palm Beach County. The county may incur costs associated with this renaming, such as branding changes. However, the potential fiscal impact of these issues is indeterminate.

FDOT can likely accomplish the required annual review of major commercial service airports using existing resources.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

The FAA's approval of Palm Beach International Airport's name change is required in order for the name change to be recognized in the national airspace system, including official aeronautical charts, databases, and publications.<sup>13</sup>

The bill will impact Palm Beach International Airport's identification codes, which are assigned by the FAA and the International Civil Aviation Organization.<sup>14</sup>

**VIII. Statutes Affected:**

This bill substantially amends section 332.0075 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

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

**CS by Transportation on January 27, 2026:**

The committee substitute:

- Makes an airport name change subject to the approval of the FAA and specified rights holders.

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<sup>13</sup> E-mail from Alessandro Marchesani, Director of Intergovernmental Affairs, Palm Beach County Board of County Commissioners, *Re: SB 706 Commercial Service Airports*, January 5, 2025. (on file with Senate Committee on Transportation).

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

- Clarifies that the name is a branding designation and does not require the creation of a new legal entity.
- Provides a political subdivision with certain protections regarding an airport's use of trademarks and likenesses.
- Provides that a political subdivision is not in violation of the requirements of the bill if it diligently pursues certain approvals and timely commences the name change.

B. Amendments:

None.



614854

LEGISLATIVE ACTION

|            |   |       |
|------------|---|-------|
| Senate     | . | House |
| Comm: WD   | . |       |
| 02/16/2026 | . |       |
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|            | . |       |

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The Committee on Rules (Mayfield) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 57 - 67  
and insert:  
"President Donald J. Trump International Airport," subject to approval of the Federal Aviation Administration; execution of an agreement with the rights holder authorizing the commercial use of "President Donald J. Trump International Airport" by Palm Beach County, which must, at a minimum, grant Palm Beach County the perpetual and unrestricted right to use the name "President Donald J. Trump International Airport," as well as reasonable



614854

abbreviations or nonmaterial deviations thereof, at no cost, in  
signage, advertising, marketing, merchandising, and promotions  
and for the branding of the airport and its operations,  
services, and amenities, and all related purposes; and receipt  
of an appropriation of \$5.5 million by Palm Beach County for the  
purpose of funding all costs of implementing the airport name  
change, including, without limitation, the costs of procurement,  
design, construction, and installation of signage; brand  
development; updates to advertising, marketing, and promotional  
materials; software and system modifications; and rebranding of  
uniforms, vehicles, equipment, consumables, and other similar  
items used in the operation of the airport. Funding may not be  
appropriated from the Aviation Grant Program to satisfy the  
requirements of this subparagraph.

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

And the title is amended as follows:

Delete lines 8 - 9

and insert:

to approval of the Federal Aviation Administration,  
execution of a certain agreement, and receipt by a  
specified county of an appropriation for specified  
purposes; prohibiting the use of certain funding for a  
certain purpose; providing that such



754524

LEGISLATIVE ACTION

Senate

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House

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The Committee on Rules (Mayfield) recommended the following:

**Senate Amendment**

Delete lines 57 - 63  
and insert:  
"President Donald J. Trump International Airport," subject to  
approval of the Federal Aviation Administration and execution of  
an agreement with the rights holder authorizing the commercial  
use of "President Donald J. Trump International Airport" by Palm  
Beach County, which must, at a minimum, grant Palm Beach County  
the perpetual and unrestricted right to use the name "President  
Donald J. Trump International Airport," as well as reasonable



754524

12 abbreviations or nonmaterial



612734

LEGISLATIVE ACTION

Senate

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House

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The Committee on Rules (Jones) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 109 and 110  
insert:

(h) A person may not collect any fee, including a royalty fee, licensing fee, or trademark fee, associated with the naming rights of an airport listed in paragraph (b). This paragraph does not apply to a political subdivision that owns or operates the airport for which it collects such fee.

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





612734

12 And the title is amended as follows:

13 Delete line 23

14 and insert:

15 circumstances; prohibiting a person from collecting  
16 any fee associated with the naming rights of certain  
17 airports; providing applicability; providing an  
18 effective date.

By the Committee on Transportation; and Senators Mayfield and Massullo

596-02236-26

2026706c1

A bill to be entitled

An act relating to commercial service airports; amending s. 332.0075, F.S.; defining the term "major commercial service airport"; preempting the naming of major commercial service airports to the state; providing names for major commercial service airports; providing that renaming a specified airport is subject to approval of the Federal Aviation Administration and execution of a certain agreement; providing that such airport names continue to be valid under certain circumstances; requiring the Department of Transportation to annually review provisions naming major commercial service airports for a certain purpose; requiring the department to provide certain notice to the Legislature; providing requirements for such notice; requiring that certain government records created on or after a certain date use such airport names; specifying that airport names are branding designations; providing construction; defining the terms "political subdivision" and "timely commences"; providing that a political subdivision is in compliance with certain provisions under specified circumstances; providing an effective date.

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

Section 1. Paragraph (e) is added to subsection (1) of section 332.0075, Florida Statutes, and subsection (7) is added to that section, to read:

Page 1 of 4

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

596-02236-26

2026706c1

332.0075 Commercial service airports; transparency and accountability; penalty.—

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

(e) "Major commercial service airport" means an airport providing commercial service which is a medium or large hub airport under the classification criteria established by the Federal Aviation Administration.

(7) (a) The naming of major commercial service airports is preempted to the state.

(b) Notwithstanding any law to the contrary, the major commercial service airports are named as follows:

1. The airport located at One Jeff Fuqua Boulevard in Orlando, or nearest thereto, is the "Orlando International Airport."

2. The airport located at 2100 NW 42nd Avenue in Miami, or nearest thereto, is the "Miami International Airport."

3. The airport located at 100 Terminal Drive in Fort Lauderdale, or nearest thereto, is the "Fort Lauderdale-Hollywood International Airport."

4. The airport located at 4100 George J. Bean Parkway in Tampa, or nearest thereto, is the "Tampa International Airport."

5. The airport located at 11000 Terminal Access Road in Fort Myers, or nearest thereto, is the "Southwest Florida International Airport."

6. The airport located at 1000 James L Turnage Boulevard in West Palm Beach, or nearest thereto, currently known as the "Palm Beach International Airport," shall be renamed as the "Donald J. Trump International Airport," subject to approval of the Federal Aviation Administration and execution of an

Page 2 of 4

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

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agreement with the rights holder authorizing the commercial use of "Donald J. Trump International Airport" by Palm Beach County, which must, at a minimum, grant Palm Beach County the perpetual and unrestricted right to use the name "Donald J. Trump International Airport," as well as reasonable abbreviations or deviations thereof, at no cost, in signage, advertising, marketing, merchandising, and promotions and for the branding of the airport and its operations, services, and amenities, and all related purposes.

7. The airport located at 2400 Yankee Clipper Drive in Jacksonville, or nearest thereto, is the "Jacksonville International Airport."

(c) If an airport listed in paragraph (b) no longer meets the classification criteria to be a major commercial service airport, the airport name continues to be valid.

(d) The department shall review paragraph (b) annually to identify airports that may be added to or removed from paragraph (b) based on any change in status as a major commercial service airport. If the department identifies any such airport, it must notify the President of the Senate and the Speaker of the House of Representatives 60 days before the next regular legislative session. The notice must include the name of the airport and specify the reasons for the airport's change in status.

(e) Government records created on or after July 1, 2026, which refer to airports listed in paragraph (b) must use the airport names provided in paragraph (b). For purposes of this subsection, airport names are branding designations only and may not be construed to create or require the creation of a new legal entity. This paragraph does not require a political

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2026706c1

subdivision to amend any existing agreement with any person or entity solely to update references to the airport name or require a political subdivision to contract in the name of the airport listed in paragraph (b).

(f) For purposes of this subsection, the term "political subdivision" means a political subdivision as defined in s. 333.01 which owns and controls an airport listed in paragraph (b). Notwithstanding any other provision of law, a political subdivision may not be construed to be in violation of any state law, including, but not limited to, chapter 495 and s. 540.08, for using the airport name provided in paragraph (b).

(g) A political subdivision is in compliance with this subsection if it diligently pursues all necessary approvals and agreements to implement an airport name change required under this subsection and timely commences signage and branding changes upon receipt of such approvals. For purposes of this paragraph, the term "timely commences" means to initiate planning, procurement, and implementation within a reasonable period after receiving all necessary approvals, taking into account the availability of budgeted funds and the timeframes necessary to comply with applicable procurement laws, regulations, and procedures.

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.)

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Prepared By: The Professional Staff of the Committee on Rules

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BILL: SB 748

INTRODUCER: Senator Bracy Davis

SUBJECT: Notice of Restoration of Voting Rights Information on Sentencing Scoresheets

DATE: February 16, 2026

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

|    | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION             |
|----|---------|----------------|-----------|--------------------|
| 1. | Vaughan | Stokes         | CJ        | <b>Favorable</b>   |
| 2. | Roberts | Roberts        | EE        | <b>Favorable</b>   |
| 3. | Vaughan | Kruse          | RC        | <b>Pre-meeting</b> |

## I. Summary:

SB 748 amends s. 921.0024, F.S., to require that sentencing scoresheets include a notice informing defendants about the impact of their sentence on voting rights.

Defendants must receive a copy of the scoresheet containing this notice before sentencing.

The bill takes effect July 1, 2026.

## II. Present Situation:

In November 2018, nearly 65% of Florida voters approved Amendment 4, a constitutional amendment that automatically restored voting rights to most Floridians with past convictions who had completed the terms of their sentence. In June 2019, Governor DeSantis signed SB 7066 into law, prohibiting such people from voting until they pay off certain legal financial obligations imposed by a court.<sup>1</sup>

In August 2019, the Governor sought an advisory opinion regarding the meaning of “upon completion of all terms of sentence” asking whether the phrase “all terms of sentence” encompasses legal financial obligations such as fines, restitution, court costs and fees. The Supreme Court of Florida issued an opinion that the phrase “all terms of sentence” has an ordinary meaning that the voters would have understood to refer not only to durational periods but also to all legal financial obligations imposed in conjunction with an adjudication of guilt.<sup>2</sup>

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<sup>1</sup> The Brennan Center for Justice, Voting Rights Restoration Efforts in Florida, updated Nov. 18, 2024, available at: <https://www.brennancenter.org/our-work/research-reports/voting-rights-restoration-efforts-florida> (last visited January 30, 2026).

<sup>2</sup> Advisory Opinion to the Governor re Implementation of Amendment 4, The Voting Restoration Amendment, 288 So. 3d 1070 (Fla. 2020).

A person has the option to petition a court to terminate, upon consent of the person or entity owed, a financial obligation or to convert such obligation to community service. If converted, the terms of the sentence are deemed complete when the person completes the community service.<sup>3</sup>

The State Constitution provides that no person convicted of a felony or adjudicated in this or any other state to be mentally incompetent, is qualified to vote or hold office until restoration of civil rights or removal of disability. Any disqualification from voting arising from a felony conviction must be terminated and voting rights must be restored upon completion of all terms of sentence including parole or probation. However, a person convicted of murder or a felony sexual offense is not qualified to vote until restoration of civil rights.<sup>4</sup>

The uniform statewide voter registration application<sup>5</sup> must contain a question as to whether the applicant has been convicted of a felony, and, if convicted, has had his or her civil rights restored. The convicted felon who has gained his or her rights back must not be made to divulge the existence of such a conviction when filling out an application. The affirmative statement required to be included in the application is: "I affirm I am not a convicted felon, or, if I am, my rights relating to voting have been restored."<sup>6</sup>

The Department of State (DOS) will apply the standards in s. 98.075(5), F.S.,<sup>7</sup> to determine whether a felon is eligible to register or vote. The Supervisors of Elections are responsible for removing the name of any registered voter from the statewide voter registration system.<sup>8</sup>

Beginning November 28, 2024, people with felony convictions who are unsure about their eligibility may request an advisory opinion from the Division of Elections (Division) in the DOS. The Division must respond within 90 days to indicate whether a person is eligible or ineligible to register and to vote. Individuals can submit a form as a .PDF attachment by email to [dos.generalcounsel@dos.myflorida.com](mailto:dos.generalcounsel@dos.myflorida.com) or by mail or in person. When issuing an advisory opinion, the Division will apply the standards in s. 98.075(5), F.S., to determine whether a felon is eligible to register or vote. Therefore, if the felon has provided the required information and if the Division finds no credible and reliable information to indicate the felon is ineligible to

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<sup>3</sup> Section 98.0751(2)(a)5 e., F.S.

<sup>4</sup> Section 4, Art. VI, the Florida Constitution.

<sup>5</sup> Section 97.052, F.S. provides the DOS with the authority to prescribe by rule a uniform state voter registration application for use in this state.

<sup>6</sup> Sections 97.052(2)(t), and 97.053(5)(a)6., F.S., further provide that this requirement is satisfied in the application with a mark in the checkbox affirming that the applicant has not been convicted of a felony or that, if convicted, has had his or her civil rights restored.

<sup>7</sup> Section 98.075, F.S. requires the DOS to ensure the maintenance of accurate and current voter registration records through the implementation of uniform, nondiscriminatory voter list maintenance in compliance with the Voting Rights Act of 1965, the National Voter Registration Act of 1993, and the Help America Vote Act of 2002. The department is required to adopt by rule uniform standards and procedures to interpret and administer this section. This section details the methodology for determining whether a voter registration applicant is ineligible to vote by identifying duplicate registrations; deceased persons; adjudications of mental incapacity; felony convictions; and other bases for ineligibility. Section 97.075(7), F.S., further provides the procedures for removal of the voter from the voter registration rolls by providing notice to the voter of his or her potential ineligibility and affording the voter the opportunity to respond. All determinations of eligibility must be based on a preponderance of the evidence.

<sup>8</sup> Section 98.035, F.S., provides for the implementation, operation, and maintenance of the statewide voter registration system, otherwise known as the Florida Voter Registration System (FVRS), by the Secretary of State as required by HAVA.

register or to vote, the Division will issue an opinion stating that the felon is eligible to register or to vote.<sup>9</sup>

Upon a felony conviction, the civil rights of such person must be suspended in Florida until such rights are restored by a full pardon,<sup>10</sup> conditional pardon,<sup>11</sup> or restoration of civil rights<sup>12</sup> granted pursuant to s. 8, Art. IV of the State Constitution and s. 98.0751, F.S.<sup>13</sup>

Any person who has been convicted of a felony may be entitled to the restoration of all the rights of citizenship if the person has:<sup>14</sup>

- Received a full pardon from the Board of Executive Clemency;
- Served the maximum term of the sentence imposed upon him or her; or
- Been granted his or her final release by the Florida Commission on Offender Review.

### **Sentence Scoresheets**

The Criminal Punishment Code (CPC)<sup>15</sup> requires the use of scoresheets to determine sentencing points for felony offenses. The scoresheet calculates points based on factors such as the primary offense, additional offenses, victim injury, prior record, and other enhancements. These points establish the lowest permissible sentence under the CPC. Currently, the Department of Corrections is responsible for preparing scoresheets, which are reviewed by the court before sentencing. The CPC and scoresheet process aim to ensure uniformity and proportionality in sentencing across the state.

Sentencing scoresheets do not currently include any notice regarding voting rights restoration.

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

SB 748 amends s. 921.0024, F.S., to require that sentencing scoresheets include a notice informing defendants about the impact of their sentence on voting rights by referencing the provisions of section 98.0751, F.S. (Restoration of voting rights; termination of ineligibility subsequent to a felony conviction).

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<sup>9</sup> Florida Department of State, Division of Elections, *Felon Voting Rights*, updated July 10, 2024, available at: <https://dos.fl.gov/elections/for-voters/voter-registration/felon-voting-rights/> (last visited January 30, 2026).

<sup>10</sup> A Full Pardon unconditionally releases a person from punishment and forgives guilt for any Florida convictions. It restores to an applicant all of the rights of citizenship possessed by the person before his or her conviction, including the right to own, possess, or use firearms. Florida Commission on Offender Review, *Types of Clemency*, available at: <https://www.fcor.state.fl.us/clemency> (last visited January 16, 2026).

<sup>11</sup> An example of a conditional pardon is a pardon without firearm authority which releases a person from punishment and forgives guilty. It entitles an applicant all of the rights of citizen enjoyed prior to a conviction except the specific authority to own, possess, or use firearms. *Id.*

<sup>12</sup> The restoration of civil rights restores to an applicant all of the rights of citizenship in the State of Florida enjoyed prior to the felony conviction, except the specific authority to own, possess, or use firearms. Such restoration shall not relieve an applicant from the registration and notification requirement or any other obligations and restrictions imposed by law upon sexual predators or sexual offenders. *Id.*

<sup>13</sup> Section 944.292, F.S.

<sup>14</sup> Section 940.05, F.S.

<sup>15</sup> Sections 921.002-921.0027, F.S. See chs. 97-194 and 98-204, L.O.F. The Code is effective for offenses committed on or after October 1, 1998.

The bill provides that defendants must receive a copy of the scoresheet containing this notice before sentencing.

The bill takes effect July 1, 2026.

**IV. Constitutional Issues:**

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

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

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

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None.

**V. Fiscal Impact Statement:**

**A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following section of the Florida Statutes: 921.0024.

**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.

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

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By Senator Bracy Davis

15-01216-26

2026748\_\_

A bill to be entitled

An act relating to notice of restoration of voting rights information on sentencing scoresheets; amending s. 921.0024, F.S.; specifying information to be provided on sentencing scoresheets concerning restoration of voting rights; requiring that a scoresheet be provided to a defendant before a sentence is imposed; providing an effective date.

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

Section 1. Paragraphs (c) and (d) are added to subsection (1) of section 921.0024, Florida Statutes, to read:  
921.0024 Criminal Punishment Code; worksheet computations; scoresheets.—

(1)

(c) NOTICE CONCERNING VOTING RIGHTS:

Article VI, s. 4(a) and (b) of the Florida Constitution provide the following concerning voting rights:

SECTION 4. Disqualifications.—

(a) No person convicted of a felony, or adjudicated in this or any other state to be mentally incompetent, shall be qualified to vote or hold office until restoration of civil rights or removal of disability. Except as provided in subsection (b) of this section, any disqualification from voting arising from a felony conviction shall terminate and voting rights shall be restored upon completion of all terms of sentence including parole or probation.

(b) No person convicted of murder or a felony sexual

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offense shall be qualified to vote until restoration of civil rights.

Section 98.0751 of the Florida Statutes provides the following concerning restoration of voting rights:

98.0751 Restoration of voting rights; termination of ineligibility subsequent to a felony conviction.—

(1) A person who has been disqualified from voting based on a felony conviction for an offense other than murder or a felony sexual offense must have such disqualification terminated and his or her voting rights restored pursuant to s. 4, Art. VI of the State Constitution upon the completion of all terms of his or her sentence, including parole or probation. The voting disqualification does not terminate unless a person's civil rights are restored pursuant to s. 8, Art. IV of the State Constitution if the disqualification arises from a felony conviction of murder or a felony sexual offense, or if the person has not completed all terms of sentence, as specified in subsection (2).

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

(a) "Completion of all terms of sentence" means any portion of a sentence that is contained in the four corners of the sentencing document, including, but not limited to:

1. Release from any term of imprisonment ordered by the court as a part of the sentence;

2. Termination from any term of probation or community control ordered by the court as a part of the sentence;

3. Fulfillment of any term ordered by the court as a part of the sentence;

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4. Termination from any term of any supervision, which is monitored by the Florida Commission on Offender Review, including, but not limited to, parole; and

5.a. Full payment of restitution ordered to a victim by the court as a part of the sentence. A victim includes, but is not limited to, a person or persons, the estate or estates thereof, an entity, the state, or the Federal Government.

b. Full payment of fines or fees ordered by the court as a part of the sentence or that are ordered by the court as a condition of any form of supervision, including, but not limited to, probation, community control, or parole.

c. The financial obligations required under sub-subparagraph a. or sub-subparagraph b. include only the amount specifically ordered by the court as part of the sentence and do not include any fines, fees, or costs that accrue after the date the obligation is ordered as a part of the sentence.

d. For the limited purpose of addressing a plea for relief pursuant to sub-subparagraph e. and notwithstanding any other statute, rule, or provision of law, a court may not be prohibited from modifying the financial obligations of an original sentence required under sub-subparagraph a. or sub-subparagraph b. Such modification shall not infringe on a defendant's or a victim's rights provided in the United States Constitution or the State Constitution.

e. Financial obligations required under sub-subparagraph a. or sub-subparagraph b. are considered completed in the following manner or in any combination thereof:

(I) Actual payment of the obligation in full.

(II) Upon the payee's approval, either through appearance

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in open court or through the production of a notarized consent by the payee, the termination by the court of any financial obligation to a payee, including, but not limited to, a victim, or the court.

(III) Completion of all community service hours, if the court, unless otherwise prohibited by law or the State Constitution, converts the financial obligation to community service.

A term required to be completed in accordance with this paragraph shall be deemed completed if the court modifies the original sentencing order to no longer require completion of such term. The requirement to pay any financial obligation specified in this paragraph is not deemed completed upon conversion to a civil lien.

(b) "Felony sexual offense" means any of the following:

1. Any felony offense that serves as a predicate to registration as a sexual offender in accordance with s. 943.0435;

2. Section 491.0112 [sexual misconduct by a psychotherapist];

3. Section 784.049(3)(b) or (4) [sexual cyberharassment by a person with a prior sexual cyberharassment conviction or sexual cyberharassment when committed for the purpose of pecuniary or any other financial gain];

4. Section 794.08 [female genital mutilation];

5. Section 796.08 [criminal transmission of HIV];

6. Section 800.101 [offenses against students by authority figures];

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117 7. Section 826.04 [incest];  
 118 8. Section 847.012 [sale or distribution of material  
 119 harmful to minors or using minors in production];  
 120 9. Section 872.06(2) [abuse of a dead body];  
 121 10. Section 944.35(3)(b)2. [sexual abuse of a prisoner];  
 122 11. Section 951.221(1) [sexual misconduct between detention  
 123 facility employees and inmates]; or  
 124 12. Any similar offense committed in another jurisdiction  
 125 which would be an offense listed in this paragraph if it had  
 126 been committed in violation of the laws of this state.  
 127 (c) "Murder" means either of the following:  
 128 1. A violation of any of the following sections which  
 129 results in the actual killing of a human being:  
 130 a. Section 775.33(4) [terrorism resulting in death].  
 131 b. Section 782.04(1), (2), or (3) [murder].  
 132 c. Section 782.09 [killing of unborn child by injury to  
 133 mother].  
 134 2. Any similar offense committed in another jurisdiction  
 135 which would be an offense listed in this paragraph if it had  
 136 been committed in violation of the laws of this state.  
 137 (3)(a) The department shall obtain and review information  
 138 pursuant to s. 98.075(5) related to a person who registers to  
 139 vote and make an initial determination on whether such  
 140 information is credible and reliable regarding whether the  
 141 person is eligible pursuant to s. 4, Art. VI of the State  
 142 Constitution and this section. Upon making an initial  
 143 determination of the credibility and reliability of such  
 144 information, the department [of State] shall forward such  
 145 information to the supervisor of elections pursuant to s.

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146 98.075.  
 147 (b) A local supervisor of elections shall verify and make a  
 148 final determination pursuant to s. 98.075 regarding whether the  
 149 person who registers to vote is eligible pursuant to s. 4, Art.  
 150 VI of the State Constitution and this section.  
 151 (c) The supervisor of elections may request additional  
 152 assistance from the department [of State] in making the final  
 153 determination, if necessary.  
 154 (4) For the purpose of determining a voter registrant's  
 155 eligibility, the provisions of this section shall be strictly  
 156 construed. If a provision is susceptible to differing  
 157 interpretations, it shall be construed in favor of the  
 158 registrant.  
 159  
 160 (d) In order for a defendant to receive notice of the  
 161 impact of his or her sentence on voter eligibility, each  
 162 defendant must receive a copy of the scoresheet containing the  
 163 notice in paragraph (c) before a sentence is imposed.  
 164 Section 2. This act shall take effect July 1, 2026.

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**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.)

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Prepared By: The Professional Staff of the Committee on Rules

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BILL: CS/SB 786

INTRODUCER: Judiciary Committee and Senator Berman

SUBJECT: Trusts

DATE: February 16, 2026

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

| ANALYST         | STAFF DIRECTOR | REFERENCE | ACTION             |
|-----------------|----------------|-----------|--------------------|
| 1. <u>Davis</u> | <u>Cibula</u>  | <u>JU</u> | <b>Fav/CS</b>      |
| 2. <u>Moody</u> | <u>Knudson</u> | <u>BI</u> | <b>Favorable</b>   |
| 3. <u>Davis</u> | <u>Kruse</u>   | <u>RC</u> | <b>Pre-meeting</b> |

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

COMMITTEE SUBSTITUTE - Technical Changes

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**I. Summary:**

CS/SB 786 amends the Florida Trust Code to create a summary procedure for trustee discharge that does not involve court proceedings. This procedure allows a trustee of an irrevocable trust to settle his or her accounts and be discharged of responsibilities and liabilities if no beneficiaries object. Current trustee discharge procedures require the approval of a court. The new procedure does not displace other discharge procedures in statute. If a beneficiary objects to the summary discharge of the trustee, the trustee must follow the current statutory discharge procedure.

The new summary discharge procedure is authorized if:

- The trust is irrevocable; and
- The trustee has substantially complied with the statutory requirements to provide information and accountings to trust beneficiaries.

To initiate the procedure, the trustee must provide trust beneficiaries, and potentially others, with:

- Disclosures relating to the trust assets, including a plan of distribution;
- Contact information for the trustee;
- A statement that the trust has terminated or that the trustee has resigned or has been removed; and
- A notice that claims against the trustee will be barred unless a beneficiary submits a written objection to the trustee within 60 days.

If the trustee does not receive a timely objection, the trustee is discharged upon completion of all distributions or transfers in accordance with the plan of distribution.

The bill applies to irrevocable trusts and trusts that become irrevocable after the bill becomes effective.

The bill becomes effective upon becoming law.

## **II. Present Situation:**

Trusts are an estate planning tool often used to transfer property and protect assets while avoiding lengthy or costly probate proceedings. The Florida Trust Code, which became effective in 2007, is contained in ch. 736, F.S. It governs the creation of trusts and the fiduciary and administrative responsibilities of trustees to manage property held in trust for the benefit of others. The code also establishes the process whereby a trustee may be discharged of his or her responsibilities.

In its most basic form, a trust is a legally binding relationship in which a person who owns property gives that property to a second person to hold and manage for the benefit of a third person. The settlor is the person who originally owned the property and created the trust. The trustee is the person who holds legal title to the trust property and manages it in accordance with the powers and responsibilities established in the terms of the trust. A beneficiary is the person for whom the property is held and who benefits from the trust.<sup>1</sup>

### **Duties of a Trustee**

Once a person accepts a trusteeship, he or she becomes the custodian of the trust and holds legal title to its assets. The trustee is required to administer the trust in good faith, in accordance with its terms and purposes and the interests of the beneficiaries, as well as in compliance with the Trust Code.<sup>2</sup> A trustee must administer the assets of the trust “solely in the interests of the beneficiaries”<sup>3</sup> and take steps to protect the trust property.<sup>4</sup> Additionally, a trustee is required to keep clear, distinct, and accurate records of the administration of the trust.<sup>5</sup>

The statutes require a trustee to keep the qualified beneficiaries “reasonably informed” of the trust and its administration.<sup>6</sup> To meet this responsibility, a trustee provides a trust accounting to the beneficiaries. The accounting must be a “reasonably understandable report” from the date of the last accounting or, if there was none, from the date the trustee became accountable. In part, an accounting must show all cash and property transactions, a statement of compensation paid to the trustee and his or her agents, gains and losses, as well as receipts and disbursements. To the extent feasible, the accounting must identify and value trust assets and certain liabilities, receipts

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<sup>1</sup> Restatement (Third) Trusts, s. 3, (2003) Settlor, Trust Property, Trustee, and Beneficiary; BLACK’S LAW DICTIONARY (12<sup>th</sup> ed. 2024); 55A FLA. JUR 2D TRUSTS s. 114 *Trustees, Generally* (2024).

<sup>2</sup> 55A Fla. Jur 2d Trusts s. 114 and s. 736.0801, F.S.

<sup>3</sup> Section 736.0802(1), F.S.

<sup>4</sup> Section 736.0809, F.S.

<sup>5</sup> Section 736.0810, F.S.

<sup>6</sup> Section 736.0813, F.S.

and disbursements, and a plan of distribution.<sup>7</sup> It is the responsibility of the trustee of an irrevocable trust to provide an accounting annually and upon the termination of the trust.<sup>8</sup>

### **Ending the Trustee Relationship Through Resignation or Removal**

A trustee may resign according to the terms established in the trust document and upon providing notice to the cotrustees or, if there are none, to the successor trustee, or if there is none, by giving notice to the person who has the authority to appoint a successor trustee. Additionally, a trustee may also resign by giving at least 30 days' notice to the qualified beneficiaries, the settlor, if he or she is living, and all cotrustees, or with approval of a court. When a trustee resigns with court approval, the court may issue orders and impose conditions that are reasonably necessary for the protection of the trust property.<sup>9</sup> A settlor, cotrustee, or a beneficiary may request the court to remove a trustee or a trustee may be removed by the court upon the court's own initiative.<sup>10</sup>

### **When a Trustee is Discharged from Duty**

When a trustee is discharged from the responsibilities of the trust, he or she is no longer responsible for the duties of administering the trust. Additionally, when the trustee is discharged, he or she is protected against future legal claims related to his or her actions while serving as trustee of the trust.

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

The bill creates a summary procedure for a trustee of an irrevocable trust to be discharged of his or her duties and liabilities resulting from service as a trustee. The procedure avoids the need for court proceedings. However, if a beneficiary files a timely written objection, the process ends and the existing discharge proceedings must be followed.

### **When Discharge May Occur**

A trustee who has substantially complied with his or her duties may obtain a settlement of accounts and be discharged when either of the following occurs 6 months after the trustee accepted the responsibility to serve:

- The trust terminates, or
- A trustee resigns or is removed from the trust.

### **Trust Disclosure Document**

A trustee who is seeking settlement of his or her accounts and to be discharged of his or her duties must send a trust disclosure document<sup>11</sup> to the qualified beneficiaries and any cotrustee as well as the immediate successor trustee if the trust is not terminating.

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<sup>7</sup> Section 736.08135, F.S.

<sup>8</sup> Section 736.0813(1)(d), F.S.

<sup>9</sup> Section 736.0705, F.S.

<sup>10</sup> Section 736.0706, F.S.

<sup>11</sup> Section 736.1008(4)(c), F.S., provides that a trust disclosure document means a trust accounting or any other written report of the trustee or a trust director. It adequately discloses a matter if the document provides sufficient information so that a beneficiary knows of a claim or reasonably should have inquired into the existence of a claim with respect to that matter.

***Contents***

The trust disclosure document must contain the following:

- The trustee's name, mailing address, telephone number, and e-mail address.
- A distribution plan which includes: a schedule of the trust's assets that are reasonably anticipated to be disbursed or distributed by the trustee; the amount of any debts, expenses, and taxes to be paid by the trustee; and any reasonable reserve to be held by the trustee.
- A trust accounting if the trustee's duty to provide an account has not been waived. The accounting must cover the time period for which an accounting has not been previously provided to the qualified beneficiaries of the trust.
- A statement that the trust has either terminated or that the trustee has resigned or been removed.
- A notice that contains substantially the following language in at least 12-point type:

“NOTICE: Any claim or cause of action you might have against the trustee arising from any matter disclosed in a trust disclosure document may be barred unless a written statement objecting is received by the trustee from you within 60 days after your receipt of this trust disclosure document and notice. If you have questions, please consult your attorney.”

***Additional Responsibility to Notify***

The trustee must also send the trust disclosure document to any person he or she reasonably believes would be affected by the trust disclosure document. The document and any objections must be sent in a manner authorized in s. 736.0109, F.S., except by posting on an electronic account or website.

***When This Procedure May Not Be Used***

If a trustee receives a written objection within 60 days after sending the trust disclosure document, this process does not result in the settlement of accounts or the discharge of the trustee's duties and liabilities. It is not necessary that the objection state the grounds on which the objection is based nor must the objection be in any particular form.

***Discharge of the Trustee from Liability and Claims***

If the trustee does not receive a timely written objection, he or she is discharged when all of the distributions or transfers are made in accordance with the plan of distribution. The trustee is discharged from all liability and claims that may arise from any matter that was adequately disclosed in the trust disclosure document, including a claim that he or she failed to provide information and accountings to beneficiaries as required by s. 736.0813, F.S. The discharge of the trustee's liability has the same effect as if a court had entered a final order approving that act or the omitted act.

***Waiver of the Right to Object***

A waiver of the right to object under this bill is treated as the expiration of the 60-day period without objection. Stated slightly differently, a beneficiary is considered to have approved the

document unless his or her written objection is received by the trustee within the 60-day time frame.

### **Applicability**

The act applies to all trusts that are irrevocable or become irrevocable on or after the effective date of the bill.

The bill takes effect upon becoming a law.

## **IV. Constitutional Issues:**

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

None.

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

None.

### **C. Trust Funds Restrictions:**

None.

### **D. State Tax or Fee Increases:**

None.

### **E. Other Constitutional Issues:**

None.

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

### **A. Tax/Fee Issues:**

None.

### **B. Private Sector Impact:**

This summary procedure will likely reduce or avoid the cost for legal, accounting, and administrative fees currently associated with trust administrations. These savings will be passed on to trust beneficiaries who are currently required to absorb these costs in judicial proceedings.

### **C. Government Sector Impact:**

Because this process does not involve a judicial proceeding, it will likely reduce the amount of time a judge and court staff would otherwise spend to discharge a trustee.



**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates s. 736.10081 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

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

**CS by Judiciary on February 3, 2026:**

The committee substitute makes two technical changes to the bill. It adds the phrase “nonjudicial” to the catchline in s. 736.10081, F.S., to more accurately describe the section and removes the repetitive word “after” on line 31.

**B. Amendments:**

None.

By the Committee on Judiciary; and Senator Berman

590-02448-26

2026786c1

A bill to be entitled

An act relating to trusts; creating s. 736.10081, F.S.; authorizing a trustee to obtain a settlement of his or her accounts and be discharged under certain circumstances; requiring a trustee seeking settlement and discharge to send a trust disclosure document to specified persons; requiring that certain information be included in the trust disclosure document; requiring that the trust disclosure document and any objections be sent with a certain notice; providing applicability; providing that an objection need not state the grounds for the objection; providing that a trustee is discharged upon completion of distributions or transfers if no timely written objections are received and is discharged from all liability and claims arising out of any matter disclosed in the trust disclosure document; providing that a waiver of the right to object is treated as an expiration of the timeframe to object; providing construction; providing applicability; providing an effective date.

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

Section 1. Section 736.10081, Florida Statutes, is created to read:

736.10081 Nonjudicial settlement and discharge of a trustee; disclosure; objections.—

(1) A trustee who is in substantial compliance with the duty to inform and account under s. 736.0813 may obtain a

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settlement of his or her accounts and be discharged pursuant to this section when either of the following occurs 6 months after the trustee's acceptance:

(a) The trust terminates.

(b) A trustee resigns or is removed from the trust.

(2) A trustee seeking settlement and discharge pursuant to this section must send to the trust's qualified beneficiaries and any cotrustee, and the immediate successor trustee if the trust is not terminating, a trust disclosure document as defined in s. 736.1008(4) which contains all of the following:

(a) The name, mailing address, telephone number, and e-mail address of the trustee seeking discharge.

(b) A plan of distribution which includes all of the following:

1. A schedule of the assets reasonably anticipated to be disbursed or distributed by the trustee.

2. The amount of any debts, expenses, and taxes to be paid by the trustee.

3. Any reasonable reserve to be held by the trustee.

(c) If the trustee's duty to account has not been waived, a trust accounting as defined in s. 736.1008(4) for the period for which an accounting has not been previously provided to the qualified beneficiaries of the trust.

(d) A statement that the trust has terminated or that the trustee has resigned or has been removed.

(e) A notice with substantially the following language in at least 12-point type:

"NOTICE: Any claim or cause of action you might have

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59 against the trustee arising from any matter disclosed  
 60 in a trust disclosure document may be barred unless a  
 61 written statement objecting is received by the trustee  
 62 from you within 60 days after your receipt of this  
 63 trust disclosure document and notice. If you have  
 64 questions, please consult your attorney."

65  
 66 (3) The trustee shall also send the trust disclosure  
 67 document described in subsection (2) to any other person whom  
 68 the trustee reasonably believes would be affected by the trust  
 69 disclosure document. The trust disclosure document and any  
 70 objections must be sent with the notice requirements of s.  
 71 736.0109, except that s. 736.0109(3) does not apply.

72 (4) This section does not apply if the trustee receives a  
 73 written objection within 60 days after sending the trust  
 74 disclosure document. An objection does not need to state the  
 75 grounds for the objection or be in any particular form.

76 (5) If the trustee does not receive a timely written  
 77 objection, the trustee is discharged upon completion of all  
 78 distributions or transfers in accordance with the plan of  
 79 distribution and is discharged from all liability and claims  
 80 arising from any matter adequately disclosed in the trust  
 81 disclosure document, including any claim that the trustee failed  
 82 to inform and account pursuant to s. 736.0813, with the same  
 83 effect as if the court had entered a final order approving that  
 84 act or omission.

85 (6) A waiver of the right to object pursuant to this  
 86 section is treated as the expiration of the 60-day period  
 87 without objection.

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88 (7) This section is in addition to, and not a replacement  
 89 of, rights of a trustee to otherwise settle the trustee's  
 90 accounts.

91 Section 2. This act applies to all trusts that are  
 92 irrevocable or become irrevocable on or after the effective date  
 93 of this act.

94 Section 3. This act shall take effect upon becoming a law.

**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.)

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Prepared By: The Professional Staff of the Committee on Rules

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BILL: CS/SB 820

INTRODUCER: Appropriations Committee on Criminal and Civil Justice and Senator Bradley

SUBJECT: Problem-solving Court Reports

DATE: February 16, 2026

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

|    | ANALYST       | STAFF DIRECTOR  | REFERENCE  | ACTION             |
|----|---------------|-----------------|------------|--------------------|
| 1. | <u>Davis</u>  | <u>Cibula</u>   | <u>JU</u>  | <b>Favorable</b>   |
| 2. | <u>Kolich</u> | <u>Harkness</u> | <u>ACJ</u> | <b>Fav/CS</b>      |
| 3. | <u>Davis</u>  | <u>Kruse</u>    | <u>RC</u>  | <b>Pre-meeting</b> |

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 820 specifies additional data that must be presented in the annual problem-solving court reports prepared by the Office of the State Courts Administrator. The bill creates data reporting requirements for early childhood court and veterans treatment court programs and amends data reporting requirements for mental health courts and drug courts.

The bill sets forth reporting timelines for problem-solving courts funded by the state courts system's problem-solving court appropriation and all other problem-solving courts.

The bill has a significant negative fiscal impact to the State Courts System. See Section V., Fiscal Impact Statement.

The bill takes effect July 1, 2026.

## II. Present Situation:

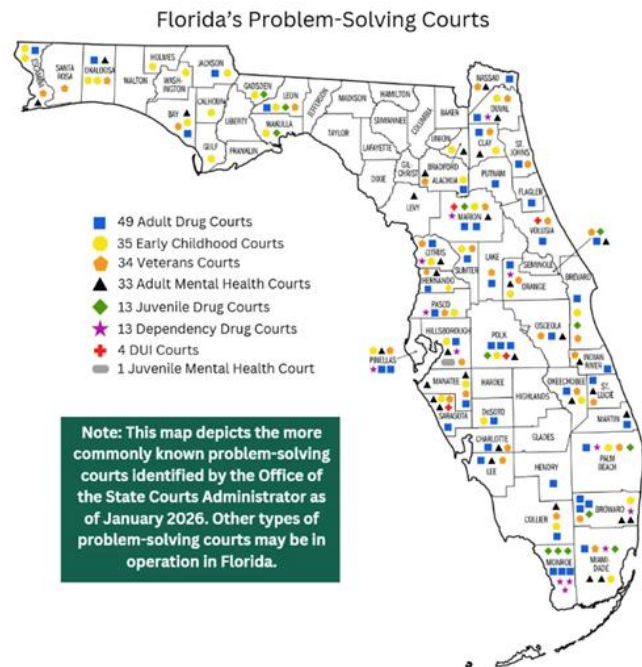
### Problem-Solving Courts

Florida developed the national model for problem-solving courts in 1989 when it created the country's first drug court in Miami-Dade County. Since then, other types of problem-solving courts have been developed using that template for the drug court model.<sup>1</sup>

Problem-solving courts are unique among the trial and appellate courts in the state. Rather than operate in the traditional adversarial model, problem-solving courts provide non-adversarial proceedings with a dedicated judge who monitors each participant's progress and compliance. The courts also provide a broad-based problem-solving team made up of case managers, prosecuting and defense attorneys, treatment professionals, even law enforcement and correctional officers, as well as a guardian ad litem, if necessary.<sup>2</sup> The programs require regular court appearances by the participants and the length of the program is often, though not always, determined by the progress the participant makes as measured against specific guidelines.<sup>3</sup>

According to the Office of the State Courts Administrator (OSCA), there are currently 182 problem-solving courts operating in the state as shown on the map above.<sup>4</sup> These courts are specifically designed to address the root causes of why people are involved in the criminal justice system and to help those people receive the treatment they need to leave the system. While participation in these court programs is voluntary, there is a list of factors, such as the commission of violent crimes, which can disqualify someone from participating.

### Problem-Solving Court Month and Opioid and Stimulant Use Disorder Awareness Month



<sup>1</sup> Florida Courts, Office of the State Courts Administrator, *About Problem-Solving Courts*, <https://www.flcourts.gov/Services/Problem-Solving-Courts/about-problem-solving-courts> (last visited Jan. 29, 2026).

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

<sup>3</sup> Florida's 10<sup>th</sup> Judicial Circuit, *Problem Solving Court*, <https://www.jud10.flcourts.org/problem-solving-court#:~:text=Problem%20Solving%20Court%20programs%20are,random%20testing%20for%20substance%20use> (Jan. 29, 2026).

<sup>4</sup> Florida Courts, Office of the State Courts Administrator, *About Problem-Solving Courts*, <https://www.flcourts.gov/Services/Problem-Solving-Courts/about-problem-solving-courts> (last visited Jan. 29, 2026).

According to OSCA, the most common problem-solving courts include adult, juvenile, and dependency drug courts, early childhood courts, veterans' courts, adult and juvenile mental health courts, and DUI courts.<sup>5</sup>

## **Reporting Requirements**

### ***Problem-solving Court Reports***

The Office of the State Courts Administrator is required to provide an annual report to the President of the Senate and the Speaker of the House of Representatives which identifies:

- The number of participants in each problem-solving court for each fiscal year the court has operated.
- The types of services provided.
- Each source of funding for each court for each fiscal year.
- Information on the performance of each court based upon outcome measures established by the courts.<sup>6</sup>

### ***Mental Health Court Programs and Treatment-based Drug Court Programs Reports***

Sections 394.47892(5)(b) and 397.334(6)(b), F.S., require mental health court programs and treatment-based drug court programs, respectively, to “collect sufficient client-level data and programmatic information” for the programs to be evaluated.

“Client-level data” includes:

- Primary offenses that resulted in the program referral or sentence.
- Treatment compliance.
- Completion status and reasons for failure to complete.
- Offenses committed during treatment and the sanctions imposed.
- Frequency of court appearances.
- Units of service.

“Programmatic information” includes referral and screening procedures, eligibility criteria, type and duration of treatment offered, and residential treatment resources. The programmatic information and aggregate data on the number of admissions and terminations by type of termination must be reported annually to OSCA.

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

### **Problem-solving Court Reports – Section 1**

The bill amends s. 43.51, F.S., to require additional and specific data in OSCA’s annual problem-solving court report to the officers of the Legislature. The annual report must be provided no later than January 31 of each year for the previous fiscal year. The report must include, at a minimum, the following uniform aggregate participant data for each problem-solving court:

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

<sup>6</sup> Section 43.51(1), F.S.

- The number of participants.
- Participant primary offenses that resulted in the court program referral or sentence, if applicable.
- Treatment compliance.
- Program completion status and reasons for any failure to complete.
- Offenses committed during program participation, if applicable.
- The frequency of court appearances.
- Units of service.

The report must also include these specific impact and outcome measures by each problem-solving court:

- Participant changes in the status of employment, housing, and child custody during program participation.
- Other uniform information that demonstrates the effectiveness of the program.

The bill amends the definition of “problem-solving court” to include a dependency drug court pursuant to s. 39.507 or s. 39.521; and an early childhood court pursuant to s. 39.01304, F.S.

### **Early Childhood Court and Veterans Treatment Court Programs – Sections 2 and 3**

The bill amends ss. 39.01304 and 394.47891, F.S., relating to early childhood court programs and veterans treatment court programs, respectively, to require the collection of data and information prescribed in s. 43.51, F.S., for the purpose of program evaluation. Additionally, the programs must collect the number of admissions and terminations, referral and screening procedures, eligibility criteria, type and duration of treatment offered, and residential treatment resources. The bill requires each early childhood court program and each veterans treatment court program to report the data and information to OSCA annually.

### **Mental Health Court and Treatment-based Drug Court Programs – Sections 4 and 5**

The bill also amends ss. 394.47892 and 397.334, F.S., relating to mental health court programs and treatment-based drug court programs, respectively, to require the collection of data and information prescribed in s. 43.51, F.S., for the purpose of program evaluation. Additionally, the programs must collect the number of admissions and terminations and are no longer required to collect specified client-level data. The bill requires each mental health court program and each treatment-based drug court program to report the data and information to OSCA annually.

### **Problem-Solving Court Report – Section 6**

The annual problem-solving court report prepared by OSCA must provide uniform aggregate data required by s. 43.51, F.S., as follows:

- For the 2025-2026 fiscal year, data from at least 30% of problem-solving courts funded by the state courts system’s problem-solving court appropriation.
- For the 2026-2027 fiscal year, data from every problem-solving court funded by the state courts system’s problem-solving court appropriation.
- For the 2027-2028 fiscal year, and every fiscal year thereafter, data from all problem-solving courts.

The changes to data and information requirements for early childhood, veterans treatment, mental health, and treatment-based drug court programs take effect July 1, 2026, if funded through the state courts system's problem-solving court appropriation, and apply to all other programs beginning July 1, 2027.

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:

None.

C. Government Sector Impact:

The Office of the State Courts Administrator (OSCA) estimates a fiscal impact of \$1,093,456, including \$11,957 in nonrecurring costs, to implement the bill. The estimate includes \$886,731 for 13 OPS case manager positions and \$126,273 for one statewide FTE. The OSCA estimates a \$50,000 cost for statewide technology and \$30,452 for trial court technology.<sup>7</sup>

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<sup>7</sup> Office of the State Courts Administrator, *2026 Legislative Session – HB 831/SB 820 Estimated Fiscal Impact*, (on file with the Senate Appropriations Committee on Criminal and Civil Justice).



**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 43.51, 39.01304, 394.47891, 394.47892, and 397.334.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

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

**CS by Appropriations Committee on Criminal and Civil Justice on February 4, 2026:**

The committee substitute:

- Provides that the annual report on problem-solving courts is due no later than January 31 of each year for the previous fiscal year.
- Requires that information in the annual report must be provided by each problem-solving court and removes recidivism reporting requirements.
- Defines problem solving courts to include a dependency drug court pursuant to s. 39.507 or s. 39.521 and an early childhood court pursuant to s. 39.01304, F.S.; removes community court pursuant to s. 948.081, F.S., from the definition.
- Amends ss. 39.01304 and 394.47891, F.S., relating to early childhood court programs and veterans treatment court programs, to require the collection of certain data and information for the purpose of program evaluation.
- Changes the type of data and information that mental health and treatment-based drug court programs must collect and changes the reporting requirements to OSCA from quarterly to annually.
- Provides that the annual problem-solving court report prepared by OSCA must provide uniform aggregate data required by s. 43.51, F.S., by certain timeframes.
- Provides that changes to data and information requirements for early childhood, veterans treatment, mental health, and treatment-based drug court programs take effect July 1, 2026, if funded through the state courts system's problem-solving court appropriation, and apply to all other programs beginning July 1, 2027.

**B. Amendments:**

None.

By the Appropriations Committee on Criminal and Civil Justice;  
and Senator Bradley

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A bill to be entitled

An act relating to problem-solving court reports; amending s. 43.51, F.S.; requiring the Office of the State Courts Administrator to provide a problem-solving court report to the Legislature annually by a specified date; revising information that must be included in such report; revising the definition of the term "problem-solving court"; amending ss. 39.01304, 394.47891, 394.47892, and 397.334, F.S.; requiring specified court programs to collect certain data and information for program evaluation; requiring each such court program to report such data and information annually to the office; specifying requirements for the annual problem-solving court report prepared by the office; providing applicability; providing an effective date.

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

Section 1. Section 43.51, Florida Statutes, is amended to read:

43.51 Problem-solving court reports.—

(1) The Office of the State Courts Administrator shall provide an annual report to the President of the Senate and the Speaker of the House of Representatives on problem-solving courts no later than January 31 of each year for the previous fiscal year. The report must:

(a) Provide all of the following information for each problem-solving court:

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1. which details The number of participants for the in each problem-solving court for each fiscal year. the court has been operating and

2. The types of services provided.

3. identifies Each source of funding for the each court during each fiscal year. and

4. provides Information on the performance of the each court based upon outcome measures established by the courts.

(b) Provide all of the following uniform aggregate data for each problem-solving court:

1. The number of participants.

2. Participant primary offense that resulted in the court program referral or sentence, if applicable.

3. Treatment compliance.

4. Program completion status and reasons for any failure to complete.

5. Offenses committed during program participation, if applicable.

6. Frequency of court appearances.

7. Units of service.

8. Participant changes in the status of employment, housing, and child custody during program participation.

9. Other uniform information that demonstrates the effectiveness of the program.

(2) For purposes of this section, the term "problem-solving court" includes, but is not limited to, a drug court pursuant to s. 397.334, s. 948.01, s. 948.06, s. 948.08, s. 948.16, or s. 948.20; a dependency drug court pursuant to s. 39.507 or s. 39.521; an early childhood court pursuant to s. 39.01304; a

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veterans treatment court program pursuant to s. 394.47891, s. 948.08, s. 948.16, or s. 948.21; a mental health court program pursuant to s. 394.47892, s. 948.01, s. 948.06, s. 948.08, or s. 948.16; ~~a community court pursuant to s. 948.081~~; or a delinquency pretrial intervention court program pursuant to s. 985.345.

Section 2. Present subsection (2) of section 39.01304, Florida Statutes, is redesignated as subsection (3), and a new subsection (2) is added to that section, to read:

39.01304 Early childhood court programs.—

(2) Each early childhood court program shall collect the data and information prescribed in s. 43.51(1) for purposes of program evaluation. In addition, early childhood court programs shall collect the number of admissions and terminations, referral and screening procedures, eligibility criteria, type and duration of treatment offered, and residential treatment resources. Each early childhood court program shall report annually to the Office of the State Courts Administrator the data and information required to be collected under this subsection.

Section 3. Present subsection (12) of section 394.47891, Florida Statutes, is redesignated as subsection (13), and a new subsection (12) is added to that section, to read:

394.47891 Veterans treatment court programs.—

(12) PROGRAM DATA.—Each veterans treatment court program shall collect the data and information prescribed in s. 43.51(1) for purposes of program evaluation. In addition, veterans treatment court programs shall collect the number of admissions and terminations, referral and screening procedures, eligibility

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criteria, type and duration of treatment offered, and residential treatment resources. Each veterans treatment court program shall report annually to the Office of the State Courts Administrator the data and information required to be collected under this subsection.

Section 4. Paragraph (b) of subsection (5) of section 394.47892, Florida Statutes, is amended to read:

394.47892 Mental health court programs.—

(5)

(b) Each mental health court program shall collect the sufficient client-level data and programmatic information prescribed in s. 43.51(1) for purposes of program evaluation. In addition, mental health court programs shall collect the number of admissions and terminations, Client-level data includes primary offenses that resulted in the mental health court program referral or sentence, treatment compliance, completion status and reasons for failure to complete, offenses committed during treatment and the sanctions imposed, frequency of court appearances, and units of service. Programmatic information includes referral and screening procedures, eligibility criteria, type and duration of treatment offered, and residential treatment resources. Each mental health court program shall report annually to the Office of the State Courts Administrator the data and information required to be collected under this paragraph ~~The programmatic information and aggregate data on the number of mental health court program admissions and terminations by type of termination shall be reported annually by each mental health court program to the Office of the State Courts Administrator.~~

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Section 5. Paragraph (b) of subsection (6) of section 397.334, Florida Statutes, is amended to read:

397.334 Treatment-based drug court programs.—

(6)

(b) Each treatment-based drug court program shall collect ~~the sufficient client-level data and programmatic information prescribed in s. 43.51(1) for purposes of program evaluation. In addition, treatment-based drug court programs shall collect the number of admissions and terminations, Client-level data includes primary offenses that resulted in the treatment-based drug court program referral or sentence, treatment compliance, completion status and reasons for failure to complete, offenses committed during treatment and the sanctions imposed, frequency of court appearances, and units of service. Programmatic information includes referral and screening procedures, eligibility criteria, type and duration of treatment offered, and residential treatment resources. Each treatment-based drug court program shall must annually report annually to the Office of the State Courts Administrator the data and programmatic information required to be collected under this paragraph and aggregate data on the number of treatment-based drug court program admissions and terminations by type of termination to the Office of the State Courts Administrator.~~

Section 6. The annual problem-solving court report prepared by the Office of the State Courts Administrator (OSCA) pursuant to s. 43.51, Florida Statutes, for the 2025-2026 fiscal year must provide uniform aggregate data required by s. 43.51, Florida Statutes, for at least 30 percent of problem-solving courts funded by the state courts system's problem-solving

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courts appropriation. The annual problem-solving court report prepared by OSCA pursuant to s. 43.51, Florida Statutes, for the 2026-2027 fiscal year must provide uniform aggregate data required by s. 43.51, Florida Statutes, for every problem-solving court funded by the state courts system's problem-solving court appropriation. For the 2027-2028 fiscal year, and every fiscal year thereafter, the annual problem-solving court report prepared by OSCA pursuant to s. 43.51, Florida Statutes, must provide uniform aggregate data required by s. 43.51, Florida Statutes, for all problem-solving courts.

Section 7. The amendments made by this act to ss. 39.01304, 394.47891, 394.47892, and 397.334, Florida Statutes, shall apply to court programs funded by the state courts system's problem-solving court appropriation on the effective date of this act and shall apply to all other court programs on July 1, 2027.

Section 8. 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.)

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Prepared By: The Professional Staff of the Committee on Rules

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BILL: CS/SB 824

INTRODUCER: Education Pre-K-12 Committee and Senator Truenow

SUBJECT: Inventory of Unimproved Real Property Owned by School Districts

DATE: February 16, 2026

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

|    | ANALYST         | STAFF DIRECTOR | REFERENCE | ACTION             |
|----|-----------------|----------------|-----------|--------------------|
| 1. | <u>Palazesi</u> | <u>Bouck</u>   | <u>ED</u> | <b>Fav/CS</b>      |
| 2. | <u>Palazesi</u> | <u>Kruse</u>   | <u>RC</u> | <b>Pre-meeting</b> |

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 824 requires each school district to submit an annual inventory of unimproved real property owned as of June 30 each year, which must include specified criteria. The bill requires the Department of Education (DOE) to compile the district submissions into a statewide annual report and submit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must include a district-by-district breakdown and any DOE recommendations related to land utilization and long-range facilities planning. Finally, the bill authorizes the State Board of Education to use existing statutory enforcement authority if a school district fails to comply with the reporting requirements.

The bill takes effect July 1, 2026.

**II. Present Situation:**

**School District Educational Facilities Plan**

Annually, prior to the adoption of the district school budget, each district school board is required to prepare a tentative district educational facilities plan that includes long-range planning for facilities needs over 5-year, 10-year, and 20-year periods. The plan must be developed in coordination with the general-purpose local governments and be consistent with the local government's comprehensive plans. The school board's plan for provision of new schools

must meet the needs of all growing communities in the district, ranging from small rural communities to large urban cities. The plan must include:<sup>1</sup>

- Projected student populations apportioned geographically at the local level.
- An inventory of existing school facilities. Any anticipated expansions or closures of existing school sites over the 5-year, 10-year, and 20-year periods must be identified.
- Projections of facilities space needs.
- The general location of public schools proposed to be constructed over the 5-year, 10-year, and 20-year time periods, including a listing of the proposed schools' site acreage needs and anticipated capacity and maps showing the general locations.
- The identification of options is deemed reasonable and approved by the school board which reduces the need for additional permanent student stations.
- The criteria and method, jointly determined by the local government and the school board, for determining the impact of proposed development to public school capacity.

### **Florida Inventory of School Houses (FISH)**

The Florida Inventory of School Houses (FISH) is the official system maintained by the Florida Department of Education's (DOE's) Office of Educational Facilities to document and manage the inventory of all educational spaces and land parcels within each Florida school district. This system includes detailed reports, space charts, and architectural drawings that are published and maintained on DOE's website. FISH data is essential for:<sup>2</sup>

- Determining facility utilization and overcrowding;
- Justifying the need for new construction or renovations;
- Supporting maintenance and custodial funding allocations; and
- Complying with the Educational Plant Survey process and SREF requirements.

School districts are required to periodically update their inventory of educational facilities as new capacity becomes available and as unsatisfactory space is eliminated in the FISH.<sup>3</sup>

### **School District Purchase and Disposal of Real Property**

#### ***School District Purchase of Real Property***

In any case in which a school board, seeks to acquire by purchase any real property for educational purposes, every appraisal, offer, or counteroffer must be in writing and is exempt from provisions related to the inspection and copying of public records<sup>4</sup> until an option contract is executed or, if no option contract is executed, until 30 days before a contract or agreement for purchase is considered for approval by the board. If a contract or agreement for purchase is not submitted to the board for approval, the open records exemption shall expire 30 days after the termination of negotiations.<sup>5</sup>

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<sup>1</sup> Section 1013.35(2)(a), F.S.

<sup>2</sup> Marion County Public Schools, *Facilities Department Procedure Manual* (2025), available at [https://www.marionschools.net/UserFiles/Servers/Server\\_4755499/File/Departments/Facilities/Facilities%20Procedures/11%20FLORIDA%20INVENTORY%20OF%20SCHOOL%20HOUSES%206.20.25.pdf](https://www.marionschools.net/UserFiles/Servers/Server_4755499/File/Departments/Facilities/Facilities%20Procedures/11%20FLORIDA%20INVENTORY%20OF%20SCHOOL%20HOUSES%206.20.25.pdf).

<sup>3</sup> Section 1013.35(1)(d), F.S.

<sup>4</sup> Section 119.07, F.S.

<sup>5</sup> Section 1013.14(1)(a), F.S.

Prior to the acquisition of the property, the board shall obtain at least one appraisal by an appraiser approved for each purchase in an amount greater than \$100,000 and not more than \$500,000. For each purchase in an amount in excess of \$500,000, the board shall obtain at least two appraisals by appraisers approved. If the agreed to purchase price exceeds the average appraised value, the board is required to approve the purchase by an extraordinary vote.<sup>6</sup>

### ***School District Disposal of Property***

A district school board may dispose of any land or real property to which the board holds title which is, by resolution of the board, determined to be unnecessary for educational purposes as recommended in an educational plant survey. A district school board must take diligent measures to dispose of educational property only in the best interests of the public.<sup>7</sup> If a district school board facility or property is available because it is surplus, marked for disposal, or otherwise unused, it must be provided for a charter school's use on the same basis as it is made available to other public schools in the district. The charter school receiving property from the sponsor is prohibited from selling or disposing of such property without written permission of the sponsor.<sup>8</sup>

### **State Board of Education Oversight**

The State Board of Education (SBE) is required to oversee the performance of early learning coalitions, district school boards, and Florida College System (FCS) institution boards of trustees in enforcement of all laws and rules. District school boards and FCS institution boards of trustees shall be primarily responsible for compliance with law and SBE rule.<sup>9</sup> If the SBE determines that an early learning coalition, a district school board, or an FCS institution board of trustees is unwilling or unable to comply with law or SBE rule within the specified time, the SBE has the authority to initiate any of the following actions:<sup>10</sup>

- Report to the Legislature that the early learning coalition, school district, or FCS institution is unwilling or unable to comply with law or SBE rule and recommend action to be taken by the Legislature.
- Withhold the transfer of state funds, discretionary grant funds, discretionary lottery funds, or any other funds specified as eligible for this purpose by the Legislature until the early learning coalition, school district, or FCS institution complies with the law or SBE rule.
- Declare the early learning coalition, school district, or FCS institution ineligible for competitive grants.
- Require monthly or periodic reporting on the situation related to noncompliance until it is remedied.

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

CS/SB 824 creates s. 1013.041, F.S., to require school districts to report to the Department of Education (DOE) unimproved real property owned by school districts. The bill provides two definitions:

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<sup>6</sup> Section 1013.14(1)(b), F.S.

<sup>7</sup> Section 1013.28(1)(a), F.S.

<sup>8</sup> Section 1002.33(18), F.S.

<sup>9</sup> Section 1008.32(1), F.S.

<sup>10</sup> Section 1008.32(4), F.S.

- “District” means a school district.
- “Unimproved real property” means any parcel of land owned in whole or in part by a school district which contains no vertical improvements, including, but not limited to, buildings, permanent structures, or constructed facilities.

The bill requires each school district to annually submit to the DOE a complete inventory of all unimproved real property owned by the district as of June 30 of that year. For each parcel, the district must provide, in a format prescribed by the DOE, the following:

- Parcel identification number;
- Acreage;
- Location by address or a geographic description;
- Date of acquisition;
- Price paid at acquisition;
- Current or planned use, if any; and
- Fair market value, calculated using:
  - The most recent county property appraiser assessed market value; or
  - A district-commissioned appraisal completed within the previous 24 months.

The DOE is required to compile the districts’ inventories into a statewide annual report, which must include recommendations based on trends or findings that the DOE determines relevant to effective statewide land utilization or long-range facilities planning and the following:

- Total statewide acreage of all unimproved real property owned by school districts.
- Aggregate statewide fair market value of such property.
- A district-by-district breakdown, including all of the following:
  - Total number of parcels;
  - Total acreage;
  - Total fair market value;
  - A list of parcels by parcel identification number and acreage; and
  - Intended use of the unimproved real property, if any.

The DOE must publish the report on its website by December 1 of each year and deliver copies to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The bill authorizes State Board of Education oversight enforcement if a school district fails to comply with the reporting requirements.

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:

None.

C. Government Sector Impact:

The bill has an indeterminate fiscal impact on school districts to implement the provisions within the bill. Should the Department of Education (DOE) incur any expenses, the DOE should be able to absorb within existing resources.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates section 1013.041 of the Florida Statutes.

**IX. Additional Information:**

A. Committee Substitute – Statement of Substantial Changes:

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

**CS by Education Pre-K-12 on February 3, 2026:**

The committee substitute retitles the bill “Inventory of Unimproved Real Property Owned by School Districts.”

The committee substitute removes the provisions requiring school districts to sell certain vacant property to eligible charter school operators. The committee substitute:

- Requires each district to submit an annual inventory of unimproved real property owned as of June 30 each year. The annual submission must include information on parcel ID, acreage, location, acquisition date and price, planned use, and fair market value.
- Requires the DOE to compile the district submissions into a statewide annual report and submit the report to the Governor, President of the Senate, and Speaker of the House of Representatives.
- Authorizes the State Board of Education to use current statutory enforcement authority if a school district fails to comply with the reporting requirements.

**B. Amendments:**

None.

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

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1 A bill to be entitled  
 2 An act relating to inventory of unimproved real  
 3 property owned by school districts; creating s.  
 4 1013.041, F.S.; defining terms; requiring each school  
 5 district to annually submit to the Department of  
 6 Education an inventory of certain real property;  
 7 specifying requirements for the inventory; requiring  
 8 the department to compile the districts' inventories  
 9 into an annual report; specifying requirements for the  
 10 report; requiring the department to publish the report  
 11 online annually by a specified date; requiring the  
 12 department to deliver copies of the report to the  
 13 Governor and the Legislature; providing that school  
 14 districts that do not comply with the act are subject  
 15 to enforcement; providing an effective date.  
 16  
 17 Be It Enacted by the Legislature of the State of Florida:  
 18  
 19 Section 1. Section 1013.041, Florida Statutes, is created  
 20 to read:  
 21 1013.041 Statewide inventory of unimproved real property  
 22 owned by school districts.—  
 23 (1) DEFINITIONS.—As used in this section, the term:  
 24 (a) "District" means a school district as described in s.  
 25 1001.30.  
 26 (b) "Unimproved real property" means any parcel of land  
 27 owned in whole or in part by a school district which contains no  
 28 vertical improvements, including, but not limited to, buildings,  
 29 permanent structures, or constructed facilities.

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30 (2) DATA COLLECTION REQUIREMENTS.—  
 31 (a) Each school district shall annually submit to the  
 32 department a complete inventory of all unimproved real property  
 33 owned by the district as of June 30 of that year.  
 34 (b) For each parcel, the district must provide all of the  
 35 following:  
 36 1. Parcel identification number;  
 37 2. Acreage;  
 38 3. Location by address or a geographic description;  
 39 4. Date of acquisition;  
 40 5. Price paid at acquisition;  
 41 6. Current or planned use, if any; and  
 42 7. Fair market value, calculated using:  
 43 a. The most recent county property appraiser assessed  
 44 market value; or  
 45 b. A district-commissioned appraisal completed within the  
 46 previous 24 months.  
 47 (c) The inventory must be submitted in a format prescribed  
 48 by the department.  
 49 (3) STATEWIDE REPORT.—The department shall compile the  
 50 districts' inventories provided under subsection (2) into a  
 51 statewide annual report, which must include all of the  
 52 following:  
 53 (a) Total statewide acreage of all unimproved real property  
 54 owned by school districts.  
 55 (b) Aggregate statewide fair market value of such property.  
 56 (c) A district-by-district breakdown, including all of the  
 57 following:  
 58 1. Total number of parcels;

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2. Total acreage;

3. Total fair market value;

4. A list of parcels by parcel identification number and  
acreage; and

5. Intended use of the unimproved real property, if any.

(d) Recommendations based on trends or findings that the  
department determines relevant to effective statewide land  
utilization or long-range facilities planning.

(4) PUBLICATION.—

(a) The department shall publish the statewide report on  
its website by December 1 of each year.

(b) The department shall deliver copies of the report to  
the Governor, the President of the Senate, and the Speaker of  
the House of Representatives.

(5) COMPLIANCE.—A school district that fails to timely  
comply with subsection (2) is subject to oversight enforcement  
authority as provided in s. 1008.32.

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.)

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Prepared By: The Professional Staff of the Committee on Rules

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BILL: CS/SB 838

INTRODUCER: Commerce and Tourism Committee and Senator Yarborough

SUBJECT: Electronic Payments of Retail Installment Contracts

DATE: February 16, 2026

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

|    | ANALYST       | STAFF DIRECTOR | REFERENCE | ACTION             |
|----|---------------|----------------|-----------|--------------------|
| 1. | <u>Renner</u> | <u>McKay</u>   | <u>CM</u> | <b>Fav/CS</b>      |
| 2. | <u>Moody</u>  | <u>Knudson</u> | <u>BI</u> | <b>Favorable</b>   |
| 3. | <u>Renner</u> | <u>Kruse</u>   | <u>RC</u> | <b>Pre-meeting</b> |

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 838 creates s. 520.105, F.S., authorizing a holder of a retail installment contract (or its agent) to collect a fee for processing a retail buyer's electronic payment, under the Florida Motor Vehicle Retail Sales Finance Act, if all the following conditions are met:

- The fee is reasonably related to the expense incurred in processing the electronic payment.
- The buyer has the option to make payments by another method without a fee (e.g., check, cash, money order).
- The holder or agent discloses the fee amount, does not establish electronic payment as the expected form of payment, and states that alternative no-fee payment methods are available.

The bill takes effect July 1, 2026.

**II. Present Situation:**

**Office of Financial Regulation**

The Office of Financial Regulation (OFR) is the regulatory authority for Florida's financial services industry. The OFR enforces and administers the Financial Institutions Codes; supervises banks, credit unions, savings associations, and international bank agencies; and licenses and regulates non-depository finance companies and the securities industry.<sup>1</sup> The OFR reports to the

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<sup>1</sup> Section 20.121(3)(a)2., F.S.

Financial Services Commission (the Commission), which comprises the Governor and the members of the Florida Cabinet: the Chief Financial Officer, Attorney General, and Agriculture Commissioner.<sup>2</sup>

### **Florida Motor Vehicle Retail Sales Finance Act**

The Florida Motor Vehicle Retail Sales Finance Act<sup>3</sup> regulates sellers,<sup>4</sup> commonly referred to as auto dealers, who enter into retail installment contracts with buyers<sup>5</sup> for the purchase or lease of a motor vehicle. A "retail installment contract" is an agreement made in Florida under which the seller retains title to, or a lien on, a motor vehicle involved in a retail installment transaction as security for the buyer's obligation, either in whole or in part. This includes conditional sales contracts and contracts for the leasing or bailment of a motor vehicle, in which the lessee or bailee agrees to pay compensation that is significantly equal to or greater than the vehicle's value. Additionally, it stipulates that the lessee or bailee becomes the owner of the motor vehicle upon full compliance with the contract terms.<sup>6</sup>

Except for certain businesses, such as banks and trust companies, sellers must obtain a license to operate in Florida.<sup>7</sup> A seller must submit an application, specified information, and a nonrefundable fee to the OFR to obtain the required license.<sup>8</sup>

Retail installment contracts must comply with several requirements and prohibitions, including, but not limited to, the contract must:

- Be in writing;<sup>9</sup>
- Contain a "Notice to the Buyer" which includes specified information;<sup>10</sup> and
- Contain other specified information, including the amount financed, finance charges, total amount of payments, total sale price, and payment details.<sup>11</sup>

The Florida Motor Vehicle Retail Sales Finance Act does not authorize a seller to charge a fee specifically for processing electronic payments on motor vehicle retail installment contracts.

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

CS/SB 838 creates s. 520.105, F.S., to authorize a retail installment contract holder (or its agent) to collect a fee for processing an electronic payment only if the following conditions are met:

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<sup>2</sup> Section 20.121(3), F.S.

<sup>3</sup> Sections 520.01-520.10, 520.12, 520.125, and 520.13, F.S.

<sup>4</sup> Section 520.02(11), F.S., defines "motor vehicle retail installment seller" as a person engaged in the business of selling motor vehicles to retail buyers in retail installment transactions.

<sup>5</sup> Section 520.02(16), F.S., defines "retail buyer" as a person who buys a motor vehicle from a seller not principally for resale, and who executes a retail installment contract in connection therewith or a person who succeeds to the rights and obligations of such person.

<sup>6</sup> Section 520.02(17), F.S.

<sup>7</sup> Section 520.03(1), F.S.

<sup>8</sup> Section 520.03(2), F.S.

<sup>9</sup> Section 520.07(1)(a), F.S.

<sup>10</sup> Section 520.07(1)(b), F.S.

<sup>11</sup> Section 520.07(2), F.S.

- The fee is reasonably related to the actual expense incurred by the holder or its agent in processing the electronic payment;
- The holder or its agent allows the buyer to make a payment by a method other than an electronic payment, which does not incur a fee;
- The holder or its agent does not establish electronic payment as the expected or required form of payment; and
- The holder or agent discloses, before the buyer agrees to make an electronic payment, the amount of the fee and the buyer's option to use a fee-free alternative payment method such as a check, cash, or money order.

The bill defines the term “electronic payment” to include credit cards, debit cards, electronic funds transfers, electronic checks, and other electronic methods.

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 identified.

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

**A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

The bill may affect consumers and businesses that use retail installment contracts by allowing fee-based electronic payment processing under certain conditions. Consumers may benefit from clear disclosure of electronic payment fees and the availability of fee-

free alternative payment methods. Businesses may incur compliance costs associated with fee disclosures.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates section 520.105 of the Florida Statutes.

**IX. Additional Information:**

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

**CS by Commerce and Tourism on January 13, 2026**

The CS uses the term “retail buyer” to maintain consistency throughout the bill.

- B. Amendments:

None.



By the Committee on Commerce and Tourism; and Senator Yarborough

577-01922-26

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1 A bill to be entitled  
 2 An act relating to electronic payments of retail  
 3 installment contracts; creating s. 520.105, F.S.;  
 4 defining the term "electronic payment"; authorizing a  
 5 holder of a retail installment contract, or its agent,  
 6 to collect a fee for processing a retail buyer's  
 7 electronic payment only if certain conditions are met;  
 8 providing an effective date.  
 9  
 10 Be It Enacted by the Legislature of the State of Florida:  
 11  
 12 Section 1. Section 520.105, Florida Statutes, is created to  
 13 read:  
 14 520.105 Convenience fee for processing electronic  
 15 payments.—  
 16 (1) As used in this section, the term "electronic payment"  
 17 means a payment made by credit card, debit card, electronic  
 18 funds transfer, electronic check, or other electronic method.  
 19 (2) A holder of a retail installment contract, or its  
 20 agent, may collect a fee for processing a retail buyer's  
 21 electronic payment under the retail installment contract only if  
 22 all of the following conditions are met:  
 23 (a) The fee is reasonably related to the actual expense  
 24 incurred by the holder or its agent in processing the electronic  
 25 payment.  
 26 (b) The holder or its agent:  
 27 1. Allows the retail buyer to make a payment by a method  
 28 other than an electronic payment which does not incur a fee;  
 29 2. Does not establish electronic payment as the expected

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30 form of payment; and  
 31 3. Before the retail buyer agrees to make an electronic  
 32 payment, provides disclosure of all of the following:  
 33 a. The amount of the fee to be charged under this section;  
 34 and  
 35 b. The retail buyer's option to make a payment by an  
 36 alternative method that does not incur a fee, including payment  
 37 by check, cash, or money order.  
 38 Section 2. This act shall take effect July 1, 2026.

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

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.)

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Prepared By: The Professional Staff of the Committee on Rules

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BILL: SB 840

INTRODUCER: Senator DiCeglie

SUBJECT: Land Use Regulations for Local Governments Affected by Natural Disasters

DATE: February 16, 2026

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

|    | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION             |
|----|---------|----------------|-----------|--------------------|
| 1. | Shuler  | Fleming        | CA        | <b>Favorable</b>   |
| 2. | Collazo | Cibula         | JU        | <b>Favorable</b>   |
| 3. | Shuler  | Kruse          | RC        | <b>Pre-meeting</b> |

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**I. Summary:**

SB 840 amends certain provisions in CS/CS/SB 180 (2025)<sup>1</sup> relating to restrictions on local government power to regulate land use following hurricanes.

Among other things, CS/CS/SB 180 generally prohibited counties and municipalities within a certain distance from a hurricane's track from adopting moratoriums or more restrictive or burdensome amendments or procedures in their land use regulations for 1 year after landfall.

SB 840 narrows the geographic area subject to CS/CS/SB 180's restrictions and revises them to clarify under what circumstances moratoriums and certain other procedural requirements or changes may or may not be enforced. For example, the bill:

- Allows impacted local governments to enforce a moratorium if imposed to address stormwater or floodwater management, potable water supply, or sanitary sewer systems.
- Prohibits impacted local governments from enforcing changes to their development review process that are intended to give them more time to review and take effect after landfall.
- Clarifies that the restrictions on land use regulation in SB 180 do not apply if adopted for an area of critical state concern or to comply with state or federal law.

SB 180 similarly restricted the regulatory powers of local governments listed within the federal disaster declaration for Hurricane Debby, Hurricane Helene, and Hurricane Milton. These restrictions, as revised by SB 840, expire on June 30, 2026. Without SB 840, the restrictions on local governments within the disaster declarations for Hurricane Debby, Hurricane Helene, and Hurricane Milton will not expire until June 30, 2028.

The bill takes effect on July 1, 2026.

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<sup>1</sup> See ch. 2025-190, ss. 18 and 28, Laws of Fla. (codifying s. 252.422, F.S., and creating an undesignated section of law, respectively).

## II. Present Situation:

### Presidential Disaster and Emergency Declarations

When there is a disaster in the U.S., 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.<sup>2</sup> All emergency and disaster declarations are made at the discretion of the President of the U.S.<sup>3</sup> There are two types of disaster declarations: emergency declarations and major disaster declarations.<sup>4</sup> Both declarations allow for federal assistance to states and local governments; however, they differ in scope, types, and amount of assistance available.<sup>5</sup>

If the President deems federal assistance necessary to address an emergency situation, the President can declare an emergency, thereby authorizing the federal government to provide emergency services. The total amount of assistance from an emergency declaration cannot exceed \$5 million unless reported to Congress.<sup>6</sup>

Following a request from the Governor, the President may declare a major disaster for any natural event, including hurricanes if the President deems that the disaster is of such severity that it is beyond the combined capabilities of state and local governments to respond.<sup>7</sup> A major disaster declaration makes a wide range of federal assistance resources available for individuals and states for emergency and permanent work.<sup>8</sup>

### 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.<sup>9</sup> Hurricane Debby made landfall near Steinhatchee in Taylor County at around 7 am on August 5, 2024.<sup>10</sup> 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.<sup>11</sup> Debby's primary impact across the area was flooding from heavy rainfall due to the forward movement of the storm slowing after landfall.<sup>12</sup> 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 inches were observed.<sup>13</sup> Flooding lasted for several weeks in Madison County after landfall due to the influx of rainfall putting pressure on the groundwater

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<sup>2</sup> 42 U.S.C. ss. 5121-5207.

<sup>3</sup> FEMA, *How a Disaster Gets Declared*, <https://www.fema.gov/disaster/how-declared> (last visited Jan. 13, 2026).

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

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

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

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

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

<sup>9</sup> National Weather Service, *Hurricane Debby Strikes the Florida Big Bend August 5, 2024*, <https://www.weather.gov/tae/HurricaneDebby2024> (last visited Jan. 13, 2026).

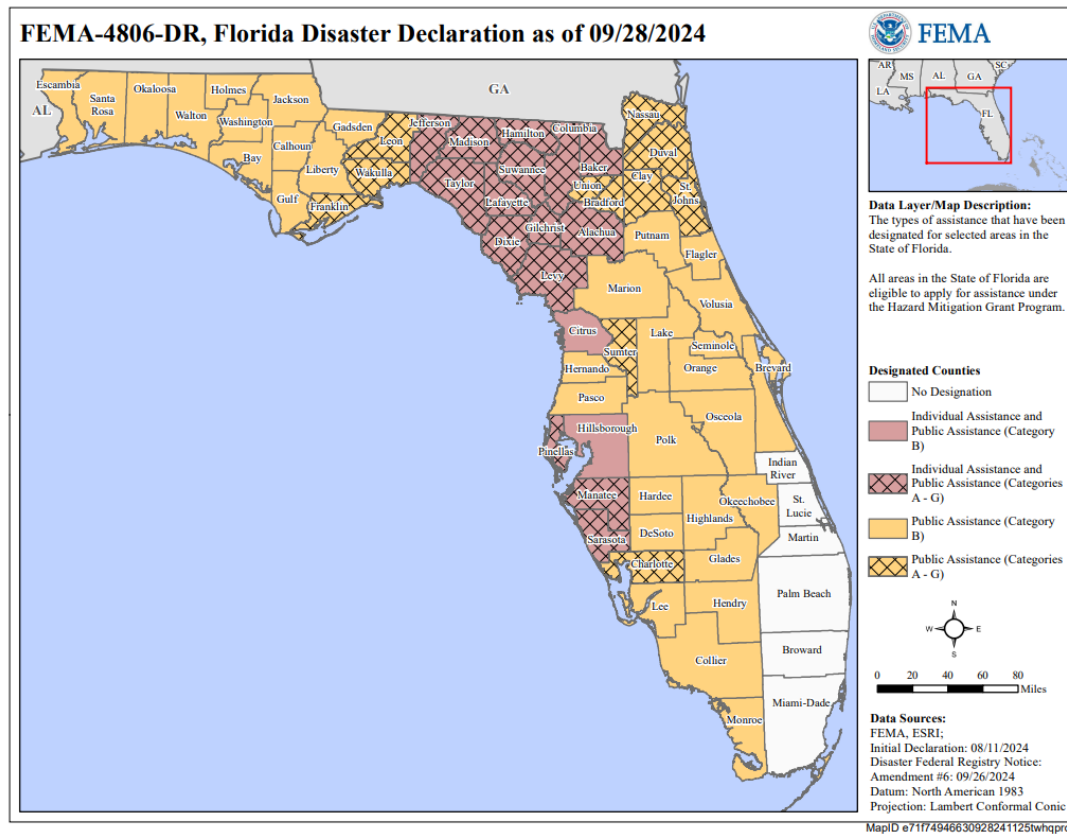
<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

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

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

system, which subsequently triggered new flooding as water came up from the ground.<sup>14</sup> Flooding along the Suwannee River continued 3 weeks after landfall.<sup>15</sup>



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.<sup>16</sup> Helene hit a maximum of 140 mph for sustained winds just before making landfall near Perry, just east of the mouth of the Aucilla River around 11:10 pm on September 26, 2024.<sup>17</sup> While the storm moved quickly across the state, this did not lessen the impacts.<sup>18</sup> The wind field of Helene was among the top 10 percent of all recorded storms resulting in widespread wind impacts and hurricane-force gusts extending further inland than most systems.<sup>19</sup> Much of the area affected by the storm experienced 4 to 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.<sup>20</sup> A large upper-level trough to the west of Helene helped

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

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

<sup>16</sup> 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. 13, 2026).

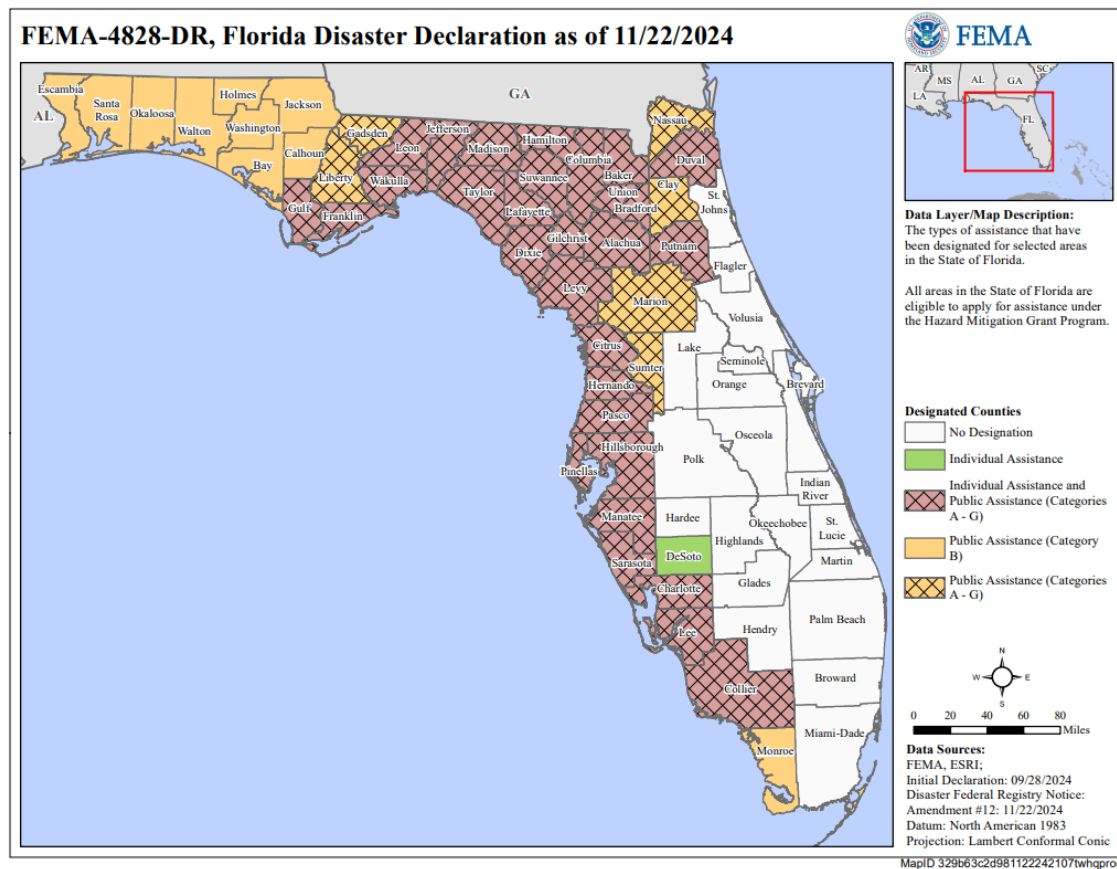
<sup>17</sup> *Id.*

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

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

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

funnel abundant tropical moisture northward well before landfall, creating conditions that led to significant impacts from heavy rainfall and flooding.<sup>21</sup> Many counties across the Panhandle reported flooding and washed-out roads.<sup>22</sup> The combination of Helene's large size and extremely fast forward motion contributed to catastrophic storm surge in the southeast Big Bend area and along the west coast of Florida.<sup>23</sup> In Cedar Key, the storm surge level of 9.3 feet exceeded the level of 6.89 feet observed during Hurricane Idalia the previous year.<sup>24</sup> Preliminary data for Taylor and Dixie counties estimated more than 15 feet of surge, while areas near Tampa saw levels over 6 feet.<sup>25</sup>



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 at Siesta Key in Sarasota County.<sup>26</sup> At landfall, Milton was a

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

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

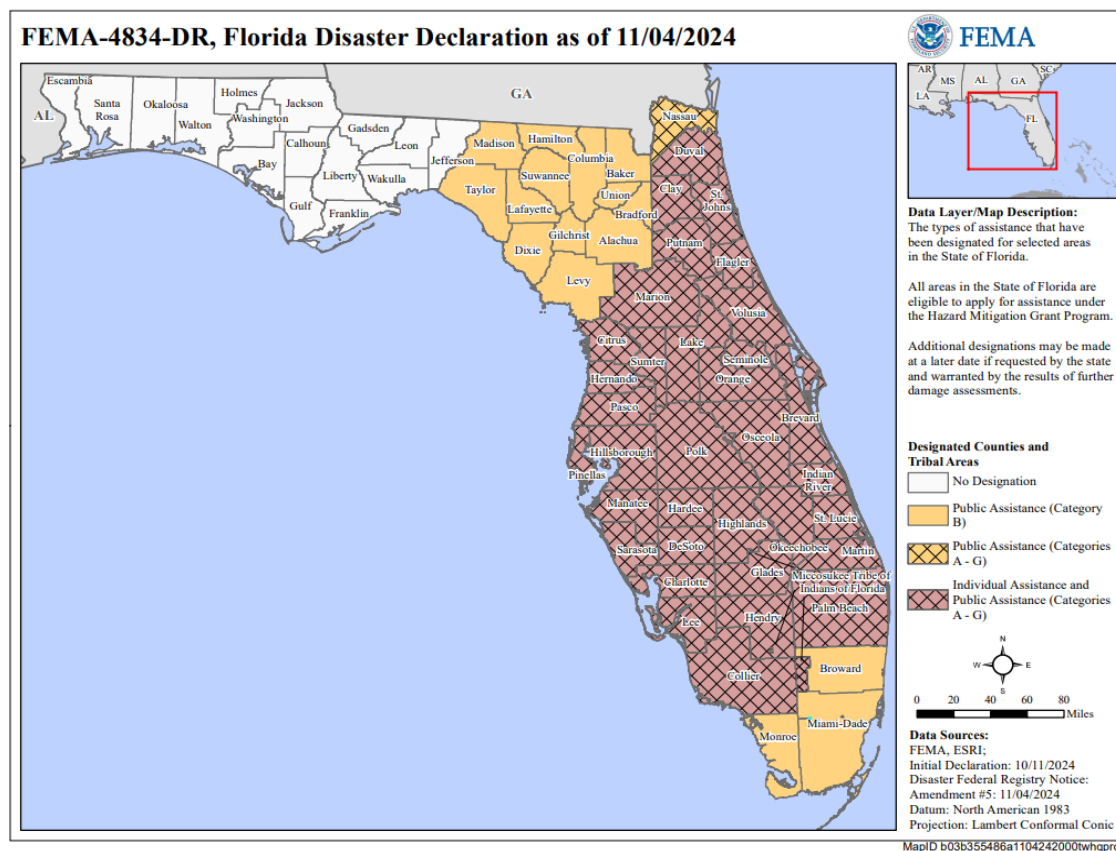
<sup>23</sup> *Id.*

<sup>24</sup> Emily Powell, Florida Climate Center, *Hurricane Helene Post-Storm Summary Report* (Oct. 7, 2024), available at <https://climatecenter.fsu.edu/images/docs/Hurricane-Helene-Summary-Report.pdf>.

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

<sup>26</sup> National Weather Service, *Hurricane Milton Impacts to East Central Florida*, [https://www.weather.gov/mlb/HurricaneMilton\\_Impacts](https://www.weather.gov/mlb/HurricaneMilton_Impacts) (last visited Jan. 11, 2026).

Category 3 hurricane with maximum sustained winds of 120 mph.<sup>27</sup> 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.<sup>28</sup> Though Milton moved quickly across the state, it produced extreme rainfall, with the highest amounts, nearly 20 inches, measured in the Clearwater Beach and St. Petersburg areas.<sup>29</sup> In the days and weeks following the storm, rainfall caused rivers and tributaries to reach major flood stages.<sup>30</sup> The hydrograph at Astor for the St. Johns River showed a new record high level on October 10, 2024, of 4.81 feet, while the Hillsborough River crested at a new record of 38.16 feet at Morris Bridge on October 12, 2024.<sup>31</sup> Storm surge in many areas was less than Hurricane Ian in 2022, but higher than experienced during Helene.<sup>32</sup> National Oceanic and Atmospheric Administration gages in Ft. Myers and Naples Bay North measured storm surge above 5 feet.<sup>33</sup> 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.<sup>34</sup>



*Disaster Declaration Map for Hurricane Milton*

<sup>27</sup> Emily Powell, Florida Climate Center, *Post-Storm Summary Report on Hurricane Milton* (Oct. 31, 2024), available at <https://climatecenter.fsu.edu/images/docs/Hurricane-Milton-Report.pdf>.

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

<sup>29</sup> *Id.*

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

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

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

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

<sup>34</sup> *Id.*

## National Flood Insurance Program

The National Flood Insurance Program (NFIP) was created by the passage of the National Flood Insurance Act of 1968.<sup>35</sup> 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 from the federal government.<sup>36</sup> Participation in the NFIP by a community is voluntary.<sup>37</sup> To join, a community must complete an application; adopt a resolution of intent to participate and cooperate with FEMA; and adopt and submit a floodplain management ordinance that meets or exceeds minimum NFIP criteria.<sup>38</sup>

In coordination with participating communities, FEMA develops flood maps called Flood Insurance Rate Maps (FIRMs) that depict the community's flood risk and floodplain.<sup>39</sup> An area of specific focus on the FIRM is the Special Flood Hazard Area (SFHA).<sup>40</sup> 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<sup>41</sup> and at least a 26 percent chance of flooding over the course of a 30-year mortgage.<sup>42</sup> 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.<sup>43</sup>

## Community Floodplain Management

Key conditions of the NFIP minimum floodplain management standards include, among other 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 be at or above the base flood elevation (BFE).<sup>44</sup>
- Restrict development in floodways to prevent increasing the risk of flooding.
- Require certain construction materials and methods that minimize future flood damage.<sup>45</sup>

<sup>35</sup> The National Flood Insurance Act of 1968, Pub. L. 90-448, 82 Stat. 572 (codified as amended at 42 U.S.C. s. 4001 et seq.); see also FEMA, *Laws and Regulations*, <https://www.fema.gov/flood-insurance/rules-legislation/laws> (last visited Jan. 13, 2026).

<sup>36</sup> See FEMA, *Flood Insurance*, <https://www.fema.gov/flood-insurance> (last visited Jan. 13, 2026).

<sup>37</sup> FEMA, *Participation in the NFIP*, <https://www.fema.gov/about/glossary/participation-nfip> (last visited Jan. 13, 2026).

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

<sup>39</sup> See Congressional Research Service, *Introduction to the National Flood Insurance Program*, 3 (Apr. 22, 2025), available at <https://crsreports.congress.gov/product/pdf/R/R44593>.

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

<sup>41</sup> *Id.*

<sup>42</sup> FEMA, *Coastal Hazards & Flood Mapping: A Visual Guide*, 6 (undated), available at [https://www.fema.gov/sites/default/files/documents/fema\\_coastal-glossary.pdf](https://www.fema.gov/sites/default/files/documents/fema_coastal-glossary.pdf).

<sup>43</sup> Congressional Research Service, *Introduction to the National Flood Insurance Program*, 10 (Apr. 22, 2025), available at <https://crsreports.congress.gov/product/pdf/R/R44593>. 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.

<sup>44</sup> 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. FEMA, *Base Flood Elevation (BFE)* (Mar. 5, 2020), <https://www.fema.gov/about/glossary/base-flood-elevation-bfe>.

<sup>45</sup> Congressional Research Service, *Introduction to the National Flood Insurance Program*, 6 (Apr. 22, 2025), available at <https://crsreports.congress.gov/product/pdf/R/R44593>.



The Community Rating System (CRS) within the NFIP is a voluntary incentive program that rewards communities for implementing floodplain management practices exceeding the minimum requirements of the NFIP.<sup>46</sup> Property owners within communities that participate in the CRS program receive discounts on flood insurance premiums.<sup>47</sup> Premium discounts range from 5 to 45 percent based on a community's CRS credit points.<sup>48</sup> 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.<sup>49</sup>

### 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 known as the Florida Building Code. The Florida Building Code must be applied, administered, and enforced uniformly and consistently from jurisdiction to jurisdiction.<sup>50</sup> The Florida Building Commission (Commission) was created to implement the Florida Building Code. The Commission, which is housed within the Department of Business and Professional Regulation, is a 19-member technical body made up of design professionals, contractors, and government experts in various disciplines covered by the Florida Building Code.<sup>51</sup>

The Commission and local governments may adopt technical and administrative amendments to the Florida Building Code.<sup>52</sup> The Commission may approve technical amendments to the Florida Building Code once each year for statewide or regional application upon making certain findings.<sup>53</sup> Local governments may adopt amendments to the Florida Building Code that are more stringent than the Florida Building Code which are limited to the local government's jurisdiction.<sup>54</sup> Amendments by local governments expire upon the adoption of the newest edition of the Florida 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 Florida Building Code.<sup>55</sup>

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<sup>46</sup> FEMA, *Community Rating System*, <https://www.fema.gov/floodplain-management/community-rating-system> (last visited Jan. 13, 2026).

<sup>47</sup> *Id.*

<sup>48</sup> *Id.*

<sup>49</sup> Florida Office of Insurance Regulation, *Cumulative Substantial Improvement Period Study Final Report*, 19 (Nov. 26, 2024), available at <https://floir.com/docs-sf/default-source/property-and-casualty/other-property-casualty-reports/final-report.pdf>.

<sup>50</sup> Section 553.72(1), F.S.

<sup>51</sup> Sections 553.73 and 553.74, F.S.

<sup>52</sup> Section 553.73, F.S.

<sup>53</sup> Section 553.73(9), F.S.

<sup>54</sup> Section 553.73(4), F.S.

<sup>55</sup> 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.<sup>56</sup> Each county and municipality must maintain a comprehensive plan to guide future development.<sup>57</sup>

All development, both public and private, and all development orders approved by local governments must be consistent with the local government's comprehensive plan.<sup>58</sup> 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.<sup>59</sup>

A local government'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.<sup>60</sup>

A comprehensive plan is implemented through the adoption of land development regulations<sup>61</sup> that are consistent with the plan, and which contain specific and detailed provisions necessary to implement the plan.<sup>62</sup> 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.<sup>63</sup> Substantially affected persons have the right to maintain administrative actions which assure that land development regulations implement and are consistent with the comprehensive plan.<sup>64</sup>

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.<sup>65</sup>

## ***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.”<sup>66</sup> When a party wishes to

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<sup>56</sup> Section 163.3167(1), F.S.

<sup>57</sup> Section 163.3167(2), F.S.

<sup>58</sup> Section 163.3194(3), F.S.

<sup>59</sup> Section 163.3177(1), F.S.

<sup>60</sup> Section 163.3177(6), F.S.

<sup>61</sup> “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.

<sup>62</sup> Section 163.3202, F.S.

<sup>63</sup> *Id.*

<sup>64</sup> Section 163.3213, F.S.

<sup>65</sup> Sections 163.3174(4)(a) and 163.3184, F.S.

<sup>66</sup> 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.”<sup>67</sup> Once a local government has officially granted or denied a development permit, the official action constitutes a development order.<sup>68</sup> A development order vests certain rights related to the land.<sup>69</sup>

### ***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 chapter 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, and 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.
- 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.
- The proposed comprehensive plan amendment or land development regulation is approved pursuant to requirements for areas of critical state concern.

The section also includes 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 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.

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:

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<sup>67</sup> Section 163.3164(16), F.S.

<sup>68</sup> See s. 163.3164(15), F.S.

<sup>69</sup> See s. 163.3167(3), F.S.

- 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.
- 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 until October 1, 2027, with the section scheduled to expire on June 30, 2028.

The section also 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:

The bill amends certain provisions in CS/CS/SB 180 (2025) relating to restrictions on local government power to regulate land use following hurricanes.

Among other things, CS/CS/SB 180 generally prohibited counties and municipalities within a certain distance from a hurricane's track from adopting moratoriums or more restrictive or burdensome amendments or procedures in their land use regulations for 1 year after landfall.

The bill reduces the number of "impacted local governments" under s. 252.422(1), F.S., by redefining the term to include only counties located entirely or partially within 50 miles, instead of 100 miles, of the track of a hurricane listed in a federal major disaster declaration, and the municipalities located within those counties. Consequently, the bill narrows the geographic area subject to CS/CS/SB 180's restrictions.

The bill revises s. 252.422(2), F.S., to allow impacted local governments, within 1 year after a hurricane makes landfall, to *propose or adopt* 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. However, under the bill, impacted local governments may not:

- *Enforce* 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.
- Require 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.
- Enforce 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.

The bill clarifies that these restrictions only apply to property damaged so severely that the repairs or reconstruction require a permit. Local governments may require property owners to show documentation related to the damage 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 bill also revises the list of exceptions to CS/CS/SB 180's restrictions in s. 252.422(3), F.S. As enacted under SB 180, a comprehensive plan amendment, land development regulation amendment, site plan, development permit, or development order approved or adopted by an impacted local government could be enforced if the proposed comprehensive plan amendment had been submitted to reviewing agencies pursuant to s. 163.3184, F.S. The bill deletes this exception.

However, the bill continues to permit impacted local governments to enforce if 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. Impacted local governments may also enforce if, as clarified by the bill:

- The proposed comprehensive plan amendments and land development regulations are approved by the state land planning agency for an area of critical state concern designated pursuant to chapter 380, F.S.
- The adoption of the comprehensive plan amendment or land development regulation amendment is required to comply with state or federal law.
- 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.

The bill deletes the provision in s. 252.422, F.S., allowing any person to file suit for declaratory and injunctive relief to enforce the section. It also deletes an Office of Program Policy Analysis and Government Accountability study requirement.

The bill clarifies that s. 252.422, F.S., does not restrict local government adoption or enforcement of changes to the Florida Building Code or local technical amendments thereto.

CS/CS/SB 180 similarly restricted the regulatory powers of local governments listed within the federal disaster declaration for Hurricane Debby, Hurricane Helene, and Hurricane Milton. These restrictions, as revised by SB 840, expire on June 30, 2026. Without SB 840, the restrictions on local governments within the disaster declarations for Hurricane Debby, Hurricane Helene, and Hurricane Milton will not expire until June 30, 2028.

The bill takes 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.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

To the extent implementation of the bill results in fewer regulatory hurdles at the local level in connection with the repair and reconstruction of property damaged by hurricanes, the private sector may experience fewer permitting-related delays and some cost savings.

**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 of the 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.

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

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By Senator DiCeglie

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

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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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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~~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

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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

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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.)

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Prepared By: The Professional Staff of the Committee on Rules

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BILL: CS/SB 848

INTRODUCER: Environment and Natural Resources Committee and Senator Truenow

SUBJECT: Stormwater Treatment

DATE: February 16, 2026

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

| ANALYST            | STAFF DIRECTOR | REFERENCE | ACTION             |
|--------------------|----------------|-----------|--------------------|
| 1. <u>Barriero</u> | <u>Rogers</u>  | <u>EN</u> | <u>Fav/CS</u>      |
| 2. <u>Tolmich</u>  | <u>Fleming</u> | <u>CA</u> | <u>Favorable</u>   |
| 3. <u>Barriero</u> | <u>Kruse</u>   | <u>RC</u> | <u>Pre-meeting</u> |

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 848 provides that the use of a water quality enhancement area (WQEA) credit transfers the legal responsibility for complying with applicable regulatory water quality treatment requirements from the purchaser and user of such credit to the generator of such credit.

The bill authorizes environmental resource permit (ERP) applicants to use compensating stormwater treatment as a mitigation measure when existing ambient water quality prevents compliance with water quality standards. Such treatment must meet statutory requirements for WQEAs unless the treatment and discharging parcels are commonly owned, operated, and maintained, or the treatment area directly receives and treats stormwater from parcels within the total land area before the discharge leaves the treatment parcel.

The bill provides that mitigation measures or enhancement credits may be generated by third parties and sold to ERP applicants only as authorized under the section of law related WQEAs. The bill allows entities to apply for provisional WQEA permits pending the Department of Environmental Protection's (DEP) adoption of WQEA rules. DEP and water management districts must allow the use of WQEA enhancement credits generated under such provisional permits, provided applicable statutory requirements are met.

The bill also provides that, beginning July 1, 2026, if a public landowner authorizes a private entity to construct, modify, or operate stormwater management systems on public lands for offsite compensatory treatment, the landowner must require the entity to cease such activities if

DEP or a water management district determines by final agency action that the use of the land is contrary to the public interest. Operations may resume upon a subsequent determination that compensatory treatment is no longer contrary to the public interest.

The bill takes effect July 1, 2026.

## II. Present Situation:

### Stormwater Management

Florida averages 40-60 inches of rainfall a year, depending on the location, with about two-thirds falling between June and October.<sup>1</sup> Stormwater runoff generated during these rain events flows over land and impervious surfaces, such as paved streets, parking lots, driveways, sidewalks, and rooftops, and picks up pollutants like trash, chemicals, oils, and sediment.<sup>2</sup> This unfiltered water flows into lakes, rivers, and wetlands and gradually seeps into groundwater aquifers that supply the state's drinking water.<sup>3</sup> Polluted stormwater runoff is one of the greatest threats to clean water in the United States.<sup>4</sup>

Florida was the first state in the country to adopt a rule requiring the treatment of stormwater to a specified level of pollutant load reduction for all new development.<sup>5</sup> These rules were updated in 2024 following legislative ratification. The revised rules:

- Create new minimum performance standards for stormwater systems;
- Require applicants to demonstrate through modeling and calculations based on local conditions and annual runoff volumes that their proposed stormwater treatment system is designed to discharge to the required treatment level; and
- Establish new requirements for periodic inspections and the operation and maintenance of stormwater treatment systems.<sup>6</sup>

### Environmental Resource Permitting (ERP)

Florida's ERP program regulates activities involving the alteration of surface water flows, including activities that generate stormwater runoff from upland construction, as well as dredging and filling in wetlands and other surface waters.<sup>7</sup> Specifically, the program governs the construction, alteration, operation, maintenance, repair, abandonment, and removal of stormwater management systems, dams, impoundments, reservoirs, appurtenant works, and other

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<sup>1</sup> University of Florida Institute of Food and Agricultural Sciences, *Florida Rainfall Data Sources and Types*, 1 (2023), available at <https://edis.ifas.ufl.edu/publication/AE517> (last visited Feb. 9, 2026).

<sup>2</sup> U.S. Environmental Protection Agency (EPA), *Urbanization and Stormwater Runoff*, available at <https://www.epa.gov/sourcewaterprotection/urbanization-and-stormwater-runoff> (last visited Feb. 9, 2026).

<sup>3</sup> South Florida Water Management District (SFWMD), *Your Impact on the Environment*, available at <https://www.sfwmd.gov/community-residents/what-can-you-do> (last visited Feb. 9, 2026).

<sup>4</sup> *Id.*; EPA, *Soak Up the Rain: What's the Problem?*, available at <https://www.epa.gov/soakuptherain/soak-rain-whats-problem> (last visited Feb. 9, 2026).

<sup>5</sup> DEP, *ERP Stormwater*, available at <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/erp-stormwater> (last visited Feb. 9, 2026).

<sup>6</sup> See chapter 2024-275, Laws of Fla.; Fla. Admin. Code R. 62-330.

<sup>7</sup> DEP, *Environmental Resource Permitting Coordination, Assistance, Portals*, available at <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/environmental-resource-permitting> (last visited Feb. 9, 2026). See ch. 373, F.S.; Fla. Admin. Code R. 62-330.

works such as docks, piers, structures, dredging, and filling located in, on, or over wetlands or other surface waters.<sup>8</sup> ERP permits are issued by the Department of Environmental Protection (DEP) and the state's five water management districts.

ERP applications are reviewed to ensure the permit will only authorize activities that are not harmful to the water resources.<sup>9</sup> Applicants must provide reasonable assurance that state water quality standards will not be violated and that the activity is not contrary to the public interest.<sup>10</sup> However, if the proposed activity significantly degrades or is within an Outstanding Florida Water,<sup>11</sup> the applicant must provide reasonable assurance that the proposed activity will be clearly in the public interest.<sup>12</sup> In determining whether an activity is not contrary to the public interest or is clearly in the public interest, the permitting agency must consider the following criteria:

- Whether the activity will adversely affect the public health, safety, or welfare or the property of others;
- Whether the activity will adversely affect the conservation of fish and wildlife, including endangered or threatened species, or their habitats;
- Whether the activity will adversely affect navigation or the flow of water or cause harmful erosion or shoaling;
- Whether the activity will adversely affect the fishing or recreational values or marine productivity in the vicinity of the activity;
- Whether the activity will be of a temporary or permanent nature;
- Whether the activity will adversely affect or will enhance significant historical and archaeological resources; and
- The current condition and relative value of functions being performed by areas affected by the proposed activity.<sup>13</sup>

If an ERP applicant cannot meet applicable criteria, the permitting agency must consider measures to mitigate adverse effects of the regulated activity.<sup>14</sup> Where existing ambient water quality prevents compliance with water quality standards, such mitigation must result in a net improvement in the receiving waterbody for the parameters that do not meet standards.<sup>15</sup> Mitigation options may include, but are not limited to, onsite or offsite mitigation, regional offsite mitigation, and the purchase of mitigation credits from mitigation banks.<sup>16</sup> It is the applicant's responsibility to choose the form of mitigation.<sup>17</sup>

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<sup>8</sup> Fla. Admin. Code R. 62-330.010(2).

<sup>9</sup> Southwest Florida Water Management District, *Environmental Resource Permit*, available at <https://www.swfwmd.state.fl.us/business/epermitting/environmental-resource-permit> (last visited Feb. 9, 2026). See section 373.413(1), F.S.

<sup>10</sup> Section 373.414(1), F.S.

<sup>11</sup> An Outstanding Florida Water is a water designated worthy of special protection because of its natural attributes. DEP, *Outstanding Florida Waters*, available at <https://floridadep.gov/dear/water-quality-standards/content/outstanding-florida-waters> (last visited Feb. 9, 2026); see Fla. Admin. Code R. 62-302.700(2) and (9).

<sup>12</sup> Section 373.414(1), F.S.

<sup>13</sup> Section 373.414(1)(a), F.S.

<sup>14</sup> Section 373.414(1)(b), F.S.

<sup>15</sup> Section 373.414(1)(b)3., F.S.

<sup>16</sup> Section 373.414(1)(b), F.S.

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

### Water Quality Enhancement Areas (WQEAs)

WQEAs are natural systems<sup>18</sup> constructed, operated, managed, and maintained to provide offsite regional treatment within an identified enhancement service area for which enhancement credits may be provided pursuant to a WQEA permit.<sup>19</sup> WQEA credits can be used by governmental entities to comply with basin management action plans or reasonable assurance plans<sup>20</sup> or by ERP applicants for the purpose of achieving net improvement of water quality or meeting certain ERP performance standards.<sup>21</sup> WQEAs must be approved through the state's ERP process.<sup>22</sup>

DEP must establish a service area for each WQEA, the boundaries of which will depend on the geographic areas where it can reasonably be expected to address adverse impacts.<sup>23</sup> Service areas may overlap, and service areas for two or more WQEAs may be approved for a regional watershed. Enhancement credits can only be used to address adverse impacts within the service area.<sup>24</sup>

To obtain a WQEA permit, an applicant must provide reasonable assurances that the proposed area will, among other things, meet ERP requirements, benefit water quality in the enhancement service area, achieve defined performance criteria for pollutant reduction, ensure long-term pollutant reduction through perpetual operation and maintenance, and provide for permanent preservation of the site through a conservation easement.<sup>25</sup>

WQEA permits must provide for the assessment, valuation, and award of credits based on units of pollutants removed, as determined by DEP using standard numerical models or analytical tools.<sup>26</sup> To assist DEP in valuing and determining credits, WQEA permit applications must provide supporting information, including historical rainfall data, anticipated water quality and quantity inflows, and site-specific conditions affecting the anticipated performance of the proposed WQEA.<sup>27</sup>

Pollutant load reductions required under state regulatory programs are not eligible for consideration as credits, and credits may not be used by point source dischargers to meet regulatory requirements except those necessary to obtain an ERP for construction and operation of the site's surface water management system.<sup>28</sup>

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<sup>18</sup> "Natural system" means an ecological system supporting aquatic and wetland-dependent natural resources, including fish and aquatic and wetland-dependent wildlife habitats. Section 373.4134(2)(d), F.S.

<sup>19</sup> Section 373.4134(2)(e), F.S.

<sup>20</sup> Basin management action plans (BMAPs) and reasonable assurance plans are water quality improvement plans designed to reduce or eliminate pollutant loadings and restore specific water bodies to meet state water quality standards. *See generally* DEP, *Basin Management Action Plans (BMAPs)*, available at <https://floridadep.gov/dear/water-quality-restoration/content/basin-management-action-plans-bmaps> (last visited Feb. 9, 2026); DEP, *Alternative Restoration Plans*, available at <https://floridadep.gov/DEAR/Alternative-Restoration-Plans> (last visited Feb. 9, 2026).

<sup>21</sup> Section 373.4134(1)(d) and (3)(b), F.S.

<sup>22</sup> Section 373.4134(3)(a), F.S.

<sup>23</sup> Section 373.4134(5), F.S.

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

<sup>25</sup> Section 373.4134(4)(a), F.S.

<sup>26</sup> Section 373.4134(4)(b) and (c), F.S.

<sup>27</sup> Section 373.4134(4)(c)4., F.S.

<sup>28</sup> Section 373.4134(7)(e) and (f), F.S.

### III. Effect of Proposed Changes:

**Section 1** amends s. 373.019, F.S., which provides definitions for ch. 373, F.S., regarding management and storage of surface waters. The bill defines “compensating stormwater treatment” as a method of stormwater treatment for discharges from more than two parcels, implemented in accordance with the conditions established in s. 373.4134, F.S., related to water quality enhancement areas.

The bill also defines “total land area” as land holdings under common ownership which are contiguous, or land holdings served by common surface water management facilities.

**Section 2** amends s. 373.4134, F.S., regarding water quality enhancement areas (WQEAs). The bill provides that the use of an enhancement credit transfers the legal responsibility for complying with the applicable regulatory water quality treatment requirement from the purchaser and user of such enhancement credit to the generator of such enhancement credit. The transfer of legal responsibility for complying with applicable regulatory water quality treatment requirements does not occur outside of the use of enhancement credits.

The bill provides that compensating stormwater treatment must comply with this section of law unless:

- The treatment and discharging parcels are owned, operated, and maintained by the same entity; or
- The area providing compensating stormwater treatment receives stormwater discharge directly from parcels within the total land area and treats the discharge before such discharge flows off the parcel on which the compensating stormwater treatment occurs.

The bill provides that, pending the adoption of rules to implement this section, entities may apply for a WQEA provisional permit. The Department of Environmental Protection (DEP) must issue a WQEA provisional permit if the applicant meets the applicable statutory criteria. DEP must allow the use of such enhancement credits from a WQEA established under a provisional permit subject to compliance with statutory requirements. Notwithstanding any other provision of law or rule, a water management district issuing an environmental resource permit (ERP) to applicants seeking to satisfy ERP performance standards must allow such applicants to use enhancement credits if DEP has issued a provisional permit for the WQEA from which the enhancement credits are generated.

The bill further provides that after DEP adopts rules for WQEAs, DEP may modify an issued WQEA provisional permit to conform such permit to the adopted rules. Any enhancement credit used from a WQEA established pursuant to a provisional permit must continue to be recognized by DEP and water management districts without change, regardless of whether the provisional permit is subsequently modified to conform to the adopted rules.

**Section 3** amends s. 373.414, F.S., regarding criteria for activities in surface waters and wetlands. Currently, if an ERP applicant is unable to meet water quality standards due to existing ambient water quality, the permitting agency must consider mitigation measures that cause net improvement of the water quality in the receiving waterbody for those parameters which do not meet standards. The bill provides that these mitigation measures may include compensating

stormwater treatment. The bill provides that mitigation measures or enhancement credits, intended to address water quality impacts regulated under ss. 373.403–373.443, F.S., may be generated by third parties and sold and transferred to ERP applicants only as authorized under the section of law related to water quality enhancement areas.

The bill also provides that, beginning July 1, 2026, if a public landowner authorizes or enters into a legally binding agreement with a private entity to construct, modify, or operate stormwater management systems or other features on public lands so that the private entity can provide offsite compensatory treatment for third-party water quality impacts or stormwater discharge, and if DEP or a water management district determines by final agency action that the use of such public lands for such compensatory stormwater treatment is contrary to the public interest, the public landowner must direct the private entity to cease operation of the offsite compensatory treatment activities identified in the final order of DEP or water management district. The requirement to cease such activities does not apply to other compensatory treatment activities governed by the agreement between the public landowner and the private entity which are not covered by the final order. The public landowner may allow the private entity to resume compensatory stormwater treatment activities upon a subsequent final agency action determination that the use of such public lands for such compensatory treatment is no longer contrary to the public interest.

**Sections 4 through 8** provide conforming changes.

**Section 9** reenacts s. 373.4136, F.S., for the purpose of incorporating the amendment made by this bill to s. 373.414, F.S.

**Section 10** provides an effective date of 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.

##### **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:

This bill may have an indeterminate negative impact on private entities that sell allocations from offsite regional stormwater management systems.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 373.019, 373.4134, 373.414, 373.036, 373.250, 373.421, 403.813, and 556.102.

The bill reenacts section 373.4136 of the Florida Statutes.

**IX. Additional Information:**

A. Committee Substitute – Statement of Substantial Changes:

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

**CS by Environment and Natural Resources on January 13, 2026:**

- Allows entities to apply for a provisional water quality enhancement area (WQEA) permit pending the adoption of WQEA rules by the Department of Environmental Protection (DEP).
- Requires DEP and water management districts to allow the use of WQEA enhancement credits generated under such provisional permits, provided applicable statutory requirements are met.
- Provides DEP may modify WQEA provisional permits following rule adoption, but enhancement credits already used must be recognized regardless of any subsequent modifications.

- Clarifies that a public landowner may require the cessation of stormwater management system operations only upon a final agency action, and that such operations may resume once compensatory treatment is no longer contrary to the public interest. This provision applies only to contracts entered into after July 1, 2026.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate

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House

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The Committee on Rules (Truenow) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsection (7) is added to section 373.413,  
Florida Statutes, to read:

373.413 Permits for construction or alteration.—

(7) REGIONAL STORMWATER MANAGEMENT SYSTEMS.—

(a) A “regional stormwater management system” is a method  
of compensating stormwater treatment that creates pollution  
reduction allocations and is designed, constructed, operated and



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maintained to collect, convey, store, absorb, inhibit, treat, or harvest stormwater to prevent or reduce flooding, overdrainage, environmental degradation and water pollution or otherwise affect the quantity and quality of discharges within the drainage area served by the regional system which is the land or development that is served by or contributes stormwater to the regional system.

(b) As part of meeting the requirement to demonstrate that an applicant for an environmental resource permit for a regional stormwater management system has the financial, legal, and administrative capability of ensuring such regional stormwater management system will be undertaken according to the terms and conditions of an issued permit, the department or a water management district shall require such applicant to provide documentation of adequate financial responsibility. This financial responsibility may consist of performance bonds, letters of credit, insurance policies, trust agreements, or similar, ensuring completion of construction; the amount of which shall be based on cost estimates of completing the construction; and an endowment or other long-term financial assurance mechanism sufficient to ensure operation and maintenance for the entire period the regional stormwater management system is anticipated to be relied upon to provide stormwater treatment, attenuation, or regulatory pollutant load reduction allocations, the amount of which shall be based on cost estimates of such long-term operation and maintenance. The cost estimates and associated financial responsibility mechanisms shall be updated every five years to reflect current costs. This section shall not be construed to impose additional



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financial responsibility requirements on stormwater management systems that are not regional stormwater management systems.

(c) An environmental resource permit authorizing a regional stormwater management system shall establish and include a graphic depicting the drainage area to be served by such system. Environmental resource permit applicants located within the drainage area may purchase and use pollution reduction allocations from a regional stormwater management system to meet stormwater treatment performance criteria. The department or water management district shall use Hydrologic Unit Code 12 (HUC 12) subbasin as set forth by the United States Geological Survey to establish the drainage area, unless the regional stormwater management system applicant provides justification demonstrating the proposed off-site area outside of the HUC 12 would provide the same degree of compensating treatment for a common downstream receiving waterbody without causing or contributing to any localized adverse impact to any downstream waters, through water quality monitoring, modeling, or a combination thereof.

Section 2. Subsections (23), (24), and (25) are added to section 373.403, Florida Statutes, to read:

373.403 Definitions.—When appearing in this part or in any rule, regulation, or order adopted pursuant thereto, the following terms mean:

(23) "Compensating stormwater treatment" means a method of stormwater treatment for discharges from multiple parcels.

(24) "Enhancement credit" means a standard unit of measure that represents a quantity of pollutant removed by a water quality enhancement area.



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(25) "Pollutant reduction allocation" means a standard unit of measure that represents a quantity of pollutant removed by a regional stormwater management system for purposes of providing compensating stormwater treatment under the environmental resource permitting program.

Section 3. Present paragraphs (d) through (g) of subsection (3) of section 373.4134, Florida Statutes, are redesignated as paragraphs (e) through (h), respectively, a new paragraph (d) is added to that subsection, and paragraph (e) of subsection (1), paragraph (b) of subsection (2), paragraph (b) of subsection (3), paragraph (e) of subsection (7), and subsection (9) of that section are amended, to read:

373.4134 Water quality enhancement areas.—

(1) LEGISLATIVE FINDINGS AND INTENT.— The Legislature finds that:

(e) Water quality enhancement areas that provide water quality enhancement credits to applicants seeking permits under ss. 373.403-373.443 and to governmental entities seeking to meet an assigned basin management action plan allocation or reasonable assurance plan under s. 403.067 are considered an appropriate and permittable option. The use of an enhancement credit as specified herein transfers the legal responsibility for complying with the applicable regulatory water quality treatment requirement from the purchaser and user of such enhancement credit to the generator of such enhancement credit.

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

~~(b) "Enhancement credit" means a standard unit of measure that represents a quantity of pollutant removed.~~

(3) WATER QUALITY ENHANCEMENT AREAS.—



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(b) Water quality enhancement credits may be sold to and used by governmental entities seeking to meet an assigned basin management action plan allocation or reasonable assurance plan or to permit applicants to meet environmental resource permit stormwater treatment performance standards or to achieve for the purpose of achieving net improvement or meeting environmental resource permit performance standards under s. 373.414(1)(b)3. ~~after reasonable assurances have been provided for the design and construction of all onsite stormwater management, as required by law.~~

(d) The use of enhancement credits from a water quality enhancement area constitutes compensating stormwater treatment under the environmental resource permitting program.

(7) ENHANCEMENT CREDITS.—

(e) Reductions in pollutant loading required under any state regulatory program are not eligible to be considered as enhancement credits. In addition, the term "credit" shall not be used to refer to pollutant reduction achieved through compensating stormwater treatment to meet environmental resource permitting stormwater performance standards or as a mitigation measure to achieve net improvement under s. 373.414(1)(b)3. outside of enhancement credits generated from a water quality enhancement area.

(9) RULES.—The department shall adopt rules to implement this section which shall be filed for adoption no later than October 1, 2026. This section may not be implemented until the department adopts such rules. Pending the adoption of rules to implement this section, the department shall accept, review and take final agency action on applications for water quality



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enhancement area provisional permits. The department shall issue  
a water quality enhancement provisional permit in response to a  
submitted application if the applicant provides reasonable  
assurance of meeting the statutory criteria in this section.  
Enhancement credits may be used from a water quality enhancement  
area established under a provisional permit as provided in this  
section subject to compliance with s. 373.4134 and the terms of  
the provisional permit. Notwithstanding any other provision of  
law or rule, the department or a water management district  
reviewing an environmental resource permit application that  
seeks to satisfy stormwater treatment performance standards or  
achieve net improvement under s. 373.414(1)(b)3. shall allow the  
use of enhancement credits from a water quality enhancement area  
with a provisional permit pursuant to the terms of such  
provisional permit. After the department adopts rules to  
implement this section, the department may modify a water  
quality enhancement area provisional permit to conform such  
permit to such rules. Any enhancement credits used from a water  
quality enhancement area established under a provisional permit  
shall continue to be recognized by the department and water  
management districts without change regardless of whether the  
provisional permit is subsequently modified to conform to the  
adopted rules.

Section 4. Paragraph (b) of subsection (1) of section  
373.414, Florida Statutes, is amended to read:

373.414 Additional criteria for activities in surface  
waters and wetlands.—

(1) As part of an applicant's demonstration that an  
activity regulated under this part will not be harmful to the





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water resources or will not be inconsistent with the overall objectives of the district, the governing board or the department shall require the applicant to provide reasonable assurance that state water quality standards applicable to waters as defined in s. 403.031 will not be violated and reasonable assurance that such activity in, on, or over surface waters or wetlands, as delineated in s. 373.421(1), is not contrary to the public interest. However, if such an activity significantly degrades or is within an Outstanding Florida Water, as provided by department rule, the applicant must provide reasonable assurance that the proposed activity will be clearly in the public interest.

(b) If the applicant is unable to otherwise meet the criteria set forth in this subsection, the governing board or the department, in deciding to grant or deny a permit, must consider measures proposed by or acceptable to the applicant to mitigate adverse effects that may be caused by the regulated activity. Such measures may include, but are not limited to, onsite mitigation, offsite mitigation, offsite regional mitigation, and the purchase of mitigation credits from mitigation banks permitted under s. 373.4136. It is the responsibility of the applicant to choose the form of mitigation. The mitigation must offset the adverse effects caused by the regulated activity.

1. The department or water management districts may accept the donation of money as mitigation only where the donation is specified for use in a duly noticed environmental creation, preservation, enhancement, or restoration project, endorsed by the department or the governing board of the water management



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district, which offsets the impacts of the activity permitted under this part. However, this subsection does not apply to projects undertaken pursuant to s. 373.4137 or chapter 378. Where a permit is required under this part to implement any project endorsed by the department or a water management district, all necessary permits must be have been issued before ~~prior to~~ the acceptance of any cash donation. After the effective date of this act, when money is donated to either the department or a water management district to offset impacts authorized by a permit under this part, the department or the water management district shall accept only a donation that represents the full cost to the department or water management district of undertaking the project that is intended to mitigate the adverse impacts. The full cost shall include all direct and indirect costs, as applicable, such as those for land acquisition, land restoration or enhancement, perpetual land management, and general overhead consisting of costs such as staff time, building, and vehicles. The department or the water management district may use a multiplier or percentage to add to other direct or indirect costs to estimate general overhead. Mitigation credit for such a donation may be given only to the extent that the donation covers the full cost to the agency of undertaking the project intended to mitigate the adverse impacts. However, nothing herein may be construed to prevent the department or a water management district from accepting a donation representing a portion of a larger project, provided that the donation covers the full cost of that portion and mitigation credit is given only for that portion. The department or water management district may deviate from the full cost



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requirements of this subparagraph to resolve a proceeding brought pursuant to chapter 70 or a claim for inverse condemnation. ~~Nothing in~~ This section may not be construed to require the owner of a private mitigation bank, permitted under s. 373.4136, to include the full cost of a mitigation credit in the price of the credit to a purchaser of such ~~said~~ credit.

2. The department and each water management district shall report by March 1 of each year, as part of the consolidated annual report required by s. 373.036(7), all cash donations accepted under subparagraph 1. during the preceding water management district fiscal year for wetland mitigation purposes. The report must exclude those contributions pursuant to s. 373.4137. The report must include a description of the endorsed mitigation projects and, except for projects governed by s. 373.4135(6), must address, as applicable, success criteria, project implementation status and timeframe, monitoring, long-term management, provisions for preservation, and full cost accounting.

3. If the applicant is unable to meet water quality standards because existing ambient water quality does not meet standards, the governing board or the department must consider mitigation measures, such as compensating stormwater treatment as defined in s. 373.403(23), proposed by or acceptable to the applicant that cause net improvement of the water quality in the receiving body of water for those parameters which do not meet standards.

4. If mitigation requirements imposed by a local government for surface water and wetland impacts of an activity regulated under this part cannot be reconciled with mitigation



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requirements approved under a permit for the same activity issued under this part, including application of the uniform wetland mitigation assessment method adopted pursuant to subsection (18), the mitigation requirements for surface water and wetland impacts are controlled by the permit issued under this part.

Section 5. For the purpose of incorporating the amendment made by this act to section 373.414, Florida Statutes, in a reference thereto, paragraph (d) of subsection (6) of section 373.4136, Florida Statutes, is reenacted to read:

373.4136 Establishment and operation of mitigation banks.—

(6) MITIGATION SERVICE AREA.—The department or water management district shall establish a mitigation service area for each mitigation bank permit. The department or water management district shall notify and consider comments received on the proposed mitigation service area from each local government within the proposed mitigation service area. Except as provided in this section, mitigation credits may be withdrawn and used only to offset adverse impacts in the mitigation service area. The boundaries of the mitigation service area shall depend upon the geographic area where the mitigation bank could reasonably be expected to offset adverse impacts. Mitigation service areas may overlap, and mitigation service areas for two or more mitigation banks may be approved for a regional watershed.

(d) If the provisions of s. 373.414(1)(b) and (8) are met and an insufficient number or type of credits from banks whose permitted service area overlays in whole or in part the regional watershed in which the impacts occur, the permit applicant is



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entitled to a one-time use of credits released from a mitigation bank outside the mitigation bank service area to offset impacts pursuant to s. 373.414(1)(b), as established by the procedure in paragraph (f). The department or water management district must have determined that the mitigation service area lacked the appropriate credit type. Priority must be given to mitigation banks whose permitted service area fully includes the impacted site. If the number of released credits within a mitigation service area only partially offsets the impacts associated with a proposed project in the mitigation service area, the permit applicant may only use out-of-service-area credits to account for the difference between the released credits available in the mitigation bank service area and the credits required to offset the impacts associated with the proposed project. In implementing this subsection, the department and water management districts shall apply a proximity factor to determine adequate compensatory mitigation as follows:

1. A 1.0 multiplier shall be applied for use of in-kind credits within the service area.

2. A 1.0 multiplier shall be applied for use of in-kind and out-of-service-area credits when the service area overlays part of the same regional watershed as the proposed impacts only after credit deficiency has been established by the procedure set forth in paragraph (f).

3. A 1.2 multiplier shall be applied for use of in-kind and out-of-service-area credits located within a regional watershed immediately adjacent to the regional watershed overlain by a bank service area in which proposed impacts are located only after credit deficiency has been established by the procedure



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set forth in paragraph (f).

4. When in-kind credits are not available to offset impacts in the regional watershed immediately adjacent to the regional watershed overlain by a mitigation bank service area in which the proposed impacts are located, an additional 0.25 multiplier shall be applied for each additional regional watershed boundary crossed only after credit deficiency has been established by the procedure set forth in paragraph (f).

5. An additional 0.50 multiplier shall be applied after any multipliers required in subparagraphs 1.-4., if the mitigation used to offset impacts entails out-of-kind replacement.

Section 6. This act shall take effect July 1, 2026.

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

And the title is amended as follows:

Delete everything before the enacting clause  
and insert:

A bill to be entitled  
An act relating to stormwater treatment; amending s.  
373.413, F.S.; defining the term "regional stormwater  
management system"; requiring that the Department of  
Environmental Protection or a water management  
district require an applicant to provide certain  
documentation of adequate financial responsibility in  
order to meet certain requirements; providing  
requirements for such financial responsibility;  
providing construction; requiring an environmental  
resource permit authorizing a regional stormwater



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management system to establish and include a specified graphic depiction; authorizing certain environmental resource permit applicants to purchase and use pollution reduction allocations from a regional stormwater management system to meet certain performance criteria; requiring the department or water management district to use a specified identifier to establish the drainage area; providing an exception; amending s. 373.403, F.S.; defining terms; amending s. 373.4134, F.S.; revising legislative findings; deleting the definition of the term "enhancement credit"; authorizing water quality enhancement credits to be used by governmental entities to meet environmental resource permit stormwater treatment performance standards or achieve net improvement, pursuant to specified provisions; providing that the use of enhancement credits from a water quality enhancement area constitutes compensating stormwater treatment under the environmental resource permitting program; prohibiting the term "credit" from being used to refer to pollutant reduction under certain circumstances; requiring the department to adopt rules by a specified date; requiring the department to take certain action pending the adoption of certain rules; requiring the department to issue a provisional permit under certain circumstances; authorizing enhancement credits to be used from certain water quality enhancement areas; providing construction; authorizing the department to



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modify permits after the adoption of rules; requiring  
the department and water management districts to  
recognize any enhancement credit used from a water  
quality enhancement area established pursuant to a  
provisional permit; amending s. 373.414, F.S.;  
clarifying the types of mitigation measures for  
compensating stormwater treatment which the department  
or a water management district governing board must  
consider under certain circumstances; making technical  
changes; reenacting s. 373.4136(6)(d), F.S., relating  
to establishment and operation of mitigation banks, to  
incorporate the amendment made to s. 373.414, F.S., in  
a reference thereto; providing an effective date.





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LEGISLATIVE ACTION

Senate

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House

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The Committee on Rules (Truenow) recommended the following:

**Senate Amendment to Amendment (894554) (with title amendment)**

Between lines 4 and 5  
insert:

Section 1. Section 311.106, Florida Statutes, is amended to read:

311.106 Seaport stormwater permitting and mitigation.—

(1) A seaport listed in s. 403.021(9)(b) is authorized to provide for onsite or offsite stormwater treatment for water quality impacts caused by a proposed port activity that requires



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a permit and that causes or contributes to pollution from stormwater runoff. Offsite stormwater treatment may occur outside of the established boundaries of the port, but must be within the same drainage basin in which the port activity occurs. A port offsite stormwater treatment project must be constructed and maintained by the seaport or by the seaport in conjunction with an adjacent local government. In order to limit stormwater treatment from individual parcels within a port, a seaport may provide for a regional stormwater treatment facility that must be constructed and maintained by the seaport or by the seaport in conjunction with an adjacent local government.

(2) For a proposed port activity with water quality impacts that causes or contributes to pollution from stormwater runoff from a seaport not listed in s. 403.021(9)(b), a regional stormwater management system, as defined in Rule 62-330, Florida Administrative Code, operated by a non-local governmental entity independently or under contract with a seaport or local government, may not provide stormwater treatment or achieve net improvement under s. 373.414(1)(b)3. For a proposed port activity with water quality impacts that causes or contributes to pollution from stormwater runoff from a seaport not listed in s. 403.021(9)(b), a water quality enhancement area as defined in s. 373.4134 and operated by a non-local governmental entity independently or under contract with a seaport or local government may not convey enhancement credits to provide stormwater treatment or achieve net improvement under s. 373.414(1)(b)3.

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



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41 And the title is amended as follows:

42       Between lines 321 and 322

43 insert:

44       311.106, F.S.; prohibiting certain stormwater  
45       treatment and net improvement activities; prohibiting  
46       certain water quality enhancement areas from conveying  
47       enhancement credits to provide stormwater treatment or  
48       achieve net improvement; amending s.

By the Committee on Environment and Natural Resources; and  
Senator Truenow

592-01912-26

2026848c1

1 A bill to be entitled  
2 An act relating to stormwater treatment; amending s.  
3 373.019, F.S.; defining the terms "compensating  
4 stormwater treatment" and "total land area"; amending  
5 s. 373.4134, F.S.; revising legislative findings;  
6 requiring compensating stormwater treatment to comply  
7 with certain provisions unless certain circumstances  
8 exist; authorizing entities to apply for a water  
9 quality enhancement area provisional permit under  
10 certain circumstances; requiring the Department of  
11 Environmental Protection to issue such provisional  
12 permit if certain criteria are met; requiring the  
13 department to allow the use of enhancement credits  
14 from a water quality enhancement area established  
15 under a provisional permit; requiring a water  
16 management district issuing an environmental resource  
17 permit to certain applicants to allow such applicants  
18 to use enhancement credits under certain  
19 circumstances; authorizing the department to modify a  
20 water quality enhancement area provisional permit  
21 after the adoption of certain rules; requiring the  
22 department and water management districts to recognize  
23 any enhancement credit used from a water quality  
24 enhancement area established pursuant to a provisional  
25 permit; amending s. 373.414, F.S.; clarifying the  
26 types of mitigation measures for compensating  
27 stormwater treatment which the department or a water  
28 management district governing board must consider  
29 under certain circumstances; authorizing mitigation

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

592-01912-26

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30 measures or enhancement credits intended to address  
31 certain impacts to be generated by third parties and  
32 sold and transferred to environmental resource permit  
33 applicants pursuant to specified provisions;  
34 requiring, beginning on a specified date, that public  
35 landowners direct private entities to cease certain  
36 activities upon a certain determination by the  
37 department; providing applicability; authorizing a  
38 public landowner to allow a private entity to resume  
39 compensatory stormwater treatment activities on public  
40 lands upon a certain final agency action determination  
41 by the department or final determination of a water  
42 management district; amending ss. 373.036, 373.250,  
43 373.421, 403.813, and 556.102, F.S.; conforming cross-  
44 references; reenacting s. 373.4136(6)(d), F.S.,  
45 relating to establishment and operation of mitigation  
46 banks, to incorporate the amendment made to s.  
47 373.414, F.S., in a reference thereto; providing an  
48 effective date.

49  
50 Be It Enacted by the Legislature of the State of Florida:

51  
52 Section 1. Present subsections (4) through (21) and (22)  
53 through (28) of section 373.019, Florida Statutes, are  
54 redesignated as subsections (5) through (22) and (24) through  
55 (30), respectively, and new subsections (4) and (23) are added  
56 to that section, to read:

57 373.019 Definitions.—When appearing in this chapter or in  
58 any rule, regulation, or order adopted pursuant thereto, the

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59 term:

60 (4) "Compensating stormwater treatment" means a method of  
 61 stormwater treatment for discharges from more than two parcels,  
 62 implemented in accordance with the conditions established in s.  
 63 373.4134.

64 (23) "Total land area" means land holdings under common  
 65 ownership which are contiguous, or land holdings served by  
 66 common surface water management facilities.

67 Section 2. Present paragraphs (d) through (g) of subsection  
 68 (3) of section 373.4134, Florida Statutes, are redesignated as  
 69 paragraphs (e) through (h), respectively, a new paragraph (d) is  
 70 added to that subsection, and paragraph (e) of subsection (1)  
 71 and subsection (9) of that section are amended, to read:

72 373.4134 Water quality enhancement areas.—

73 (1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds  
 74 that:

75 (e) Water quality enhancement areas that provide water  
 76 quality enhancement credits to applicants seeking permits under  
 77 ss. 373.403-373.443 and to governmental entities seeking to meet  
 78 an assigned basin management action plan allocation or  
 79 reasonable assurance plan under s. 403.067 are considered an  
 80 appropriate and permissible option. The use of an enhancement  
 81 credit as specified herein transfers the legal responsibility  
 82 for complying with the applicable regulatory water quality  
 83 treatment requirement from the purchaser and user of such  
 84 enhancement credit to the generator of such enhancement credit.  
 85 The transfer of legal responsibility for complying with  
 86 applicable regulatory water quality treatment requirements does  
 87 not occur outside of the use of enhancement credits.

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88 (3) WATER QUALITY ENHANCEMENT AREAS.—

89 (d) Compensating stormwater treatment must comply with this  
 90 section unless:

91 1. The treatment and discharging parcels are owned,  
 92 operated, and maintained by the same entity; or

93 2. The area providing compensating stormwater treatment  
 94 receives stormwater discharge directly from parcels within the  
 95 total land area and treats the discharge before such discharge  
 96 flows off the parcel on which the compensating stormwater  
 97 treatment occurs.

98 (9) RULES.—The department shall adopt rules to implement  
 99 this section. Pending the adoption of rules to implement this  
 100 section, entities may apply for a water quality enhancement area  
 101 provisional permit. The department must issue a water quality  
 102 enhancement area provisional permit in response to such  
 103 application if the applicant meets the statutory criteria of  
 104 this section. The department shall allow the use of such  
 105 enhancement credits from a water quality enhancement area  
 106 established under a provisional permit as provided in this  
 107 section and subject to compliance with s. 373.4134.

108 Notwithstanding any other provision of law or rule, a water  
 109 management district issuing an environmental resource permit to  
 110 applicants seeking to satisfy environmental resource permit  
 111 performance standards must allow such applicants to use  
 112 enhancement credits if the department has issued a provisional  
 113 permit for the water quality enhancement area from which the  
 114 enhancement credits are generated. After the department adopts  
 115 rules to implement this section, the department may modify an  
 116 issued water quality enhancement area provisional permit to

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conform such permit to such adopted rules. Any enhancement credit used from a water quality enhancement area established pursuant to a provisional permit must continue to be recognized by the department and water management districts without change, regardless of whether the provisional permit is subsequently modified to conform to the adopted ~~This section may not be implemented until the department adopts such rules.~~

Section 3. Paragraph (b) of subsection (1) of section 373.414, Florida Statutes, is amended to read:

373.414 Additional criteria for activities in surface waters and wetlands.—

(1) As part of an applicant's demonstration that an activity regulated under this part will not be harmful to the water resources or will not be inconsistent with the overall objectives of the district, the governing board or the department shall require the applicant to provide reasonable assurance that state water quality standards applicable to waters as defined in s. 403.031 will not be violated and reasonable assurance that such activity in, on, or over surface waters or wetlands, as delineated in s. 373.421(1), is not contrary to the public interest. However, if such an activity significantly degrades or is within an Outstanding Florida Water, as provided by department rule, the applicant must provide reasonable assurance that the proposed activity will be clearly in the public interest.

(b) If the applicant is unable to otherwise meet the criteria set forth in this subsection, the governing board or the department, in deciding to grant or deny a permit, must consider measures proposed by or acceptable to the applicant to

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mitigate adverse effects that may be caused by the regulated activity. Such measures may include, but are not limited to, onsite mitigation, offsite mitigation, offsite regional mitigation, and the purchase of mitigation credits from mitigation banks permitted under s. 373.4136. It is the responsibility of the applicant to choose the form of mitigation. The mitigation must offset the adverse effects caused by the regulated activity.

1. The department or water management districts may accept the donation of money as mitigation only where the donation is specified for use in a duly noticed environmental creation, preservation, enhancement, or restoration project, endorsed by the department or the governing board of the water management district, which offsets the impacts of the activity permitted under this part. However, this subsection does not apply to projects undertaken pursuant to s. 373.4137 or chapter 378. Where a permit is required under this part to implement any project endorsed by the department or a water management district, all necessary permits must be ~~have been~~ issued before ~~prior to~~ the acceptance of any cash donation. After the effective date of this act, when money is donated to either the department or a water management district to offset impacts authorized by a permit under this part, the department or the water management district shall accept only a donation that represents the full cost to the department or water management district of undertaking the project that is intended to mitigate the adverse impacts. The full cost shall include all direct and indirect costs, as applicable, such as those for land acquisition, land restoration or enhancement, perpetual land

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management, and general overhead consisting of costs such as staff time, building, and vehicles. The department or the water management district may use a multiplier or percentage to add to other direct or indirect costs to estimate general overhead. Mitigation credit for such a donation may be given only to the extent that the donation covers the full cost to the agency of undertaking the project intended to mitigate the adverse impacts. However, nothing herein may be construed to prevent the department or a water management district from accepting a donation representing a portion of a larger project, provided that the donation covers the full cost of that portion and mitigation credit is given only for that portion. The department or water management district may deviate from the full cost requirements of this subparagraph to resolve a proceeding brought pursuant to chapter 70 or a claim for inverse condemnation. ~~Nothing in~~ This section may not be construed to require the owner of a private mitigation bank, permitted under s. 373.4136, to include the full cost of a mitigation credit in the price of the credit to a purchaser of such said credit.

2. The department and each water management district shall report by March 1 of each year, as part of the consolidated annual report required by s. 373.036(7), all cash donations accepted under subparagraph 1. during the preceding water management district fiscal year for wetland mitigation purposes. The report must exclude those contributions pursuant to s. 373.4137. The report must include a description of the endorsed mitigation projects and, except for projects governed by s. 373.4135(6), must address, as applicable, success criteria, project implementation status and timeframe, monitoring, long-

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term management, provisions for preservation, and full cost accounting.

3. If the applicant is unable to meet water quality standards because existing ambient water quality does not meet standards, the governing board or the department must consider mitigation measures, such as compensating stormwater treatment, proposed by or acceptable to the applicant that cause net improvement of the water quality in the receiving body of water for those parameters which do not meet standards. Mitigation measures or enhancement credits intended to address water quality impacts regulated under ss. 373.403-373.443 may be generated by third parties and sold and transferred to environmental resource permit applicants only as authorized under s. 373.4134.

4. Beginning July 1, 2026, if a public landowner authorizes or enters into an agreement with a private entity to construct, modify, or operate stormwater management systems or other features on public lands so that the private entity can provide offsite compensatory treatment for third-party water quality impacts or stormwater discharge, and if the department or a water management district employing the criteria in paragraph (a) determines by final agency action that the use of such public lands for such compensatory stormwater treatment is contrary to the public interest, the public landowner must direct the private entity to cease operation of the offsite compensatory treatment activities identified in the final order of the department or water management district. The requirement to cease such activities does not apply to other compensatory treatment activities governed by the agreement between the

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public landowner and the private entity which are not covered by the final order of the department or water management district. The public landowner may allow the private entity to resume such compensatory stormwater treatment activities on such public lands upon a subsequent final agency action determination by the department or final determination of a water management district that the use of such public lands for such compensatory treatment is no longer contrary to the public interest under the criteria of paragraph (a).

5. If mitigation requirements imposed by a local government for surface water and wetland impacts of an activity regulated under this part cannot be reconciled with mitigation requirements approved under a permit for the same activity issued under this part, including application of the uniform wetland mitigation assessment method adopted pursuant to subsection (18), the mitigation requirements for surface water and wetland impacts are controlled by the permit issued under this part.

Section 4. Paragraph (d) of subsection (1) of section 373.036, Florida Statutes, is amended to read:

373.036 Florida water plan; district water management plans.—

(1) FLORIDA WATER PLAN.—In cooperation with the water management districts, regional water supply authorities, and others, the department shall develop the Florida water plan. The Florida water plan shall include, but not be limited to:

(d) Goals, objectives, and guidance for the development and review of programs, rules, and plans relating to water resources, based on statutory policies and directives. The state

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water policy rule, renamed the water resource implementation rule pursuant to s. 373.019(27) ~~s. 373.019(25)~~, shall serve as this part of the plan. Amendments or additions to this part of the Florida water plan shall be adopted by the department as part of the water resource implementation rule. In accordance with s. 373.114, the department shall review rules of the water management districts for consistency with this rule. Amendments to the water resource implementation rule must be adopted by the secretary of the department and be submitted to the President of the Senate and the Speaker of the House of Representatives within 7 days after publication in the Florida Administrative Register. Amendments do ~~shall~~ not become effective until the conclusion of the next regular session of the Legislature following their adoption.

Section 5. Paragraph (a) of subsection (5) of section 373.250, Florida Statutes, is amended to read:

373.250 Reuse of reclaimed water.—

(5)(a) No later than October 1, 2012, the department shall initiate rulemaking to adopt revisions to the water resource implementation rule, as defined in s. 373.019(27) ~~s. 373.019(25)~~, which shall include:

1. Criteria for the use of a proposed impact offset derived from the use of reclaimed water when a water management district evaluates an application for a consumptive use permit. As used in this subparagraph, the term "impact offset" means the use of reclaimed water to reduce or eliminate a harmful impact that has occurred or would otherwise occur as a result of other surface water or groundwater withdrawals.

2. Criteria for the use of substitution credits where a



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water management district has adopted rules establishing withdrawal limits from a specified water resource within a defined geographic area. As used in this subparagraph, the term "substitution credit" means the use of reclaimed water to replace all or a portion of an existing permitted use of resource-limited surface water or groundwater, allowing a different user or use to initiate a withdrawal or increase its withdrawal from the same resource-limited surface water or groundwater source provided that the withdrawal creates no net adverse impact on the limited water resource or creates a net positive impact if required by water management district rule as part of a strategy to protect or recover a water resource.

Section 6. Subsection (1) of section 373.421, Florida Statutes, is amended to read:

373.421 Delineation methods; formal determinations.—

(1) The Environmental Regulation Commission shall adopt a unified statewide methodology for the delineation of the extent of wetlands as defined in s. 373.019(29) ~~s. 373.019(27)~~. This methodology shall consider regional differences in the types of soils and vegetation that may serve as indicators of the extent of wetlands. This methodology shall also include provisions for determining the extent of surface waters other than wetlands for the purposes of regulation under s. 373.414. This methodology ~~does shall~~ not become effective until ratified by the Legislature. Subsequent to legislative ratification, the wetland definition in s. 373.019(29) ~~s. 373.019(27)~~ and the adopted wetland methodology shall be binding on the department, the water management districts, local governments, and any other governmental entities. Upon ratification of such wetland

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methodology, the Legislature preempts the authority of any water management district, state or regional agency, or local government to define wetlands or develop a delineation methodology to implement the definition and determines that the exclusive definition and delineation methodology for wetlands shall be that established pursuant to s. 373.019(29) ~~s. 373.019(27)~~ and this section. Upon such legislative ratification, any existing wetlands definition or wetland delineation methodology shall be superseded by the wetland definition and delineation methodology established pursuant to this chapter. Subsequent to legislative ratification, a delineation of the extent of a surface water or wetland by the department or a water management district, pursuant to a formal determination under subsection (2), or pursuant to a permit issued under this part in which the delineation was field-verified by the permitting agency and specifically approved in the permit, shall be binding on all other governmental entities for the duration of the formal determination or permit. All existing rules and methodologies of the department, the water management districts, and local governments, regarding surface water or wetland definition and delineation shall remain in full force and effect until the common methodology rule becomes effective. However, this ~~may shall~~ not be construed to limit any power of the department, the water management districts, and local governments to amend or adopt a surface water or wetland definition or delineation methodology until the common methodology rule becomes effective.

Section 7. Paragraphs (r) and (u) of subsection (1) of section 403.813, Florida Statutes, are amended to read:

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349 403.813 Permits issued at district centers; exceptions.-  
 350 (1) A permit is not required under this chapter, chapter  
 351 373, chapter 61-691, Laws of Florida, or chapter 25214 or  
 352 chapter 25270, 1949, Laws of Florida, and a local government may  
 353 not require a person claiming this exception to provide further  
 354 department verification, for activities associated with the  
 355 following types of projects; however, except as otherwise  
 356 provided in this subsection, this subsection does not relieve an  
 357 applicant from any requirement to obtain permission to use or  
 358 occupy lands owned by the Board of Trustees of the Internal  
 359 Improvement Trust Fund or a water management district in its  
 360 governmental or proprietary capacity or from complying with  
 361 applicable local pollution control programs authorized under  
 362 this chapter or other requirements of county and municipal  
 363 governments:  
 364 (r) The removal of aquatic plants, the removal of tussocks,  
 365 the associated replanting of indigenous aquatic plants, and the  
 366 associated removal from lakes of organic detrital material when  
 367 such planting or removal is performed and authorized by permit  
 368 or exemption granted under s. 369.20 or s. 369.25, provided  
 369 that:  
 370 1. Organic detrital material that exists on the surface of  
 371 natural mineral substrate shall be allowed to be removed to a  
 372 depth of 3 feet or to the natural mineral substrate, whichever  
 373 is less;  
 374 2. All material removed pursuant to this paragraph shall be  
 375 placed on a self-contained, upland spoil site which will prevent  
 376 the escape of the spoil material into waters in the state except  
 377 when spoil material is permitted to be used to create wildlife

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378 islands in freshwater bodies of the state when a governmental  
 379 entity is permitted pursuant to s. 369.20 to create such islands  
 380 as a part of a restoration or enhancement project;  
 381 3. All activities are performed in a manner consistent with  
 382 state water quality standards; and  
 383 4. Activities under this exemption are not conducted in  
 384 wetland areas, as defined in s. 373.019(29) ~~s. 373.019(27)~~,  
 385 which are supported by a natural soil as shown in applicable  
 386 United States Department of Agriculture county soil surveys,  
 387 except when a governmental entity is permitted pursuant to s.  
 388 369.20 to conduct such activities as a part of a restoration or  
 389 enhancement project.  
 390  
 391 The department may not adopt implementing rules for this  
 392 paragraph, notwithstanding any other provision of law.  
 393 (u) Notwithstanding any provision to the contrary in this  
 394 subsection, a permit or other authorization under chapter 253,  
 395 chapter 369, chapter 373, or this chapter is not required for an  
 396 individual residential property owner for the removal of organic  
 397 detrital material from freshwater rivers or lakes that have a  
 398 natural sand or rocky substrate and that are not aquatic  
 399 preserves or for the associated removal and replanting of  
 400 aquatic vegetation for the purpose of environmental enhancement,  
 401 providing that:  
 402 1. No activities under this exemption are conducted in  
 403 wetland areas, as defined in s. 373.019(29) ~~s. 373.019(27)~~,  
 404 which are supported by a natural soil as shown in applicable  
 405 United States Department of Agriculture county soil surveys.  
 406 2. No filling or peat mining is allowed.

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3. No removal of native wetland trees, including, but not limited to, ash, bay, cypress, gum, maple, or tupelo, occurs.

4. When removing organic detrital material, no portion of the underlying natural mineral substrate or rocky substrate is removed.

5. Removed organic detrital material and plant material is placed on an upland spoil site which will not cause water quality violations.

6. All activities are conducted in such a manner, and with appropriate turbidity controls, so as to prevent any water quality violations outside the immediate work area.

7. Replanting with a variety of aquatic plants native to the state shall occur in a minimum of 25 percent of the preexisting vegetated areas where organic detrital material is removed, except for areas where the material is removed to bare rocky substrate; however, an area may be maintained clear of vegetation as an access corridor. The access corridor width may not exceed 50 percent of the property owner's frontage or 50 feet, whichever is less, and may be a sufficient length waterward to create a corridor to allow access for a boat or swimmer to reach open water. Replanting must be at a minimum density of 2 feet on center and be completed within 90 days after removal of existing aquatic vegetation, except that under dewatered conditions replanting must be completed within 90 days after reflooding. The area to be replanted must extend waterward from the ordinary high water line to a point where normal water depth would be 3 feet or the preexisting vegetation line, whichever is less. Individuals are required to make a reasonable effort to maintain planting density for a period of 6 months

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after replanting is complete, and the plants, including naturally recruited native aquatic plants, must be allowed to expand and fill in the revegetation area. Native aquatic plants to be used for revegetation must be salvaged from the enhancement project site or obtained from an aquatic plant nursery regulated by the Department of Agriculture and Consumer Services. Plants that are not native to the state may not be used for replanting.

8. No activity occurs any farther than 100 feet waterward of the ordinary high water line, and all activities must be designed and conducted in a manner that will not unreasonably restrict or infringe upon the riparian rights of adjacent upland riparian owners.

9. The person seeking this exemption notifies the applicable department district office in writing at least 30 days before commencing work and allows the department to conduct a preconstruction site inspection. Notice must include an organic-detrital-material removal and disposal plan and, if applicable, a vegetation-removal and revegetation plan.

10. The department is provided written certification of compliance with the terms and conditions of this paragraph within 30 days after completion of any activity occurring under this exemption.

Section 8. Subsection (6) of section 556.102, Florida Statutes, is amended to read:

556.102 Definitions.—As used in this act:

(6) "Excavate" or "excavation" means any manmade cut, cavity, trench, or depression in the earth's surface, formed by removal of earth, intended to change the grade or level of land,

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or intended to penetrate or disturb the surface of the earth, including land beneath the waters of the state, as defined in s. 373.019(24) ~~s. 373.019(22)~~, and the term includes pipe bursting and directional drilling or boring from one point to another point beneath the surface of the earth, or other trenchless technologies.

Section 9. For the purpose of incorporating the amendment made by this act to section 373.414, Florida Statutes, in a reference thereto, paragraph (d) of subsection (6) of section 373.4136, Florida Statutes, is reenacted to read:

373.4136 Establishment and operation of mitigation banks.—

(6) MITIGATION SERVICE AREA.—The department or water management district shall establish a mitigation service area for each mitigation bank permit. The department or water management district shall notify and consider comments received on the proposed mitigation service area from each local government within the proposed mitigation service area. Except as provided in this section, mitigation credits may be withdrawn and used only to offset adverse impacts in the mitigation service area. The boundaries of the mitigation service area shall depend upon the geographic area where the mitigation bank could reasonably be expected to offset adverse impacts. Mitigation service areas may overlap, and mitigation service areas for two or more mitigation banks may be approved for a regional watershed.

(d) If the provisions of s. 373.414(1)(b) and (8) are met and an insufficient number or type of credits from banks whose permitted service area overlays in whole or in part the regional watershed in which the impacts occur, the permit applicant is

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entitled to a one-time use of credits released from a mitigation bank outside the mitigation bank service area to offset impacts pursuant to s. 373.414(1)(b), as established by the procedure in paragraph (f). The department or water management district must have determined that the mitigation service area lacked the appropriate credit type. Priority must be given to mitigation banks whose permitted service area fully includes the impacted site. If the number of released credits within a mitigation service area only partially offsets the impacts associated with a proposed project in the mitigation service area, the permit applicant may only use out-of-service-area credits to account for the difference between the released credits available in the mitigation bank service area and the credits required to offset the impacts associated with the proposed project. In implementing this subsection, the department and water management districts shall apply a proximity factor to determine adequate compensatory mitigation as follows:

1. A 1.0 multiplier shall be applied for use of in-kind credits within the service area.

2. A 1.0 multiplier shall be applied for use of in-kind and out-of-service-area credits when the service area overlays part of the same regional watershed as the proposed impacts only after credit deficiency has been established by the procedure set forth in paragraph (f).

3. A 1.2 multiplier shall be applied for use of in-kind and out-of-service-area credits located within a regional watershed immediately adjacent to the regional watershed overlain by a bank service area in which proposed impacts are located only after credit deficiency has been established by the procedure

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523 set forth in paragraph (f).

524       4. When in-kind credits are not available to offset impacts  
525 in the regional watershed immediately adjacent to the regional  
526 watershed overlain by a mitigation bank service area in which  
527 the proposed impacts are located, an additional 0.25 multiplier  
528 shall be applied for each additional regional watershed boundary  
529 crossed only after credit deficiency has been established by the  
530 procedure set forth in paragraph (f).

531       5. An additional 0.50 multiplier shall be applied after any  
532 multipliers required in subparagraphs 1.-4., if the mitigation  
533 used to offset impacts entails out-of-kind replacement.

534       Section 10. 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.)

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Prepared By: The Professional Staff of the Committee on Rules

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BILL: SB 856

INTRODUCER: Senator DiCeglie and others

SUBJECT: Disclosure of Estimated Ad Valorem Taxes

DATE: February 16, 2026

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

| ANALYST  | STAFF DIRECTOR | REFERENCE | ACTION             |
|----------|----------------|-----------|--------------------|
| 1. Black | Khan           | FT        | <b>Favorable</b>   |
| 2. Black | Sadberry       | AP        | <b>Favorable</b>   |
| 3. Black | Kruse          | RC        | <b>Pre-meeting</b> |

## I. Summary:

SB 856 requires online listing platforms to include estimated property taxes on any residential property visible on their platform. The bill also provides that a current owner's tax information may not be used in calculating estimated property taxes and requires listing platforms to calculate and display estimated property taxes by using one of two prescribed methods.

Estimated property taxes must be calculated using either:

- The listing price of the property and current millage rates using a formula developed by the Department of Revenue (DOR), or
- The listing price of the property and countywide aggregate average millage rates developed by the DOR.

The bill requires the DOR to develop a formula to be used by a listing platform to calculate the estimated property taxes and to develop countywide aggregate average millage rates. County property appraisers must provide the DOR with any information needed to develop the formula and with any information needed to develop countywide aggregate average millage rates. See Section V., Fiscal Impact Statement.

The bill takes effect July 1, 2026.

## II. Present Situation:

### Ad Valorem Taxation

The ad valorem tax or "property tax" is an annual tax levied by counties, municipalities, school districts, and some special districts. The tax is based on the taxable value of property as of

January 1 of each year.<sup>1</sup> The property appraiser annually determines the “just value”<sup>2</sup> of property within the taxing jurisdiction and then applies relevant exclusions, assessment limitations, and exemptions to determine the property’s “taxable value.”<sup>3</sup> Tax bills are mailed in November of each year based on the previous January 1 valuation, and payment is due by March 31 of the following year.

The Florida Constitution prohibits the state from levying ad valorem taxes,<sup>4</sup> and it limits the Legislature’s authority to provide for property valuations at less than just value, unless expressly authorized.<sup>5</sup>

### ***Property Tax Exemptions for Homesteads***

Every person having legal or equitable title to real estate and who maintains a permanent residence on the real estate is deemed to establish homestead property<sup>6</sup>. Homestead property is eligible for a \$25,000 tax exemption applicable to all ad valorem tax levies, including levies by school districts.<sup>7</sup> An additional exemption applies to homestead property value between \$50,000 and \$75,000. This exemption is adjusted annually for inflation and does not apply to ad valorem taxes levied by school districts.<sup>8</sup>

### ***Save Our Homes Homestead Assessment Limitation and Portability***

In 1992, Florida voters approved the Save Our Homes amendment to the Florida Constitution.<sup>9</sup> The Save Our Homes assessment limitation limits the amount that a homestead property's assessed value may increase annually to the lesser of 3 percent or the percentage increase in the Consumer Price Index.<sup>10</sup> The accumulated difference between the assessed value and the just value is the Save Our Homes benefit. The Save Our Homes assessment limitation is considered portable because a homestead property owner may transfer this benefit when moving from one homestead property to another.<sup>11</sup>

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<sup>1</sup> Both real property and tangible personal property are subject to tax. Section 192.001(12), F.S., defines “real property” as land, buildings, fixtures, and all other improvements to land. Section 192.001(11)(d), F.S., defines “tangible personal property” as all goods, chattels, and other articles of value capable of manual possession and whose chief value is intrinsic to the article itself.

<sup>2</sup> Property must be valued at “just value” for purposes of property taxation, unless the Florida Constitution provides otherwise. FLA. CONST. art VII, s. 4. Just value has been interpreted by the courts to mean the fair market value that a willing buyer would pay a willing seller for the property in an arm’s-length transaction. *See Walter v. Shuler*, 176 So. 2d 81 (Fla. 1965); *Deltona Corp. v. Bailey*, 336 So. 2d 1163 (Fla. 1976); *Southern Bell Tel. & Tel. Co. v. Dade County*, 275 So. 2d 4 (Fla. 1973).

<sup>3</sup> *See* s. 192.001(2) and (16), F.S.

<sup>4</sup> FLA. CONST. art. VII, s. 1(a).

<sup>5</sup> *See* FLA. CONST. art. VII, s. 4.

<sup>6</sup> FLA. CONST. art VII, s. 6(a); *see also* ss. 196.031, 196.041 F.S.

<sup>7</sup> FLA. CONST. art VII, s. 6(a).

<sup>8</sup> *Id.* The percent change in the Consumer Price Index for All Urban Consumers, U.S. City Average, all items 1967=100 is used to adjust the exemption, if such percent change is positive. *Id.* For the 2026 tax year, the exemption amount is \$26,411. *See* Volusia County Property Appraiser, Homestead Exemption, <https://vcpa.vcgov.org/exemption/homestead> (last visited Jan. 27, 2026).

<sup>9</sup> FLA. CONST. art. VII, s. 4(d). The Florida Legislature implemented the Save Our Homes amendment in s. 193.155, F.S.

<sup>10</sup> FLA. CONST. art. VII, s. 4(d).

<sup>11</sup> *See* FLA. CONST. art. VII, s. 4(d)(8); *see also* s. 193.155, F.S.

## Property Tax Estimates

Calculating estimated property taxes in Florida requires some key pieces of information<sup>12</sup>: the just value of the parcel, the combined millage rates levied by a county's school and non-school taxing authorities, the applicable exemptions and assessment limits.<sup>13</sup> While there is no statutory requirement to publish a tax estimator, some property appraisers provide a tool or worksheet to estimate property taxes on their website.<sup>14</sup>

## Online Real Property Listing Platforms

In 2025, approximately 255,000 homes were sold in the State of Florida<sup>15</sup>. Many of these homes were offered for sale on online real property listing platforms. Roughly 51% of the homebuyers in the United States found the home they purchased on the internet.<sup>16</sup> Currently, there are many online platforms which list real estate for sale on their website. A number of these websites provide property tax calculators to estimate property taxes.<sup>17</sup> Some, but not all, include a parcel's property tax history and an estimate of property taxes.<sup>18</sup>

## Disclosure of Ad Valorem Taxes to Prospective Purchasers

Section 689.261, F.S., requires a seller of residential property to provide a disclosure of ad valorem taxes to a prospective purchaser of residential property at or before execution of the contract for sale. The disclosure summary must be included in the contract for sale or attached to the contract for sale<sup>19</sup>. If the disclosure summary is not included in the contract for sale, the contract for sale must refer to and incorporate by reference the disclosure summary and include, in prominent language, a statement that the potential purchaser should not execute the contract until he or she has read the disclosure summary required by this section.<sup>20</sup> The disclosure summary, whether separate or included in the contract, must be in a form substantially similar to the following<sup>21</sup>:

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<sup>12</sup> Florida Department of Revenue, *FAQ Details-how can I calculate my property taxes*, available at [floridarevenue.com/faq/Pages/FAQDetails.aspx?FAQID=1663&IsDlg=1](https://floridarevenue.com/faq/Pages/FAQDetails.aspx?FAQID=1663&IsDlg=1) (last visited Jan. 22, 2026).

<sup>13</sup> Florida Department of Revenue, *Property Tax Information for First-Time Florida Homebuyers*, available at <https://floridarevenue.com/property/Documents/pt107.pdf> (last visited Jan. 22, 2026).

<sup>14</sup> See, e.g., Broward County Property Appraiser, *New Homebuyer's Tax Estimator*, available at [Marty Kiar - Broward County Property Appraiser](#) (last visited Jan. 22, 2026).

<sup>15</sup> Florida Realtors, *Florida Residential Market Sales Activity-2025*, Jan. 16, 2026, available at <https://www.floridarealtors.org/sites/default/files/2026-01/Year-End-2025-Fla-MSA-summary.pdf> (last visited Jan. 21, 2026).

<sup>16</sup> National Ass'n of Realtors, *Quick Real Estate Statistics*, Jul. 7, 2024, available at <https://www.nar.realtor/research-and-statistics/quick-real-estate-statistics> (last visited Jan. 21, 2026).

<sup>17</sup> See e.g., Zillow Property Tax Calculator, <https://www.zillow.com/mortgage-calculator/property-tax-calculator/>

<sup>18</sup> For example, Realtor.com's listings include the listed information, and its mortgage calculator includes estimated property taxes based on the home's value. <https://www.zillowhomeloans.com/calculators/mortgage-calculator/> (last visited Jan. 22, 2026).

<sup>19</sup> See s. 689.261 (1), F.S.

<sup>20</sup> See s. 689.261 (2), F.S.

<sup>21</sup> See s. 689.261 (1), F.S.



PROPERTY TAX  
DISCLOSURE SUMMARY

BUYER SHOULD NOT RELY ON THE SELLER'S CURRENT PROPERTY TAXES AS THE AMOUNT OF PROPERTY TAXES THAT THE BUYER MAY BE OBLIGATED TO PAY IN THE YEAR SUBSEQUENT TO PURCHASE. A CHANGE OF OWNERSHIP OR PROPERTY IMPROVEMENTS TRIGGERS REASSESSMENTS OF THE PROPERTY THAT COULD RESULT IN HIGHER PROPERTY TAXES. IF YOU HAVE ANY QUESTIONS CONCERNING VALUATION, CONTACT THE COUNTY PROPERTY APPRAISER'S OFFICE FOR INFORMATION.

**III. Effect of Proposed Changes:**

The bill amends s. 689.261, F.S., to provide new requirements related to online listing platforms' disclosure of estimated property taxes on residential properties. The bill requires that any property that can be viewed on a listing platform must include estimated property taxes for the property. The bill prohibits the use of current owner's property tax information to calculate estimated property taxes. Instead, the bill requires listing platforms to display estimated property taxes, which must be calculated using one of the two prescribed methods below:

- Estimated property taxes that would be due if the purchaser was taxed based on the listing price of the property and current millage rates applying data provided by the property appraiser to the DOR and a formula published by the DOR.
- Estimated property taxes that would be due if the purchaser was taxed based on the listing price of the property and countywide aggregate average millage rate applying data published by the DOR. The listing platform must include a link to the property appraiser's tax estimator in the county where the property is located or a link to the county property appraiser's website's homepage.

Under either of the prescribed methods, the current owner's and any previous year's property tax information may be displayed only as historical information. Both methods also require the listing platform to include a disclaimer on the same website or application that the millage rates of taxing authorities may vary within a county and that the estimated taxes do not include all non-ad valorem assessments, exemption discounts and other tax benefits, such as assessment limitations.

Alternatively, if property taxes are not estimated using a tax estimator or a buyer payment calculator provided by the online listing platform that uses one of the two prescribed methods in the bill, the listing platform may not display the current owner's property taxes or the previous year's property taxes. Instead, the listing platform must include either a link to the property appraiser's tax estimator in the county where the property is located, or to the county property appraiser's website homepage.

The bill requires the DOR to develop a formula to be used by a listing platform to calculate the estimated property taxes and to develop countywide aggregate average millage rates. The formula and countywide aggregate millage rate developed by the DOR must be published on the DOR's website by December 15, 2026, and annually thereafter. The bill provides that the DOR maintain a table of links to property appraiser's websites and tax estimators.

The bill requires each property appraiser to provide any information needed to develop the formula including, the county name, tax district code, school district millage rate, and summary millage rate for all other applicable taxing authorities. County property appraisers must also provide the department with any information needed to develop the countywide aggregate average millage rate.

The bill provides for complete immunity for claims against a listing platform or licensee for any inaccuracy in the estimated ad valorem taxes displayed on the listing platform. The bill prohibits current owner's property taxes from being included in any printed listing materials concerning a property on a listing platform.

The Department of Revenue may adopt rules to implement the provisions of this bill.

The bill takes effect July 1, 2026.

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

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

Article VII, s. 18 (a) of the Florida Constitution provides in part that a county or municipality may not be bound by a general law requiring a county or municipality to spend funds or take an action that requires the expenditure of funds unless certain specified exemptions or exceptions are met. The mandate requirement does not apply to laws having an insignificant impact,<sup>22</sup> which for Fiscal Year 2026-2027<sup>23</sup> is forecast at approximately \$2.4 million or less.

This bill is not expected to affect local government revenue in an amount that would surpass the insignificant threshold. Therefore, this bill is not a mandate subject to the requirements of Art. VII, s. 18(a) of the Florida Constitution.

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

None.

##### **C. Trust Funds Restrictions:**

None.

##### **D. State Tax or Fee Increases:**

Article VII, s. 19 of the Florida Constitution requires that legislation pass each chamber by a two-thirds vote and be contained in a separate bill with no other subject, if the

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<sup>22</sup> 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. 15, 2026).

<sup>23</sup> 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).

legislation imposes, authorizes an imposition, increases, or authorizes an increase in a state tax or fee or if it decreases or eliminates a state tax or fee exemption or credit.

The bill does not affect the imposition or increasing of a state tax or fee nor decreases or eliminates a state tax or fee exemption or credit. Thus, the constitutional requirements may not apply.

**E. Other Constitutional Issues:**

None identified.

**V. Fiscal Impact Statement:**

**A. Tax/Fee Issues:**

The bill does not change any state or local taxes or fees.

**B. Private Sector Impact:**

The bill requires online listing platforms to display estimated property taxes. As a result, some listing platforms may incur additional costs.

**C. Government Sector Impact:**

Florida requires property appraisers to submit to the DOR a real property assessment roll.<sup>24</sup> The roll records county and property specific information including millage rates for each taxing authority.<sup>25</sup> Property appraisers may incur de minimus costs to comply with the provisions in the bill. The DOR is not expected to incur any additional costs.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 689.261 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.

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<sup>24</sup> Section 193.1142(1)(a), F.S.

<sup>25</sup> See s.193.114, F.S.

B. Amendments:

None.

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

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158618

LEGISLATIVE ACTION

Senate

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House

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The Committee on Rules (DiCeglie) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 56 - 141

and insert:

websites, web applications, and mobile applications. The term  
does not include a social media platform as defined in s.  
501.2041.

2. "Property" means residential real property located  
within this state.

(b) Any property visible on a listing platform must include  
the estimated ad valorem taxes for such property.



158618

12       1. If the ad valorem taxes are estimated using a tax  
13 estimator or buyer payment calculator, the current owner's ad  
14 valorem assessment or taxes may not be used to calculate the  
15 estimated ad valorem taxes. The listing platform must calculate  
16 and display the estimated ad valorem taxes using one of the  
17 following methods:

18       a. The ad valorem taxes that would be due if the purchaser  
19 were taxed on the listing price of the property at current  
20 millage rates using the data and formula published under  
21 subparagraph (d)1. The use of such data and formula constitutes  
22 a reasonable estimate of ad valorem taxes. The listing platform  
23 must include a disclaimer on the same website or application as  
24 the estimated ad valorem taxes that the millage rates of  
25 applicable taxing authorities may vary within a county and that  
26 the estimated ad valorem taxes do not include all applicable  
27 non-ad valorem assessments or exemptions, discounts, and other  
28 tax benefits, including, but not limited to, transfer of the  
29 homestead assessment difference under s. 4, Art. VII of the  
30 State Constitution. The current owner's and any previous years'  
31 ad valorem taxes on the property may be displayed only as part  
32 of historical tax information.

33       b. The ad valorem taxes that would be due if the purchaser  
34 were taxed on the listing price of the property at the  
35 countywide aggregate average millage rate using the data  
36 published under subparagraph (d)2. The platform must include a  
37 link to the property appraiser's tax estimator for the county in  
38 which the property is located, if available, or to such property  
39 appraiser's homepage. The Department of Revenue shall maintain a  
40 table of links to each property appraiser's homepage and tax



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estimator, if available, on its website. The listing platform must include a disclaimer on the same website or application as the estimated ad valorem taxes stating that the millage rates of applicable taxing authorities may vary within a county and that the estimated ad valorem taxes do not include all applicable non-ad valorem assessments or exemptions, discounts, and other tax benefits, including, but not limited to, transfer of the homestead assessment difference under s. 4, Art. VII of the State Constitution. The current owner's and any previous years' ad valorem taxes on the property may be displayed only as part of historical tax information.

2. If ad valorem taxes are not estimated using a tax estimator or buyer payment calculator as provided in subparagraph 1., the listing platform may not display the current owner's ad valorem taxes and must include a link to the property appraiser's tax estimator for the county in which the property is located, if available, or to such property appraiser's homepage. The department shall maintain a table of links to each county property appraiser's homepage and tax estimator, if available, on its website. The previous year's ad valorem taxes on the property may not be displayed as part of historical tax information.

3. There is no liability on the part of, and no cause of action may arise against, any person for an inaccurate estimation of ad valorem taxes for a property listed on a listing platform.

(c) The current owner's ad valorem taxes may not be included in any printed listing materials concerning a property.

(d)1. The department shall develop a formula that may be



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used by a listing platform to calculate the estimated ad valorem taxes required under this subsection. Each county property appraiser shall provide the department with any information needed to develop the formula, including, at a minimum, the county name, tax district code, school district millage rate, and summary millage rate for all other applicable taxing authorities. Beginning December 15, 2026, and annually thereafter, the department shall publish on its website the formula and the information collected from each property appraiser under this subparagraph.

2. The department shall annually develop a countywide aggregate average millage rate for each county which may be used by a listing platform as an alternative method of meeting the requirements of this subsection. The department shall require each county property appraiser to provide the department with any information needed to develop the countywide aggregate average millage rate. Beginning December 15, 2026, and annually thereafter, the department shall publish on its website the countywide aggregate average millage rate and the information collected from each property appraiser under this subparagraph.

(e) The department may adopt rules to implement paragraph (d).

Section 2. This act shall take effect February 1, 2027.

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

And the title is amended as follows:

Delete line 23

and insert:

immunity for a person for any inaccuracies in



By Senator DiCeglie

18-00482A-26

2026856

1 A bill to be entitled  
 2 An act relating to disclosure of estimated ad valorem  
 3 taxes; amending s. 689.261, F.S.; defining the terms  
 4 "listing platform" and "property"; requiring that  
 5 certain property listings include estimated ad valorem  
 6 taxes; prohibiting the use of the current owner's ad  
 7 valorem assessment or taxes to calculate the estimated  
 8 ad valorem taxes under certain circumstances;  
 9 requiring listing platforms to calculate and display  
 10 the estimated ad valorem taxes using specified  
 11 methods; prohibiting the listing platform from  
 12 displaying the current owner's ad valorem taxes if  
 13 such ad valorem taxes are not estimated using a tax  
 14 estimator or buyer payment calculator; requiring  
 15 listing platforms to instead include a link to the  
 16 county property appraiser's homepage and tax  
 17 estimator; requiring the Department of Revenue to  
 18 maintain on its website a table of links to each  
 19 county's property appraiser's homepage and tax  
 20 estimator; providing conditions for when the previous  
 21 year's ad valorem taxes may be displayed as part of a  
 22 property's historical tax information; providing  
 23 immunity for specified parties for any inaccuracies in  
 24 the estimated ad valorem taxes on a property listed on  
 25 a listing platform; prohibiting printed listing  
 26 materials from including specified information;  
 27 requiring the department to develop a formula that may  
 28 be used by listing platforms to calculate the  
 29 estimated ad valorem taxes; requiring each county

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

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30 property appraiser to provide to the department any  
 31 information needed to develop such formula; requiring  
 32 the department, by a specified date, to annually  
 33 publish on its website the formula and information  
 34 collected; requiring the department to annually  
 35 develop a countywide aggregate millage rate for each  
 36 county for use by listing platforms as an alternative  
 37 method of satisfying the requirements of the act;  
 38 requiring the department to require each county  
 39 property appraiser to provide to the department any  
 40 information needed to develop the countywide aggregate  
 41 millage rate; requiring the department, by a specified  
 42 date, to annually publish on its website the  
 43 countywide aggregate average millage rate for each  
 44 county; authorizing the department to adopt rules;  
 45 providing an effective date.

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

48  
 49 Section 1. Subsection (3) is added to section 689.261,  
 50 Florida Statutes, to read:

51 689.261 Sale of residential property; disclosure of ad  
 52 valorem taxes to prospective purchaser.—

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

54 1. "Listing platform" means any public-facing online real  
 55 property listing service, including, but not limited to,  
 56 websites, web applications, and mobile applications.

57 2. "Property" means residential real property located  
 58 within this state.

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

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(b) Any property visible on a listing platform must include the estimated ad valorem taxes for such property.

1. If the ad valorem taxes are estimated using a tax estimator or buyer payment calculator, the current owner's ad valorem assessment or taxes may not be used to calculate the estimated ad valorem taxes. The listing platform must calculate and display the estimated ad valorem taxes using one of the following methods:

a. The ad valorem taxes that would be due if the purchaser were taxed on the listing price of the property at current millage rates using the data and formula published under subparagraph (d)1. The use of such data and formula constitutes a reasonable estimate of ad valorem taxes. The listing platform must include a disclaimer on the same website or application as the estimated ad valorem taxes that the millage rates of applicable taxing authorities may vary within a county and that the estimated ad valorem taxes do not include all applicable non-ad valorem assessments or exemptions, discounts, and other tax benefits, including, but not limited to, transfer of the homestead assessment difference under s. 4, Art. VII of the State Constitution. The current owner's and any previous years' ad valorem taxes on the property may be displayed only as part of historical tax information.

b. The ad valorem taxes that would be due if the purchaser were taxed on the listing price of the property at the countywide aggregate average millage rate using the data published under subparagraph (d)2. The platform shall include a link to the property appraiser's tax estimator for the county in which the property is located, if available, or to such property

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2026856

appraiser's homepage. The Department of Revenue must maintain a table of links to each property appraiser's homepage and tax estimator, if available, on its website. The listing platform must include a disclaimer on the same website or application as the estimated ad valorem taxes that the millage rates of applicable taxing authorities may vary within a county and that the estimated ad valorem taxes do not include all applicable non-ad valorem assessments or exemptions, discounts, and other tax benefits, including, but not limited to, transfer of the homestead assessment difference under s. 4, Art. VII of the State Constitution. The current owner's and any previous years' ad valorem taxes on the property may be displayed only as part of historical tax information.

2. If ad valorem taxes are not estimated using a tax estimator or buyer payment calculator as provided in subparagraph 1., the listing platform may not display the current owner's ad valorem taxes and must include a link to the property appraiser's tax estimator for the county in which the property is located, if available, or to such property appraiser's homepage. The department shall maintain a table of links to each county property appraiser's homepage and tax estimator, if available, on its website. The previous year's ad valorem taxes on the property may not be displayed as part of historical tax information.

3. There is complete immunity for claims against a listing platform or licensee under chapter 475 for any inaccuracy in the estimated ad valorem taxes on a property listed on the listing platform.

(c) The current owner's ad valorem taxes may not be

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2026856\_\_

included in any printed listing materials concerning a property.

(d)1. The department shall develop a formula that may be used by a listing platform to calculate the estimated ad valorem taxes required under this subsection. Each county property appraiser shall provide the department with any information needed to develop the formula, including, at a minimum, the county name, tax district code, school district millage rate, and summary millage rate for all other applicable taxing authorities. Beginning December 15, 2026, and annually thereafter, the department shall publish on its website the formula and the information collected from each property appraiser under this subparagraph.

2. The department shall annually develop a countywide aggregate average millage rate for each county which may be used by a listing platform as an alternative method of meeting the requirements of this subsection. The department shall require each county property appraiser to provide the department with any information needed to develop the countywide aggregate average millage rate. Beginning December 15, 2026, and annually thereafter, the department shall publish on its website the countywide aggregate average millage rate and the information collected from each property appraiser under this subparagraph.

(e) The department may adopt rules to implement paragraph (d).

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.)

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Prepared By: The Professional Staff of the Committee on Rules

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BILL: SB 962

INTRODUCER: Senator Bradley

SUBJECT: Affordable Housing

DATE: February 9, 2026

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

| ANALYST                | STAFF DIRECTOR | REFERENCE | ACTION             |
|------------------------|----------------|-----------|--------------------|
| 1. <u>Hackett</u>      | <u>Fleming</u> | <u>CA</u> | <b>Favorable</b>   |
| 2. <u>Stokes-Ramos</u> | <u>Becker</u>  | <u>AG</u> | <b>Favorable</b>   |
| 3. <u>Hackett</u>      | <u>Kruse</u>   | <u>RC</u> | <b>Pre-meeting</b> |

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## **I. Summary:**

SB 962 provides that for the purposes of the Live Local Act, passed during the 2023 Regular Session, farms or farm operations, including the packaging and sale of those products raised on the premises, are excluded from the definitions of commercial, industrial, or mixed use zoning which would require the local government to approve certain affordable housing developments.

The bill takes effect July 1, 2026.

## **II. Present Situation:**

### **Zoning and Land Use Preemption for Affordable Developments**

The Growth Management Act requires every city and county to create and implement a comprehensive plan to guide future development.<sup>1</sup> All development, both public and private, and all development orders<sup>2</sup> approved by local governments must be consistent with the local government's comprehensive plan unless otherwise provided by law.<sup>3</sup> The Future Land Use Element in a comprehensive plan establishes a range of allowable uses and densities and

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<sup>1</sup> Section 163.3167(2), F.S.

<sup>2</sup> "Development order" means any order granting, denying, or granting with conditions an application for a development permit. See s. 163.3164(15), F.S. "Development permit" includes 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. See s. 163.3164(16), F.S.

<sup>3</sup> Section 163.3194(3), F.S.

intensities over large areas, and the specific use and intensities for specific parcels<sup>4</sup> within that range are decided by a more detailed, implementing zoning map.<sup>5</sup>

The Live Local Act<sup>6</sup> preempts certain county and municipal zoning and land use decisions to encourage development of affordable multifamily rental housing in targeted land use areas. Specifically, the act requires counties and municipalities to allow a multifamily or mixed-use residential<sup>7</sup> rental development in any area zoned for commercial, industrial, or mixed-use if the development meets certain affordability requirements.<sup>8</sup> To qualify, the proposed development must reserve 40 percent of the units for residents with incomes up to 120% of the area median income, for a period of at least 30 years.

### ***Commercial, Industrial, and Mixed Use***<sup>9</sup>

For the purposes of the Live Local Act, “commercial use” means activities associated with the sale, rental, or distribution of products or the performance of services related thereto. It includes, but is not limited to:

- Retail sales; wholesale sales; rentals of equipment, goods, or products;
- Offices; restaurants;
- Food service vendors; sports arenas; theaters; and tourist attractions; and
- Other for-profit business activities

A parcel that is zoned to permit these uses by right (without a variance or waiver) is considered commercial use for this statute, regardless of its local land development category or title.

Excluded from commercial use are:

- Home-based businesses and cottage food operations on residential property;
- Certain public lodging establishments;
- Accessory, ancillary, incidental, or temporary uses; and
- Recreational uses (e.g., golf courses, tennis courts, swimming pools, clubhouses) when located within an area designated for residential use.

For the purposes of the Live Local Act, “industrial use” means activities associated with the manufacture, assembly, processing, or storage of products or the performance of related services. It includes, but is not limited to:

- Automobile manufacturing or repair; boat manufacturing or repair;
- Junk yards; meat packing facilities; citrus or produce processing and packing;
- Electrical generating plants; water treatment plants; sewage treatment plants; and

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<sup>4</sup> When local governments make changes to their zoning regulations or comprehensive plans, some structures may no longer be in compliance with the newly approved zoning and may be deemed a “nonconforming use.” A nonconforming use or structure is one in which the use or structure was legally permitted prior to a change in the law, and the change in law would no longer permit the re-establishment of such structure or use.

<sup>5</sup> 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).

<sup>6</sup> 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.

<sup>7</sup> For mixed-use residential, at least 65 percent of the total square footage must be used for residential purposes.

<sup>8</sup> See ss. 125.01055(7) and 166.04151(7), F.S.

<sup>9</sup> See s. 125.01055(7)(n), F.S.

- Solid waste disposal sites.

A parcel zoned to permit these uses by right is considered industrial use for the statute. The term does not include accessory, ancillary, incidental, or temporary uses, or the same set of recreational uses as above.

For the purposes of the Live Local Act, “mixed use” refers to any use that combines multiple types of approved land uses from at least two of the residential use, commercial use, and industrial use categories.<sup>10</sup> The commercial and industrial exclusions for accessory, ancillary, incidental, temporary, and recreational uses apply to mixed use as well.

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

The bill amends ss. 125.01055 and 166.04151, F.S., to provide that for the purposes of the Live Local Act, farms or farm operations, or uses associated therewith, to include the packaging and sale of those products raised on the premises, are excluded from the definitions of commercial, industrial, or mixed use.

The bill refers to s. 823.14(3), F.S., which provides that:

- “Farm” means the land, buildings, support facilities, machinery, and other appurtenances used in the production of farm or aquaculture products; and
- “Farm operation” means all conditions or activities by the owner, lessee, agent, independent contractor, or supplier which occur on a farm in connection with the production of farm, honeybee, or apiculture products or in connection with complementary agritourism activities.

The referenced statute includes examples such as roadside stands, agritourism, and the use of certain farm-related machinery.

With this change, counties and municipalities are not required to authorize multifamily and mixed-use residential uses for an area if the area is also a farm or farm operation or utilized for uses associated therewith.

The bill takes effect July 1, 2026.

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

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

None.

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

None.

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<sup>10</sup> Section 125.01055(n)3., 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:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends sections 125.01055 and 166.04151 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 Bradley

6-01401A-26

2026962

A bill to be entitled

An act relating to affordable housing; amending ss. 125.01055 and 166.04151, F.S.; revising the definitions of certain land use categories for which certain residential development may be authorized to exclude farms and farm operations and uses associated therewith; providing an effective date.

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

Section 1. Paragraph (n) of subsection (7) of section 125.01055, Florida Statutes, is amended to read:

125.01055 Affordable housing.—

(7)

(n) As used in this subsection, the term:

1. "Commercial use" means activities associated with the sale, rental, or distribution of products or the performance of services related thereto. The term includes, but is not limited to, such uses or activities as retail sales; wholesale sales; rentals of equipment, goods, or products; offices; restaurants; public lodging establishments as described in s. 509.242(1)(a); food service vendors; sports arenas; theaters; tourist attractions; and other for-profit business activities. A parcel zoned to permit such uses by right without the requirement to obtain a variance or waiver is considered commercial use for the purposes of this section, irrespective of the local land development regulation's listed category or title. The term does not include home-based businesses or cottage food operations undertaken on residential property; ~~or~~ public lodging

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

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establishments as described in s. 509.242(1)(c); farms or farm operations as defined in s. 823.14(3) or uses associated therewith, including the packaging and sale of products raised on the premises; ~~or~~ or uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not commercial use, irrespective of how they are operated.

2. "Industrial use" means activities associated with the manufacture, assembly, processing, or storage of products or the performance of services related thereto. The term includes, but is not limited to, such uses or activities as automobile manufacturing or repair, boat manufacturing or repair, junk yards, meat packing facilities, citrus processing and packing facilities, produce processing and packing facilities, electrical generating plants, water treatment plants, sewage treatment plants, and solid waste disposal sites. A parcel zoned to permit such uses by right without the requirement to obtain a variance or waiver is considered industrial use for the purposes of this section, irrespective of the local land development regulation's listed category or title. The term does not include farms or farm operations as defined in s. 823.14(3) or uses associated therewith, including the packaging and sale of products raised on the premises, or uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not industrial use,

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



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irrespective of how they are operated.

3. "Mixed use" means any use that combines multiple types of approved land uses from at least two of the residential use, commercial use, and industrial use categories. The term does not include farms or farm operations as defined in s. 823.14(3) or uses associated therewith, including the packaging and sale of products raised on the premises, or uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not mixed use, irrespective of how they are operated.

4. "Planned unit development" has the same meaning as provided in s. 163.3202(5)(b).

Section 2. Paragraph (n) of subsection (7) of section 166.04151, Florida Statutes, is amended to read:

166.04151 Affordable housing.—

(7)

(n) As used in this subsection, the term:

1. "Commercial use" means activities associated with the sale, rental, or distribution of products or the performance of services related thereto. The term includes, but is not limited to, such uses or activities as retail sales; wholesale sales; rentals of equipment, goods, or products; offices; restaurants; public lodging establishments as described in s. 509.242(1)(a); food service vendors; sports arenas; theaters; tourist attractions; and other for-profit business activities. A parcel zoned to permit such uses by right without the requirement to obtain a variance or waiver is considered commercial use for the

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purposes of this section, irrespective of the local land development regulation's listed category or title. The term does not include home-based businesses or cottage food operations undertaken on residential property;~~;~~ public lodging establishments as described in s. 509.242(1)(c); farms or farm operations as defined in s. 823.14(3) or uses associated therewith, including the packaging and sale of products raised on the premises;~~;~~ or uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not commercial use, irrespective of how they are operated.

2. "Industrial use" means activities associated with the manufacture, assembly, processing, or storage of products or the performance of services related thereto. The term includes, but is not limited to, such uses or activities as automobile manufacturing or repair, boat manufacturing or repair, junk yards, meat packing facilities, citrus processing and packing facilities, produce processing and packing facilities, electrical generating plants, water treatment plants, sewage treatment plants, and solid waste disposal sites. A parcel zoned to permit such uses by right without the requirement to obtain a variance or waiver is considered industrial use for the purposes of this section, irrespective of the local land development regulation's listed category or title. The term does not include farms or farm operations as defined in s. 823.14(3) or uses associated therewith, including the packaging and sale of products raised on the premises, or uses that are accessory,

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ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not industrial use, irrespective of how they are operated.

3. "Mixed use" means any use that combines multiple types of approved land uses from at least two of the residential use, commercial use, and industrial use categories. The term does not include farms or farm operations as defined in s. 823.14(3) or uses associated therewith, including the packaging and sale of products raised on the premises, or uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not mixed use, irrespective of how they are operated.

4. "Planned unit development" has the same meaning as provided in s. 163.3202(5)(b).

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.)

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Prepared By: The Professional Staff of the Committee on Rules

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BILL: SB 1000

INTRODUCER: Senator Grall

SUBJECT: Trust Fund Interest for Purposes Approved by the Supreme Court

DATE: February 16, 2026

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

|    | ANALYST        | STAFF DIRECTOR | REFERENCE | ACTION             |
|----|----------------|----------------|-----------|--------------------|
| 1. | <u>Davis</u>   | <u>Cibula</u>  | <u>JU</u> | <b>Favorable</b>   |
| 2. | <u>Johnson</u> | <u>Knudson</u> | <u>BI</u> | <b>Favorable</b>   |
| 3. | <u>Davis</u>   | <u>Kruse</u>   | <u>RC</u> | <b>Pre-meeting</b> |

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**I. Summary:**

SB 1000 establishes in statute an interest on trust account rate that financial institutions must pay when paying interest or dividends on a lawyer or law firm's trust accounts. These interest producing accounts are known as the interest on trust accounts or IOTA program. The substance of this bill is the result of an agreement between The Florida Bar and the Florida Bankers Association.

Under the bill, the Florida Supreme Court establishes an entity that receives the interest or dividends and uses the funds to provide free legal services to low-income people or for other purposes expressly authorized by a rule of the Court. This is consistent with current practice whereby IOTA funds are transmitted from financial institutions to The Florida Bar and the Bar's Foundation distributes the funds, primarily, to provide legal assistance to the poor. The current formula for calculating interest and dividend rates is set forth in The Florida Bar Rules, not in statute, and is significantly different from the formula in this bill.

If a financial institution holds one of these trust accounts, it must pay, after all fees and charges are assessed by the institution, interest or dividends at the Wall Street Journal Prime Rate in effect on the first business day of each month, less 300 basis points, or 3.0 percent, with a minimum floor rate of 0.25 percent and a maximum ceiling rate, of 1.5 percent.

By establishing the floor rate, the Bar Foundation is assured that it will receive funds to finance the IOTA program during periods of low interest rates. By establishing a ceiling rate, the financial institutions are assured that they can operate the IOTA accounts at profit over the long term.

The bill takes effect July 1, 2026.

## II. Present Situation:

### Overview of Interest on Trust Accounts or IOTA

All attorneys who maintain trust accounts must abide by rules developed by The Florida Bar and approved by the Florida Supreme Court.<sup>1</sup> The rules require that trust fund accounts be deposited with financial institutions that pay a guaranteed interest rate set by rule.<sup>2</sup> The interest generated by the trust accounts is referred to as the Interest on Trust Accounts program or IOTA. The program generates millions of dollars in interest each year. Once generated, the interest is transmitted directly to The Florida Bar and used exclusively by the Bar's Foundation, Funding Florida Legal Aid, which is authorized by the Florida Supreme Court to administer the IOTA program. The collections for FY 2024-25 were \$260,414,122 and \$96.4 million was placed in reserves while \$125 million was distributed in December 2025 for use in calendar year 2026.<sup>3</sup>

### Attorney Trust Accounts

A trust account is a short-term account set up by an attorney in which he or she deposits funds on behalf of a client. The account generally contains client funds that are often commingled with funds of other clients and may include funds from a retainer payment, discovery or litigation costs paid in advance, filing fees, or a settlement award. The amount of money in the account changes often because deposits and withdrawals are made frequently, sometimes daily. These fees may not be commingled with an attorney's operating account but must be kept separately. It is estimated that between \$9 and \$10 billion is deposited annually into IOTA accounts at financial institutions.

A trust account has been described as an "unusual" creation that is significantly different from other accounts. Although an attorney opens the account and is responsible for managing the funds in the account, he or she is not the owner of the funds.<sup>4</sup> While an attorney is not the owner of the account, and therefore, not entitled to interest generated by the account, neither is the client entitled to interest generated by the funds. The U.S. Court of Appeals for the Eleventh Circuit issued a decision in 1987 determining that a client was not entitled to the interest generated in a trust account.<sup>5</sup> Financial institutions, however, are permitted to impose certain approved charges and fees on IOTA accounts to cover their operating expenses.<sup>6</sup>

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<sup>1</sup> The State Constitution grants exclusive jurisdiction to the Florida Supreme Court to regulate the admission and discipline of people to practice law in the state. See FLA. CONST. art. V, s. 15. The Florida Supreme Court has established the "authority and responsibilities of The Florida Bar" in the *Rules Regulating the Florida Bar*. Chapter 5 contains the "Rules Regulating Trust Accounts," which all attorneys who maintain trust accounts must abide by.

<sup>2</sup> Participation in the IOTA program is voluntary for financial institutions. However, if an institution chooses to participate and hold IOTA accounts, it must provide the interest or dividend rate established under the Bar Rules.

<sup>3</sup> See *In re: FFLA-FY 2024-25 Collections, Request for Approval of Additional Reserve Amount*, Case No. AOSC25-66 (Oct. 29, 2025), <https://flcourts-media.flcourts.gov/content/download/2470773/file/AOSC25-66.pdf>.

<sup>4</sup> *In re: Amendments to the Rules Regulating the Florida Bar-Miscellaneous: The Florida Bar's Response to the Florida Bankers Association's Motion for Rehearing*, Case No. SC22-1292, 2 (April 14, 2023), <https://acis-api.flcourts.gov/courts/68f021c4-6a44-4735-9a76-5360b2e8af13/cms/case/baa8ed04-2926-4922-b099-9d51fd7ab2ae/docketentrydocuments/a8e413ea-a6d4-417f-a1b0-2536bb7c9292>.

<sup>5</sup> *Cone v. State Bar of Florida*, 819 F.2d 1002 (11th Cir. 1987).

<sup>6</sup> "The following charges and fees have been defined as 'reasonable' and are the only service charges or fees permitted to be deducted from interest earned on IOTA accounts. These service charges or fees may be deducted from IOTA account interest only at such rates and under such circumstances as is the financial institution's customary practice for all its interest-bearing

How the accounts may be regulated or restricted has presented a quandary for almost 200 years. The earliest attempt to regulate trust accounts can be traced to the Legislative Council of the Territory of Florida in 1828. In 1936, the Florida Supreme Court incorporated the regulation of trust accounts into the Court's rules. Additional measures were adopted over the years to ensure that attorneys, acting as "trustees" would not misuse their clients' funds or neglect to return them when requested to do so by the client.<sup>7</sup>

### **Evolution of Interest Earned on Trusts Accounts**

Trust accounts have evolved from simple accounts that earned no interest and benefitted no one in particular to today's more regulated accounts. The Florida Bar, with Florida Supreme Court approval, mandates participation by attorneys, establishes the interest rates, and requires that the interest be remitted to The Florida Bar's foundation, Funding Florida Legal Aid.<sup>8</sup>

#### ***1978 – Voluntary Participation for Lawyers with Trust Accounts***

For many years, attorneys deposited their clients' funds in non-interest bearing checking accounts because trying to apportion multiple clients' interest earnings on short-term deposits was far too complex. In 1978, however, the Florida Supreme Court amended The Florida Bar Rules (Rules) in response to a petition by The Florida Bar and authorized attorneys to invest trust funds held for their clients to generate investment income that would, among other things, provide legal aid to the poor and help provide student loans. Participation would be *voluntary* and interest would be transmitted directly from the financial institutions to The Florida Bar Foundation. In implementing these changes, Florida became the first state in the nation to adopt an IOTA program.<sup>9</sup> After several adjustments, the program became operational in 1981 and permitted *voluntary* participation by attorneys and their firms.<sup>10</sup>

#### ***1989 – Mandatory Participation for Lawyers with Trust Accounts***

In 1989, the Rules were amended and participation in the program became *mandatory* for all attorneys who held trust accounts.<sup>11</sup>

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checking account customers: per check charge, per deposit charge, fee in lieu of minimum balance, federal deposit insurance fee." Financial institutions are also permitted to recover special costs for their participation in IOTA by deducting a reasonable IOTA handling or administrative fee. See *Funding Florida Legal Aid, Iota, For Lawyers and Law Firms, Reasonable Service Charge Policy*, <https://fundingfla.org/iota/attorneys-lawfirms/> (last visited Jan. 21, 2026).

<sup>7</sup> *A Petition of Florida Bar*, 356 So. 2d 799 (Mem), 800-801 (Fla. 1978). (The lengthier case style is *In re Interest on Trust Accounts, A Petition of The Florida Bar to Amend the Code of Professional Responsibility and the Rules Governing the Practice of Law.*).

<sup>8</sup> See generally R. Regulating Fla. Bar Rule 5-1, Rules Regulating Trust Accounts, [https://www-media.floridabar.org/uploads/2025/12/2026\\_06-DEC-Chapter-5-RRTFB.pdf](https://www-media.floridabar.org/uploads/2025/12/2026_06-DEC-Chapter-5-RRTFB.pdf).

<sup>9</sup> *In re: Interest on Trust Accounts, A Petition of the Florida Bar*, 356 So. 2d 799 (Mem) (Fla. 1978).

<sup>10</sup> It should be noted that the establishment of IOTA or IOLTA (Interest on Lawyers' Trust Accounts as they are called in other states) was possible only after Congress made changes to federal banking laws in 1980 that allowed certain checking accounts to pay interest. American Bar Association, *Interest on Lawyers' Trust Accounts*, [https://www.americanbar.org/groups/interest\\_lawyers\\_trust\\_accounts/overview/](https://www.americanbar.org/groups/interest_lawyers_trust_accounts/overview/) (last visited Jan. 21, 2026). See also *In the Matter of Interest on Trust Accounts*, 402 So. 2d 389 (Mem) (Fla. 1981).

<sup>11</sup> *Matter of Interest on Trust Accounts: Petition to Amend the Rules Regulating the Florida Bar*, 538 So. 2d 448, 449-450, (Fla. 1989).

### ***2001 – Participating Financial Institutions Defined and Limited***

In 2001, the Rules were amended again to define which financial institutions were eligible to hold IOTA accounts. These eligible institutions were limited to the institutions that pay IOTA account depositors “the highest interest rate or dividend generally available from the institution to its non-IOTA account customers when IOTA accounts meet or exceed the same minimum balance” or other eligibility requirements. In essence, The Florida Bar Foundation was asking that IOTA accounts be placed on an equal par with non-IOTA accounts in an institution.<sup>12</sup>

It is worth noting that these rules are not found in the Florida Statutes, but are rules adopted by The Florida Bar and approved by the Florida Supreme Court.

### **2023 Amendments to Interest on Trust Accounts Rule and The Florida Bankers Association Response**

The Florida Bar petitioned the Court on October 3, 2022, to again amend the IOTA rules. The stated goal of the proposed amendments was to “include all possible accounts that can be used as trust accounts” and “ensure the highest possible interest is available for IOTA accounts.”<sup>13,14</sup>

The Florida Bankers Association opposed the measure and challenged the 2023 amendments by filing a motion for rehearing. The Bankers Association stated that it did not receive adequate or meaningful notice of the proposed IOTA amendments. The Court denied the motion and the new rule became effective on May 15, 2023, and remains in effect.<sup>15</sup>

According to documents filed in the Florida Supreme Court, the Florida Bankers Association and The Florida Bar attempted for months to reach a compromise rate that was agreeable to both parties. This resulted in an impasse and no compromise was reached.<sup>16</sup> On August 7, 2024, the Court denied the Florida Bankers Association’s motion for rehearing. The result was that the IOTA program generated an unprecedented amount of interest for the Bar’s Foundation.<sup>17</sup>

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<sup>12</sup> *Amendment to Rules Regulating the Florida Bar—Rule 5-1.1(e)--IOTA*, 797 So. 2d 551 (Fla. 2001).

<sup>13</sup> *In re: Amendments to the Rules Regulating the Florida Bar – Miscellaneous: Petition to Amend the Rules Regulating the Florida Bar*, Case No. SC2022-1292 (Oct. 3, 2022), <https://acis-api.flcourts.gov/courts/68f021c4-6a44-4735-9a76-5360b2e8af13/cms/case/baa8ed04-2926-4922-b099-9d51fd7ab2ae/docketentrydocuments/60ddf5a7-6ae4-425a-a90b-2cebcc635bd0>.

<sup>14</sup> The formula stated, “When the Wall Street Journal Prime Rate (“indexed rate”) is between 325 and 499 basis points (3.25% and 4.99%), the minimum interest rate paid net of all fees and service charges (“yield”) must be no less than 300 basis points (3.00%) below the indexed rate in effect on the first business day of each month. When the indexed rate is 500 basis points (5.00%) or above, the yield must be no less than 40% of the indexed rate in effect on the first business day of each month.

<sup>15</sup> *In re: Amendments to the Rules Regulating the Florida Bar: Petition to Amend the Rules Regulating the Florida Bar*, Case No. SC2025-1730, <https://acis-api.flcourts.gov/courts/68f021c4-6a44-4735-9a76-5360b2e8af13/cms/case/da732548-6b47-4a8a-ae84-ec3faf5691ae/docketentrydocuments/e5b55656-749b-4362-aa02-6f0c46c338f4>.

<sup>16</sup> *In re: Amendments to the Rules Regulating the Florida Bar*, The Florida Bankers Association’s Comment to the Florida Bar’s Report on Implementation Status, Case No: SC2022-1292, <https://acis-api.flcourts.gov/courts/68f021c4-6a44-4735-9a76-5360b2e8af13/cms/case/baa8ed04-2926-4922-b099-9d51fd7ab2ae/docketentrydocuments/f5381851-24da-4ff6-932d-487a9ca0b99c> (last visited Jan. 21, 2026).

<sup>17</sup> For a detailed account of these proceedings and responses from the Florida Bankers Association, please see *CS/CS/CS SB 498 Bill Analysis and Impact Statement*, <https://www.flsenate.gov/Session/Bill/2025/498/Analyses/2025s00498.rc.PDF>.

## **Rule Amendment Pending in the Florida Supreme Court - Compromise Reached Between the Florida Bar and the Florida Bankers Association**

According to a petition filed by The Florida Bar in the Supreme Court, the Florida Bankers Association sought legislation in 2024 and 2025 that would establish in statute the interest rates on trust fund accounts. The petition states that the Bar Foundation and its grantees support the rule amendment that is the substance of this bill “choosing certainty over continuing to spend resources on legislative activity or possible litigation involving the Florida Bankers Association.” The petition to amend the rules regulating the interest rate states that, “For its part, the Florida Bankers Association has assured the Bar and interested legislators that it is satisfied with these proposed amendments.”<sup>18</sup>

The proposed Bar Rule states:

*(5) Eligible Institution Participation in IOTA.* Participation in the IOTA program is voluntary for banks, credit unions, savings and loan associations, and investment companies. Institutions that choose to offer and maintain IOTA accounts must pay, net of all fees and charges assessed by the eligible financial institution, the Wall Street Journal Prime Rate in effect on the first business day of each month less 300 basis points (3.00%) with a floor of 0.25% and a ceiling of 1.50%.<sup>19</sup>

The proposed rule change was approved by various Bar committees and the petition to amend the IOTA rates was filed in the Florida Supreme Court on November 4, 2025.<sup>20</sup> The Court has not ruled on the petition at this time.

## **IOTA Data for Funding Florida Legal Aid**

### ***Amounts Received by FFLA From the IOTA Program***

Funding Florida Legal Aid supplied the information below on remittances from the IOTA accounts. The fiscal year begins July 1 and ends June 30 of the following year. The collections for the 2024-2025 fiscal year were distributed in December 2025 to be used during the 2026 calendar year.

<sup>18</sup> *In re: Amendments to the Rules Regulating the Florida Bar: Petition to Amend the Rules Regulating the Florida Bar*, Case No. SC2025-1730, 2,3 (filed Nov. 4, 2025), <https://acis-api.flcourts.gov/courts/68f021c4-6a44-4735-9a76-5360b2e8af13/cms/case/da732548-6b47-4a8a-ae84-ec3faf5691ae/docketentrydocuments/e5b55656-749b-4362-aa02-6f0c46c338f4>.

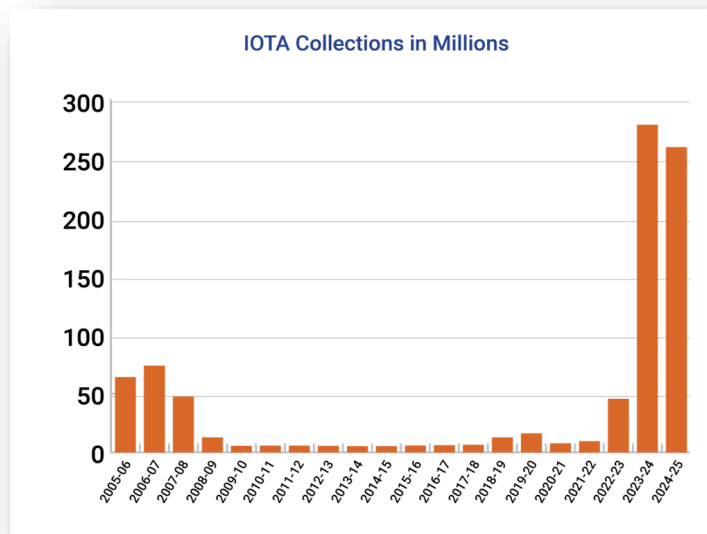
<sup>19</sup> Rules Regulating The Florida Bar, Chapter 5. Rules Regulating Trust Accounts, 5-1. Generally, Rule 5-1.1 Trust Accounts, <https://acis-api.flcourts.gov/courts/68f021c4-6a44-4735-9a76-5360b2e8af13/cms/case/da732548-6b47-4a8a-ae84-ec3faf5691ae/docketentrydocuments/a88e5381-482e-4ca4-9e11-fee7f4953c>.

<sup>20</sup> *In re: Amendments to the Rules Regulating the Florida Bar: Petition to Amend the Rules Regulating the Florida Bar*, Case No. SC2025-1730 (filed Nov. 4, 2025), <https://acis-api.flcourts.gov/courts/68f021c4-6a44-4735-9a76-5360b2e8af13/cms/case/da732548-6b47-4a8a-ae84-ec3faf5691ae/docketentrydocuments/e5b55656-749b-4362-aa02-6f0c46c338f4>.

|            |                             |
|------------|-----------------------------|
| FY 2021-22 | \$9,498,692                 |
| FY 2022-23 | \$45,547,390                |
| FY 2023-24 | \$279,656,155               |
| FY 2024-25 | \$260,414,122 <sup>21</sup> |

It is significant to note that the IOTA collections increased by \$234,108,765 between fiscal year 2022-23 and fiscal year 2023-24. This is due to the funding formula authorized by the Supreme Court in May 2023 for the benefit of the Bar Foundation.

The chart below shows how IOTA collections have changed over the past 20 years.<sup>22</sup>



### Wall Street Prime Rate

The Wall Street Journal Prime Rate is the most widely relied upon measure of the prime interest rate. To arrive at this rate, *The Wall Street Journal* regularly surveys the country's largest banks to determine the interest rate they are charging their "prime" customers for short-term loans. The "prime" customers are those with the highest credit ratings. When 23 of the 30 largest banks change their rate, the *Journal* adjusts its rate. The *Journal* defines the prime rate as the "base rate on corporate loans posted by at least 70% of the nation's largest banks."<sup>23</sup>

<sup>21</sup> Funding Florida Legal Aid, *IOTA, Interest on Trust Accounts Program, IOTA Collections Public Notices* <https://fundingfla.org/iota/>.

<sup>22</sup> Florida Funding Legal Aid, Financial Stewardship, Florida's Interest on Trust Accounts (IOTA) Program, <https://fundingfla.org/about-ffla/ffla-finance/> (last visited Jan. 21, 2026).

<sup>23</sup> Fulton Bank, "What Is Wall Street Journal Prime Rate and Why It Matters" <https://www.fultonbank.com/Education-Center/Managing-Credit-and-Debt/Prime-rate-and-why-it-matters> (last visited Jan. 21, 2026), Bankrate, *Wall Street Journal Prime Rate* (last visited Jan. 21, 2026), <https://www.bankrate.com/rates/interest-rates/wall-street-prime-rate/#:~:text=Bankrate.com%20provides%20the%20Wall%20Street%20Prime%20Rate%20and%20WSJ%20current%20prime%20rates%20index>, and Wall Street Journal, *WSJ/Markets*, <https://www.wsj.com/market-data/bonds> (last visited Jan. 21, 2026).



As of January 21, 2026, the Wall Street Journal Prime Rate is 6.75. For the last 52 week period, the high was 7.50 percent and the low was 6.75 percent.<sup>24</sup>

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

This bill establishes in statute an Interest on Trust Account rate that is based upon an agreement made between The Florida Bar and the Florida Bankers Association.

#### **The Interest or Dividend Rate and the Recipients**

The bill establishes the interest rate that financial institutions must provide when paying interest or dividends on certain lawyer or law firm trust accounts. The interest or dividends will be remitted to an entity established by the Florida Supreme Court which uses the interest or dividends to provide or facilitate free legal services to low-income people or to a program that is expressly authorized by a rule of the Court. This is consistent with current practice whereby IOTA funds are transmitted from financial institutions to The Florida Bar and the Bar's Foundation which distributes the funds, primarily, to provide legal assistance to the poor.

Although the current funding formula for calculating interest and dividend rates is set forth in The Florida Bar Rules, the bill establishes the formula in statute.

#### **Applying the Formula**

A financial institution that holds one of these trust accounts must pay, "net of all fees and charges assessed by the financial institution, interests or dividends at the Wall Street Journal Prime Rate in effect on the first business day of each month, less 300 basis points, with a floor of 0.25 percent and ceiling of 1.5 percent." By establishing the floor rate, the Bar Foundation is assured that it will receive funds to finance the IOTA program during periods of low interest rates. By establishing a ceiling rate, the financial institutions are assured that they can operate IOTA accounts at a profit over the long term.

This mathematical formula established in the bill will result in a number of possible calculations described below:

#### ***When the "Floor" Takes Effect***

If, after deducting 3.0 percent from the prime rate, the number is equal to or less than 0.25 percent, a financial institution must pay the floor rate, or 0.25 percent in interest or dividends.

#### ***When the "Ceiling" Takes Effect***

In contrast, if after deducting 3.0 percent from the prime rate, the number is equal to or greater than 1.50 percent, a financial institution must pay the ceiling rate, or 1.50 percent.

#### ***Other Results Determined by Applying the Formula***

The formula also results in rates that are between the floor and the ceiling, at which point the actual number arrived at by deducting 3.0 percent from the prime rate is the IOTA rate. For

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<sup>24</sup> Wall Street Journal, *WSJ/Markets*, <https://www.wsj.com/market-data/bonds> (last visited Jan 21, 2026).

example, if the prime rate is 3.75 percent, and 3.0 percent is deducted, the resulting rate is 0.75 percent, which is the applicable interest or dividend rate payable by the institution.

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:**

The bill does not appear to regulate attorneys or the practice of law in violation of Article V section 15 of the State Constitution. Instead, the bill is a regulation of financial institutions.

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

**A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

The interest rates established in the bill will result in financial institutions participating in the IOTA program paying lower interest rates on trust accounts. This change might allow them to operate IOTA accounts at a profit or allow smaller financial institutions to participate. Likewise, the bill may result in attorneys having more financial institutions to choose from when selecting a financial institution for their trust accounts. In contrast, Funding Florida Legal Aid will likely see a significant reduction in the interest revenue it receives to fund its legal aid programs and other programs authorized by the Supreme Court.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates s. 655.98 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.

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

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By Senator Grall

29-01212D-26

20261000\_\_

1 A bill to be entitled  
 2 An act relating to trust fund interest for purposes  
 3 approved by the Supreme Court; creating s. 655.98,  
 4 F.S.; authorizing financial institutions to hold funds  
 5 in specified trust accounts used for specified  
 6 purposes expressly authorized by Supreme Court rule;  
 7 requiring certain entities to use interest and  
 8 dividends for specified purposes; requiring certain  
 9 financial institutions to pay specified interest or  
 10 dividends; providing an effective date.  
 11  
 12 Be It Enacted by the Legislature of the State of Florida:  
 13  
 14 Section 1. Section 655.98, Florida Statutes, is created to  
 15 read:  
 16 655.98 Lawyer or law firm trust account interest rates.—A  
 17 financial institution may hold funds in an interest-bearing  
 18 trust account of a lawyer or law firm in which the institution  
 19 remits interest or dividends on the balance of the deposited  
 20 funds to an entity established by the Supreme Court. Such entity  
 21 shall use the interest or dividends to provide or facilitate the  
 22 provision of free legal services to low-income individuals or  
 23 for such other purposes as may be expressly authorized by rule  
 24 of the Supreme Court. If the financial institution holds such an  
 25 account, it must pay, net of all fees and charges assessed by  
 26 the financial institution, interest or dividends at the Wall  
 27 Street Journal prime rate in effect on the first business day of  
 28 each month, less 300 basis points, with a floor of 0.25 percent  
 29 and a ceiling of 1.5 percent.

Page 1 of 2

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

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

Page 2 of 2

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

**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.)

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Prepared By: The Professional Staff of the Committee on Rules

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BILL: CS/CS/SB 1014

INTRODUCER: Community Affairs Committee; Regulated Industries Committee; and Senator Mayfield

SUBJECT: Provision of Municipal Utility Service to Owners Outside the Municipal Limits

DATE: February 16, 2026

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

|    | ANALYST         | STAFF DIRECTOR | REFERENCE | ACTION             |
|----|-----------------|----------------|-----------|--------------------|
| 1. | <u>Schrader</u> | <u>Imhof</u>   | <u>RI</u> | <b>Fav/CS</b>      |
| 2. | <u>Hackett</u>  | <u>Fleming</u> | <u>CA</u> | <b>Fav/CS</b>      |
| 3. | <u>Schrader</u> | <u>Kruse</u>   | <u>RC</u> | <b>Pre-meeting</b> |

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/CS/SB 1014 prohibits municipal water and wastewater utilities from declining to extend water or wastewater service to a residential property outside of the corresponding municipality's corporate limits solely based on the owner of such property's refusal to allow the property to be annexed by the municipality. In addition, the bill creates a procedure and requirements to determine when such utilities must extend service to a customer outside the municipality's corporate limits.

The bill takes effect July 1, 2026.

**II. Present Situation:**

**Florida Public Service Commission**

The Florida Public Service Commission (PSC) is an arm of the legislative branch of government.<sup>1</sup> The role of the PSC is to ensure Florida's consumers receive utility services, including electric, natural gas, telephone, water, and wastewater, in a safe and reliable manner and at fair prices.<sup>2</sup> In order to do so, the PSC exercises authority over utilities in one or more of

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<sup>1</sup> Section 350.001, F.S.

<sup>2</sup> See Florida Public Service Commission, *Florida Public Service Commission Homepage*, <http://www.psc.state.fl.us> (last visited Feb. 9, 2025).

the following areas: rate base or economic regulation; competitive market oversight; and monitoring of safety, reliability, and service issues.<sup>3</sup>

### ***Water and Wastewater Utilities***

Florida's Water and Wastewater System Regulatory Law, ch. 367, F.S., regulates water and wastewater systems in the state. Section 367.011, F.S., grants the PSC exclusive jurisdiction over each utility with respect to its authority, service, and rates. For the chapter, a "utility" is defined as "a water or wastewater utility and, except as provided in s. 367.022, F.S., includes every person, lessee, trustee, or receiver owning, operating, managing, or controlling a system, or proposing construction of a system, who is providing, or proposes to provide, water or wastewater service to the public for compensation." In 2024, the PSC had jurisdiction over 153 investor-owned water and/or wastewater utilities in 40 of Florida's 67 counties.<sup>4</sup>

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

### ***Municipal Water and Sewer Utilities in Florida***

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

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

### ***Municipal Water and Sewer Utility Rate Setting***

The PSC does not have jurisdiction over municipal water and sewer utilities, and as such, has no authority over the rates for such utilities. Municipally-owned water and sewer utility rates,

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<sup>3</sup> Florida Public Service Commission, *About the PSC*, <https://www.psc.state.fl.us/about> (last visited Feb. 9, 2025).

<sup>4</sup> Florida Public Service Commission, *2025 Facts and Figures of the Florida Utility Industry*, p. 4, <https://www.floridapsc.com/pscfiles/website-files/PDF/Publications/Reports/General/FactsAndFigures/April%202025.pdf> (last visited Feb. 9, 2026).

<sup>5</sup> Section 367.022, F.S.

<sup>6</sup> Defined by s. 180.01, F.S., "as any city, town, or village duly incorporated under the laws of the state."

<sup>7</sup> Section 180.02, F.S., *see also* s. 180.06, F.S.

revenues, and territories are regulated by their respective local governments, sometimes through a utility board or commission.

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

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

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

The provisions of s. 180.191, F.S., may be enforced by civil action. Whenever any municipality violates, or if reasonable grounds exist to believe that a municipality is about to violate, s. 180.191, F.S., an aggrieved party may seek preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order.<sup>11</sup> A prevailing party under such an action may seek treble damages and, in addition, a reasonable attorney's fee as part of the cost.<sup>12</sup> Section 180.191, F.S., applies to municipally owned water and sewer utilities within the confines of a single county and may apply, pursuant to interlocal agreement, to municipally owned water and sewer utilities beyond the confines of a single county.

### **Municipal Annexation**

A municipality may propose to annex any area of contiguous, compact, unincorporated territory by ordinance or may be petitioned for annexation by owner(s) of "contiguous... and reasonably compact" real property.<sup>13</sup> An area is considered "contiguous" if a substantial part of its boundary is coterminous with a part of the boundary of the municipality.<sup>14</sup> An area is compact if it is

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<sup>8</sup> Section 180.191(1)(a), F.S.

<sup>9</sup> Section 180.191(1)(b), F.S.

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

<sup>11</sup> Section 180.191(2), F.S.

<sup>12</sup> Section 180.191(4), F.S.

<sup>13</sup> Sections. 171.0413(1) and 171.044(1), F.S.

<sup>14</sup> Section 171.031(11), F.S.

concentrated in a single area and does not create enclaves, pockets, or finger areas.<sup>15</sup> All lands to be annexed must be in the same county as the annexing municipality.<sup>16</sup>

The exact method of municipal annexation is proscribed by general law and includes involuntary and voluntary means of producing new municipal boundaries. Voluntary annexation, as provided by law, does not apply to municipalities in counties with charters which provide for an exclusive method of municipal annexation.<sup>17</sup> In such cases, the means established by county charter prevail.

### III. Effect of Proposed Changes:

**Section 1** of the bill amends s. 180.19, F.S., to prohibit municipal water and wastewater utilities (municipal utility) from declining to extend water or wastewater service to a residential property owner, association of residential property owners, or a developer of property to be used for residential purposes, outside of the corresponding municipality's corporate limits solely based on the owner of such property's refusal to allow the property to be annexed by the municipality, unless the property is subject to an annexation agreement or developer agreement on or before July 1, 2026. In addition, the bill creates a procedure and requirements to determine when municipal utilities must extend service to a customer outside the municipality's corporate limits. Specifically, a municipal utility must extend service if:

- The property is not within the service territory of another water or wastewater utility, as applicable;
- The municipal utility has sufficient capacity to serve the property's anticipated water or wastewater treatment or disposal load, as applicable; and
- The property is within one-half mile of a main line of the municipal utility<sup>18</sup>, measured by the closest property boundary line from such main line.

A municipal utility is deemed to have sufficient capacity if it has the infrastructure, water supply, and managerial and financial ability to reliably meet current and reasonably anticipated future water demands and treat wastewater flows while maintaining compliance with applicable state and federal drinking water and wastewater standards and requirements.

The section provides that, upon an application for service by a property owner pursuant to the section, the municipal utility must:

- Determine within 90 days whether it has sufficient capacity to provide service to the given property.<sup>19</sup>
- Provide the owner, in writing, with its determination and the reasons for such determination.
- If the municipal utility has sufficient capacity, it must provide the owner with the anticipated fees, charges, contributions, and any other requirements to connect the property to the municipal utility under its existing fee, charge, and contribution structure.

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<sup>15</sup> Section 171.031(12), F.S.

<sup>16</sup> Section 171.045, F.S.

<sup>17</sup> Section 171.044(4), F.S.

<sup>18</sup> The bill defines a "main line" as "a pipe or conduit that transports wastewater from, or transports potable water to, lateral lines serving multiple properties. The term does not include lateral lines, service connections, customer-owned plumbing or piping located on private property, or any pipe or conduit serving only a single property."

<sup>19</sup> The determination may account for any anticipated development on such property.



Once the requirements are met by the customer, the municipal utility must connect them in a timely manner with its system and provide service.

For such applications, the municipal utility may establish minimum application requirements that include the customer providing a reasonable estimate of their water and wastewater load, the nature of any property development, and the payment of an application fee to cover the reasonable costs associated with conducting the capacity determination and assessing anticipated fees, charges, contributions, and other requirements to potentially connect the property.

If a municipal utility does not allow such customers to connect to their system in violation of the section, the owner may bring a civil enforcement action to enforce the provisions of the bill. If the property owner prevails in the action, they may seek injunctive relief and recover reasonable attorney fees and court costs from the municipal utility. The court is required to order the municipal utility to connect to the property.

**Section 2** provides an effective date of the bill of 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:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following section of the Florida Statutes: 180.19.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

**CS/CS by Community Affairs on February 10, 2026:**

The committee substitute narrows the scope of the bill to consider only residential property and property being developed for residential use, provides that sufficient capacity refers to both water treatment and disposal, provides that the bill does not apply where property is already subject to an annexation or developer agreement, and corrects the factors requiring expansion of service territory to be inclusive ("and," rather than "or").

**CS by Regulated Industries on February 3, 2026:**

The committee substitute amended SB 1014 by modifying the types of facilities and the proximity that trigger the bill's requirements. As originally filed, the bill required a municipal utility to extend service to a property—upon application and subject to certain conditions—if the property in question was located within 2,000 meters of a facility of that municipal utility. The amendment narrows the scope to only main water and wastewater lines of the municipal utility and reduces the distance to one-half mile.

B. Amendments:

None.



321918

LEGISLATIVE ACTION

Senate

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House

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The Committee on Rules (Mayfield) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 42 - 91  
and insert:

4. "Owner" means a property owner or an association of  
property owners.

5. "Property" means lots or lands, or, in the case of an  
association of property owners, the contiguous group of lots or  
lands under the association of property owners.

6. "Sufficient capacity" means a water or sewer utility  
having, as applicable, the infrastructure, water supply, and



321918

managerial and financial ability to reliably meet current and reasonably anticipated future water demands for the treatment or disposal of wastewater flows while maintaining compliance with applicable state and federal drinking water and wastewater standards and requirements.

(b) A municipal utility may not decline to extend service to property outside of its corporate limits on the sole basis that the owner refuses to assent or otherwise consent to such property being annexed by that municipal utility's controlling municipality, unless the property is subject to an annexation agreement or developer agreement on or before July 1, 2026.

(c) Upon application for service by an owner, a municipal utility must expand its service territory to allow an owner whose property is located outside of the municipal utility's existing service territory to connect to the municipal utility, subject to the utility's service requirements, if:

1. The property is not within the service territory of another water or wastewater utility, as applicable;

2. The municipal utility has sufficient capacity to serve the property's anticipated water or wastewater load, as applicable;

3. The property is within one-half mile of a main line of the municipal utility, measured by the closest property boundary line from such main line. Or, if the property is more than one-half mile from but within one mile of such main line, measured in the same manner, as long as the property is within the municipality's urban service area; and

4. The property owner agrees to pay all fees associated with connection, including fees for infrastructure required to



321918

serve the property.

(d) Upon application by an owner pursuant to paragraph (c),  
the municipal utility must:

1. Within 90 days after receiving the application,  
determine whether it has sufficient capacity to provide service  
to the given property. Such determination may account for any  
anticipated development on such property. The municipal utility  
shall provide, in writing, the owner with its determination and  
the reasons for such determination.

2. If the municipal utility has sufficient capacity to  
serve the property, provide the owner with the anticipated fees,  
charges, contributions, and any other requirements to connect  
the property to the municipal utility, under its existing fee,  
charge, and contribution structure, including any proportionate  
share of onsite, offsite, or systemwide improvements necessary  
to serve the property.

3. Upon satisfaction of the requirements set forth by the  
municipal utility pursuant to subparagraph 2., including full  
payment of, or legally enforceable funding assurances for, all  
required capital improvements, connect the property to its  
system in a timely

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

And the title is amended as follows:

Delete line 10

and insert:

circumstances, subject to the utility's service  
requirements; requiring the municipal utility to make



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LEGISLATIVE ACTION

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|------------|---|-------|
| Senate     | . | House |
| Comm: WD   | . |       |
| 02/16/2026 | . |       |
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The Committee on Rules (Mayfield) recommended the following:

**Senate Amendment to Amendment (321918)**

Delete lines 32 - 41  
and insert:

applicable; and

3. The property owner agrees to pay all fees associated  
with connection, including fees for infrastructure required to  
serve the property; and either

4.a. The property is within one-half mile of a main line of  
the municipal utility, measured by the closest property boundary  
line from such main line; or



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12        b. The property is within the municipality's urban service  
13 area as defined in s. 163.3164 and is more than one-half mile  
14 from but within 1 mile of a main line of the municipal utility,  
15 measured in the same manner as stated in sub-subparagraph a.



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LEGISLATIVE ACTION

Senate

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House

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The Committee on Rules (Mayfield) recommended the following:

**Senate Amendment to Amendment (321918)**

Delete lines 33 - 38

and insert:

3. The property is within one mile of a main line of the  
municipal utility, measured by the closest property boundary  
line from such main line; and



By the Committees on Community Affairs; and Regulated Industries; and Senator Mayfield

578-02729-26

20261014c2

A bill to be entitled

An act relating to the provision of municipal utility service to owners outside the municipal limits; amending s. 180.19, F.S.; defining terms; prohibiting a municipal utility from declining to extend service to properties outside its corporate limits under certain circumstances; providing an exception; requiring a municipal utility to expand its service to an owner who makes such a request under certain circumstances; requiring the municipal utility to make a determination within a specified timeframe and provide such determination to the owner in writing; requiring the municipal utility to provide the owner with specified information and to connect properties in a timely manner; authorizing a municipal utility to establish minimum application filing requirements; authorizing owners to bring a civil action to enforce the act; authorizing a prevailing owner to collect certain fees and costs; requiring the court to order the utility to connect a prevailing owner's property; providing construction; providing an effective date.

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

Section 1. Subsection (3) is added to section 180.19, Florida Statutes, to read:

180.19 Use by other municipalities and by individuals outside corporate limits.—

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

Page 1 of 5

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

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1. "Controlling municipality" means a municipality operating a utility pursuant to subsection (1) or a municipality that has granted a utility a privilege or franchise pursuant to subsection (2).

2. "Main line" means a pipe or conduit that transports wastewater from, or transports potable water to, lateral lines serving multiple properties. The term does not include lateral lines, service connections, customer-owned plumbing or piping located on private property, or any pipe or conduit serving only a single property.

3. "Municipal utility" means a water or sewer utility constituted on the basis of subsection (1) or subsection (2).

4. "Owner" means a residential property owner, an association of residential property owners, or a developer of property to be used for residential purposes, including supporting amenities.

5. "Property" means lots or lands, or, in the case of an association of residential property owners, the contiguous group of lots or lands under the association of residential property owners.

6. "Sufficient capacity" means a water or sewer utility having, as applicable, the infrastructure, water supply, and managerial and financial ability to reliably meet current and reasonably anticipated future water demands for the treatment or disposal of wastewater flows while maintaining compliance with applicable state and federal drinking water and wastewater standards and requirements.

(b) A municipal utility may not decline to extend service to property outside of its corporate limits on the sole basis

Page 2 of 5

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

578-02729-26

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that the owner refuses to assent or otherwise consent to such property being annexed by that municipal utility's controlling municipality, unless the property is subject to an annexation agreement or developer agreement on or before July 1, 2026.

(c) Upon application for service by an owner, a municipal utility must expand its service territory to allow an owner whose property is located outside of the municipal utility's existing service territory to connect to the municipal utility if:

1. The property is not within the service territory of another water or wastewater utility, as applicable;

2. The municipal utility has sufficient capacity to serve the property's anticipated water or wastewater load, as applicable; and

3. The property is within one-half mile of a main line of the municipal utility, measured by the closest property boundary line from such main line.

(d) Upon application by an owner pursuant to paragraph (c), the municipal utility must:

1. Within 90 days after receiving the application, determine whether it has sufficient capacity to provide service to the given property. Such determination may account for any anticipated development on such property. The municipal utility must provide, in writing, the owner with its determination and the reasons for such determination.

2. If the municipal utility has sufficient capacity to serve the property, it must provide the owner with the anticipated fees, charges, contributions, and any other requirements to connect the property to the municipal utility

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20261014c2

under its existing fee, charge, and contribution structure.

3. Upon satisfaction of the requirements set forth by the municipal utility pursuant to subparagraph 2., the municipal utility shall connect the property to its system in a timely manner.

(e) A municipal utility may establish reasonable minimum filing requirements for an application submitted pursuant to paragraph (c), including:

1. A reasonable estimate of the anticipated water and wastewater load for the property, including accounting for any anticipated development on such property;

2. The nature of any anticipated development on such property; and

3. An application fee to cover the reasonable costs associated with conducting the capacity determination and assessing anticipated fees, charges, contributions, and other requirements, pursuant to subparagraphs (d)1. and 2.

(f) If a municipal utility does not allow an owner to connect to such utility in violation of this subsection, the owner may bring a civil action to enforce this subsection in any court of competent jurisdiction. If the owner prevails in such enforcement action:

1. The owner may recover reasonable attorney fees and court costs from the municipal utility; and

2. The court shall order the municipal utility to connect to the owner's property in question.

(g) This subsection may not be construed to prevent a municipal utility from collecting any rate, fee, charge, or contribution authorized under law, including those authorized

578-02729-26

20261014c2

117 pursuant to s. 180.191.

118 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.)

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Prepared By: The Professional Staff of the Committee on Rules

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BILL: CS/SB 1036

INTRODUCER: Education Pre-K - 12 Committee and Senator Calatayud

SUBJECT: School Counselors

DATE: February 16, 2026

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

| ANALYST     | STAFF DIRECTOR | REFERENCE | ACTION             |
|-------------|----------------|-----------|--------------------|
| 1. Sabitsch | Bouck          | ED        | <b>Fav/CS</b>      |
| 2. Gray     | Elwell         | AED       | <b>Favorable</b>   |
| 3. Sabitsch | Kruse          | RC        | <b>Pre-meeting</b> |

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1036 provides an exemption for individuals employed as a school counselor from the current certification requirement to demonstrate mastery of both general and subject area knowledge but does not limit a school district from requiring that mastery as a condition of employment.

The bill does not have a fiscal impact on state revenues or expenditures. See Section V., Fiscal Impact Statement.

The bill takes effect July 1, 2026.

**II. Present Situation:**

**Educator Certification**

Florida law requires the State Board of Education (SBE) to classify school services, designate the certification subject areas, establish competencies and certification requirements for all school-based personnel. The SBE adopts rules by which professional, temporary, and part-time certificates are issued by the Department of Education (DOE) to applicants who meet the established standards. Florida law requires each person in the following positions in any public school to hold an educator certificate required by law and by rules of the SBE:

- School supervisor.

- School principal.
- Teacher.
- Library media specialist.
- School counselor.
- Athletic coach.
- Other positions in which the individual serves in an instructional capacity.<sup>1</sup>

The purpose of certification is to require school-based personnel to “possess the credentials, knowledge, and skills necessary to allow the opportunity for a high-quality education in the public schools.”<sup>2</sup>

The DOE issues three main types of educator certificates:

- Professional Certificate: The professional certificate is Florida’s highest type of full-time educator certification.<sup>3</sup> The professional certificate is valid for five years and is renewable.<sup>4</sup>
- Temporary Certificate: The temporary certificate covers employment in full-time positions for which educator certification is required.<sup>5</sup> An individual holding a temporary certificate must demonstrate mastery of general knowledge and professional preparation and education competence in order to apply for a professional certificate. Generally, a temporary certificate is valid for five years and is nonrenewable.<sup>6</sup>
- Athletic Coaching Certificate: The athletic coaching certificate covers full-time and part-time employment as a public school’s athletic coach.<sup>7</sup> The DOE issues two types of athletic coaching certificates – one is valid for five years and may be issued for subsequent five-year periods while the other is valid for three years and may be issued only once. The five-year certificate requires satisfaction of certain specialization requirements established in rule.<sup>8</sup>

### ***Professional Certificate Requirements***

To be eligible for a professional certificate, a person must:

- Be at least 18 years of age;
- Sign an affidavit attesting that the applicant will uphold the U.S. and State Constitutions;
- Earn a bachelor’s or higher degree from an accredited institution of higher learning or from a nonaccredited institution identified by the DOE as having a quality program resulting in a bachelor’s or higher degree;
- Submit to fingerprinting and background screening and not have a criminal history that requires the applicant’s disqualification from certification or employment;
- Be of good moral character;
- Be competent and capable of performing the duties, functions, and responsibilities of a teacher;
- Demonstrate mastery of general knowledge;

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<sup>1</sup> Section 1012.55(1), F.S.

<sup>2</sup> Section 1012.54, F.S.

<sup>3</sup> Rule 6A-4.004(5), F.A.C.

<sup>4</sup> Section 1012.56(7), F.S.

<sup>5</sup> Rule 6A-4.004(1), F.A.C.

<sup>6</sup> Section 1012.56(7), F.S.

<sup>7</sup> Section 1012.55(2), F.S.

<sup>8</sup> Rule 6A-4.004(7), F.A.C.

- Demonstrate mastery of subject area knowledge; and
- Demonstrate mastery of professional preparation and education competence, if the person serves as a classroom teacher or school administrator.<sup>9</sup>

### ***Demonstrating Mastery of General Knowledge***

Mastery of general knowledge may be demonstrated through any of the following methods:

- Achieving a passing score on the General Knowledge Test, which consist of subtests areas that include Essay, English Language Skills, Reading and Mathematics;<sup>10</sup>
- Achieving passing scores established in SBE rule on national or international examinations that test comparable content and relevant standards in verbal, analytical writing, and quantitative reasoning skills (e.g., the verbal, analytical writing, and quantitative reasoning portions of the Graduate Record Examination);
- Providing documentation of a valid professional standard teaching certificate issued by another U.S. state or territory, by the National Board for Professional Teaching Standards (NBPTS), or by the American Board for Certification of Teacher Excellence (ABCTE);
- Completing two semesters of successful, part-time or full-time teaching in a Florida College System institution, state university, or private college or university that awards an associate or higher degree and is an accredited institution or an institution identified by the DOE as having a quality program;
- Achievement of passing scores, identified in state board rule, on national or international examinations that test comparable content and relevant standards in verbal, analytical writing, and quantitative reasoning skills, including, but not limited to, the verbal, analytical writing, and quantitative reasoning portions of the Graduate Record Examination and the SAT, ACT, and Classic Learning Test; or
- Documentation of receipt of a master's or higher degree from an accredited postsecondary institution that the DOE has identified as having a quality program resulting in a baccalaureate degree or higher.<sup>11</sup>

### ***Demonstrating Mastery of Subject Area Knowledge***

Mastery of subject area knowledge may be demonstrated through any of the following methods:

- Bachelor's Degree Level (for certification in a subject area for which SBE rule requires a bachelor's or higher degree):
  - If a Florida subject area examination has been developed, achieving a passing score on the Florida-developed subject area examination specified in SBE rule<sup>12</sup> or documentation of receipt of a master's or higher degree from an accredited postsecondary institution that the DOE has identified as having a quality program resulting in a baccalaureate degree or higher in the certificate subject area as identified in SBE rule.
  - If a Florida subject area examination has not been developed, achieving a passing score on a standardized examination specified in SBE rule, including passing scores on both the

<sup>9</sup> Section 1012.56(2), F.S.

<sup>10</sup> Florida Department of Education, Competencies and Skills Required for Teacher Certification in Florida, pg. 14 (2025), available at: <https://www.fldoe.org/core/fileparse.php/7479/urlt/FTCE28thEdition22Rule.pdf> (last visited Jan. 26, 2026).

<sup>11</sup> Section 1012.56(3), F.S.

<sup>12</sup> Note: The Competencies and Skills Required for Teacher Certification in Florida (2025), Twenty-Eighth Edition, includes the subject area examination for School Counseling PK-12.

- oral proficiency and written proficiency examinations administered by the American Council on the Teaching of Foreign Languages or successful completion of a United States Defense Language Institute Foreign Language Center program or a passing score on the Defense Language Proficiency Test.
- For certification in any other subject area for which there is no Florida subject area test or standardized examination specified in state board rule (e.g., Dance), completing the required bachelor's or higher degree and content courses specified in SBE rule and verification of subject area competence by the district school superintendent or, for a state-supported or private school, the school's chief administrative officer.
  - Master's Degree Level (for certification in a subject area for which SBE rule requires a master's or higher degree): completing the required master's or higher degree and content courses specified in SBE rule and achieving a passing score on the corresponding Florida-developed subject area test or standardized examination specified in SBE rule.
  - Out-of-State Certification: providing documentation of a valid professional standard teaching certificate issued for a subject area by another U.S. state or territory or by NBPTS or ABCTE, if the certificate is comparable to the Florida professional certificate issued for the same subject area.<sup>13</sup>

### ***Educator Certification Examination Fees***

The DOE sets registration fees for the various exams required for educator certification, including initial registration and retakes. For the general knowledge exam, the initial registration fee is \$130.00 for the full battery of four subjects. An individual is able to retake the general knowledge exam by subtest with the retake registration fees being the following:

- One subtest - \$32.50.
- Two subtests - \$65.00.
- Three subtests - \$97.50.
- Full battery retake - \$130.00.

For subject area examinations and the professional educational test, the initial and retake registration fee is \$150.00.<sup>14</sup>

Current law and rule provide for several fee waivers including the Military Testing Fee Waiver, Retired First Responder Fee Waiver,<sup>15</sup> and Exceptional Student Education K–12/Elementary Education K–6 Waivers.<sup>16</sup>

### ***Specific Requirements for School Counseling Certification***

Florida Law provides multiple pathways to better enable students enrolled in postsecondary school counseling program to enter the workforce as certified school counselors.<sup>17</sup> SBE rules outline three plans for specialized requirements for certification in school counseling in addition to the basic requirements for certification, as follows:

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<sup>13</sup> Section 1012.56(5), F.S.

<sup>14</sup> Rule 6A-4.0021(4), F.A.C.

<sup>15</sup> Section 1012.59(3), F.S.

<sup>16</sup> Section 1012.59(4), F.S.

<sup>17</sup> Section 1004.0982, F.S.

- Plan one consists of a master's or higher degree with a graduate major in guidance and counseling or school counseling that includes a minimum of 600 clock hours of supervised internship serving school-aged students in a prekindergarten, an elementary or a secondary school setting.<sup>18</sup>
- Plan two consists of a master's or higher degree with a graduate major in counseling other than guidance and counseling or school counseling as specified in plan one that includes a minimum of 600 clock hours of supervised internship with school-aged children and their families with at least 9 semester hours of graduate credit to include the following areas:
  - Student appraisal and evaluation methods in prekindergarten, elementary and secondary schools;
  - College and career planning for prekindergarten, elementary and secondary school students including college and career exploration and knowledge of financial aid and financing of postsecondary education options;
  - Principles, philosophy, organization and administration of a comprehensive school counseling program in prekindergarten, elementary and secondary schools; and
  - Consultation skills and techniques for conferring with groups such as agencies, teachers and parents.<sup>19</sup>
- Plan three consists of a master's or higher degree with a graduate major in school counseling that includes a minimum of 300 clock hours of supervised internship serving school-aged students in a prekindergarten, elementary or secondary school setting if the applicant:
  - Is a current full-time teacher;
  - Has been employed as a teacher for at least 5 school years; and
  - Has earned an effective or highly effective rating under Section 1012.34, F.S., on his or her performance evaluation for the most recent 3 years the teacher was employed in a Florida public school.<sup>20</sup>

### III. Effect of Proposed Changes:

The bill amends s. 1012.55, F.S., to exempt school guidance counselors from the demonstration of mastery of both general knowledge and subject area knowledge requirements for educator certification. The bill specifies, however, that school districts are not precluded from requiring demonstration of mastery as a condition of employment.

The bill is effective on July 1, 2026.

### IV. Constitutional Issues:

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

None.

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

None.

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<sup>18</sup> Rule 6A-4.0181(1), F.A.C.

<sup>19</sup> Rule 6A-4.0181(2), F.A.C.

<sup>20</sup> Rule 6A-4.0181(4), F.A.C.



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:

This bill does not have a fiscal impact on state revenues or expenditures.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 1012.55 of the Florida Statutes.

**IX. Additional Information:**

A. Committee Substitute – Statement of Substantial Changes:

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

**CS by Education Pre-K – 12 on January 20, 2026:**

The committee substitute clarifies that the exemption from certification requirements authorized in the bill does not preclude public school districts from requiring the mastery of general and subject area knowledge as a condition of employment.

**B. Amendments:**

None.

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

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620168

LEGISLATIVE ACTION

Senate

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House

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The Committee on Rules (Calatayud) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Paragraph (a) of subsection (3) of section  
1012.34, Florida Statutes, is amended to read:

1012.34 Personnel evaluation procedures and criteria.—

(3) EVALUATION PROCEDURES AND CRITERIA.—Instructional  
personnel and school administrator performance evaluations must  
be based upon the performance of students assigned to their  
classrooms or schools, as provided in this section. Pursuant to



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this section, a school district's performance evaluation system is not limited to basing unsatisfactory performance of instructional personnel and school administrators solely upon student performance, but may include other criteria to evaluate instructional personnel and school administrators' performance, or any combination of student performance and other criteria. Evaluation procedures and criteria must comply with, but are not limited to, the following:

(a) A performance evaluation must be conducted for each employee at least once a year, except that a classroom teacher, as defined in s. 1012.01(2)(a), excluding substitute teachers, who is newly hired by the district school board must be observed and evaluated at least twice in the first year of teaching in the school district. The performance evaluation must be based upon sound educational principles and contemporary research in effective educational practices. The evaluation criteria must include:

1. Performance of students.—At least one-third of a performance evaluation must be based upon data and indicators of student performance, as determined by each school district. This portion of the evaluation must include growth or achievement data of the teacher's students or, for a school administrator, the students attending the school over the course of at least 3 years. If less than 3 years of data are available, the years for which data are available must be used. The proportion of growth or achievement data may be determined by instructional assignment.

2. Instructional practice.—For instructional personnel, at least one-third of the performance evaluation must be based upon



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instructional practice. Evaluation criteria used when annually observing classroom teachers, as defined in s. 1012.01(2)(a), excluding substitute teachers, must include indicators based upon each of the Florida Educator Accomplished Practices adopted by the State Board of Education.

a. For instructional personnel who are not classroom teachers or certified school counselors, evaluation criteria must be based upon indicators of the Florida Educator Accomplished Practices and may include specific job expectations related to student support.

b. For certified school counselors, evaluation criteria must be based upon indicators of the Florida School Counseling Standards adopted by the State Board of Education.

c. This section does not preclude a school administrator from visiting and observing classroom teachers throughout the school year for purposes of providing mentorship, training, instructional feedback, or professional learning.

3. Instructional leadership.—For school administrators, at least one-third of the performance evaluation must be based on instructional leadership. Evaluation criteria for instructional leadership must include indicators based upon each of the leadership standards adopted by the State Board of Education under s. 1012.986, including performance measures related to the effectiveness of classroom teachers in the school, the administrator's appropriate use of evaluation criteria and procedures, recruitment and retention of effective and highly effective classroom teachers, improvement in the percentage of instructional personnel evaluated at the highly effective or effective level, and other leadership practices that result in



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student learning growth. The system may include a means to give parents and instructional personnel an opportunity to provide input into the administrator's performance evaluation.

4. Other indicators of performance.—For instructional personnel and school administrators, the remainder of a performance evaluation may include, but is not limited to, professional and job responsibilities as recommended by the State Board of Education or identified by the district school board and, for instructional personnel, peer reviews, objectively reliable survey information from students and parents based on teaching practices that are consistently associated with higher student achievement, and other valid and reliable measures of instructional practice.

Section 2. Present subsection (6) of section 1012.55, Florida Statutes, is redesignated as subsection (7), and a new subsection (6) is added to that section, to read:

1012.55 Positions for which certificates required.—

(6) A person who is seeking employment as a school counselor is exempt from the educator certification requirements in s. 1012.56(2)(g) and (i). Such exemption does not preclude a school district from requiring a certified school counselor to satisfy the requirements of s. 1012.56(2)(g) and (i) as a condition of employment.

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

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

And the title is amended as follows:

Delete everything before the enacting clause  
and insert:



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99                                   A bill to be entitled  
100       An act relating to school counselors; amending s.  
101       1012.34, F.S.; requiring that evaluation criteria for  
102       certified school counselors be based on specified  
103       standards; amending s. 1012.55, F.S.; providing that  
104       persons seeking employment as school counselors are  
105       exempt from specified educator certification  
106       requirements; authorizing school districts to require  
107       such persons to meet certain requirements as a  
108       condition of employment; providing an effective date.

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

581-02037-26

20261036c1

A bill to be entitled

An act relating to school counselors; amending s. 1012.55, F.S.; providing that school counselors are exempt from specified certification requirements, unless required for employment by a school district; providing an effective date.

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

Section 1. Present subsection (6) of section 1012.55, Florida Statutes, is redesignated as subsection (7), and a new subsection (6) is added to that section, to read:

1012.55 Positions for which certificates required.—

(6) A person employed as a school counselor is exempt from the educator certification requirements in s. 1012.56(2)(g) and (h), relating to the mastery of general and subject area knowledge. Such exemption does not preclude a school district from requiring the person to demonstrate mastery of general and subject area knowledge as a condition of employment.

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.)

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Prepared By: The Professional Staff of the Committee on Rules

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BILL: SB 1050

INTRODUCER: Senator Calatayud

SUBJECT: Veterinary Prescription Disclosure

DATE: February 16, 2026

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

|    | ANALYST      | STAFF DIRECTOR | REFERENCE  | ACTION             |
|----|--------------|----------------|------------|--------------------|
| 1. | <u>Baird</u> | <u>Imhof</u>   | <u>RI</u>  | <b>Favorable</b>   |
| 2. | <u>Davis</u> | <u>Betta</u>   | <u>AEG</u> | <b>Favorable</b>   |
| 3. | <u>Baird</u> | <u>Kruse</u>   | <u>RC</u>  | <b>Pre-meeting</b> |

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**I. Summary:**

SB 1050 creates s. 474.224, F.S., to require a licensed veterinarian or an authorized member of his or her staff to inform clients of their right to receive a written prescription that can be filled at the pharmacy of the client's choice, or the option to have the veterinarian fill the prescription, if the veterinarian is able.

The bill requires either verbal or electronic disclosures, requires a one-time signed acknowledgment from the client, and necessitates the posting of a conspicuous sign within veterinary establishments informing clients of their right to have prescriptions filled elsewhere.

The bill provides exceptions for emergency situations and for prescriptions for controlled substances that are restricted by federal and state law.

The bill has no fiscal impact on state revenues or expenditures. See Section V., Fiscal Impact Statement.

The bill takes effect July 1, 2026.

**II. Present Situation:**

**Veterinarians in Florida**

The Board of Veterinary Medicine (board) within the Department of Business and Professional Regulation (DBPR) implements the provisions of ch. 474, F.S., relating to veterinary medical practice (practice act). The purpose of the practice act is to ensure that every veterinarian

practicing in this state meets minimum requirements for safe practices to protect public health and safety.<sup>1</sup>

A “veterinarian” is a health care practitioner licensed by the board to engage in the practice of veterinary medicine in Florida<sup>2</sup> and is subject to disciplinary action from the board for various violations of the practice act.<sup>3</sup>

The practice of “veterinary medicine” is the diagnosis of medical conditions of animals, and the prescribing or administering of medicine and treatment to animals for the prevention, cure, or relief of a wound, fracture, bodily injury, or disease, or holding oneself out as performing any of these functions.<sup>4</sup>

Veterinary medicine includes, with respect to animals,<sup>5</sup> all of the following:

- Surgery.
- Acupuncture.
- Obstetrics.
- Dentistry.
- Physical therapy.
- Radiology.
- Theriogenology (reproductive medicine).
- Other branches or specialties of veterinary medicine.<sup>6</sup>

The practice act defines a “veterinarian/client/patient relationship” (VCPR) as one in which a veterinarian has assumed responsibility for making medical judgments regarding the health of an animal and its need for medical treatment.<sup>7</sup>

Any permanent or mobile establishment where a licensed veterinarian practices must have a premises permit issued by the DBPR.<sup>8</sup> Each person to whom a veterinary license or premises permit is issued must conspicuously display such document in her or his office, place of business, or place of employment in a permanent or mobile veterinary establishment or clinic.<sup>9</sup>

By virtue of accepting a license to practice veterinary medicine in Florida, a veterinarian consents to:

- Render a handwriting sample to an agent of the DBPR and, further, to have waived any objections to its use as evidence against her or him.

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<sup>1</sup> Section 474.201, F.S.

<sup>2</sup> Section 474.202(11), F.S.

<sup>3</sup> Sections 474.213 and 474.214, F.S.

<sup>4</sup> Section 474.202(9), F.S. Also included is the determination of the health, fitness, or soundness of an animal, and the performance of any manual procedure for the diagnosis or treatment of pregnancy or fertility or infertility of animals.

<sup>5</sup> Section 474.202(1), F.S., defines “animal” as “any mammal other than a human being or any bird, amphibian, fish, or reptile, wild or domestic, living or dead.”

<sup>6</sup> Section 474.202(13), F.S.

<sup>7</sup> Section 474.202(12), F.S.

<sup>8</sup> Section 474.215(1), F.S.

<sup>9</sup> Section 474.216, F.S.

- Waive the confidentiality and authorize the preparation and release of medical reports pertaining to the mental or physical condition of the licensee when the DBPR has reason to believe that a violation of this chapter has occurred and when the DBPR issues an order, based on the need for additional information, to produce such medical reports for the time period relevant to the complaint.<sup>10</sup>

For Fiscal Year 2023-2024, there were 13,392 actively licensed veterinarians in Florida. The DBPR received 611 complaints, which resulted in 44 disciplinary actions.<sup>11</sup>

### **Veterinarians Prescribing and Dispensing Drugs**

Veterinarians have broad authority to prescribe, as well as dispense, drugs and medicine to patients.<sup>12</sup> There are no laws prohibiting a veterinarian from maintaining their own on-site pharmacy and directly prescribing and then dispensing the drug or medication directly at the veterinarians' practice.

According to the American Veterinary Medical Association, "veterinarians are ethically bound to have a VCPR in place in order to prescribe medication for the patient and to provide a written prescription when requested."<sup>13</sup>

### ***Federal Regulations***

Federal law plays an important role in regulating what controlled substances a veterinarian is allowed to prescribe, administer and dispense. In order to purchase, prescribe, administer or dispense controlled substances, veterinarians must obtain a registration from the Drug and Enforcement Agency (DEA). According to the federal Controlled Substances Act, a veterinarian is considered a "practitioner," and is authorized to "distribute, dispense, conduct research with respect to, administer, or use in teaching or chemical analysis, a controlled substance in the course of professional practice or research."<sup>14</sup>

Unless otherwise exempted, every practitioner who dispenses, which includes administering and prescribing, controlled substances in schedules II through V, must be registered with the DEA,<sup>15</sup> and must comply with applicable state and local laws.<sup>16</sup>

A practitioner's registration must be renewed every three years.<sup>17</sup>

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<sup>10</sup> Section 474.2185, F.S.

<sup>11</sup> Department of Business and Professional Regulation, *Division of Professions Annual Report Fiscal Year 2023-2024*, <https://www2.myfloridalicense.com/os/documents/Division%20Annual%20Report%20FY%2023-24.pdf>, (last visited January 16, 2026).

<sup>12</sup> Section 474.202(8), F.S. "Patient" means any animal for which the veterinarian practices veterinary medicine.

<sup>13</sup> American Veterinary Medical Association, *Pharmacy and prescription issues*, <https://www.avma.org/resources-tools/animal-healthand-welfare/animal-health/pharmacy> (last visited January 16, 2026).

<sup>14</sup> 21 U.S.C. s. 802(21).

<sup>15</sup> 21 U.S.C. s. 822(a)(2), and 21 C.F.R. 1301.11(a).

<sup>16</sup> 21 U.S.C. s. 822(f).

<sup>17</sup> 21 C.F.R. s. 1301.13(e)(1)(iv).

## **Veterinary Telehealth**

In 2024, the Legislature enacted the Providing Equity in Telehealth Services Act (PETS Act), establishing a framework for the practice of veterinary telehealth.<sup>18</sup> The PETS Act allows veterinarians who hold current licenses to practice veterinary telehealth.<sup>19</sup>

### ***Limitations***

The PETS Act puts certain limitations on what veterinarians can do via telehealth. The PETS Act requires a veterinarian:

- Provide certain information to the client, including the veterinarian's name, license number and contact information;
- Must prescribe all drugs and medications in accordance with federal and state laws;
- May not order or prescribe medicinal drugs or drugs as defined in s. 465.003, F.S., approved by the United States Food and Drug Administration for human use, or compounded antibacterial, antifungal, antiviral, or antiparasitic medications, unless the veterinarian has conducted an in-person physical examination of the animal or made medically appropriate and timely visits within the past year to the premises where the animal is kept;
- May not use veterinary telehealth to prescribe a controlled substance as defined in ch. 893, F.S. (Drug Abuse Preventions and Control), unless the veterinarian has conducted an in-person physical examination of the animal or made medically appropriate and timely visits to the premises where the animal is kept; and
- May not prescribe a drug or other medication for use on a horse engaged in racing or training at a facility under the jurisdiction of the Florida Gaming Control Commission or on a horse that is a covered horse, as defined in the federal Horseracing Integrity and Safety Act, 15 U.S.C., ss. 3051 et seq.

### **Telehealth Prescriptions**

Prescriptions based solely on a telehealth evaluation may be issued for up to one month for products labeled solely for flea and tick control and up to 14 days of treatment for other animal drugs.<sup>20</sup> Prescriptions based solely on a telehealth evaluation may not be renewed without an in-person examination.<sup>21</sup>

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

The bill creates s. 474.224, F.S., to provide requirements for a veterinary prescription disclosure. Before a licensed veterinarian or an authorized member of the veterinary staff prescribes a medication, a client must be clearly informed of the following:

- The client's right to receive a written prescription for the medication that can be filled at the pharmacy of the client's choice; and

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<sup>18</sup> Chapter 2024-260, Laws of Fla. (codified at s. 474.2021, F.S., effective July 1, 2024).

<sup>19</sup> *Id.* Florida law requires the practice of telehealth to be consistent with a veterinarian's scope of practice and the prevailing professional standard of practice for a veterinarian who provides in-person veterinary services to patients in Florida, and who must employ sound, professional judgment to determine whether using veterinary telehealth is an appropriate method for delivering medical advice or treatment to the patient.

<sup>20</sup> Section 474.2021, F.S.

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

- If the veterinarian establishment is able to fill the prescription, the option to have the prescription filled at the veterinary establishment.

The bill provides that “written prescription” includes paper prescriptions delivered via manual transmission or electronic prescriptions delivered via direct transmission to a pharmacy.

The bill requires each disclosure to be made:

- Verbally, if the consultation with the client is in person; or
- Electronically, if the consultation with the client is through veterinary telehealth.

Whichever option the client chooses (either to have medication filled at a pharmacy of their choosing or having the medication filled by the veterinary establishment) the veterinarian must document with a one-time acknowledgment that is signed by the client and that states the client is aware of the options. The bill provides specific language a veterinarian must have signed.

The acknowledgment signed by the client must be documented in the patient’s medical record. The bill prohibits the signed acknowledgment from making any statement, notification, warning, or assumption regarding the efficacy or safety of filling prescriptions through an outside pharmacy.

The bill also requires that a veterinary establishment to post a clear and conspicuous sign near the point of sale or where checkout occurs to clearly inform the client of their right to “receive a written prescription for medication that can be filled at the pharmacy of your choice; or have your prescription filled at the veterinary establishment, if the veterinary establishment is able to fill the prescription.”

Finally, the bill provides an exception that the required disclosures are not required if immediate dispensing of medication is required to preserve life or prevent suffering; or the prescription is for a controlled substance of which is restricted by federal or state law.

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 may increase access and provide additional options for obtaining necessary medications for animal owners and may reduce the cost of such medications.

C. Government Sector Impact:

This bill does not affect state government revenues or expenditures.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates section 474.224 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 Calatayud

38-01627A-26

20261050\_\_

A bill to be entitled

An act relating to veterinary prescription disclosure; creating s. 474.224, F.S.; requiring a veterinarian or authorized member of veterinary staff to inform a client of the right to receive a written prescription to be filled at a pharmacy of the client's choice or the option to have the prescription filled at the veterinary establishment; defining the term "written prescription"; requiring that such disclosure be made in specified manners; requiring that the disclosure include an acknowledgement signed by the client; providing requirements for the acknowledgement; providing that such acknowledgement be documented in the patient's medical records; providing that such acknowledgement may not make certain statements, notifications, warnings, or assumptions; requiring a veterinary establishment to post a specified sign in a certain area; providing applicability; providing an effective date.

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

Section 1. Section 474.224, Florida Statutes, is created to read:

474.224 Veterinary prescription disclosure.—

(1)(a) Before dispensing a prescription medication, a licensed veterinarian or an authorized member of the veterinary staff must clearly inform a client of:

1. The client's right to receive a written prescription for

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

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the medication that can be filled at the pharmacy of the client's choice.

2. If the veterinary establishment is able to fill the prescription, the option to have the prescription filled at the veterinary establishment.

For purposes of this chapter, "written prescription" includes paper prescriptions delivered via manual transmission or electronic prescriptions delivered via direct transmission to a pharmacy.

(b) Each disclosure required under this subsection shall be made:

1. Verbally, if the consultation with the client is in person; or

2. Electronically, if the consultation with the client is through veterinary telehealth.

(c) The option chosen by the client under paragraph (a) must be documented by the veterinarian or an authorized member of the veterinary staff with a one-time acknowledgement that is signed by the client and that states that the client is aware of the options in paragraph (a).

1. The acknowledgement must be in substantially the following form:

ACKNOWLEDGMENT OF ABILITY TO  
RECEIVE WRITTEN PRESCRIPTION

I, ...(name of client)..., understand the veterinary client's right to receive a written prescription for medication that can be filled by the pharmacy of my choice or my veterinarian, as

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

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provided in s. 474.224, Florida Statutes.

Signature:...(signature of applicant)...Date:...(date)...

2. An acknowledgment signed by a client under this section shall be documented in the patient's medical record.

3. An acknowledgement under this section may not make a statement, notification, warning, or assumption regarding the efficacy or safety of filling prescriptions through an outside pharmacy.

(d) A veterinary establishment shall post a clear and conspicuous sign near the point of sale or where checkout occurs which substantially states the following:

FLORIDA LAW GIVES THE VETERINARY CLIENT THE OPTION TO:

1. RECEIVE A WRITTEN PRESCRIPTION FOR MEDICATION THAT CAN BE FILLED AT THE PHARMACY OF YOUR CHOICE; OR

2. HAVE YOUR PRESCRIPTION FILLED AT THE VETERINARY ESTABLISHMENT, IF THE VETERINARY ESTABLISHMENT IS ABLE TO FILL THE PRESCRIPTION.

(2) This section does not apply if:

(a) Immediate dispensing of medication is necessary to preserve life or prevent suffering; or

(b) The prescription is for a controlled substance, the dispensing of which is restricted by federal or state law.

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.)

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Prepared By: The Professional Staff of the Committee on Rules

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BILL: CS/SB 1054

INTRODUCER: Transportation Committee and Senator Martin

SUBJECT: Traffic Infractions Resulting in a Crash with Another Vehicle

DATE: February 16, 2026

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

| ANALYST   | STAFF DIRECTOR | REFERENCE | ACTION             |
|-----------|----------------|-----------|--------------------|
| 1. Shutes | Vickers        | TR        | <b>Fav/CS</b>      |
| 2. Davis  | Cibula         | JU        | <b>Favorable</b>   |
| 3. Shutes | Kruse          | RC        | <b>Pre-meeting</b> |

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1054 requires a mandatory hearing for a person who commits one of the following traffic infractions that results in a crash with another vehicle:

- A driver running a red light.
- A driver failing to obey a traffic control device or sign.
- A driver failing to yield under specified conditions.

For a first offense, there is a civil penalty of \$500, in addition to other penalties. For a second offense, there is a civil penalty of \$1,000, in addition to any other penalties, and the person's driver license must be suspended for 6 months. For a third or subsequent offense, there is a civil penalty of \$1,000, in addition to any other penalties, and the person's driver license must be suspended for 1 year.

The bill also requires persons found to have committed one of the traffic infractions identified above resulting in a crash with another vehicle to carry the same additional motor vehicle liability insurance as is required for convictions and certain pleas relating to driving under the influence for a period of 1 year.

The bill has a fiscal impact on both private and governmental sectors. *See* Section V., Fiscal Impact Statement for details.

This bill takes effect October 1, 2026.

## II. Present Situation:

### Requirements for Vehicles to Stop or Yield

Florida law requires the driver of any vehicle to obey the instructions of any applicable official traffic control device unless otherwise directed by a police officer.<sup>1</sup>

A driver facing a steady red traffic control signal (red light) at an intersection must stop at the stop line; however, if the intersection does not have a stop line the driver must stop before entering the crosswalk. If there is no crosswalk, the vehicle must stop at the point nearest to the intersecting roadway where the driver has a view of approaching traffic.<sup>2</sup> A driver that is stopped at a red light may make a:

- Right turn, if such driver yields the right-of-way to pedestrians and other traffic.
- Left turn into a one-way street that has traffic moving to the left, if such driver yields the right-of-way to pedestrians and other traffic.<sup>3</sup>

Running a red light is a noncriminal traffic infraction, punishable as a moving violation.<sup>4</sup> The statutory base fine is \$158, but with additional fees and surcharges, the total penalty may be up to \$256.<sup>5</sup>

Florida law also requires that the driver of a vehicle approaching an intersection with a stop sign to stop before entering the intersection.<sup>6</sup> After stopping, the driver must yield the right-of-way to any vehicle that has entered the intersection or that is approaching so closely as to constitute an immediate hazard during the time when the driver is moving across the intersection.<sup>7</sup> At a four-way stop intersection, the driver of the first vehicle to arrive at the intersection is required to be the first to proceed. If two or more vehicles reach the four-way stop intersection at the same time, the driver of the vehicle on the left must yield the right-of-way to the vehicle on the right.<sup>8</sup>

A violation for failing to stop or yield is a noncriminal traffic infraction, punishable as a moving violation. The statutory base fine is \$60, but with additional fees and surcharges, the total penalty may be up to \$158.<sup>9</sup>

### Traffic Infractions Requiring a Mandatory Hearing

Any person cited for any traffic infraction listed below must appear before a designated official for a hearing:

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<sup>1</sup> Section 316.074(1), F.S. There are also exceptions granted to drivers of authorized emergency vehicles.

<sup>2</sup> Section 316.075(1)(c), F.S.

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

<sup>4</sup> Section 316.074(6), F.S.

<sup>5</sup> Florida Association of Clerks of Court, *2025 Distribution Schedule*, p. 50.

[https://cdn.ymaws.com/www.flclerks.com/resource/resmgr/publicationsanddocuments/2025\\_Distribution\\_Schedule\\_-.pdf](https://cdn.ymaws.com/www.flclerks.com/resource/resmgr/publicationsanddocuments/2025_Distribution_Schedule_-.pdf) (last visited January 23, 2026).

<sup>6</sup> Section 316.123(2)(a), F.S. There is an exception for when directed to proceed by a police officer or a traffic control signal.

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

<sup>8</sup> Section 316.123(2)(b), F.S.

<sup>9</sup> Florida Association of Clerks of Court, *2025 Distribution Schedule*, p. 48.

[https://cdn.ymaws.com/www.flclerks.com/resource/resmgr/publicationsanddocuments/2025\\_Distribution\\_Schedule\\_-.pdf](https://cdn.ymaws.com/www.flclerks.com/resource/resmgr/publicationsanddocuments/2025_Distribution_Schedule_-.pdf)

- Any infraction which results in a crash that causes the death of another;
- Any infraction which results in a crash that causes serious bodily injury<sup>10</sup> of another;
- Any infraction of passing a school bus on the side of the bus where children enter or exit the bus while the bus is displaying a stop signal;<sup>11</sup>
- Any infraction related to unsecured loads;<sup>12</sup> or
- Any speeding infraction involving exceeding the speed limit by 30 mph or more.<sup>13,14</sup>

At the mandatory hearing, if the designated official determines that the person committed an infraction that caused serious bodily injury to another person, the designated official must impose a civil penalty of \$500, in addition to any other penalties, and the person's driver license must be suspended for three months. If the official determines that the person committed an infraction that caused the death of another person, the official must impose a civil penalty of \$1,000, in addition to any other penalties, and the person's driver license must be suspended for six months.<sup>15</sup>

### **Motor Vehicle Insurance Requirements – Driving Under the Influence**

Section 324.023, F.S., provides that in addition to any other statutory insurance requirement, every owner or operator of a motor vehicle, and who, regardless of adjudication of guilt, has been found guilty of or entered a plea of guilty or nolo contendere to driving under the influence<sup>16</sup> must establish and maintain insurance or other ability to respond in damages for liability on account of motor vehicle accidents of:

- \$100,000 for bodily injury to, or death of, one person in any one crash;
- \$300,000 because of bodily injury to, or death of, two or more persons in any one crash; and
- \$50,000 in property damage in any one crash.

These higher insurance limits must be carried for a minimum of 3 years. If the person has not been convicted of driving under the influence or a felony traffic offense for a period of 3 years from the date of reinstatement of his or her driving privileges for the driving under the influence offense, the owner or operator is no longer subject to these additional insurance requirements.<sup>17</sup>

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<sup>10</sup> Section 316.1933(1)(b), F.S., defines the term "serious bodily injury" to mean an injury to any person, including the driver, which consists of a physical condition that creates a substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

<sup>11</sup> Section 316.172(1)(b), F.S.

<sup>12</sup> Sections 316.520(1) and (2), F.S.

<sup>13</sup> Sections 316.183(2), s. 316.187, or s. 316.189, F.S.

<sup>14</sup> Section 318.19, F.S.

<sup>15</sup> Section 318.14(5), F.S.

<sup>16</sup> Section 316.193, F.S. This provision applies to convictions and pleas after October 1, 2007.

<sup>17</sup> Section 324.023, F.S.

### Relevant Crash Data

The Department of Highway Safety and Motor Vehicles' (DHSMV) crash report database identified the following type and number of crashes in 2025 related to running red lights or stop signs:<sup>18</sup>

| First Driver Action | Crashes with Fatalities | Crashes with Incapacitating Injuries | Crashes with Non-Incapacitating Injuries | Crashes with Possible Injuries | Crashes with No Injuries | Total Crashes |
|---------------------|-------------------------|--------------------------------------|------------------------------------------|--------------------------------|--------------------------|---------------|
| Ran Red Light       | 82                      | 622                                  | 3,815                                    | 7,253                          | 24,710                   | 36,482        |
| Ran Stop Sign       | 45                      | 374                                  | 1,961                                    | 3,719                          | 19,288                   | 25,387        |
| Total               | 127                     | 996                                  | 5,776                                    | 10,972                         | 43,998                   | 61,869        |

### III. Effect of Proposed Changes:

The bill requires a mandatory hearing for a person who commits one of the following traffic infractions that results in a crash with another vehicle:

- A driver running a red light.
- A driver failing to obey a traffic control device or sign.
- A driver failing to yield under specified conditions.

The bill provides additional penalties for any person who is required to appear before a designated official and is found to have committed one or more of the above violations:

- For a first infraction, \$500 in addition to any other penalties.
- For a second infraction, \$1,000 in addition to any other penalties and the person's driver license must be suspended for 6 months.
- For a third or subsequent offense, \$1,000 in addition to any other penalties and the person's driver license must be suspended for 1 year.

The bill requires persons found to have committed such infractions to maintain the same additional motor vehicle liability insurance as is currently required for convictions and certain pleas for driving under the influence for a minimum of 1 year. These additional liability insurance limits are:

- \$100,000 for bodily injury to, or death of, one person in any one crash;
- \$300,000 because of bodily injury to, or death of, two or more persons in any one crash; and
- \$50,000 in property damage in any one crash.

This bill takes effect October 1, 2026.

<sup>18</sup> Email from Jonas Marquez, Director of Legislative Affairs, Department of Highway Safety and Motor Vehicles, RE: Updated Statistics for SB 1054 Analysis (January 23, 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:**

Drivers who violate the provisions of the bill will experience a negative fiscal impact associated with increased civil penalties and additional insurance requirements. There may also be additional indeterminate economic costs associated with driver license suspensions.

Motor vehicle insurance providers may experience a positive fiscal impact associated with the fact that persons committing certain infractions specified in the bill will be required to carry higher motor vehicle liability insurance.

**C. Government Sector Impact:**

State and local governments will experience an indeterminate positive fiscal impact as a result of the additional revenues associated with the enhanced civil penalties provided for in the bill.

There may be an indeterminate negative fiscal impact on the court system due to the number of additional mandatory hearings that would be required by the bill.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 318.14, 318.19, and 324.023.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

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

**CS by Transportation on January 27, 2026:**

The committee substitute clarifies that driving under the influence-related offenders would continue to be required to maintain the increased motor vehicle insurance levels for a period of 3 years.

**B. Amendments:**

None.

By the Committee on Transportation; and Senator Martin

596-02240-26

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A bill to be entitled

An act relating to traffic infractions resulting in a crash with another vehicle; amending s. 318.14, F.S.; requiring the imposition of specified civil penalties and periods of driver license suspension on a person found at a mandatory hearing to have committed certain traffic infractions that resulted in a crash with another vehicle, in addition to any other penalties; amending s. 318.19, F.S.; requiring persons cited for specified infractions that result in a crash with another vehicle to appear at a certain mandatory hearing; amending s. 324.023, F.S.; requiring certain owners and operators of motor vehicles to establish and maintain the ability to respond in damages for liability on account of certain accidents; requiring certain owners and operators of motor vehicles to maintain the ability to respond in damages for certain liability in certain amounts for a specified minimum period; providing an effective date.

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

Section 1. Subsection (5) of section 318.14, Florida Statutes, is amended to read:

318.14 Noncriminal traffic infractions; exception; procedures.—

(5) A ~~Any~~ person who elects ~~electing~~ to appear before the designated official or who is required to appear is ~~shall be~~ deemed to have waived his or her right to the civil penalty

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provisions of s. 318.18. The official, after a hearing, shall make a determination as to whether an infraction has been committed. If the commission of an infraction has been proven, the official may impose a civil penalty not to exceed \$500, except that in cases involving unlawful speed in a school zone or involving unlawful speed in a construction zone, the civil penalty may not exceed \$1,000; or require attendance at a driver improvement school, or both. If the person is required to appear before the designated official pursuant to s. 318.19(1) and is found to have committed the infraction, the designated official must ~~shall~~ impose a civil penalty of \$1,000 in addition to any other penalties and the person's driver license must ~~shall~~ be suspended for 6 months. If the person is required to appear before the designated official pursuant to s. 318.19(1) and is found to have committed the infraction against a vulnerable road user as defined in s. 316.027(1), the designated official must ~~shall~~ impose a civil penalty of not less than \$5,000 in addition to any other penalties, the person's driver license must ~~shall~~ be suspended for 1 year, and the person must ~~shall~~ be required to attend a department-approved driver improvement course relating to the rights of vulnerable road users relative to vehicles on the roadway as provided in s. 322.0261(2). If the person is required to appear before the designated official pursuant to s. 318.19(2) and is found to have committed the infraction, the designated official must ~~shall~~ impose a civil penalty of \$500 in addition to any other penalties and the person's driver license must ~~shall~~ be suspended for 3 months. If the person is required to appear before the designated official pursuant to s. 318.19(2) and is found to have committed the

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59 infraction against a vulnerable road user as defined in s.  
 60 316.027(1), the designated official ~~must shall~~ impose a civil  
 61 penalty of not less than \$1,500 in addition to any other  
 62 penalties, the person's driver license ~~must shall~~ be suspended  
 63 for 3 months, and the person ~~must shall~~ be required to attend a  
 64 department-approved driver improvement course relating to the  
 65 rights of vulnerable road users relative to vehicles on the  
 66 roadway as provided in s. 322.0261(2). If the person is required  
 67 to appear before the designated official pursuant to s.  
 68 318.19(7) and is found to have committed an infraction of s.  
 69 316.074(1) or s. 316.123(2) which resulted in a crash with  
 70 another vehicle as defined in s. 316.003, the designated  
 71 official must impose a civil penalty of \$500 in addition to any  
 72 other penalties. If the person is required to appear before the  
 73 designated official pursuant to s. 318.19(7) for an infraction  
 74 and is found to have committed a second infraction of s.  
 75 316.074(1) or s. 316.123(2) which resulted in a crash with  
 76 another vehicle as defined in s. 316.003, the designated  
 77 official must impose a civil penalty of \$1,000 in addition to  
 78 any other penalties and the person's driver license must be  
 79 suspended for 6 months. If the person is required to appear  
 80 before the designated official pursuant to s. 318.19(7) for an  
 81 infraction and is found to have committed a third or subsequent  
 82 infraction of s. 316.074(1) or s. 316.123(2) which resulted in a  
 83 crash with another vehicle as defined in s. 316.003, the  
 84 designated official must impose a civil penalty of \$1,000 in  
 85 addition to any other penalties and the person's driver license  
 86 must be suspended for 1 year. If the official determines that no  
 87 infraction has been committed, no costs or penalties may shall

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88 be imposed and any costs or penalties that have been paid must  
 89 ~~shall~~ be returned. Moneys received from the mandatory civil  
 90 penalties imposed pursuant to this subsection upon persons  
 91 required to appear before a designated official pursuant to s.  
 92 318.19(1) or (2) shall be remitted to the Department of Revenue  
 93 and deposited into the Department of Health Emergency Medical  
 94 Services Trust Fund to provide financial support to certified  
 95 trauma centers to assure the availability and accessibility of  
 96 trauma services throughout the state. Funds deposited into the  
 97 Emergency Medical Services Trust Fund under this section shall  
 98 be allocated as follows:

(a) Fifty percent shall be allocated equally among all  
 99 Level I, Level II, and pediatric trauma centers in recognition  
 100 of readiness costs for maintaining trauma services.

(b) Fifty percent shall be allocated among Level I, Level  
 101 II, and pediatric trauma centers based on each center's relative  
 102 volume of trauma cases as calculated using the hospital  
 103 discharge data collected pursuant to s. 408.061.

Section 2. Section 318.19, Florida Statutes, is amended to  
 104 read:

318.19 Infractions requiring a mandatory hearing.—Any  
 105 person cited for the infractions listed in this section does  
 106 ~~shall~~ not have the provisions of s. 318.14(2), (4), and (9)  
 107 available to him or her but must appear before the designated  
 108 official at the time and location of the scheduled hearing:

(1) Any infraction which results in a crash that causes the  
 109 death of another;

(2) Any infraction which results in a crash that causes  
 110 "serious bodily injury" of another as defined in s. 316.1933(1);  
 111



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117 (3) Any infraction of s. 316.172(1)(b);  
 118 (4) Any infraction of s. 316.520(1) or (2);  
 119 (5) Any infraction of s. 316.183(2), s. 316.187, or s.  
 120 316.189 of exceeding the speed limit by 30 mph or more; ~~or~~  
 121 (6) Any infraction of s. 316.1926(2); or  
 122 (7) Any infraction of s. 316.074(1) or s. 316.123(2) which  
 123 results in a crash with another vehicle as defined in s.  
 124 316.003.  
 125 Section 3. Section 324.023, Florida Statutes, is amended to  
 126 read:  
 127 324.023 Financial responsibility for bodily injury or  
 128 death.—  
 129 (1) In addition to any other financial responsibility  
 130 required by law, every owner or operator of a motor vehicle that  
 131 is required to be registered in this state, or that is located  
 132 within this state, and who:—  
 133 (a) Regardless of adjudication of guilt, has been found  
 134 guilty of or entered a plea of guilty or nolo contendere to a  
 135 charge of driving under the influence under s. 316.193 after  
 136 October 1, 2007; or  
 137 (b) Is found to have committed an infraction of s.  
 138 316.075(1)(c) or s. 316.123(2) which resulted in a crash with  
 139 another vehicle as defined in s. 316.003,  
 140  
 141 shall, by one of the methods established in s. 324.031(1) or  
 142 (2), establish and maintain the ability to respond in damages  
 143 for liability on account of accidents arising out of the use of  
 144 a motor vehicle in the amount of \$100,000 because of bodily  
 145 injury to, or death of, one person in any one crash and, subject

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146 to such limits for one person, in the amount of \$300,000 because  
 147 of bodily injury to, or death of, two or more persons in any one  
 148 crash and in the amount of \$50,000 because of property damage in  
 149 any one crash. If the owner or operator chooses to establish and  
 150 maintain such ability by furnishing a certificate of deposit  
 151 pursuant to s. 324.031(2), such certificate of deposit must be  
 152 at least \$350,000. An owner or operator described in paragraph  
 153 (a) must carry such higher limits ~~must be carried~~ for at least a  
 154 minimum period of 3 years. An owner or operator described in  
 155 paragraph (b) must carry such higher limits for at least 1 year.  
 156 (2) If an ~~the~~ owner or operator described in paragraph  
 157 (1)(a) has not been convicted of driving under the influence or  
 158 a felony traffic offense for at least a period of 3 years after  
 159 ~~from~~ the date of reinstatement of driving privileges for a  
 160 violation of s. 316.193, the owner or operator is ~~shall be~~  
 161 exempt from this section.

162 Section 4. This act shall take effect October 1, 2026.

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**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.)

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Prepared By: The Professional Staff of the Committee on Rules

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BILL: CS/SB 1080

INTRODUCER: Transportation Committee and Senator DiCeglie

SUBJECT: Transportation

DATE: February 9, 2026

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

|    | ANALYST  | STAFF DIRECTOR | REFERENCE | ACTION             |
|----|----------|----------------|-----------|--------------------|
| 1. | Johnson  | Vickers        | TR        | <b>Fav/CS</b>      |
| 2. | McMillan | McKay          | CM        | <b>Favorable</b>   |
| 3. | Johnson  | Kruse          | RC        | <b>Pre-meeting</b> |

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1080 requires the Florida Department of Transportation (FDOT) to adopt rules providing circumstances under which it may make direct payments to a first-tier subcontractor, including specified conditions, with the amount paid to the subcontractor deducted from the amount paid to the contractor.

The bill also requires that, if due to default by the contract, the FDOT and the surety enter into a takeover agreement, such agreement must require the surety's completion contractor to meet the certificate of qualification requirements of the original contract bid solicitation and that the surety must follow the contract's procedures regarding the payment of subcontractors.

This bill does not appear to have a fiscal impact on state or local government entities.

This bill takes effect July 1, 2026.

**II. Present Situation:**

**Florida Prompt Payment Act**

Florida law has several "Prompt Payment Acts" regulating various aspects of payments connected to construction projects and services. Part VII of ch. 218, F.S., addresses payment for local government construction projects. Chapter 255, F.S., governs payments connected to state

agency construction projects, and payments for private construction projects are regulated in chs. 713 and 715, F.S.

### ***Prompt Payment Act for State Construction Projects***

Sections 255.0705 - 255.078, F.S., are known as the Florida Prompt Payment Act. This act governs the timely payment for construction services by the state or any agency thereof (public entity).<sup>1</sup> This act also governs payments made by contractors to subcontractors and suppliers when the construction services are in connection with a public entity construction project.

### ***Payment Deadline for Public Entity to Contractor***

For public entities contracting with a prime contractor, the public entity must submit the contractor's request to the Chief Financial Officer within 14 days of receiving the payment application.<sup>2</sup> If a public entity disputes a portion of a payment request, the undisputed portion must be paid by the date required under the contract or by 20 business days after receipt of the request, whichever is earlier.<sup>3</sup>

When a contractor receives payment from a public entity for labor, services, or materials furnished by subcontractors and suppliers hired by the contractor, the contractor is required to remit payment due to those subcontractors and suppliers within 10 days after the contractor's receipt of payment.<sup>4</sup> When a subcontractor receives payment from a contractor for labor, services, or materials furnished by subcontractors and suppliers hired by the subcontractor, the subcontractor is required to remit payment due to those subcontractors and suppliers within 7 days after the subcontractor's receipt of payment.<sup>5</sup>

### ***Penalties for Late Payment***

All payments due for the purchase of construction services under the Florida Prompt Payment Act and wrongfully withheld by a public entity or prime contractor bear statutorily imposed interest at the rate of 2 percent per month.<sup>6</sup>

### ***Florida Department of Transportation Contracting Authority***

Section 337.11, F.S., authorizes the Florida Department of Transportation (FDOT) to enter into contracts for the construction and maintenance of roads and related facilities under its jurisdiction.<sup>7</sup>

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<sup>1</sup> Section 255.072, F.S., defines "public entity" to mean the state, or any office, board, bureau, commission, department, branch, division, or institution thereof, but does not include a local governmental entity as defined in s. 218.72, F.S.

<sup>2</sup> Section 255.074, F.S.

<sup>3</sup> Section 255.073(2), F.S.

<sup>4</sup> Section 255.073(3), F.S.

<sup>5</sup> *Id.* A contractor or subcontractor is still permitted to dispute, pursuant to the terms of the relevant contract, all or any portion of a payment alleged to be due to another party if the contractor or subcontractor notifies the party whose payment is disputed, in writing, of the amount in dispute and the actions required to cure the dispute. The contractor or subcontractor must pay all undisputed amounts due within the time limits imposed by this subsection.

<sup>6</sup> Section 255.073(4), F.S.

<sup>7</sup> Section 337.11(1), F.S.

Every contract let by the FDOT for the performance of work must require the prime contractor, before receiving any progress payment under such contract, to certify that the prime contractor has disbursed to all of its subcontractors and suppliers their pro rata shares of the payment out of previous progress payments received by the prime contractor for all work completed and materials furnished in the previous period,<sup>8</sup> as FDOT approved payment.<sup>9</sup> The FDOT may not make any such progress payment before receiving such certification, unless the contractor demonstrates good cause for not making any such required payment and furnishes written notification of any such good cause to both the FDOT and the affected subcontractors and suppliers.<sup>10</sup>

Every contract let by the FDOT for the performance of work must require the prime contractor, within 30 days of receipt of the final progress payment or any other payments received thereafter except the final payment, to pay all of its subcontractors and suppliers their pro rata shares of the payment for all work completed and materials furnished, unless the contractor demonstrates good cause for not making any such required payment and furnishes written notification of any such good cause to both the FDOT and the affected subcontractors or suppliers within such 30-day period.<sup>11</sup>

### **Surety Bonds for FDOT's Construction and Maintenance Contracts**

Section 337.18, F.S., requires a surety bond of the successful bidder in an amount equal to the awarded contract price for a FDOT contract. However, in limited circumstances, the FDOT has the discretion to authorize phased bonding or waive all or a portion of the bond requirement.<sup>12</sup>

The FDOT's contracts must provide for the determination of default on the part of any contractor for cause attributable to such contractor. The FDOT is not liable for anticipated profits for unfinished work on a contract which it has determined to be in default.<sup>13</sup>

### **FDOT Certificate of Qualification**

Section 337.14, F.S., requires the FDOT to prequalify any contractor wishing to bid on a contract in excess of \$250,000. Rule 14-22, F.A.C., provides the FDOT's rules regarding obtaining a certificate of qualification.

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

**Section 1** amends s. 337.11, F.S. to require the FDOT to adopt rules establishing circumstances under which it may make direct payments to first-tier subcontractors. Such circumstances must include all of the following:

- The contractor has not requested payment from the FDOT in the past six months.

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<sup>8</sup> Section 337.11(11)(a), F.S. This is less any retainage withheld by the prime contractor pursuant to an agreement with a subcontractor.

<sup>9</sup> *Id.*

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

<sup>11</sup> Section 337.11(11)(b), F.S.

<sup>12</sup> Section 337.18(1)(a), F.S.

<sup>13</sup> Section 337.18(2), F.S.

- There is a binding, written subcontract between the contractor and the subcontractor, and the FDOT is in possession of a complete copy of the contract.
- The subcontractor has performed work that is unpaid by the subcontractor, and the FDOT has sufficient documentation of such unpaid work.
- There is no bona fide, documented dispute between the contractor and the subcontractor.

The amounts the FDOT pays to the subcontractor must be deducted from amounts otherwise due to the contractor.

**Section 2** amends s. 337.18, F.S., to provide that if, due to a default by the contractor, the FDOT and the surety enter into a takeover agreement such agreement must require the surety's completion contractor to meet the certification of qualification requirements in the original contract's bid solicitation. The bill also requires the surety to follow the contract's procedures regarding the certification of disbursement of payment to subcontractors.

**Section 3** provides that this 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 identified.

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

A. Tax/Fee Issues:

None.

**B. Private Sector Impact:**

The FDOT's rules specifying circumstances under which it may directly pay subcontractors may have a positive fiscal impact on such subcontractors. However, the fiscal impact is indeterminate.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 337.11 and 337.18.

**IX. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

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

**CS by Transportation on January 20, 2026:**

The committee substitute:

- Requires FDOT to adopt rules regarding the circumstances under which it may directly pay first-tier subcontractors; and
- Requires the completion contractor in a takeover agreement to meet the same certification of qualification requirements as in the original contract's bid solicitation.

**B. Amendments:**

None.



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LEGISLATIVE ACTION

Senate

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House

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The Committee on Rules (DiCeglie) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Paragraph (d) is added to subsection (11) of  
section 337.11, Florida Statutes, to read:

337.11 Contracting authority of department; bids; emergency  
repairs, supplemental agreements, and change orders; combined  
design and construction contracts; progress payments; records;  
requirements of vehicle registration.—

(11)



903300

(d)1. The department may make direct payments to a first-tier subcontractor. Such payments do not create any enforceable third-party beneficiary rights. The department shall adopt by rule procedures to implement this paragraph. Such procedures must establish the circumstances under which such payments may be made and must include, at a minimum, all of the following:

a. The contractor has not requested payment from the department for at least 6 months.

b. There is a binding, written subcontract between the contractor and the subcontractor, and the department is in possession of a complete copy of the subcontract.

c. The subcontractor has performed work that is unpaid by the contractor, and the department has sufficient documentation of such unpaid work.

d. There is no legitimate dispute between the contractor and the subcontractor.

e. The department has provided written notice to the payment and performance bond surety at least 30 days before releasing a payment under this paragraph, and the surety has not objected in writing within the 30-day period based on a documented dispute or claim regarding the unpaid work or payment.

2. Amounts paid by the department pursuant to rules adopted under this paragraph must be deducted from amounts otherwise due to the contractor.

Section 2. Present subsection (6) of section 337.18, Florida Statutes, is redesignated as subsection (7), and a new subsection (6) is added to that section, to read:

337.18 Surety bonds for construction or maintenance





903300

contracts; requirement with respect to contract award; bond requirements; defaults; damage assessments.—

(6) If the department and the surety enter into a takeover agreement, such agreement must set forth procedures regarding the surety's certification of disbursement of payment to subcontractors.

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

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

And the title is amended as follows:

Delete everything before the enacting clause  
and insert:

A bill to be entitled

An act relating to transportation; amending s. 337.11, F.S.; authorizing the Department of Transportation to make direct payments to a first-tier subcontractor; providing construction; requiring the department to adopt rules establishing certain procedures; providing requirements for such procedures; requiring that amounts paid to a first-tier subcontractor be deducted from amounts otherwise due to the contractor; amending s. 337.18, F.S.; requiring that a takeover agreement between the department and a surety set forth certain procedures; providing an effective date.

By the Committee on Transportation; and Senator DiCeglie

596-02021-26

20261080c1

A bill to be entitled

An act relating to transportation; amending s. 337.11, F.S.; requiring the Department of Transportation to adopt rules establishing circumstances under which it may make direct payments to a first-tier subcontractor; requiring that amounts paid to such subcontractor be deducted from amounts otherwise due to the contractor; amending s. 337.18, F.S.; requiring that a takeover agreement between the department and a surety require the surety's completion contractor to meet certain requirements and follow certain contract procedures; providing an effective date.

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

Section 1. Paragraph (d) is added to subsection (11) of section 337.11, Florida Statutes, to read:

337.11 Contracting authority of department; bids; emergency repairs, supplemental agreements, and change orders; combined design and construction contracts; progress payments; records; requirements of vehicle registration.—

(11)

(d)1. The department shall adopt rules establishing circumstances under which it may make direct payments to a first-tier subcontractor. Such circumstances must include all of the following:

a. The contractor has not requested payment from the department in the past 6 months.

b. There is a binding, written subcontract between the

Page 1 of 2

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

596-02021-26

20261080c1

contractor and the subcontractor, and the department is in possession of a complete copy of the subcontract.

c. The subcontractor has performed work that is unpaid by the contractor, and the department has sufficient documentation of such unpaid work.

d. There is no bona fide, documented dispute between the contractor and the subcontractor.

2. Amounts paid by the department pursuant to rules adopted under this paragraph must be deducted from amounts otherwise due to the contractor.

Section 2. Present subsection (6) of section 337.18, Florida Statutes, is redesignated as subsection (7), and a new subsection (6) is added to that section, to read:

337.18 Surety bonds for construction or maintenance contracts; requirement with respect to contract award; bond requirements; defaults; damage assessments.—

(6) If, due to a default by the contractor, the department and the surety enter into a takeover agreement, such agreement must require the surety's completion contractor to meet the certification of qualification requirements of the original contract bid solicitation and follow the contract's procedures regarding certification of disbursement of payment to subcontractors.

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

Page 2 of 2

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

**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.)

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Prepared By: The Professional Staff of the Committee on Rules

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BILL: CS/SB 1118

INTRODUCER: Community Affairs Committee and Senator Avila

SUBJECT: Public Records/Data Centers

DATE: February 16, 2026

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

| ANALYST     | STAFF DIRECTOR | REFERENCE | ACTION             |
|-------------|----------------|-----------|--------------------|
| 1. Schrader | Imhof          | RI        | <b>Favorable</b>   |
| 2. Hackett  | Fleming        | CA        | <b>Fav/CS</b>      |
| 3. Schrader | Kruse          | RC        | <b>Pre-meeting</b> |

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

COMMITTEE SUBSTITUTE - Technical Changes

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**I. Summary:**

CS/SB 1118 provides a time-limited public records exemption for information held by a county or municipality that concerns the plans, intentions, or interests of such person to locate a data center within the jurisdiction of the county or municipality. Such records would be confidential and exempt from s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution upon request by a person, for a period of 12 months. It also provides that person's proprietary confidential business information related to a data center and held by an agency is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

SB 484 (2026 Regular Session) by Senator Avila, revises Florida law regarding the regulation of large-scale data centers and certain other large electricity users. In part, the bill prohibits agencies from entering into non-disclosure agreements, or other contracts restricting the agency from disclosing information about a potential data center development to members of the public.

SB 1118 would take effect on the same date that SB 484 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

## II. Present Situation:

### SB 484 (2026 Regular Session)

SB 484 revises Florida law regarding the regulation of large-scale data centers and certain other large electricity users. Specifically, the bill:

- Specifies that agencies may not enter into non-disclosure agreements, or other contracts restricting the agency from disclosing information about a potential data center development to members of the public.
- Maintains the authority of local governments to exercise the powers and responsibilities for comprehensive planning and land development regulation granted by law with respect to large load customers.
- Requires the Public Service Commission (PSC) to develop minimum large load tariff requirements for public electric utilities. The tariff requirements must reasonably ensure that large load customers (such as large data centers) pay for their own cost of service and that the general body of rate payers do not bear the risk of non-payment of such cost.
- Prohibits public electric utilities from providing service to large load facilities owned or controlled by foreign countries of concern.
- Establishes a distinct large-scale data center consumptive use permit (CUP) permit requirements and application process. The bill also authorizes water management districts or the Department of Environmental Protection to require large-scale data centers to use some portion of reclaimed water as part of a CUP approval.
- Specifies that CUP modifications involving a large-scale data center must be treated as new, initial applications.

SB 484 takes effect upon becoming a law.

### Data Centers

At its most basic, a data center is a physical facility that contains information technology (IT) infrastructure for storing, processing, and distributing data and the running of shared and distributed applications and services. Data centers can be anything from a dedicated space within a building, a dedicated building, or, for the largest-scale data centers, multi-building campuses.<sup>1</sup>

Generally, the major components of a data center are:

- IT equipment: This would be the core processing, storage, and transmission hardware for a data center—this would include servers, data storage systems, and network gear (such as routers and switches).
- Power infrastructure: This would be all the equipment to supply and maintain power to the facility, including power supplies (including redundant and uninterruptable power supplies to ensure continuous operation), and power distribution units.
- Cooling systems: This would include cooling infrastructure to maintain the data center at ideal temperatures and prevent IT equipment from overheating.

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<sup>1</sup> Cisco, *What is a Data Center*, <https://www.cisco.com/site/us/en/learn/topics/computing/what-is-a-data-center.html> (last visited Feb. 2, 2026); and IBM, *What is a Data Center*, <https://www.ibm.com/think/topics/data-centers> (last visited Feb. 2, 2026).

- Physical security: This would include systems that restrict access to the data center and fire suppression systems.<sup>2</sup>

Data centers date back to the earliest dates of electronic, digital, computing when machines like the US military's Electrical Numerical Integrator and Computer (ENIAC), completed in 1945, required dedicated computer room space to house its massive machines. For many years, mainframe computers dominated computer rooms. However, in the 1990's when microcomputers came about and replaced mainframes in computer rooms—these microcomputers became known as servers and the computer rooms became known as what would eventually become the modern data center.<sup>3</sup>

The emergence of cloud computing in the early 2000s changed the data center landscape significantly in regard to the purpose and scale of data centers. Data centers went from serving solely one organization's (or even one organization's needs at a single location) needs, to shared resources that can be sold and provided as needed to multiple individuals and organizations with the ability to scale up or down as needed—these shared spaces are generally known as colocation data centers.<sup>4</sup>

### **Public Records Law**

The State Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.<sup>5</sup> This applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.<sup>6</sup>

Additional requirements and exemptions that relate to public records are found in various statutes and rules, depending on the branch of government involved.<sup>7</sup> For instance, Legislative records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislature are codified primarily in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the legislature. Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.<sup>8</sup> Lastly, ch. 119, F.S., the Public Records Act, provides requirements for public records held by executive agencies and constitutes the main body of public records laws.

The Public Records Act provides that all state, county, and municipal records are open for personal inspection and copying by any person. Each agency has a duty to provide access to public records.<sup>9</sup>

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<sup>2</sup> McKinsey & Company, *What is a Data Center*, <https://www.mckinsey.com/featured-insights/mckinsey-explainers/what-is-a-data-center> (last visited Feb. 2, 2026).

<sup>3</sup> IBM *supra* note 1.

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

<sup>5</sup> FLA. CONST. art. I, s. 24(a).

<sup>6</sup> *Id.* See also, *Sarasota Citizens for Responsible Gov't v. City of Sarasota*, 48 So. 3d 755, 762-763 (Fla. 2010).

<sup>7</sup> Chapter 119, F.S., does not apply to legislative or judicial records. See, *Locke v. Hawkes*, 595 So. 2d 32, 34 (Fla. 1992); see also *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995).

<sup>8</sup> *State v. Wooten*, 260 So. 3d 1060 (Fla. 4<sup>th</sup> DCA 2018).

<sup>9</sup> Section 119.01(1), F.S.

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

[a]ll 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 which are used to “perpetuate, communicate, or formalize knowledge of some type.”<sup>10</sup>

The Florida Statutes specify conditions under which public access to governmental records must be provided. The Public Records Act guarantees every person’s right to inspect and copy any state or local government public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.<sup>11</sup> A violation of the Public Records Act may result in civil or criminal liability.<sup>12</sup>

Only the Legislature may create an exemption to public records requirements.<sup>13</sup> An exemption must be created by general law and must specifically state the public necessity justifying the exemption.<sup>14</sup> Further, the exemption must be no broader than necessary to accomplish the stated purpose of the law. A bill enacting an exemption may not contain other substantive provisions<sup>15</sup> and must pass by a two-thirds vote of the members present and voting in each house of the Legislature.<sup>16</sup>

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*.<sup>17</sup> 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.<sup>18</sup> Records designated as “exempt” may be released at the discretion of the records custodian under certain circumstances.<sup>19</sup>

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<sup>10</sup> *Shevin v. Byron, Harless, Schaffer, Reid and Assoc. Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

<sup>11</sup> Section 119.07(1)(a), F.S.

<sup>12</sup> Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

<sup>13</sup> FLA. CONST. art. I, s. 24(c).

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

<sup>15</sup> The bill may, however, contain multiple exemptions that relate to one subject.

<sup>16</sup> FLA. CONST. art. I, s. 24(c)

<sup>17</sup> *WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5<sup>th</sup> DCA 2004).

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

<sup>19</sup> *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5<sup>th</sup> DCA 1991).

General exemptions from the public records requirements are typically contained in the Public Records Act.<sup>20</sup> Specific exemptions are often placed in the substantive statutes which relate to a particular agency or program.<sup>21</sup>

### III. Effect of Proposed Changes:

**Section 1** of the bill amends s. 112.231, F.S., created by SB 484, to create a time-limited public records exemption for information, held by a county or municipality, that concerns the plans, intentions, or interests of such person to locate a data center<sup>22</sup> within the jurisdiction of the county or municipality. Such records would be confidential and exempt from s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution upon request by a person, for a period of 12 months (or until the person waives confidentiality or the information is otherwise disclosed). To be valid, this request must be made in the timeframe in which such person plans, intends, or is interested in locating the data center and before any formal application is filed with the county or municipality. However, the county or municipality must disclose that the project in question is a data center. This exemption applies to officers and public employees of the county or municipality and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of the county or municipality.

The section does provide, however, that a municipality may disclose such information to an agency with decision-making or regulatory responsibility regarding the data center, including, but not limited to, regulation of the location, construction, or operations.

In addition to the above time-limited exemption, the section also provides a public records exemption for confidential business information related to a data center and held by any agency.<sup>23</sup> These records would be confidential and exempt from s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution until such information is otherwise publicly available or is no longer treated by the proprietor as proprietary confidential business information. The section defines “confidential business information” as owned or controlled by the person requesting confidentiality, is intended to be and is treated by that person as private (in that the disclosure of the information would cause harm to the business operations of the person), and that has not been disclosed pursuant to a statutory provision or an order of a court or administrative body. Such information would include all of the following:

- Business plans;
- Internal auditing controls and reports of internal auditors;
- Reports of external auditors for privately held companies;

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<sup>20</sup> See, e.g., s. 119.071(1)(a), F.S., exempting from public disclosure examination questions and answer sheets of exams administered by a governmental agency for the purpose of licensure.

<sup>21</sup> See, e.g., s. 213.053(2), F.S., exempting from public disclosure information received by the Department of Revenue, including investigative reports and information.

<sup>22</sup> Section 112.231, F.S., as created by SB 484 (2026), defines a “data center” as a facility that primarily contains electronic equipment used to process, store, and transmit digital information, which may be 1) a free-standing structure, or 2) a facility within a larger structure which uses environmental control equipment to maintain the proper conditions for the operation of electronic equipment.

<sup>23</sup> Section 112.231, F.S., as created by SB 484 (2026), defines a “agency” as means any state, county, district, authority, or municipal officer, public employee, department, division, board, bureau, or commission, or other separate unit of government created or established by law and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any such agency.

- Security measures, systems, or procedures; and
- Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.

This section is subject to Florida's Open Government Review Act and stands repealed on October 2, 2031, unless reviewed and saved from repeal through reenactment by the Legislature.

**Section 2** provides a statement of public necessity as required by s. 24(c), Article I of the Florida Constitution stating that such protections provide confidentiality for a period of time for certain information concerning persons locating a data center in Florida or attempting to do data center-related business with a county or municipality. The section finds the disclosure of information such certain business activity plans related to the data center could injure a person in the marketplace by providing competitors with vital competitive information. Such a situation may negatively impact the economics state by increasing the likelihood of a person refraining from locating a data center in Florida due to confidentiality concerns.

**Section 3** of the bill would take effect on the same date that SB 484 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

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

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

None.

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

###### **Vote Requirement**

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records or public meetings requirements. This bill creates a new public records exemption; thus, the bill does require an extraordinary vote for enactment.

###### **Public Necessity Statement**

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records requirements to state with specificity the public necessity justifying the exemption.

###### **Breadth of Exemption**

Article I, s. 24(c) of the State Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. The purpose of the law is to protect certain business information relating to data centers. This bill exempts only those portions of records and meetings that contain relevant



information and therefore does not appear to be broader than necessary to accomplish the purposes of the law.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None.

**V. Fiscal Impact Statement:**

**A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends s. 112.231, F.S., created by SB 484 (2026).

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

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

**CS by Community Affairs on February 3, 2026:**

The committee substitute inserts the companion bill's assigned number, SB 484, in the placeholder.

**B. Amendments:**

None.

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

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By the Committee on Community Affairs; and Senator Avila

578-02479-26

20261118c1

A bill to be entitled

An act relating to public records; amending s. 112.231, F.S.; providing an exemption from public records requirements for information relating to the plans, intentions, or interest of a person to locate a data center; defining the term "proprietary confidential business information"; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing a contingent effective date.

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

Section 1. Present subsection (5) of section 112.231, Florida Statutes, as created by SB 484 or similar legislation, 2026 Regular Session, is redesignated as subsection (6), and a new subsection (5) is added to that section, to read:

112.231 Data center nondisclosure agreements; confidentiality.—

(5)(a) If a person, as defined in 1.01(3), requests in writing that a county or municipality maintain the confidentiality of information that concerns the plans, intentions, or interests of such person to locate a data center within the jurisdiction of the county or municipality, any portion of a public record held by a county or municipality which contains such information is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. The request must be made during the timeframe in which the person plans, intends, or is interested in locating the data center and

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before any formal application is filed with the county or municipality. The information is confidential and exempt for 12 months after the date a county or municipality receives a request for confidentiality or until the person waives confidentiality or the information is otherwise disclosed. However, the county or municipality must disclose that the project is a data center. This paragraph applies to officers and public employees of the county or municipality and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of the county or municipality.

(b) The information requested pursuant to paragraph (a) may be disclosed to an agency with decision-making or regulatory responsibility regarding the data center, including, but not limited to, regulation of the location, construction, or operations.

(c)1. A person's proprietary confidential business information related to a data center and held by an agency is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, until such information is otherwise publicly available or is no longer treated by the proprietor as proprietary confidential business information.

2. The term "proprietary confidential business information" means information that is owned or controlled by the person requesting confidentiality under this section; that is intended to be and is treated by the person as private in that the disclosure of the information would cause harm to the business operations of the person; and that has not been disclosed pursuant to a statutory provision or an order of a court or administrative body. Proprietary confidential business

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information includes all of the following:

- a. Business plans.
  - b. Internal auditing controls and reports of internal auditors.
  - c. Reports of external auditors for privately held companies.
  - d. Security measures, systems, or procedures.
  - e. Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.
- (d) 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. The Legislature finds that it is a public necessity to provide confidentiality for a period of time for certain information concerning persons locating a data center in this state which is contained in records of such persons conducting business or attempting to conduct business with a county or municipality in this state. The disclosure of information such as plans for locating proprietary confidential business information, or other business activities related to the data center could injure a person in the marketplace by providing competitors with detailed insights into the strategic plans of the person or with confidential personnel information, thereby diminishing the advantage that the person maintains over those that do not possess such information. Without these exemptions, persons whose records generally are not required to be open to the public might refrain from locating a data center

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in this state and instead choose to conduct business activities outside of this state, which would deprive the state and the public of the potential economic benefits associated with business activities in this state. The harm to persons caused by the public disclosure of such information outweighs the public benefits derived from the release of the information.

Section 3. This act shall take effect on the same date that SB 484 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**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Committee on Rules

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BILL: CS/SB 1134

INTRODUCER: Judiciary Committee and Senator Yarborough

SUBJECT: Official Actions of Local Governments

DATE: February 16, 2026

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

|    | ANALYST        | STAFF DIRECTOR | REFERENCE | ACTION             |
|----|----------------|----------------|-----------|--------------------|
| 1. | <u>Hackett</u> | <u>Fleming</u> | <u>CA</u> | <b>Favorable</b>   |
| 2. | <u>Collazo</u> | <u>Cibula</u>  | <u>JU</u> | <b>Fav/CS</b>      |
| 3. | <u>Hackett</u> | <u>Kruse</u>   | <u>RC</u> | <b>Pre-meeting</b> |

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1134 prohibits counties and municipalities from funding, promoting, or taking official actions such as adopting ordinances, resolutions, rules, regulations, programs, or policies, related to diversity, equity, and inclusion (DEI). It also prohibits a county or municipality from expending any funds, regardless of the source, to establish, support, sustain, or staff a DEI office or officer.

The bill provides that a member of a county or municipal governing body acting in his or her official capacity who violates the prohibitions commits misfeasance or malfeasance in office. It also prohibits counties and municipalities from allowing their funds to be used by employees, contractors, and others to promote DEI initiatives.

An action may be brought by a resident against a county or municipality that violates the bill's provisions. The bill does not prohibit official action required for compliance with general or federal law and includes a series of exceptions.

The bill also requires the potential recipients of a county or municipal contract or grant to certify that they do not and will not use local government funds to require employees, contractors, volunteers, vendors, or agents to ascribe to, study, or be instructed using materials related to DEI.

The statute created by the bill applies to any contract between a county or municipality and a diversity, equity, and inclusion officer which is in existence on January 1, 2027. With respect to all other contracts, the statute applies to contracts executed or renewed after January 1, 2027.

The bill takes effect January 1, 2027.

## **II. Present Situation:**

### **Diversity, Equity, and Inclusion**

DEI stands for diversity, equity, and inclusion. It refers to programs intending to help people from different backgrounds, cultures, identities, and experiences feel accepted in their environments, whether at school, work, or other organizations. Few governments have defined DEI as a concept; it is more common to define the terms individually:

- Diversity generally refers to the presence of differences within a given setting, collective, or group; the practice of honoring and including people of different communities, identities, and backgrounds.
- Equity generally means an effort to ensure a fair and just allocation of resources, access, support, and advancement for all individuals; the state of being equal, especially in status and access to resources to achieve the outcome of equality.
- Inclusion generally refers to the practice of intentionally recognizing, appreciating, and welcoming diversity and encouraging all individuals to have a sense of belonging.<sup>1</sup>

The State Board of Education prohibits Florida College System Institutions from expending funds on DEI, which it defines as “any program, campus activity, or policy that classifies individuals on the basis of race, color, sex, national origin, gender identity, or sexual orientation and promotes differential or preferential treatment of individuals on the basis of such classification.”<sup>2</sup>

### **Unlawful Discrimination in Florida**

In 2019, Governor DeSantis reaffirmed the policy of non-discrimination in government employment and declared it the policy of his administration to prohibit discrimination in employment based on age, sex, race, color, religion, national origin, marital status, or disability.<sup>3</sup>

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<sup>1</sup> Office of Financial Management, Washington State, *Washington State Glossary for Inclusive & Equitable Workplaces* (Oct. 2025), <https://ofm.wa.gov/hr-resources/inclusive-work-culture/deib-glossary/>; City of Lebanon, New Hampshire, *What is DEI Anyway?* (May 23, 2022), <https://lebanonnh.gov/1619/What-is-DEI-Anyway>; Mariyam Muhammad, *What is DEI? More on the initiative, what companies rolled back DEI, Trump DEI order*, THE COLUMBUS DISPATCH, Jan. 31, 2025, <https://www.dispatch.com/story/news/2025/01/31/dei-diversity-equity-inclusionexplained-trump-executive-order/78088476007/>.

<sup>2</sup> Fla. Admin. Code R. 6A-14.0718.

<sup>3</sup> Executive Office of the Governor, Ron DeSantis, *Executive Order Number 19-10* (Jan. 8, 2019) (Reaffirming Commitment to Diversity in Government), available at [https://www.flgov.com/eog/sites/default/files/executive-orders/2024/EO\\_19-10.pdf](https://www.flgov.com/eog/sites/default/files/executive-orders/2024/EO_19-10.pdf).

***Florida Civil Rights Act (Part I, Chapter 760, F.S.)***

The Florida Civil Rights Act of 1992 protects persons from discrimination based on race, color, religion, sex, pregnancy, national origin, age, handicap, or marital status.<sup>4</sup> The Act establishes the Florida Commission on Human Relations (the Commission) within the Department of Management Services.<sup>5</sup> The Commission is empowered to receive, initiate, investigate, conciliate, hold hearings on, and act upon complaints alleging discriminatory practices.<sup>6</sup> Additionally, the Attorney General may initiate a civil action for damages, injunctive relief, civil penalties of up to \$10,000 per violation, and other appropriate relief.<sup>7</sup>

**Local Ordinances**

The governing body of a county or municipality has broad legislative powers to enact ordinances and local laws; perform governmental functions; and exercise power to promote the health, welfare, safety, and quality of life of a local government's residents.<sup>8</sup> Ordinances address a wide variety of local issues, from government structure and zoning laws to speed limits and noise ordinances. Procedures for passing local ordinances are prescribed by the Legislature and differ only slightly between counties and municipalities.<sup>9</sup>

**Local Government Authority**

The Florida Constitution grants local governments broad authority to take actions furthering citizens' health, welfare, safety, and quality of life. This "home rule" authority includes legislative powers to enact local laws. Specifically, non-charter county governments may exercise those powers of self-government that are provided by general or special law.<sup>10</sup> Those counties operating under a county charter have all powers of local self-government not inconsistent with general law or special law and approved by a vote of the electors.<sup>11</sup> Likewise, municipalities have those governmental, corporate, and proprietary powers that enable them to conduct municipal government, perform their functions, provide municipal services, and exercise any power for municipal purposes, except as otherwise provided by law.<sup>12</sup>

This authority, under the umbrella of governmental or municipal purpose, extends broadly to any ordinance necessary to promote the health, welfare, safety, and quality of life of a local government's residents.<sup>13</sup> Local government authority has been liberally construed when

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<sup>4</sup> Section 760.01, F.S.

<sup>5</sup> Sections 760.03 and 760.04, F.S.

<sup>6</sup> Section 760.06(5), F.S.

<sup>7</sup> Section 760.021(1), F.S.

<sup>8</sup> See ss. 125.01 and 166.021, F.S. (prescribing the powers and duties of counties and municipalities, respectively).

<sup>9</sup> See ss. 125.66 and 166.041, F.S. (prescribing the procedures for adoption of ordinances and resolutions for counties and municipalities, respectively).

<sup>10</sup> FLA. CONST. art. VIII, s. 1(f).

<sup>11</sup> FLA. CONST. art. VIII, s. 1(g).

<sup>12</sup> FLA. CONST. art. VIII, s. 2(b); see also s. 166.021(1), F.S.

<sup>13</sup> FLA. CONST. art. VIII, s. 2(b); s. 125.86, F.S. (identifying legislative responsibilities for charter counties); s. 166.021, F.S. (identifying municipal powers); see also *Quiles v. City of Boynton Beach*, 802 So. 2d 397, 398 (Fla. 4<sup>th</sup> DCA 2001) (recognizing that it is the duty of public authorities in municipalities to protect the safety, health, and welfare of their citizens).

reviewed by courts. For example, courts have found the following to meet the standards for what constitutes a “municipal purpose,” and were therefore deemed valid local government actions:

- The acquisition and maintenance of a golf course.<sup>14</sup>
- The sale of souvenir photographs.<sup>15</sup>
- The prohibition of motorized scooter rentals.<sup>16</sup>

In general, this broad home rule authority is limited by two guideposts: preemption, where a higher level of government such as the state has already legislated on a topic, and standards of reasonableness. Local governments may not pass ordinances which are apparently unreasonable or invalid, despite their wide-ranging powers.<sup>17</sup> In general, if affected by a local ordinance, one may challenge the validity of the ordinance in court by filing a civil action against the local government.<sup>18</sup>

### ***Preemption***

An ordinance can be declared invalid on the grounds that it is inconsistent with the State Constitution or Florida Statutes. Inconsistency may be found if a local ordinance is either preempted by or in conflict with the State Constitution or Florida Statutes.<sup>19</sup> Preemption means that a local government is precluded from exercising authority in a particular area, while conflict exists if a municipality has the right to act but such action frustrates the purpose of the state regulation.<sup>20</sup> Express preemption refers to instances where the Legislature has directly written into law that the state intends to occupy a field of law, prohibiting local governments from taking action in that field.<sup>21</sup>

### **Malfeasance or Misfeasance in Office**

“Misfeasance in public office” means “the tort of excessive, malicious, or negligent exercise of statutory powers by a public officer.” “Malfeasance in office” means “abuse of public office.”<sup>22</sup>

Under Article IV, s. 7 of the State Constitution, the Governor is authorized to suspend from office “any state officer not subject to impeachment, any officer of the militia not in the active service of the United States, or any county officer, for malfeasance, misfeasance, neglect of duty, drunkenness, incompetence, permanent inability to perform official duties, or commission of a felony[.]” The Governor may temporarily appoint someone to fill the office during the suspension and may choose to reinstate the suspended officer.<sup>23</sup> The Senate has the authority to remove from office or reinstate the suspended officer in proceedings prescribed by law and may convene a special session to do so.<sup>24</sup>

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<sup>14</sup> *West v. Town of Lake Placid*, 97 Fla. 127, 120 So. 361 (1929).

<sup>15</sup> *City of Winter Park v. Montesi*, 448 So. 2d 1242 (Fla. 5<sup>th</sup> DCA 1984).

<sup>16</sup> *Classy Cycles, Inc. v. Panama City Beach*, 301 So. 3d 1046 (Fla. 1<sup>st</sup> DCA 2019).

<sup>17</sup> *Dennis v. City of Key West*, 381 So. 2d 312 (Fla. 3d DCA 1980).

<sup>18</sup> *See Hardage v. City of Jacksonville Beach*, 399 So. 2d 1077 (Fla. 1<sup>st</sup> DCA 1981).

<sup>19</sup> *See City of Jacksonville v. American Environmental Services Inc.*, 699 So. 2d 255, 256 (Fla. 1<sup>st</sup> DCA 1997).

<sup>20</sup> *See id.*

<sup>21</sup> *See, e.g.*, s. 790.33, F.S. (expressly preempting the regulation of firearms and ammunition).

<sup>22</sup> BLACK’S LAW DICTIONARY (12<sup>th</sup> ed. 2024).

<sup>23</sup> FLA. CONST. art. IV, s. 7.

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



With respect to municipal officers, the State Constitution only authorizes the Governor to suspend municipal officers indicted for a crime, and to temporarily fill the vacancy through the end of the term, unless provided otherwise by law or in the municipal charter.<sup>25</sup> Section 112.51, F.S., provides that the Governor may suspend from office any elected or appointed municipal official for malfeasance, misfeasance, neglect of duty, habitual drunkenness, incompetence, or permanent inability to perform official duties. The Governor may also temporarily fill the office during the suspension.<sup>26</sup> If the municipal officer is convicted of any of the charges contained in the indictment or information for which he or she was suspended, the Governor must remove him or her from office.<sup>27</sup> If the official is acquitted, found not guilty, or otherwise cleared of the charges, the Governor must revoke the suspension.<sup>28</sup>

### III. Effect of Proposed Changes:

**Sections 1 and 2** of the bill create ss. 125.595 and 166.04971, F.S., which generally prohibit counties and municipalities, respectively, from taking official actions relating to diversity, equity, and inclusion.

#### Definitions

Under the bill, “acting in an official capacity” means performing purporting to perform a function, duty, or responsibility assigned by law, rule, or policy to a public officer or public employee, or otherwise exercising or claiming to exercise the authority of such office or employment.

“Diversity, equity, and inclusion” means any effort to:

- Manipulate or otherwise influence the composition of employees with reference to race, color, sex, ethnicity, gender identity, or sexual orientation other than to ensure that hiring is conducted in accordance with state and federal antidiscrimination laws;
- Promote or provide preferential treatment or special benefits to a person or group based on that person’s or group’s race, color, sex, ethnicity, gender identity, or sexual orientation; or
- Promote or adopt training, programming, or activities designed or implemented with reference to race, color, sex, ethnicity, gender identity, or sexual orientation.

The term does not include the use of equal opportunity or equal employment opportunity materials designed to inform a person about the prohibition against discrimination based on protected status under state or federal law.

“Diversity, equity, and inclusion office” means any office, division, department, agency, center, or other unit of a local government which coordinates, creates, develops, designs, implements, organizes, plans, or promotes policies, programming, training, practices, meetings, activities, procedures, or similar actions related to diversity, equity, and inclusion.

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

<sup>26</sup> Section 112.51(1)-(3), F.S.

<sup>27</sup> Section 112.51(5), F.S.

<sup>28</sup> Section 112.51(6), F.S.

“Diversity, equity, and inclusion officer” means a person who is a full-time or part-time employee of, or an independent contractor contracted by, a local government, whose duties cover the same fields as the office described above.

### **Prohibitions on Diversity, Equity, and Inclusion**

The bill prohibits counties and municipalities, respectively, from funding, promoting, or taking official actions relating to diversity, equity, and inclusion. Such actions include, but are not limited to, the adoption or enforcement of ordinances, resolutions, rules, regulations, programs, or policies. Any such existing ordinances, resolutions, rules, regulations, programs, or policies are void.

Additionally, counties and municipalities may not expend any funds, regardless of the source, to:

- Establish, support, sustain, or staff a diversity, equity, and inclusion office; or
- Employ, contract, or otherwise engage to serve as a diversity, equity, and inclusion officer.

The bill provides that a member of a county or municipal governing body acting in an official capacity who violates the prohibitions commits misfeasance or malfeasance in office.

A county or municipality may not provide or authorize its funds to be used by employees, contractors, volunteers, vendors, or agents to promote diversity, equity, and inclusion initiatives.

An action in circuit court may be brought by a local resident against a county or municipality that violates the bill. The court may enter judgment awarding declaratory and injunctive relief, damages, and costs.<sup>29</sup>

The bill does not prohibit official action by a county or municipality required for compliance with state or federal law or regulations. Additionally, the bill does not prohibit a county from doing any of the following:

- Recognizing or promoting federal holidays.
- Recognizing or promoting state holidays and special observances.
- Recognizing or promoting patriotic and national observances recognized by federal law.
- Recognizing or honoring the individuals and groups honored by state monuments and memorials, including recognizing the events forming the basis for such monuments and memorials.
- Using equal opportunity or equal employment opportunity materials designed to inform a person about the prohibition against discrimination based on protected status under state or federal law.

The bill provides that it may not be construed to conflict with:

- State or federal law protecting the right of males and females to restrooms and changing facilities corresponding to biological sex.

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<sup>29</sup> Declaratory relief is a form of relief in which a court pronounces the legal status of an item or pronounces the correct ownership of something. Injunctive relief occurs when a court grants an injunction to require a party to do something or refrain from doing a particular thing to prevent irreparable injury. BLACK’S LAW DICTIONARY (12<sup>th</sup> ed. 2024).

- State or federal law ensuring that victims of domestic violence and dependents have access to emergency shelters.
- State or federal law prohibiting discrimination based on biological sex in educational programs, sports, activities, and employment.
- State or federal law ensuring males and females have access to public health services corresponding to biological sex.
- Any other state or federal laws recognizing the inherent biological differences between males and females for the purpose of ensuring their health, safety, and welfare.

The bill does not apply to the actions of an appointed board or commission composed of nonelected volunteers, or to basic administrative support provided to such a board, unless the support is provided by a government employee whose sole function is such support.

### **Prohibition Against Using Diversity, Equity, and Inclusion Material**

**Section 3** of the bill creates s. 287.139, F.S., to provide that any potential recipient of a county or municipal contract or grant must certify before such award that they do not and will not use local government funds to require employees, contractors, volunteers, vendors, or agents to ascribe to, study, or be instructed using materials related to diversity, equity, and inclusion, as defined in the bill.

### **Applicability**

**Section 4** of the bill provides that the statute created by the bill applies to any contract between a county or municipality and a diversity, equity, and inclusion officer which is in existence on January 1, 2027. With respect to all other contracts, the statute applies to contracts executed or renewed after January 1, 2027.

### **Effective Date**

**Section 5** of the bill provides that it takes effect January 1, 2027.

## **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:**

Because the bill prohibits recipients of local government contracts or grants from using government funds to require employees and others to ascribe to, study, or be instructed using materials related to diversity, equity, and inclusion (DEI), the bill is likely to result in negative fiscal impacts to businesses offering DEI instructional services or materials.

**C. Government Sector Impact:**

To the extent any local government in Florida currently funds or promotes a diversity, equity, and inclusion (DEI) program, maintains a DEI office, or employs an inclusion officer, enactment of the bill is likely to result in an indeterminate cost savings to the local government.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates the following sections of the Florida Statutes: 125.595, 166.04971, and 287.139.

**IX. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

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

**CS by Judiciary on February 10, 2026:**

The committee substitute is the same as the underlying bill except it:

- Provides a definition for “acting in an official capacity.”

- Prohibits counties and municipalities from allowing their funds to be used by employees, contractors, and others to promote diversity, equity, and inclusion initiatives.
- Provides that the statute created by the bill applies to any contract between a county or municipality and a DEI officer which is in existence on January 1, 2027. With respect to all other contracts, the statute applies to contracts executed or renewed after January 1, 2027.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate

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House

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The Committee on Rules (Yarborough) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 125.595, Florida Statutes, is created to  
read:

125.595 Prohibition of official actions of counties  
relating to diversity, equity, and inclusion; penalty; remedy.-

(1) For purposes of this section, the term:

(a) "Acting in an official capacity" means performing or  
purporting to perform a function, duty, or responsibility



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assigned by law, rule, or policy to a public officer or public employee, or otherwise exercising or claiming to exercise the authority of such office or employment.

(b) "Diversity, equity, and inclusion" means any effort to:

1. Manipulate or otherwise influence the composition of employees with reference to race, color, sex, ethnicity, gender identity, or sexual orientation other than to ensure that hiring is conducted in accordance with state and federal antidiscrimination laws;

2. Promote or provide preferential treatment or special benefits to a person or group based on that person's or group's race, color, sex, ethnicity, gender identity, or sexual orientation; or

3. Promote or adopt training, programming, or activities designed or implemented with reference to race, color, sex, ethnicity, gender identity, or sexual orientation.

The term does not include the use of equal opportunity or equal employment opportunity materials designed to inform a person about the prohibition against discrimination based on protected status under state or federal law.

(c) "Diversity, equity, and inclusion office" means any office, division, department, agency, center, or other unit of a county which coordinates, creates, develops, designs, implements, organizes, plans, or promotes policies, programming, training, practices, meetings, activities, procedures, or similar actions relating to diversity, equity, and inclusion.

(d) "Diversity, equity, and inclusion officer" means a person who is a full-time or part-time employee of, or an



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independent contractor contracted by, a county whose duties include coordinating, creating, developing, designing, implementing, organizing, planning, or promoting policies, programming, training, practices, meetings, activities, procedures, or similar actions relating to diversity, equity, and inclusion.

(2) A county may not fund or promote, directly or indirectly, or take any official action, including, but not limited to, the adoption or enforcement of ordinances, resolutions, rules, regulations, programs, or policies, as it relates to diversity, equity, and inclusion. Any such existing ordinances, resolutions, rules, regulations, programs, or policies are void.

(3) A county may not expend any funds, regardless of source, to establish, sustain, support, or staff a diversity, equity, and inclusion office or to employ, contract, or otherwise engage a person to serve as a diversity, equity, and inclusion officer.

(4) A county commissioner or other county official acting in an official capacity who violates this section commits misfeasance or malfeasance in office.

(5) A county may not provide or authorize its funds to be used by employees, contractors, volunteers, vendors, or agents to promote diversity, equity, and inclusion initiatives.

(6) An action in circuit court may be brought by a resident of the county against a county that violates this section. The court may enter a judgment awarding declaratory and injunctive relief, damages, and costs.

(7) (a) This section does not prohibit any official action





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by a county required for compliance with state or federal laws or regulations.

(b) This section does not prohibit a county from doing any of the following:

1. Recognizing or promoting holidays designated by federal law, including those designated in 5 U.S.C. s. 6103.

2. Recognizing or promoting state holidays and special observances designated by state law, including those designated in chapter 683.

3. Recognizing or promoting patriotic and national observances recognized by federal law, including those designated in 36 U.S.C. ss. 101-148, or recognizing the events and individuals forming the basis for such observances.

4. Recognizing or honoring the individuals and groups recognized and honored by the monuments, memorials, and museums authorized by chapter 265 and ss. 267.0722 and 267.0724 or recognizing the events and individuals forming the basis for such monuments, memorials, or museums.

5. Issuing event permits in a content-neutral manner.

(c) This section does not prohibit the use of equal opportunity or equal employment opportunity materials designed to inform a person about the prohibition against discrimination based on protected status under state or federal law.

(d) This section may not be construed to conflict with:

1. Section 553.865 or analogous state and federal laws protecting the right of males and females to restrooms and changing facilities corresponding to their biological sex.

2. Part XII of chapter 39 or analogous state and federal laws ensuring that victims of domestic violence and their



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dependents have access to emergency shelters.

3. Section 1000.05 or analogous state and federal laws prohibiting discrimination based on biological sex in educational programs, sports, activities, and employment.

4. Chapter 381 or analogous state and federal laws ensuring males and females have access to public health services corresponding to their biological sex.

5. Any other state or federal laws recognizing the inherent biological differences between males and females for the purpose of ensuring their health, safety, and welfare.

(8) This section does not apply to:

(a) The actions of a body composed of nonelected volunteers; or

(b) Basic administrative support provided to a body composed of nonelected volunteers, unless such administrative support is provided by a county employee whose sole function is the provision of such administrative support.

(9) This section must be liberally construed to accomplish its purposes which include:

(a) Recognizing that all individuals have equal intrinsic value and worth.

(b) Prohibiting practices that assign value to individuals based on a group identity defined by race, color, sex, ethnicity, gender identity, or sexual orientation, and prohibiting practices that overlook individual merit and qualifications.

(c) Acknowledging the existence of scientific biological realities for impartially taking race, sex, or ethnicity into account for the purpose of promoting and providing health care.



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Section 2. Section 166.04971, Florida Statutes, is created to read:

166.04971 Prohibition of official actions of municipalities relating to diversity, equity, and inclusion; penalty; remedy.-

(1) For purposes of this section, the term:

(a) "Acting in an official capacity" means performing or purporting to perform a function, duty, or responsibility assigned by law, rule, or policy to a public officer or public employee, or otherwise exercising or claiming to exercise the authority of such office or employment.

(b) "Diversity, equity, and inclusion" means any effort to:

1. Manipulate or otherwise influence the composition of employees with reference to race, color, sex, ethnicity, gender identity, or sexual orientation other than to ensure that hiring is conducted in accordance with state and federal antidiscrimination laws;

2. Promote or provide preferential treatment or special benefits to a person or group based on that person's or group's race, color, sex, ethnicity, gender identity, or sexual orientation; or

3. Promote or adopt training, programming, or activities designed or implemented with reference to race, color, sex, ethnicity, gender identity, or sexual orientation.

The term does not include the use of equal opportunity or equal employment opportunity materials designed to inform a person about the prohibition against discrimination based on protected status under state or federal law.

(c) "Diversity, equity, and inclusion office" means any



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office, division, department, agency, center, or other unit of a  
municipality which coordinates, creates, develops, designs,  
implements, organizes, plans, or promotes policies, programming,  
training, practices, meetings, activities, procedures, or  
similar actions relating to diversity, equity, and inclusion.

(d) "Diversity, equity, and inclusion officer" means a  
person who is a full-time or part-time employee of, or an  
independent contractor contracted by, a municipality whose  
duties include coordinating, creating, developing, designing,  
implementing, organizing, planning, or promoting policies,  
programming, training, practices, meetings, activities,  
procedures, or similar actions relating to diversity, equity,  
and inclusion.

(2) A municipality may not fund or promote, directly or  
indirectly, or take any official action, including, but not  
limited to, the adoption or enforcement of ordinances,  
resolutions, rules, regulations, programs, or policies, as it  
relates to diversity, equity, and inclusion. Any such existing  
ordinances, resolutions, rules, regulations, programs, or  
policies are void.

(3) A municipality may not expend any funds, regardless of  
source, to establish, sustain, support, or staff a diversity,  
equity, and inclusion office or to employ, contract, or  
otherwise engage a person to serve as a diversity, equity, and  
inclusion officer.

(4) Any member of the governing body of a municipality or  
other municipal official acting in an official capacity who  
violates this section commits misfeasance or malfeasance in  
office.



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186       (5) A municipality may not provide or authorize its funds  
187 to be used by employees, contractors, volunteers, vendors, or  
188 agents to promote diversity, equity, and inclusion initiatives.

189       (6) An action in circuit court may be brought by a resident  
190 of the municipality against a municipality that violates this  
191 section. The court may enter a judgment awarding declaratory and  
192 injunctive relief, damages, and costs.

193       (7) (a) This section does not prohibit any official action  
194 by the governing body of a municipality required for compliance  
195 with state or federal laws or regulations.

196       (b) This section does not prohibit a municipality from  
197 doing any of the following:

198       1. Recognizing or promoting holidays designated by federal  
199 law, including those designated in 5 U.S.C. s. 6103.

200       2. Recognizing or promoting state holidays and special  
201 observances designated by state law, including those designated  
202 in chapter 683.

203       3. Recognizing or promoting patriotic and national  
204 observances recognized by federal law, including those  
205 designated in 36 U.S.C. ss. 101-148, or recognizing the events  
206 and individuals forming the basis for such observances.

207       4. Recognizing or honoring the individuals and groups  
208 recognized and honored by the monuments, memorials, and museums  
209 authorized by chapter 265 and ss. 267.0722 and 267.0724 or  
210 recognizing the events and individuals forming the basis for  
211 such monuments, memorials, or museums.

212       5. Issuing event permits in a content-neutral manner.

213       (c) This section does not prohibit the use of equal  
214 opportunity or equal employment opportunity materials designed



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to inform a person about the prohibition against discrimination based on protected status under state or federal law.

(d) This section may not be construed to conflict with:

1. Section 553.865 or analogous state and federal laws protecting the right of males and females to restrooms and changing facilities corresponding to their biological sex.

2. Part XII of chapter 39 or analogous state and federal laws ensuring that victims of domestic violence and their dependents have access to emergency shelters.

3. Section 1000.05 or analogous state and federal laws prohibiting discrimination based on biological sex in educational programs, sports, activities, and employment.

4. Chapter 381 or analogous state and federal laws ensuring males and females have access to public health services corresponding to their biological sex.

5. Any other state or federal laws recognizing the inherent biological differences between males and females for the purpose of ensuring their health, safety, and welfare.

(8) This section does not apply to:

(a) The actions of a body composed of nonelected volunteers; or

(b) Basic administrative support provided to a body composed of nonelected volunteers, unless such administrative support is provided by a municipal employee whose sole function is the provision of such administrative support.

(9) This section must be liberally construed to accomplish its purposes which include:

(a) Recognizing that all individuals have equal intrinsic value and worth.



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(b) Prohibiting practices that assign value to individuals based on a group identity defined by race, color, sex, ethnicity, gender identity, or sexual orientation, and prohibiting practices that overlook individual merit and qualifications.

(c) Acknowledging the existence of scientific biological realities for impartially taking race, sex, or ethnicity into account for the purpose of promoting and providing health care.

Section 3. Section 287.139, Florida Statutes, is created to read:

287.139 Prohibition against using diversity, equity, and inclusion material.—A potential recipient of a county or municipal contract or grant shall certify to the county or municipality, as applicable, before being awarded such contract or grant that the potential recipient does not and will not use county or municipal funds in requiring its employees, contractors, volunteers, vendors, or agents to ascribe to, study, or be instructed using materials relating to diversity, equity, and inclusion as defined in ss. 125.595(1) and 166.04971(1).

Section 4. Section 287.139, Florida Statutes, created by this act applies to any contract between a county or municipality and a diversity, equity, and inclusion officer which is in existence on January 1, 2027. With respect to all other contracts, s. 287.139, Florida Statutes, created by this act applies to contracts executed or renewed after January 1, 2027.

Section 5. This act shall take effect January 1, 2027.



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

And the title is amended as follows:

Delete everything before the enacting clause  
and insert:

A bill to be entitled  
An act relating to official actions of local  
governments; creating ss. 125.595 and 166.04971, F.S.;  
defining terms; prohibiting counties and  
municipalities, respectively, from funding or  
promoting or taking official action as it relates to  
diversity, equity, and inclusion; providing that  
certain ordinances, resolutions, rules, regulations,  
programs, and policies are void; prohibiting counties  
and municipalities, respectively, from expending funds  
for diversity, equity, and inclusion offices or for  
diversity, equity, and inclusion officers; providing  
that a county commissioner, a member of the governing  
body of a municipality, or any other county or  
municipal official acting in an official capacity who  
violates certain provisions commits misfeasance or  
malfeasance in office; prohibiting counties and  
municipalities, respectively, from providing or  
authorizing funds to be used to promote diversity,  
equity, and inclusion initiatives; authorizing a cause  
of action against counties and municipalities,  
respectively; authorizing a court to enter a judgment  
awarding certain relief, damages, and costs; providing  
construction and applicability; creating s. 287.139,  
F.S.; requiring potential recipients of county or





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302       municipal contracts or grants to make a certain  
303       certification to the county or municipality before  
304       being awarded such contract or grant; providing  
305       applicability; providing an effective date.



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LEGISLATIVE ACTION

Senate

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House

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The Committee on Rules (Yarborough) recommended the following:

**Senate Substitute for Amendment (859208) (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 125.595, Florida Statutes, is created to  
read:

125.595 Prohibition of official actions of counties  
relating to diversity, equity, and inclusion; penalty; remedy.—

(1) For purposes of this section, the term:

(a) "Acting in an official capacity" means performing or



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purporting to perform a function, duty, or responsibility assigned by law, rule, or policy to a public officer or public employee, or otherwise exercising or claiming to exercise the authority of such office or employment.

(b) "Diversity, equity, and inclusion" means any effort to:

1. Manipulate or otherwise influence the composition of employees with reference to race, color, sex, ethnicity, gender identity, or sexual orientation other than to ensure that hiring is conducted in accordance with state and federal antidiscrimination laws;

2. Promote or provide preferential treatment or special benefits to a person or group based on that person's or group's race, color, sex, ethnicity, gender identity, or sexual orientation; or

3. Promote or adopt training, programming, or activities designed or implemented with reference to race, color, sex, ethnicity, gender identity, or sexual orientation.

The term does not include the use of equal opportunity or equal employment opportunity materials designed to inform a person about the prohibition against discrimination based on protected status under state or federal law.

(c) "Diversity, equity, and inclusion office" means any office, division, department, agency, center, or other unit of a county which coordinates, creates, develops, designs, implements, organizes, plans, or promotes policies, programming, training, practices, meetings, activities, procedures, or similar actions relating to diversity, equity, and inclusion.

(d) "Diversity, equity, and inclusion officer" means a



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person who is a full-time or part-time employee of, or an independent contractor contracted by, a county whose duties include coordinating, creating, developing, designing, implementing, organizing, planning, or promoting policies, programming, training, practices, meetings, activities, procedures, or similar actions relating to diversity, equity, and inclusion.

(2) A county may not fund or promote, directly or indirectly, or take any official action, including, but not limited to, the adoption or enforcement of ordinances, resolutions, rules, regulations, programs, or policies, as it relates to diversity, equity, and inclusion. Any such existing ordinances, resolutions, rules, regulations, programs, or policies are void.

(3) A county may not expend any funds, regardless of source, to establish, sustain, support, or staff a diversity, equity, and inclusion office or to employ, contract, or otherwise engage a person to serve as a diversity, equity, and inclusion officer.

(4) A county commissioner or other county official acting in an official capacity who violates this section commits misfeasance or malfeasance in office.

(5) A county may not provide or authorize its funds to be used by employees, contractors, volunteers, vendors, or agents to promote diversity, equity, and inclusion initiatives.

(6) An action in circuit court may be brought by a resident of the county against a county that violates this section. The court may enter a judgment awarding declaratory and injunctive relief, damages, and costs.



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(7) (a) This section does not prohibit any official action by a county required for compliance with state or federal laws or regulations.

(b) This section does not prohibit a county from doing any of the following:

1. Recognizing or promoting holidays designated by federal law, including those designated in 5 U.S.C. s. 6103.

2. Recognizing or promoting state holidays and special observances designated by state law, including those designated in chapter 683.

3. Recognizing or promoting patriotic and national observances recognized by federal law, including those designated in 36 U.S.C. ss. 101-148, or recognizing the events and individuals forming the basis for such observances.

4. Recognizing or honoring the individuals and groups recognized and honored by the monuments, memorials, and museums authorized by chapter 265, ss. 267.0722 and 267.0724, or national monuments and memorials designated by acts of Congress, or recognizing the events and individuals forming the basis for such monuments, memorials, or museums.

5. Issuing event permits in a content-neutral manner and providing public safety services.

(c) This section does not prohibit the use of equal opportunity or equal employment opportunity materials designed to inform a person about the prohibition against discrimination based on protected status under state or federal law.

(d) This section may not be construed to conflict with:

1. Section 553.865 or analogous state and federal laws protecting the right of males and females to restrooms and



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changing facilities corresponding to their biological sex.

2. Part XII of chapter 39 or analogous state and federal laws ensuring that victims of domestic violence and their dependents have access to emergency shelters.

3. Section 1000.05 or analogous state and federal laws prohibiting discrimination based on biological sex in educational programs, sports, activities, and employment.

4. Chapter 381 or analogous state and federal laws ensuring males and females have access to public health services corresponding to their biological sex.

5. State and federal laws ensuring access to public health care services corresponding to a person's race or ethnicity.

6. Any other state or federal laws recognizing the inherent biological differences between males and females for the purpose of ensuring their health, safety, and welfare.

(8) This section does not apply to:

(a) The actions of a body composed of nonelected volunteers; or

(b) Basic administrative support provided to a body composed of nonelected volunteers, unless such administrative support is provided by a county employee whose sole function is the provision of such administrative support.

Section 2. Section 166.04971, Florida Statutes, is created to read:

166.04971 Prohibition of official actions of municipalities relating to diversity, equity, and inclusion; penalty; remedy.—

(1) For purposes of this section, the term:

(a) "Acting in an official capacity" means performing or purporting to perform a function, duty, or responsibility



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assigned by law, rule, or policy to a public officer or public employee, or otherwise exercising or claiming to exercise the authority of such office or employment.

(b) "Diversity, equity, and inclusion" means any effort to:

1. Manipulate or otherwise influence the composition of employees with reference to race, color, sex, ethnicity, gender identity, or sexual orientation other than to ensure that hiring is conducted in accordance with state and federal antidiscrimination laws;

2. Promote or provide preferential treatment or special benefits to a person or group based on that person's or group's race, color, sex, ethnicity, gender identity, or sexual orientation; or

3. Promote or adopt training, programming, or activities designed or implemented with reference to race, color, sex, ethnicity, gender identity, or sexual orientation.

The term does not include the use of equal opportunity or equal employment opportunity materials designed to inform a person about the prohibition against discrimination based on protected status under state or federal law.

(c) "Diversity, equity, and inclusion office" means any office, division, department, agency, center, or other unit of a municipality which coordinates, creates, develops, designs, implements, organizes, plans, or promotes policies, programming, training, practices, meetings, activities, procedures, or similar actions relating to diversity, equity, and inclusion.

(d) "Diversity, equity, and inclusion officer" means a person who is a full-time or part-time employee of, or an



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independent contractor contracted by, a municipality whose  
duties include coordinating, creating, developing, designing,  
implementing, organizing, planning, or promoting policies,  
programming, training, practices, meetings, activities,  
procedures, or similar actions relating to diversity, equity,  
and inclusion.

(2) A municipality may not fund or promote, directly or  
indirectly, or take any official action, including, but not  
limited to, the adoption or enforcement of ordinances,  
resolutions, rules, regulations, programs, or policies, as it  
relates to diversity, equity, and inclusion. Any such existing  
ordinances, resolutions, rules, regulations, programs, or  
policies are void.

(3) A municipality may not expend any funds, regardless of  
source, to establish, sustain, support, or staff a diversity,  
equity, and inclusion office or to employ, contract, or  
otherwise engage a person to serve as a diversity, equity, and  
inclusion officer.

(4) Any member of the governing body of a municipality or  
other municipal official acting in an official capacity who  
violates this section commits misfeasance or malfeasance in  
office.

(5) A municipality may not provide or authorize its funds  
to be used by employees, contractors, volunteers, vendors, or  
agents to promote diversity, equity, and inclusion initiatives.

(6) An action in circuit court may be brought by a resident  
of the municipality against a municipality that violates this  
section. The court may enter a judgment awarding declaratory and  
injunctive relief, damages, and costs.





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(7) (a) This section does not prohibit any official action by the governing body of a municipality required for compliance with state or federal laws or regulations.

(b) This section does not prohibit a municipality from doing any of the following:

1. Recognizing or promoting holidays designated by federal law, including those designated in 5 U.S.C. s. 6103.

2. Recognizing or promoting state holidays and special observances designated by state law, including those designated in chapter 683.

3. Recognizing or promoting patriotic and national observances recognized by federal law, including those designated in 36 U.S.C. ss. 101-148, or recognizing the events and individuals forming the basis for such observances.

4. Recognizing or honoring the individuals and groups recognized and honored by the monuments, memorials, and museums authorized by chapter 265, ss. 267.0722 and 267.0724, or national monuments and memorials designated by acts of Congress, or recognizing the events and individuals forming the basis for such monuments, memorials, or museums.

5. Issuing event permits in a content-neutral manner and providing public safety services.

(c) This section does not prohibit the use of equal opportunity or equal employment opportunity materials designed to inform a person about the prohibition against discrimination based on protected status under state or federal law.

(d) This section may not be construed to conflict with:

1. Section 553.865 or analogous state and federal laws protecting the right of males and females to restrooms and



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changing facilities corresponding to their biological sex.

2. Part XII of chapter 39 or analogous state and federal laws ensuring that victims of domestic violence and their dependents have access to emergency shelters.

3. Section 1000.05 or analogous state and federal laws prohibiting discrimination based on biological sex in educational programs, sports, activities, and employment.

4. Chapter 381 or analogous state and federal laws ensuring males and females have access to public health services corresponding to their biological sex.

5. State and federal laws ensuring access to public health care services corresponding to a person's race or ethnicity.

6. Any other state or federal laws recognizing the inherent biological differences between males and females for the purpose of ensuring their health, safety, and welfare.

(8) This section does not apply to:

(a) The actions of a body composed of nonelected volunteers; or

(b) Basic administrative support provided to a body composed of nonelected volunteers, unless such administrative support is provided by a municipal employee whose sole function is the provision of such administrative support.

Section 3. Section 287.139, Florida Statutes, is created to read:

287.139 Prohibition against using diversity, equity, and inclusion material.—A potential recipient of a county or municipal contract or grant shall certify to the county or municipality, as applicable, before being awarded such contract or grant that the potential recipient does not and will not use



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county or municipal funds in requiring its employees,  
contractors, volunteers, vendors, or agents to ascribe to,  
study, or be instructed using materials relating to diversity,  
equity, and inclusion as defined in ss. 125.595(1) and  
166.04971(1).

Section 4. Section 287.139, Florida Statutes, created by  
this act applies to any contract between a county or  
municipality and a diversity, equity, and inclusion officer  
which is in existence on January 1, 2027. With respect to all  
other contracts, s. 287.139, Florida Statutes, created by this  
act applies to contracts executed or renewed after January 1,  
2027.

Section 5. This act shall take effect January 1, 2027.

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

And the title is amended as follows:

Delete everything before the enacting clause  
and insert:

A bill to be entitled  
An act relating to official actions of local  
governments; creating ss. 125.595 and 166.04971, F.S.;  
defining terms; prohibiting counties and  
municipalities, respectively, from funding or  
promoting or taking official action as it relates to  
diversity, equity, and inclusion; providing that  
certain ordinances, resolutions, rules, regulations,  
programs, and policies are void; prohibiting counties  
and municipalities, respectively, from expending funds  
for diversity, equity, and inclusion offices or for



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diversity, equity, and inclusion officers; providing that a county commissioner, a member of the governing body of a municipality, or any other county or municipal official acting in an official capacity who violates certain provisions commits misfeasance or malfeasance in office; prohibiting counties and municipalities, respectively, from providing or authorizing funds to be used to promote diversity, equity, and inclusion initiatives; authorizing a cause of action against counties and municipalities, respectively; authorizing a court to enter a judgment awarding certain relief, damages, and costs; providing applicability; creating s. 287.139, F.S.; requiring potential recipients of county or municipal contracts or grants to make a certain certification to the county or municipality before being awarded such contract or grant; providing applicability; providing an effective date.

By the Committee on Judiciary; and Senator Yarborough

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1 A bill to be entitled  
 2 An act relating to official actions of local  
 3 governments; creating ss. 125.595 and 166.04971, F.S.;  
 4 defining terms; prohibiting counties and  
 5 municipalities, respectively, from funding or  
 6 promoting or taking official action as it relates to  
 7 diversity, equity, and inclusion; providing that  
 8 certain ordinances, resolutions, rules, regulations,  
 9 programs, and policies are void; prohibiting counties  
 10 and municipalities, respectively, from expending funds  
 11 for diversity, equity, and inclusion offices or for  
 12 diversity, equity, and inclusion officers; providing  
 13 that a county commissioner, a member of the governing  
 14 body of a municipality, or any other county or  
 15 municipal official acting in an official capacity who  
 16 violates certain provisions commits misfeasance or  
 17 malfeasance in office; prohibiting counties and  
 18 municipalities, respectively, from providing or  
 19 authorizing funds to be used to promote diversity,  
 20 equity, and inclusion initiatives; authorizing a cause  
 21 of action against counties and municipalities,  
 22 respectively; authorizing a court to enter a judgment  
 23 awarding certain relief, damages, and costs; providing  
 24 construction and applicability; creating s. 287.139,  
 25 F.S.; requiring potential recipients of county or  
 26 municipal contracts or grants to make a certain  
 27 certification to the county or municipality before  
 28 being awarded such contract or grant; providing  
 29 applicability; providing an effective date.

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

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30  
 31 Be It Enacted by the Legislature of the State of Florida:  
 32  
 33 Section 1. Section 125.595, Florida Statutes, is created to  
 34 read:  
 35 125.595 Prohibition of official actions of counties  
 36 relating to diversity, equity, and inclusion; penalty; remedy.-  
 37 (1) For purposes of this section, the term:  
 38 (a) "Acting in an official capacity" means performing or  
 39 purporting to perform a function, duty, or responsibility  
 40 assigned by law, rule, or policy to a public officer or public  
 41 employee, or otherwise exercising or claiming to exercise the  
 42 authority of such office or employment.  
 43 (b) "Diversity, equity, and inclusion" means any effort to:  
 44 1. Manipulate or otherwise influence the composition of  
 45 employees with reference to race, color, sex, ethnicity, gender  
 46 identity, or sexual orientation other than to ensure that hiring  
 47 is conducted in accordance with state and federal  
 48 antidiscrimination laws;  
 49 2. Promote or provide preferential treatment or special  
 50 benefits to a person or group based on that person's or group's  
 51 race, color, sex, ethnicity, gender identity, or sexual  
 52 orientation; or  
 53 3. Promote or adopt training, programming, or activities  
 54 designed or implemented with reference to race, color, sex,  
 55 ethnicity, gender identity, or sexual orientation.  
 56  
 57 The term does not include the use of equal opportunity or equal  
 58 employment opportunity materials designed to inform a person

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about the prohibition against discrimination based on protected status under state or federal law.

(c) "Diversity, equity, and inclusion office" means any office, division, department, agency, center, or other unit of a county which coordinates, creates, develops, designs, implements, organizes, plans, or promotes policies, programming, training, practices, meetings, activities, procedures, or similar actions relating to diversity, equity, and inclusion.

(d) "Diversity, equity, and inclusion officer" means a person who is a full-time or part-time employee of, or an independent contractor contracted by, a county whose duties include coordinating, creating, developing, designing, implementing, organizing, planning, or promoting policies, programming, training, practices, meetings, activities, procedures, or similar actions relating to diversity, equity, and inclusion.

(2) A county may not fund or promote, directly or indirectly, or take any official action, including, but not limited to, the adoption or enforcement of ordinances, resolutions, rules, regulations, programs, or policies, as it relates to diversity, equity, and inclusion. Any such existing ordinances, resolutions, rules, regulations, programs, or policies are void.

(3) A county may not expend any funds, regardless of source, to establish, sustain, support, or staff a diversity, equity, and inclusion office or to employ, contract, or otherwise engage a person to serve as a diversity, equity, and inclusion officer.

(4) A county commissioner or other county official acting

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in an official capacity who violates this section commits misfeasance or malfeasance in office.

(5) A county may not provide or authorize its funds to be used by employees, contractors, volunteers, vendors, or agents to promote diversity, equity, and inclusion initiatives.

(6) An action in circuit court may be brought by a resident of the county against a county that violates this section. The court may enter a judgment awarding declaratory and injunctive relief, damages, and costs.

(7)(a) This section does not prohibit any official action by a county required for compliance with state or federal laws or regulations.

(b) This section does not prohibit a county from doing any of the following:

1. Recognizing or promoting holidays designated by federal law, including those designated in 5 U.S.C. s. 6103.

2. Recognizing or promoting state holidays and special observances, including those designated in chapter 683.

3. Recognizing or promoting patriotic and national observances recognized by federal law, including those designated in 36 U.S.C. ss. 101-148.

4. Recognizing or honoring the individuals and groups recognized and honored by the monuments and memorials authorized by chapter 265 or recognizing the events forming the basis for such monuments or memorials.

(c) This section does not prohibit the use of equal opportunity or equal employment opportunity materials designed to inform a person about the prohibition against discrimination based on protected status under state or federal law.

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117 (d) This section may not be construed to conflict with:  
 118 1. Section 553.865 or analogous state and federal laws  
 119 protecting the right of males and females to restrooms and  
 120 changing facilities corresponding to their biological sex.  
 121 2. Part XII of chapter 39 or analogous state and federal  
 122 laws ensuring that victims of domestic violence and their  
 123 dependents have access to emergency shelters.  
 124 3. Section 1000.05 or analogous state and federal laws  
 125 prohibiting discrimination based on biological sex in  
 126 educational programs, sports, activities, and employment.  
 127 4. Chapter 381 or analogous state and federal laws ensuring  
 128 males and females have access to public health services  
 129 corresponding to their biological sex.  
 130 5. Any other state or federal laws recognizing the inherent  
 131 biological differences between males and females for the purpose  
 132 of ensuring their health, safety, and welfare.  
 133 (8) This section does not apply to:  
 134 (a) The actions of a body composed of nonelected  
 135 volunteers; or  
 136 (b) Basic administrative support provided to a body  
 137 composed of nonelected volunteers, unless such administrative  
 138 support is provided by a county employee whose sole function is  
 139 the provision of such administrative support.  
 140 Section 2. Section 166.04971, Florida Statutes, is created  
 141 to read:  
 142 166.04971 Prohibition of official actions of municipalities  
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 144 (1) For purposes of this section, the term:  
 145 (a) "Acting in an official capacity" means performing or

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146 purporting to perform a function, duty, or responsibility  
 147 assigned by law, rule, or policy to a public officer or public  
 148 employee, or otherwise exercising or claiming to exercise the  
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 150 (b) "Diversity, equity, and inclusion" means any effort to:  
 151 1. Manipulate or otherwise influence the composition of  
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 160 3. Promote or adopt training, programming, or activities  
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 172 training, practices, meetings, activities, procedures, or  
 173 similar actions relating to diversity, equity, and inclusion.  
 174 (d) "Diversity, equity, and inclusion officer" means a

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person who is a full-time or part-time employee of, or an independent contractor contracted by, a municipality whose duties include coordinating, creating, developing, designing, implementing, organizing, planning, or promoting policies, programming, training, practices, meetings, activities, procedures, or similar actions relating to diversity, equity, and inclusion.

(2) A municipality may not fund or promote, directly or indirectly, or take any official action, including, but not limited to, the adoption or enforcement of ordinances, resolutions, rules, regulations, programs, or policies, as it relates to diversity, equity, and inclusion. Any such existing ordinances, resolutions, rules, regulations, programs, or policies are void.

(3) A municipality may not expend any funds, regardless of source, to establish, sustain, support, or staff a diversity, equity, and inclusion office or to employ, contract, or otherwise engage a person to serve as a diversity, equity, and inclusion officer.

(4) Any member of the governing body of a municipality or other municipal official acting in an official capacity who violates this section commits misfeasance or malfeasance in office.

(5) A municipality may not provide or authorize its funds to be used by employees, contractors, volunteers, vendors, or agents to promote diversity, equity, and inclusion initiatives.

(6) An action in circuit court may be brought by a resident of the municipality against a municipality that violates this section. The court may enter a judgment awarding declaratory and

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injunctive relief, damages, and costs.

(7) (a) This section does not prohibit any official action by the governing body of a municipality required for compliance with state or federal laws or regulations.

(b) This section does not prohibit a municipality from doing any of the following:

1. Recognizing or promoting holidays designated by federal law, including those designated in 5 U.S.C. s. 6103.

2. Recognizing or promoting state holidays and special observances, including those designated in chapter 683.

3. Recognizing or promoting patriotic and national observances recognized by federal law, including those designated in 36 U.S.C. ss. 101-148.

4. Recognizing or honoring the individuals and groups recognized and honored by the monuments and memorials authorized by chapter 265 or recognizing the events forming the basis for such monuments or memorials.

(c) This section does not prohibit the use of equal opportunity or equal employment opportunity materials designed to inform a person about the prohibition against discrimination based on protected status under state or federal law.

(d) This section may not be construed to conflict with:

1. Section 553.865 or analogous state and federal laws protecting the right of males and females to restrooms and changing facilities corresponding to their biological sex.

2. Part XII of chapter 39 or analogous state and federal laws ensuring that victims of domestic violence and their dependents have access to emergency shelters.

3. Section 1000.05 or analogous state and federal laws



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prohibiting discrimination based on biological sex in educational programs, sports, activities, and employment.

4. Chapter 381 or analogous state and federal laws ensuring males and females have access to public health services corresponding to their biological sex.

5. Any other state or federal laws recognizing the inherent biological differences between males and females for the purpose of ensuring their health, safety, and welfare.

(8) This section does not apply to:

(a) The actions of a body composed of nonelected volunteers; or

(b) Basic administrative support provided to a body composed of nonelected volunteers, unless such administrative support is provided by a municipal employee whose sole function is the provision of such administrative support.

Section 3. Section 287.139, Florida Statutes, is created to read:

287.139 Prohibition against using diversity, equity, and inclusion material.—A potential recipient of a county or municipal contract or grant shall certify to the county or municipality, as applicable, before being awarded such contract or grant that the potential recipient does not and will not use county or municipal funds in requiring its employees, contractors, volunteers, vendors, or agents to ascribe to, study, or be instructed using materials relating to diversity, equity, and inclusion as defined in ss. 125.595(1) and 166.04971(1).

Section 4. Section 287.139, Florida Statutes, created by this act applies to any contract between a county or

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municipality and a diversity, equity, and inclusion officer which is in existence on January 1, 2027. With respect to all other contracts, s. 287.139, Florida Statutes, created by this act applies to contracts executed or renewed after January 1, 2027.

Section 5. This act shall take effect January 1, 2027.

**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.)

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Prepared By: The Professional Staff of the Committee on Rules

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BILL: SB 1338

INTRODUCER: Senator Burton

SUBJECT: Charitable Giving

DATE: February 16, 2026

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

| ANALYST            | STAFF DIRECTOR | REFERENCE | ACTION             |
|--------------------|----------------|-----------|--------------------|
| 1. <u>McMillan</u> | <u>McKay</u>   | <u>CM</u> | <b>Favorable</b>   |
| 2. <u>Bond</u>     | <u>Cibula</u>  | <u>JU</u> | <b>Favorable</b>   |
| 3. <u>McMillan</u> | <u>Kruse</u>   | <u>RC</u> | <b>Pre-meeting</b> |

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## I. Summary:

SB 1338 creates the “Safeguarding Endowment Gifts Act,” which provides legal recourse to individual charitable donors when their giving restrictions are not followed by a recipient charitable organization according to an endowment agreement. An aggrieved donor must notify the charity of the issue. If the issue is unresolved after 90 days, the donor may file an action to enforce the endowment agreement. The court may determine an appropriate remedy but may not order that the donated property be returned to the donor. A charity unsure about its obligations regarding a donor restriction may ask the court for clarification.

Additionally, the bill creates the “Charity Protection Act,” which prohibits a state agency or state official from imposing any annual filing or reporting requirements on an organization regulated or specifically exempted from regulation under ch. 496, F.S., which are more burdensome than the requirements authorized by Florida law.

The bill provides an effective date of July 1, 2026.

## II. Present Situation:

### Charitable Giving – In General

Charitable giving is common in society, as is the tendency of donors to want to limit the use of their donation to a particular use. The United States leads the world in charitable giving as a percentage of GDP.<sup>1</sup> Limiting the use of donated property according to the donor’s intent has long been a feature of the common law on trusts and is a primary focus of the state as it encourages charitable giving.<sup>2</sup> Some of that common law has been codified in Florida.

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<sup>1</sup> Philanthropy Roundtable, *Statistics on U.S. Generosity*, <https://www.philanthropyroundtable.org/almanac/statistics-on-u-s-generosity/> (last visited February 5, 2026).

<sup>2</sup> Section 736.1210, F.S.

### ***The Florida Trust Code***

A trust is allowed to be created for a charitable purpose.<sup>3</sup> The settlor of a trust expresses that intent and purpose in the terms of the trust.<sup>4</sup> The settlor of the trust may enforce the terms of the trust.<sup>5</sup> Where judicial modification of the terms of a trust is allowed, the court must do so in a manner that best conforms to the intent of the settlor.<sup>6</sup> A court reforming the terms of the trust or modifying the terms of a trust must follow the intent of the settlor.<sup>7</sup> The intent of the settlor is the primary focus when determining the legal effect of a trust.<sup>8</sup> Honoring the settlor's intent effectuates the state intent to preserve, foster, and encourage giving to charitable institutions.<sup>9</sup>

Part XII of the Florida Trust Code implies that a charitable trust must follow the donor's intent by regulating the power of the trustee to amend the trust instrument<sup>10</sup> and the power of a circuit court to allow deviation from the donor's intent.<sup>11</sup> Florida has rejected the "benefit-of-the-beneficiary" test.<sup>12</sup>

### ***The Florida Uniform Prudent Management of Institutional Funds Act (FUPMIFA)***<sup>13</sup>

The FUPMIFA applies to a nonprofit corporation. It governs how a charitable institution in Florida can manage, invest, and spend donor restricted endowment funds. The act is based on the Prudent Management of Institutional Funds Act created by the Uniform Law Commission. The uniform act has been adopted by 49 states.<sup>14</sup>

The uniform act provides guidance and authority to charitable organizations concerning the management and investment of funds held by those organizations, and imposes additional duties on those who manage and invest charitable funds. These duties provide additional protection for charities and protects the interests of donors who want to see their contributions used wisely.<sup>15</sup>

While the act gives significant guidance on the investment and management of funds, there is relatively little regulation of whether a fund is fulfilling the charitable purpose for which it was created. The act requires consent of the donor to release or modify a restriction on the use of the gift,<sup>16</sup> allows limited modification where consent is unavailable,<sup>17</sup> and provides for modification by the circuit court in limited circumstances.<sup>18</sup>

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<sup>3</sup> Section 736.0405(1), F.S.

<sup>4</sup> Section 736.0103(24), F.S.

<sup>5</sup> Section 736.0405(3), F.S.

<sup>6</sup> Section 736.04115(2)(a), F.S.

<sup>7</sup> Sections 736.0415 and 736.0416, F.S.

<sup>8</sup> Section 736.1101, F.S.

<sup>9</sup> Section 736.1210, F.S.

<sup>10</sup> Section 736.1206, F.S.

<sup>11</sup> Section 736.1207, F.S.

<sup>12</sup> Chapter 2018-35, Laws of Fla.

<sup>13</sup> Section 617.2104, F.S.

<sup>14</sup> Uniform Law Commission, *Prudent Management of Institutional Funds Act*, <https://www.uniformlaws.org/committees/community-home?communitykey=043b9067-bc2c-46b7-8436-07c9054064a3> (last visited Feb. 5, 2026).

<sup>15</sup> *Prefatory Note*, Uniform Prudent Management of Institutional Funds Act.

<sup>16</sup> Section 617.2104(6)(a), F.S.

<sup>17</sup> Section 617.2104(6)(b), F.S.

<sup>18</sup> Sections 617.2104(6)(d) and (6)(e), F.S.

### III. Effect of Proposed Changes:

#### The Safeguarding Endowment Gifts Act

SB 1338 creates s. 496.432, F.S., to be entitled the “Safeguarding Endowment Gifts Act (Act).” A legislative finding is provided that the Act is necessary to provide legal recourse to individual charitable donors when their giving restrictions are not followed by a recipient charitable organization according to an endowment agreement.

The bill creates the following definitions:

- “Charitable organization” means an organization organized and operated exclusively for religious, charitable, scientific, literary, educational, testing for public safety or other specified purpose and that is tax exempt from federal income tax as an entity described in s. 501(c)(3) of the Internal Revenue Code.
- “Donor” means an individual or entity that has made a contribution of property or money to an existing endowment fund or a new endowment fund of a charitable organization or of a charitable trust pursuant to the terms of an endowment agreement that may include donor-imposed restrictions or conditions governing the use of the contribution.
- “Donor-imposed restriction” means a written statement within an endowment agreement which specifies requirements for the management or use of endowment funds.
- “Endowment agreement” means a written agreement between a charitable organization and a donor or between a charitable trust and a donor regarding the contribution made by the donor and accepted by the charitable organization or the charitable trust, which agreement may include donor-imposed restrictions or other conditions governing the use of the contribution.
- “Endowment fund” means an institutional fund or part thereof, which under the terms of a gift instrument, is not wholly expendable by the institution on a current basis. The term does not include assets that an institution designates as an endowment fund for its own use.
- “Gift instrument” means a record or records, including an institutional solicitation, under which property is granted to, transferred to, or held by an institution as an institutional fund.
- “Legal representative” means the administrator or executor of a person’s estate; a surviving spouse if a court judgement has settled the accounts of the estate; or a person designated in an endowment agreement, whether or not born at the time of such designation, to act in place of a party to the agreement for all matters expressed in the agreement and all of the actions it contemplates, including, but not limited to, interpreting, performing, and enforcing the agreement and defending its validity.
- “Property” means real property, personal property, or money, cryptocurrency, stocks, bonds, or any other asset or financial instrument.

Except where specifically required or authorized by federal or state law, a charitable organization that accepts a contribution pursuant to a written donor-imposed restriction may not violate the terms of that restriction without potential penalty.

If a charitable organization violates a donor-imposed restriction contained in an endowment agreement, the donor, or the donor’s legal representative, must notify the charitable organization of the breach. If not cured within 90 days, the donor may file a complaint to enforce the agreement. The bill creates a 6-year statute of limitations for the filing of a complaint. The complaint may be filed in a court of general jurisdiction in the county where a charitable

organization named as a party has its principal office or principal place of carrying out its charitable purpose, or in a court of the United States whose district includes such county. The complaint may be filed regardless of whether the endowment agreement expressly reserves a right to sue or enforce the agreement, and it may not seek a judgement awarding damages to the donor or donor representative.

If a charitable organization is unable to fulfill a term in the endowment agreement, the charitable organization is required to notify the donor, or the donor's legal representative, within 30 days after discovering it is unable to fulfill the terms and offer an alternative solution that closely matches the initial term in the endowment agreement.

A charitable organization may obtain a judicial declaration of the rights and duties expressed in an endowment agreement containing donor restrictions as to all of the actions the endowment agreement contemplates, including, but not limited to, the interpretation, performance, or enforcement of the agreement, and a determination of its validity. However, the charitable organization must seek a judicial declaration in any suit brought under the Act, or by filing a complaint.

If the court determines that a charitable organization violated a donor-imposed restriction in an endowment agreement, the court may order one or more remedies consistent with the charitable purposes expressed in the endowment agreement. The court is prohibited from ordering the return of the donated funds to the donor or the donor's legal representative.

The bill clarifies that the Act does not do any of the following:

- Affect the authority of the Attorney General to enforce any restriction in an endowment agreement;
- Limit the application of the judicial power of cy pres;<sup>19</sup> or
- Alter the right of an institution to modify a restriction on the management, investment, purpose, or use of an endowment fund in a manner permitted by the endowment agreement and by the Florida Uniform Prudent Management of Institutional Funds Act.<sup>20</sup>

The bill provides that if any provision of the Act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the section which can be given effect without the invalid provision or application, and to this end the provisions of the Act are declared severable.

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<sup>19</sup> Section 736.0413, F.S., authorizes courts to apply the doctrine of "cy pres" if a particular charitable purpose becomes unlawful, impracticable, impossible to achieve or wasteful. The doctrine may be applied to modify or terminate the trust by directing that the trust property be applied or distributed, in whole or in part, in a manner consistent with the settlor's charitable purposes. The judicial doctrine of "cy pres" comes from the Old French "cy près comme possible," meaning "as near as possible." See Christopher J. Ryan, Jr. (2023), *An Historical and Empirical Analysis of the Cy- près Doctrine*, ACTEC Law Journal, available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=4176994](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4176994) (last visited Jan. 27, 2026).

<sup>20</sup> Section 617.2104, F.S., is the Florida Uniform Prudent Management of Institutional Funds Act and provides a framework for managing and investing institutional funds. The term "institutional fund" means a fund held by an institution exclusively for charitable purposes, but the term does not include: (1) program related assets; (2) a fund held for an institution by a trustee that is not an institution; (3) a fund in which a beneficiary that is not an institution has an interest, other than an interest that could arise upon violation or failure of the purposes of the fund; or (4) a fund managed or administered by the State Board of Administration pursuant to its constitutional statutory authority.

## **The Charity Protection Act**

The bill creates s. 496.433, F.S., entitled the “Charity Protection Act (CPA).” A legislative finding is provided that the CPA is necessary to minimize burdens on the charitable sector and to create a grantmaking environment centered on effectiveness and fiscal impact on charitable organizations.

Except where specifically required or authorized by federal law, the CPA prohibits a state agency or state official from imposing any annual filing or reporting requirements on an organization regulated or specifically exempted from regulation under ch. 496, F.S., which are more burdensome than the requirements authorized by Florida law.

The CPA does not apply to state grants or contracts or to fraud investigations, and it does not restrict enforcement actions against specific nonprofit organizations.

The bill provides an effective date of 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:**

If a charitable organization violates a donor-imposed restriction in an endowment agreement, a donor (or the donor’s legal representative) may file a complaint, and the

court may order remedies consistent with the charitable purposes expressed in the endowment agreement.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

It is unclear why the bill places the restrictions created in section 1 of the bill into chapter 496, F.S. That chapter regulates the act of soliciting funds for a charitable purpose. Section 1 of the bill regulates corporations that are governed by chapter 617, F.S. The Legislature may wish to amend the bill to place section 1 into chapter 617, F.S.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates the following sections of the Florida Statutes: 496.432, and 496.433.

**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.



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LEGISLATIVE ACTION

Senate

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House

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The Committee on Rules (Burton) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 496.432, Florida Statutes, is created to  
read:

496.432 Safeguarding Endowment Gifts Act.—

(1) LEGISLATIVE FINDINGS.—The Legislature finds that it is  
necessary to provide legal recourse to individual charitable  
donors when their giving restrictions are not followed by a  
recipient charitable organization according to an endowment





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agreement.

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

(a) "Charitable organization" means an organization organized and operated exclusively for religious, charitable, scientific, literary, educational, testing for public safety, or other specified purposes and that is tax exempt from federal income tax as an entity described in s. 501(c)(3) of the Internal Revenue Code.

(b) "Donor" means an individual or entity that has made a contribution of property or money to an existing endowment fund or a new endowment fund of a charitable organization pursuant to the terms of an endowment agreement that may include donor-imposed restrictions governing the contribution.

(c) "Donor-imposed restriction" means a written statement within an endowment agreement which specifies restrictions or conditions on the management, investment, purpose, or use of endowment funds.

(d) "Endowment agreement" means a written agreement between a charitable organization and a donor regarding the contribution made by the donor to an existing endowment fund or a new endowment fund of a charitable organization, which agreement may include donor-imposed restrictions.

(e) "Endowment fund" means a fund held exclusively for a charitable purpose, other than program-related assets, or part thereof which, under the terms of a gift instrument, is not wholly expendable by the charitable organization on a current basis. The term does not include assets that a charitable organization designates as an endowment fund for its own use.

(f) "Gift instrument" means a record or records, including



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a charitable solicitation, under which property is granted to, transferred to, or held by a charitable organization as a fund held exclusively by a charitable purpose, other than program-related assets.

(g) "Legal representative" means the administrator or personal representative of a person's estate, or a person designated in an endowment agreement, whether or not born at the time of such designation, to act in place of a party to the agreement for all matters expressed in the agreement and all of the actions it contemplates, including, but not limited to, interpreting, performing, and enforcing the agreement and defending its validity.

(h) "Property" means real property, tangible or intangible personal property, or any other asset.

(3) PROTECTIONS AFFORDED.—

(a) Except where specifically required or authorized by federal or state law, a charitable organization that accepts a contribution pursuant to a written donor-imposed restriction may not violate the terms of that restriction.

(b) If a charitable organization violates a donor-imposed restriction contained in an endowment agreement, the donor, or the donor's legal representative, 90 days after notifying the charitable organization of the breach, may file a complaint within 5 years after discovery for breach of such agreement. The complaint may be filed in the circuit court where a charitable organization's principal office is or was last located or, if none, where its registered office is or was last located. The complaint may be filed regardless of whether the endowment agreement expressly reserves a right to sue or enforce the



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agreement, unless other language in the endowment agreement expressly waives this right. The complaint may not seek a judgment awarding damages to the donor or donor representative, but it may seek a refund of all or a portion of the donated funds if the donor expressly reserved a right to a refund in the endowment agreement.

(c) If a charitable organization determines in accordance with its internal policies that it is unable to fulfill a term in the endowment agreement, the charitable organization must notify the donor, or the donor's legal representative, within 120 days after such determination that it is unable to fulfill the terms and must offer an alternative solution that closely matches the initial term in the endowment agreement, unless other language in the endowment agreement limits this requirement.

(d) A charitable organization may obtain a judicial declaration of the rights and duties expressed in an endowment agreement containing donor-imposed restrictions as to all of the actions the endowment agreement contemplates, including, but not limited to, the interpretation, performance, or enforcement of the agreement, and a determination of its validity. The charitable organization may seek a judicial declaration in any suit brought under this section, or by filing a complaint.

(e) If the court determines that a charitable organization violated a donor-imposed restriction in an endowment agreement, the court may order one or more remedies consistent with the charitable purposes expressed in the endowment agreement. The court may not order the return of donated funds to the donor or the donor's legal representative unless a right to a refund is



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expressly reserved by the donor in the endowment agreement.

(f) This act does not affect the authority of the Attorney General to enforce any restriction in an endowment agreement; limit the application of the judicial power of cy pres; or alter the right of a charitable organization to modify a restriction on the management, investment, purpose, or use of an endowment fund in a manner expressly permitted by the donor in the endowment agreement or in a manner permitted by the Florida Uniform Prudent Management of Institutional Funds Act created in s. 617.2104.

(4) SEVERABILITY.—If any provision of this section or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the section which can be given effect without the invalid provision or application, and to this end the provisions of this section are declared severable.

Section 2. Section 496.433, Florida Statutes, is created to read:

496.433 Charity Protection Act.—

(1) LEGISLATIVE FINDINGS.—The Legislature finds that it is necessary to minimize burdens on the charitable sector and to create a grantmaking environment centered on effectiveness and fiscal impact on charitable organizations.

(2) PROTECTIONS AFFORDED.—

(a) Except where specifically required or authorized by federal law, a state agency or state official may not impose any annual filing or reporting requirements on an organization regulated or specifically exempted from regulation under this chapter which are more burdensome than the requirements



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authorized by Florida law.

(b) This subsection does not apply to state grants or contracts or to fraud investigations.

(c) This subsection does not restrict enforcement actions against specific nonprofit organizations.

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

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

And the title is amended as follows:

Delete everything before the enacting clause  
and insert:

A bill to be entitled  
An act relating to charitable giving; creating s.  
496.432, F.S.; providing legislative findings;  
defining terms; prohibiting a charitable organization  
that accepts a contribution pursuant to a written  
donor-imposed restriction from violating the terms of  
that restriction; authorizing a donor, or a donor's  
legal representative, to file a complaint within a  
specified timeframe if a charitable organization  
violates a donor-imposed restriction contained in an  
endowment agreement; specifying the venue where the  
complaint may be filed; providing that the complaint  
may be filed regardless of whether the endowment  
agreement expressly reserves a right to sue or enforce  
the agreement; providing an exception; prohibiting a  
donor or donor representative from seeking a judgment  
awarding damages; authorizing such a donor or donor  
representative to seek a refund of all or a portion of



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the donated funds under certain circumstances;  
requiring a charitable organization to notify a donor,  
or a donor's legal representative, if it cannot  
fulfill a term in the endowment agreement and offer  
the donor, or the donor's legal representative, an  
alternative solution that closely matches the initial  
term in such endowment agreement; providing an  
exception; authorizing a charitable organization to  
obtain a judicial declaration of the rights and duties  
expressed in an endowment agreement; authorizing the  
charitable organization to seek a judicial declaration  
in any suit brought under the act or by filing a  
complaint; authorizing a court to order one or more  
remedies consistent with the charitable purposes  
expressed in the endowment agreement if the court  
determines that a charitable organization violated a  
donor-imposed restriction in the endowment agreement;  
prohibiting the court from ordering the return of the  
donated funds to the donor or the donor's legal  
representative; providing an exception; providing  
construction; providing severability; creating s.  
496.433, F.S.; providing legislative findings;  
prohibiting a state agency or a state official from  
imposing any annual filing or reporting requirements  
on certain organizations regulated or exempted from  
regulation under ch. 496, F.S., which are more  
burdensome than the requirements authorized by state  
law; providing applicability and construction;  
providing an effective date.

By Senator Burton

12-01082A-26

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1 A bill to be entitled  
 2 An act relating to charitable giving; creating s.  
 3 496.432, F.S.; providing legislative findings;  
 4 defining terms; prohibiting a charitable organization  
 5 that accepts a contribution pursuant to a written  
 6 donor-imposed restriction from violating the terms of  
 7 that restriction without potential penalty;  
 8 authorizing a donor, or a donor's legal  
 9 representative, to file a complaint within a specified  
 10 timeframe if a charitable organization violates a  
 11 donor-imposed restriction contained in an endowment  
 12 agreement; specifying the venue where the complaint  
 13 may be filed; providing that the complaint may be  
 14 filed regardless of whether the endowment agreement  
 15 expressly reserves a right to sue or enforce the  
 16 agreement; prohibiting a donor or donor representative  
 17 from seeking a judgment awarding damages; requiring a  
 18 charitable organization to notify a donor, or a  
 19 donor's legal representative, if it cannot fulfill a  
 20 term in the endowment agreement and offer the donor,  
 21 or the donor's legal representative, an alternative  
 22 solution that closely matches the initial term in such  
 23 endowment agreement; authorizing a charitable  
 24 organization to obtain a judicial declaration of the  
 25 rights and duties expressed in an endowment agreement;  
 26 requiring the charitable organization to seek a  
 27 judicial declaration in any suit brought under the act  
 28 or by filing a complaint; authorizing a court to order  
 29 one or more remedies consistent with the charitable

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30 purposes expressed in the endowment agreement if the  
 31 court determines that a charitable organization  
 32 violated a donor-imposed restriction in the endowment  
 33 agreement; prohibiting the court from ordering the  
 34 return of the donated funds to the donor or the  
 35 donor's legal representative; providing construction;  
 36 providing severability; creating s. 496.433, F.S.;  
 37 providing legislative findings; prohibiting a state  
 38 agency or a state official from imposing any annual  
 39 filing or reporting requirements on certain  
 40 organizations regulated or exempted from regulation  
 41 under ch. 496, F.S., which are more burdensome than  
 42 the requirements authorized by state law; providing  
 43 applicability and construction; providing an effective  
 44 date.

45  
 46 Be It Enacted by the Legislature of the State of Florida:

47  
 48 Section 1. Section 496.432, Florida Statutes, is created to  
 49 read:

50 496.432 Safeguarding Endowment Gifts Act.—

51 (1) LEGISLATIVE FINDINGS.—The Legislature finds that it is  
 52 necessary to provide legal recourse to individual charitable  
 53 donors when their giving restrictions are not followed by a  
 54 recipient charitable organization according to an endowment  
 55 agreement.

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

57 (a) "Charitable organization" means an organization  
 58 organized and operated exclusively for religious, charitable,

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scientific, literary, educational, testing for public safety or other specified purpose and that is tax exempt from federal income tax as an entity described in s. 501(c)(3) of the Internal Revenue Code.

(b) "Donor" means an individual or entity that has made a contribution of property or money to an existing endowment fund or a new endowment fund of a charitable organization or of a charitable trust pursuant to the terms of an endowment agreement that may include donor-imposed restrictions or conditions governing the use of the contribution.

(c) "Donor-imposed restriction" means a written statement within an endowment agreement which specifies requirements for the management or use of endowment funds.

(d) "Endowment agreement" means a written agreement between a charitable organization and a donor or between a charitable trust and a donor regarding the contribution made by the donor and accepted by the charitable organization or the charitable trust, which agreement may include donor-imposed restrictions or other conditions governing the use of the contribution.

(e) "Endowment fund" means an institutional fund or part thereof which, under the terms of a gift instrument, is not wholly expendable by the institution on a current basis. The term does not include assets that an institution designates as an endowment fund for its own use.

(f) "Gift instrument" means a record or records, including an institutional solicitation, under which property is granted to, transferred to, or held by an institution as an institutional fund.

(g) "Legal representative" means the administrator or

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executor of a person's estate; a surviving spouse if a court judgment has settled the accounts of the estate; or a person designated in an endowment agreement, whether or not born at the time of such designation, to act in place of a party to the agreement for all matters expressed in the agreement and all of the actions it contemplates, including, but not limited to, interpreting, performing, and enforcing the agreement and defending its validity.

(h) "Property" means real property, personal property, or money, cryptocurrency, stocks, bonds, or any other asset or financial instrument.

(3) PROTECTIONS AFFORDED.—

(a) Except where specifically required or authorized by federal or state law, a charitable organization that accepts a contribution pursuant to a written donor-imposed restriction may not violate the terms of that restriction without potential penalty.

(b) If a charitable organization violates a donor-imposed restriction contained in an endowment agreement, the donor, or the donor's legal representative, 90 days after notifying the charitable organization of the breach, may file a complaint within 6 years after discovery for breach of such agreement. The complaint may be filed in a court of general jurisdiction in the county where a charitable organization named as a party has its principal office or principal place of carrying out its charitable purpose, or in a court of the United States whose district includes such county. The complaint may be filed regardless of whether the endowment agreement expressly reserves a right to sue or enforce the agreement, and it may not seek a



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judgment awarding damages to the donor or donor representative.

(c) If a charitable organization is unable to fulfill a term in the endowment agreement, the charitable organization must notify the donor, or the donor's legal representative, within 30 days after discovering it is unable to fulfill the terms and offer an alternative solution that closely matches the initial term in the endowment agreement.

(d) A charitable organization may obtain a judicial declaration of the rights and duties expressed in an endowment agreement containing donor restrictions as to all of the actions the endowment agreement contemplates, including, but not limited to, the interpretation, performance, or enforcement of the agreement, and a determination of its validity. The charitable organization shall seek a judicial declaration in any suit brought under this section, or by filing a complaint.

(e) If the court determines that a charitable organization violated a donor-imposed restriction in an endowment agreement, the court may order one or more remedies consistent with the charitable purposes expressed in the endowment agreement. The court may not order the return of donated funds to the donor or the donor's legal representative.

(f) This act does not affect the authority of the Attorney General to enforce any restriction in an endowment agreement; limit the application of the judicial power of cy pres; or alter the right of an institution to modify a restriction on the management, investment, purpose, or use of an endowment fund in a manner permitted by the endowment agreement and by the Florida Uniform Prudent Management of Institutional Funds Act created in s. 617.2104.

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(4) SEVERABILITY.—If any provision of this section or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the section which can be given effect without the invalid provision or application, and to this end the provisions of this section are declared severable.

Section 2. Section 496.433, Florida Statutes, is created to read:

496.433 Charity Protection Act.—

(1) LEGISLATIVE FINDINGS.—The Legislature finds that it is necessary to minimize burdens on the charitable sector and to create a grantmaking environment centered on effectiveness and fiscal impact on charitable organizations.

(2) PROTECTIONS AFFORDED.—

(a) Except where specifically required or authorized by federal law, a state agency or state official may not impose any annual filing or reporting requirements on an organization regulated or specifically exempted from regulation under this chapter which are more burdensome than the requirements authorized by Florida law.

(b) This subsection does not apply to state grants or contracts or to fraud investigations.

(c) This subsection does not restrict enforcement actions against specific nonprofit organizations.

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.)

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Prepared By: The Professional Staff of the Committee on Rules

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BILL: CS/SB 1480

INTRODUCER: Health Policy Committee and Senator Burton

SUBJECT: Temporary Certificates for Practice in Areas of Critical Need

DATE: February 16, 2026

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

| ANALYST      | STAFF DIRECTOR | REFERENCE | ACTION             |
|--------------|----------------|-----------|--------------------|
| 1. Smith     | Brown          | HP        | <b>Fav/CS</b>      |
| 2. Gerbrandt | McKnight       | AHS       | <b>Favorable</b>   |
| 3. Smith     | Kruse          | RC        | <b>Pre-meeting</b> |

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1480 amends provisions relating to temporary certificates for practice in areas of critical need. It authorizes a certificateholder to continue providing primary care services to patients in an area of critical need after the area has lost its designation if the practitioner maintains an active primary care treatment relationship in the area with at least one patient and satisfies all other applicable requirements.

The bill has an insignificant negative fiscal impact on state expenditures which can be absorbed within existing resources. **See Section V., Fiscal Impact Statement.**

The bill takes effect upon becoming a law.

**II. Present Situation:**

**Health Care Professional Shortage Areas (HPSAs)**

The federal Health Resources and Services Administration (HRSA) designates health care shortage areas in the U.S. The two main types of health care shortage areas are HPSAs and Medically Underserved Areas.

There are three categories of HPSA: primary care, dental health, and mental health.<sup>1</sup> HPSAs can be designated as geographic areas; areas with a specific group of people such as low-income populations, homeless populations, and migrant farmworker populations; or as a specific facility that serves a population or geographic area with a shortage of providers.<sup>2</sup> HRSA designates a HPSA when an area, population group, or facility meets federal criteria that focus on provider availability and access, including minimum population-to-provider ratio requirements and access measures such as travel time to the nearest source of care.<sup>3</sup>

### ***2026 Florida HPSA Statistics***

As of January 1, 2026, it would take an additional 1,434 primary care practitioners, 1,271 dental practitioners, and 545 mental health practitioners to eliminate Florida's HPSA shortage areas.<sup>4</sup>

Of the *primary care* HPSAs in Florida (320 total), 23 are geographic area designations, 134 are population group designations, and 163 are facility designations.<sup>5</sup>

Of the *dental health* HPSAs in Florida (283 total), 6 are geographic area designations, 111 are population group designations, and 166 are facility designations.<sup>6</sup>

Of the *mental health* HPSAs in Florida (239 total), 31 are geographic area designations, 42 are population group designations, and 166 are facility designations.<sup>7</sup>

### ***Scoring and Designations***

Each HPSA is given a score by the HRSA indicating the severity of the shortage in that area, population, or facility. The scores for primary care and mental health HPSAs can be between 0 and 25 and between 0 and 26 for dental health HPSAs, with a higher score indicating a more severe shortage.<sup>8</sup>

HRSA regularly rechecks HPSA designations to confirm that an area, population group, or facility still meets the shortage criteria. If updated data suggest an area, group, or facility may no longer qualify, HRSA can label it "Proposed for Withdrawal," which is an early warning that it

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<sup>1</sup> *Health Professional Shortage Areas (HPSAs) and Your Site*, National Health Service Corps, available at <https://bhwh.hrsa.gov/sites/default/files/bureau-health-workforce/workforce-shortage-areas/nhsc-hpsas-practice-sites.pdf>, (last visited Jan 22, 2026).

<sup>2</sup> *What is a Shortage Designation?*, HRSA, available at <https://bhwh.hrsa.gov/workforce-shortage-areas/shortage-designation#hpsas>, (last visited Jan 22, 2026).

<sup>3</sup> Health Resources and Services Administration, Bureau of Health Workforce, *2025 National Shortage Designation Update (NSDU): Introducing New Data to Existing HPSAs* (May 29, 2025), <https://bhwh.hrsa.gov/sites/default/files/bureau-health-workforce/2025-nsdu-may-29-webinar-slides.pdf> (last visited Jan. 20, 2026).

<sup>4</sup> Bureau of Health Workforce, HRSA, U.S. Department of Health and Human Services, *Designated Health Professional Shortage Areas Statistics, First Quarter of Fiscal Year 2026* (December 31, 2025), available at <https://data.hrsa.gov/default/generatehpsaquarterlyreport> (last visited Jan 22, 2026).

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

<sup>6</sup> *Id* at 8.

<sup>7</sup> *Id* at 11.

<sup>8</sup> HRSA, *Scoring Shortage Designations*, available at <https://bhwh.hrsa.gov/workforce-shortage-areas/shortage-designation/scoring>, (last visited Jan 22, 2026).

could lose its HPSA status, but it is not final.<sup>9</sup> During this period, the designation is generally still active and counted, while state and local partners have an opportunity to review the data and submit updates or corrections. If HRSA later issues a final withdrawal, the designation is removed, and programs or benefits that rely on an active HPSA may no longer apply.

New areas, population groups, or facilities can be proposed for designation when a State Primary Care Office submits an application in HRSA's online system.<sup>10</sup> HRSA reviews the application and, if it meets the criteria, HRSA approves the designation, calculates a score, and notifies the Primary Care Office and any identified interested parties.<sup>11</sup> Florida's Primary Care Office is the Health Resources and Access Section within the Division of Public Health Statistics and Performance Management at the Florida Department of Health (DOH).<sup>12</sup>

### Florida Areas of Critical Need

The Florida Statutes require the State Surgeon General to determine the areas of critical need in which a temporary certificateholder may practice.<sup>13</sup> Those areas must include health professional shortage areas designated by the United States Department of Health and Human Services.<sup>14</sup>

In August 2022, Florida's Surgeon General, Joseph Ladapo, issued an order<sup>15</sup> determining the following areas as areas of critical need:

- Primary care HPSAs;<sup>16</sup>
- Mental health HPSAs;<sup>17</sup>
- Volunteer Health Care Provider Program participants;<sup>18</sup> and
- Free clinics.

The order also provided that, regarding temporary certificates, practicing in any location that was in a designated HPSA at the time the temporary certificate was issued or renewed, whichever was later, but was withdrawn by HRSA as published in the Federal Register during the term of

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<sup>9</sup> Health Resources and Services Administration, *Federal Register Notice* (listing designated HPSAs reflecting Federal Register notice published Nov. 5, 2024; status as of Oct. 15, 2024), <https://data.hrsa.gov/topics/health-workforce/shortage-areas/frn> (last visited Jan. 20, 2026).

<sup>10</sup> Health Resources and Services Administration, Bureau of Health Workforce, *Reviewing Shortage Designation Applications* (last reviewed Jan. 2025), <https://bhw.hrsa.gov/workforce-shortage-areas/shortage-designation/reviewing-applications> (last visited Jan. 20, 2026).

<sup>11</sup> *Id.*

<sup>12</sup> Health Resources and Services Administration, Bureau of Health Workforce, *Contact Your State/Territorial Primary Care Office*, <https://bhw.hrsa.gov/workforce-shortage-areas/shortage-designation/contact-state-primary-care-office> (last visited Jan. 20, 2026).

<sup>13</sup> Sections. 458.315(3)(a), 459.0076(3)(a), and 464.0121(3)(a), F.S.

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

<sup>15</sup> Florida Department of Health, Office of the State Surgeon General, *Order of the State Surgeon General Determining Areas of Critical Need* (Aug. 10, 2022), available at <https://flboardofmedicine.gov/pdfs/ssg-order.pdf> (last visited Jan. 27, 2026).

<sup>16</sup> Health Resources and Services Administration, *Find Shortage Areas by Address* (Health Workforce Shortage Areas), <https://data.hrsa.gov/topics/health-workforce/shortage-areas/by-address> (last visited Jan. 20, 2026).

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

<sup>18</sup> Florida Department of Health, *Volunteer Health Care Provider Program: Provider Program* (describing the Volunteer Health Care Provider Program and participation requirements), <https://www.floridahealth.gov/licensing-regulations/provider-partner-resources/volunteer-health-services/provider-program/> (last visited Jan. 20, 2026).

the temporary certificate, would be considered practicing in an area of critical need until the next temporary certificate renewal.

The Surgeon General also designated the following institutions as areas of critical need which had been operating as approved institutions in a designated area of critical need but which are not located in a HPSA, so long as the facility continues to provide health care to meet the needs of the underserved population in its area:<sup>19</sup>

- Crossroads, 444 Valparaiso Parkway, Building C, Valparaiso, Florida 32580.
- Med Express Urgent Care, 13856 North Dale Mabry, Tampa, Florida 33618.
- Interamerican Medical Center Group, 15529 Bull Run Road, Miami Lakes, Florida 33014.

An area of critical need may lose its designation either by action of the State Surgeon General or if it no longer qualifies under the Surgeon General's criteria by losing its primary care or mental health HPSA designation. A temporary certificateholder who is practicing in an area that loses its designation may continue practicing under the certificate until the next annual renewal review; at that time, the certificateholder will no longer meet the criteria to hold the certificate to practice in that area.

### **Temporary Certificates to Practice in Areas of Critical Need**

Florida law authorizes the Board of Medicine, the Board of Osteopathic Medicine, and the Board of Nursing to issue a temporary certificate to practice in areas of critical need, as determined by the Surgeon General, for out-of-state licensed health care practitioners. Section 458.315, F.S. (allopathic physicians and physician assistants), s. 459.0076, F.S. (osteopathic physicians and physician assistants), and s. 464.0121, F.S. (advanced practice registered nurses - APRNs), are structured similarly and contain parallel eligibility criteria, practice settings, and oversight requirements, as detailed below.

An allopathic physician, osteopathic physician, or an APRN who is licensed to practice in any jurisdiction of the U.S. whose license is currently valid may be issued a temporary certificate for practice in areas of critical need. An APRN must also meet educational and training requirements established by the Board of Nursing. An allopathic or osteopathic physician seeking the temporary certificate must pay an application fee of \$300.

A physician assistant licensed to practice in any state of the U.S. or the District of Columbia whose license is currently valid may be issued a temporary certificate for practice in areas of critical need. In 2025, the statute was amended to narrow eligibility from licensure in any U.S. jurisdiction to licensure in any state or D.C.<sup>20</sup>

Each board is authorized to administer an abbreviated oral examination to determine competency and may not require a written regular exam. Within 60 days after receipt of an application, the board must: issue the temporary certificate; notify the applicant of denial; or

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<sup>19</sup> Florida Department of Health, Office of the State Surgeon General, *Order of the State Surgeon General Determining Areas of Critical Need* (Aug. 10, 2022), available at <https://flboardofmedicine.gov/pdfs/ssg-order.pdf> (last visited Jan. 27, 2026).

<sup>20</sup> Chapter 2025-114, ss. 10-11, Laws of Fla.

notify the applicant that the board recommends additional assessment, training, education, or other requirements as a condition of certification. The board may deny the application, issue the temporary certificate with reasonable restrictions, or require the applicant to meet any reasonable conditions if it has been more than three years since the applicant has actively practiced and the respective board determines the applicant lacks clinical competency, adequate skills, necessary medical knowledge, or sufficient clinical decision-making.

The boards must review the temporary certificate holder at least annually to ensure that he or she is in compliance with the practice act and rules adopted thereunder. A board may revoke or restrict the temporary certificate for practice in areas of critical need if noncompliance is found.

### ***Temporary Certificateholder Statistics***

According to the DOH, Medical Quality Assurance Annual Report (FY 2024–2025), the temporary “Area of Critical Need” credential types implicated by SB 1480 represent a relatively small population within Florida’s health workforce.<sup>21</sup> The DOH reports:

- 1,253 Medical Doctor temporary certificates in total (1,130 active, 93 delinquent, and 27 retired, with the remainder inactive).
- 60 Physician Assistant temporary certificates (all 60 active).
- 2 Osteopathic Medicine temporary certificates (both active).
- 2 APRN temporary certificates (both active).

Collectively, these data indicate 1,317 total temporary certificates to practice in areas of critical need, with 1,194 being active.<sup>22</sup>

The report also indicates that initial applications for temporary certificates were received as follows: 120 for medical doctors, 273 for physician assistants, 1 for osteopathic physicians, and 11 for APRNs.<sup>23</sup>

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

The bill amends ss. 458.315, 459.0076, and 464.0121, F.S., relating to temporary certificates issued by the Board of Medicine, Board of Osteopathic Medicine, and Board of Nursing, respectively, to a pathway under which a certificate may remain usable in a location that later loses its “area of critical need” designation. Specifically, the bill authorizes certain health care practitioners who practice in areas of critical need, including allopathic physicians and physician assistants, osteopathic physicians and physician assistants, and advanced practice registered nurses to continue primary care services in an area of critical need after the area has lost its critical need designation under certain circumstances.

If an area of critical need loses its designation, and if the certificateholder has established an active primary care treatment relationship in that area with one or more patients, he or she may continue providing primary care services in that area to patients under the certificate. The

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<sup>21</sup> Florida Department of Health, *2024-2025 Medical Quality Assurance Annual Report*, available at <https://flhealthsource.gov/pdf/reports/2025.10.31.FY24-25MQAAR-FINAL1.pdf> (last visited Jan. 27, 2026).

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

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

continued practice would be limited to the geographic area, population, or facility in which the certificateholder was already treating patients.

Under current law, the Board of Medicine, Board of Osteopathic Medicine, or the Board of Nursing, as applicable, must review each temporary certificateholder at least annually to ascertain that the certificateholder is complying with his or her practice act and related rules. Under the bill, if an area of critical need loses its designation, the board in question must find that all requirements, other than the area being designated as a current area of critical need, are satisfied in order to re-authorize continued primary care practice by an affected certificateholder under his or her certificate.

The bill may provide continuity of care for patients who began receiving treatment during the period in which the location was designated as an area of critical need.

The bill takes effect upon the act becoming a law.

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

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

A. Tax/Fee Issues:

None identified.

B. Private Sector Impact:

None identified.

**C. Government Sector Impact:**

Due to the relatively small number of temporary certificateholders, any impact on the Boards of Medicine, Osteopathic Medicine, and Nursing, or the Department of Health (DOH) is expected to be minimal and can be absorbed within existing resources.<sup>24</sup>

**VI. Technical Deficiencies:**

None identified.

**VII. Related Issues:**

None identified.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 458.315, 459.0076, and 464.0121.

**IX. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

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

**CS by Health Policy on January 26, 2026:**

The CS:

- Removes the requirement in the underlying bill that the practitioner may only treat established patients after the area loses its designation, enabling the practitioner to provide primary care services to new patients.
- Limits the continued practice under the otherwise-expired certificate to primary care.
- Clarifies that the treatment relationship must be located within the area rather than the patient.
- Clarifies that the applicable board must find the certificateholder has satisfied certain requirements during its annual review of the temporary certificate in order to authorize continued practice under the otherwise-expired certificate.

**B. Amendments:**

None.

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

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<sup>24</sup> Florida Department of Health, *Senate Bill 1480 Legislative Bill Analysis* (2026) (on file with the Appropriations Committee on Health and Human Services).



By the Committee on Health Policy; and Senator Burton

588-02204-26

20261480c1

A bill to be entitled

An act relating to temporary certificates for practice in areas of critical need; amending ss. 458.315, 459.0076, and 464.0121, F.S.; revising the conditions under which the Board of Medicine, the Board of Osteopathic Medicine, and the Board of Nursing, respectively, are authorized to issue temporary certificates for practice in areas of critical need; authorizing certificateholders to continue primary care services after such areas lose their critical need designation under certain circumstances; providing an effective date.

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

Section 1. Paragraph (c) of subsection (3) of section 458.315, Florida Statutes, is amended to read:

458.315 Temporary certificate for practice in areas of critical need.—

(3) The board may issue a temporary certificate under this section subject to the following restrictions:

(c)1. Any certificate issued under this section is valid only so long as one of the following conditions applies:

a. The State Surgeon General determines that the reason for which it was issued remains a critical need to the state.

b. The certificate was issued for practice in an area of critical need that has since lost its designation and the certificateholder maintains an active primary care treatment relationship in the area with one or more patients. In such

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case, the certificateholder may continue providing primary care services to patients in such area under the certificate if the board finds that all other requirements are satisfied during its review of the certificateholder.

2. The board shall review each temporary certificateholder at least annually to ascertain that the certificateholder is complying with the minimum requirements of the Medical Practice Act and its adopted rules, as applicable to the certificateholder. If it is determined that the certificateholder is not meeting such minimum requirements, the board must revoke such certificate or impose restrictions or conditions, or both, as a condition of continued practice under the certificate.

Section 2. Paragraph (c) of subsection (3) of section 459.0076, Florida Statutes, is amended to read:

459.0076 Temporary certificate for practice in areas of critical need.—

(3) The board may issue this temporary certificate subject to the following restrictions:

(c)1. Any certificate issued under this section is valid only so long as one of the following conditions applies:

a. The State Surgeon General determines that the reason for which it was issued remains a critical need to the state.

b. The certificate was issued for practice in an area of critical need that has since lost its designation and the certificateholder maintains an active primary care treatment relationship in the area with one or more patients. In such case, the certificateholder may continue providing primary care services to patients in such area under the certificate if the

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board finds that all other requirements are satisfied during its review of the certificateholder.

2. The board shall review each temporary certificateholder at least annually to ascertain that the certificateholder is complying with the minimum requirements of the Osteopathic Medical Practice Act and its adopted rules, as applicable to the certificateholder. If it is determined that the certificateholder is not meeting such minimum requirements, the board must revoke such certificate or impose restrictions or conditions, or both, as a condition of continued practice under the certificate.

Section 3. Paragraph (c) of subsection (3) of section 464.0121, Florida Statutes, is amended to read:

464.0121 Temporary certificate for practice in areas of critical need.—

(3) The board may issue a temporary certificate under this section subject to the following restrictions:

(c)1. Any certificate issued under this section is valid only so long as one of the following conditions applies:

a. The State Surgeon General maintains the determination that the critical need that supported the issuance of the temporary certificate remains a critical need to the state.

b. The certificate was issued for practice in an area of critical need that has since lost its designation and the certificateholder maintains an active primary care treatment relationship in the area with one or more patients. In such case, the certificateholder may continue providing primary care services to patients in such area under the certificate if the board finds that all other requirements are satisfied during its

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review of the certificateholder.

2. The board shall review each temporary certificateholder at least annually to ascertain that the certificateholder is complying with the minimum requirements of the Nurse Practice Act and its adopted rules, as applicable to the certificateholder. If it is determined that the certificateholder is not meeting such minimum requirements, the board must revoke such certificate or impose restrictions or conditions, or both, as a condition of continued practice under the certificate.

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

**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.)

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Prepared By: The Professional Staff of the Committee on Rules

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BILL: CS/SB 1500

INTRODUCER: Banking and Insurance Committee and Senator Bradley

SUBJECT: Estates

DATE: February 16, 2026

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

| ANALYST    | STAFF DIRECTOR | REFERENCE | ACTION             |
|------------|----------------|-----------|--------------------|
| 1. Collazo | Cibula         | JU        | <b>Favorable</b>   |
| 2. Knudson | Knudson        | BI        | <b>Fav/CS</b>      |
| 3. Collazo | Kruse          | RC        | <b>Pre-meeting</b> |

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1500 amends various provisions of state law relating to uncontested probate proceedings. Probate is the court-supervised process for identifying and gathering a decedent's assets, paying the decedent's debts, and distributing the decedent's remaining assets to his or her beneficiaries.

Specifically, the bill:

- Increases the value of estates eligible for summary administration from \$75,000 to \$150,000.
- Increases the value of intestate estates consisting only of certain personal property that may be disposed of without administration from \$10,000 to \$20,000.
- Increases the maximum income tax refund that may be claimed by a decedent's spouse or child without administration of the decedent's estate from \$2,500 to \$5,000.
- Increases the maximum amount of funds in a qualified account held by a financial institution which may be distributed to a family member using affidavit procedures from \$1,000 to \$2,000.
- Requires financial institutions to grant personal representatives access to a decedent's safe deposit box if a personal representative provides a copy of the letters of administration to the financial institution and allows the personal representative to pay any accumulated charges for, and terminate, the safe deposit box lease.
- Authorizes personal representatives to initiate legal proceedings to enforce their authority under the Florida Probate Code and to recover any associated costs, including attorney fees.

In 2024, the Florida Supreme Court established the Workgroup on Uncontested Probate Proceedings (Workgroup) within the Judicial Management Council to make recommendations and improve the efficiency and effectiveness of Florida's processes and procedures for uncontested probate proceedings. The bill implements the Workgroup's recommendations.

The bill takes effect July 1, 2026.

## II. Present Situation:

The Florida Probate Code ("Probate Code")<sup>1</sup> outlines the state's probate process, which is the court-supervised process<sup>2</sup> for identifying and gathering a decedent's assets, paying the decedent's debts, and distributing the decedent's remaining assets to his or her beneficiaries.<sup>3</sup> The probate process is also known as "estate administration."<sup>4</sup>

Whenever a decedent dies leaving a valid will,<sup>5</sup> estate administration generally proceeds in accordance with the will's terms, with estate assets being distributed to the named beneficiaries;<sup>6</sup> however, if a decedent dies intestate, which means the decedent died and did not leave a valid will, asset distribution generally occurs by operation of Florida's intestate succession laws.<sup>7</sup>

### Personal Representatives

Regardless of whether a decedent had a will or died intestate, when an estate is probated, the court appoints a personal representative<sup>8</sup> to oversee the estate's administration and grants him or her letters of administration.<sup>9</sup> A personal representative's primary purpose is to ensure that the administration of the decedent's estate proceeds in accordance with the decedent's wishes (as outlined in a will) or, if there is no will, in accordance with state law; however, Florida law imposes numerous other, specific duties and obligations on a personal representative.

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<sup>1</sup> Chapters 731-735, F.S.; *see also* s. 731.005, F.S. (providing the short title).

<sup>2</sup> In Florida, the circuit courts have jurisdiction over probate proceedings. Office of the State Courts Administrator, *Trial Courts-Circuit*, <https://www.flcourts.gov/Florida-Courts/Trial-Courts-Circuit> (last visited Jan. 15, 2026).

<sup>3</sup> "Beneficiary" means an heir at law in an intestate estate and a devisee in a testate estate. Section 731.201(2), F.S. Note that probate is not initiated in every circumstance in which a person dies leaving assets; in some instances, other asset distribution mechanisms (such as a trust or a pay-on-death clause) transfer asset ownership without court intervention. In other circumstances, a decedent's assets may be held jointly with a surviving person, requiring no asset ownership transfer, and thus, no court intervention.

<sup>4</sup> "Estate" means the property of a decedent that is the subject of administration. Section 731.201(14), F.S.

<sup>5</sup> A "will" means a testamentary instrument executed by a person in the manner provided in the Florida Probate Code, which disposes of a person's property on or after his or her death. Section 731.201(40), F.S. Until admitted to probate, a will is ineffective to prove title to, or the right to possession of, the testator's property. Section 733.103(1), F.S.

<sup>6</sup> *See generally* Parts V, VI, and IX, ch. 732, F.S. (governing wills, rules of will construction, and will production, respectively).

<sup>7</sup> *See generally* Part I, ch. 732, F.S. (governing intestate succession).

<sup>8</sup> "Personal representative" means the fiduciary appointed by the court to administer the estate and refers to what has been known as, among other things, an executor. Section 731.201(28), F.S.

<sup>9</sup> Letters of administration convey the legal authority to manage a decedent's estate. Section 731.201(24), F.S.

### ***Duties and Powers***

A personal representative is a fiduciary who must observe the standard of care applicable to trustees of express trusts<sup>10</sup> and who is liable to interested persons for damage or loss resulting from the breach of his or her fiduciary duty.<sup>11</sup> This duty generally begins upon appointment<sup>12</sup> and includes the following:

- Settle and distribute the estate in accordance with the decedent's will (if any) and applicable law.<sup>13</sup>
- Expeditiously proceed with the settlement and distribution of the decedent's estate.<sup>14</sup>
- Act in the best interests of interested persons including creditors.<sup>15</sup>
- File a verified inventory of estate property, subject to statutory requirements.<sup>16</sup>
- Take all steps reasonably necessary for the estate's management, protection, and preservation.<sup>17</sup>

To assist in the exercise of such duties, the personal representative also has statutorily enumerated rights and powers. Specifically, the personal representative may (and in some cases, must), among other things:

- Take possession and control of the decedent's property.
- Perform or, when proper, refuse to perform the decedent's contracts.
- Invest the estate's funds.
- Acquire or dispose of assets including, in certain circumstances, by sale or abandonment.
- Enter into leases.
- Pay taxes, assessments, and other expenses incident to estate administration.
- Continue any unincorporated business or venture in which the decedent was engaged at the time of death.
- Prosecute or defend claims or proceedings for the protection of the estate or the decedent's property.
- Employ persons, including attorneys, accountants, auditors, appraisers, investment advisers, and others to advise or assist the personal representative in estate administration.<sup>18</sup>

### ***Compensation***

A personal representative is entitled to reasonable compensation for ordinary service, payable from the estate's assets, without a court order.<sup>19</sup> Such compensation must be based on the estate's compensable value, which is the inventory value of the estate's assets and the income the estate earns during administration, and Florida law provides that such compensation is presumed

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<sup>10</sup> An "express trust" is a trust created with the settlor's express intent, usually declared in writing. *Byrne Realty Co. v. South Florida Farms Co.*, 89 So. 318, 326-27 (Fla. 1921).

<sup>11</sup> Section 733.609(1), F.S.

<sup>12</sup> Section 733.601, F.S.

<sup>13</sup> Section 733.602(1), F.S.

<sup>14</sup> Section 733.603, F.S.

<sup>15</sup> Section 733.602(1), F.S.

<sup>16</sup> Section 733.604, F.S.

<sup>17</sup> Section 733.607(1), F.S.

<sup>18</sup> See generally s. 733.612, F.S.

<sup>19</sup> Section 733.617(1), F.S.

to be reasonable if calculated at statutorily-specified rates.<sup>20</sup> However, the court may increase or decrease the personal representative's compensation for ordinary services upon petition of any interested parties.<sup>21</sup>

A personal representative is also entitled to reasonable compensation for any extraordinary services, which the court may award upon petition of any interested person.<sup>22</sup> Extraordinary services may include:

- The sale of real or personal property;
- Litigating on behalf of the estate;
- Involvement in proceedings for the adjustment or payment of any taxes;
- The carrying on of the decedent's business;
- Dealing with protected homestead;
- The rendering of legal services in connection with estate administration, if the personal representative is a Florida Bar member;<sup>23</sup> and
- Any other special services that may be necessary for the personal representative to perform.<sup>24</sup>

Further, if a will provides that a personal representative's compensation must be based on specific criteria, other than a general reference to compensation allowed by law, the personal representative is entitled to compensation in accordance with that provision; however, the personal representative may renounce the provision and receive compensation as provided in law, unless a contract with the decedent would prohibit such renunciation.<sup>25</sup>

Attorneys for personal representatives are also entitled to reasonable compensation, payable from estate assets without court order, for ordinary and extraordinary services rendered.<sup>26</sup>

### **Alternatives to Formal Administration**

Florida law provides for certain simplified probate processes, which function as abbreviated alternatives to the formal administration process.

#### ***Summary Administration***

A summary administration may be had in the administration of either a resident or nonresident decedent's estate if it appears that the value of the entire estate subject to administration in Florida, less the value of property exempt from the claim of creditors, does not exceed \$75,000 or that the decedent has been dead for more than 2 years.<sup>27</sup>

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<sup>20</sup> Those rates are 3 percent for the first \$1 million; 2.5 percent for all above \$1 million and not exceeding \$5 million; 2 percent for all above \$5 million and not exceeding \$10 million; 1.5 percent for all above \$10 million. Section 733.617(2), F.S.

<sup>21</sup> Section 733.617(7), F.S.

<sup>22</sup> Section 733.617(3), F.S.

<sup>23</sup> Section 733.617(6), F.S. The Florida Supreme Court regulates the practice of law in Florida, through The Florida Bar. The Florida Bar, *About the Bar*, <https://www.floridabar.org/about/> (last visited Jan. 15, 2026); FLA. CONST. art. V, s. 15.

<sup>24</sup> Section 733.617(3), F.S.

<sup>25</sup> Section 733.617(4), F.S.

<sup>26</sup> See generally s. 733.6171, F.S.

<sup>27</sup> Section 735.201(2), F.S.

For summary administration to be available in the administration of a testate estate, the will must not direct administration as required by the statutes governing the administration of estates.<sup>28</sup> Such estates may be administered in the same manner as the administration of any other estate, or they may be administered in conformance with summary administration.<sup>29</sup>

### ***Disposition without Administration***

No administration is required if the decedent leaves an estate only consisting of:

- Personal property exempt under state law.<sup>30</sup>
- Personal property classified as exempt from the claims of the decedent's creditors by the Florida Constitution.
- Nonexempt personal property, the value of which does not exceed the total of the cost of preferred funeral expenses, and the amount of all reasonable and necessary medical and hospital expenses incurred in the last 60 days of the decedent's final illness, if any.<sup>31</sup>

Administration is also not required if a decedent dies intestate leaving only a small estate consisting of:

- Personal property exempt under state law.<sup>32</sup>
- Personal property classified as exempt from the claims of the decedent's creditors by the Florida Constitution.
- Nonexempt personal property, the value of which does not exceed the sum of \$10,000 and the amount of preferred funeral expenses and reasonable and necessary medical and hospital expenses of the last 60 days of the last illness, if any, provided the decedent has been deceased for more than 1 year and no administration of the decedent's estate is pending in Florida.<sup>33</sup>

Additionally, state law permits:

- A maximum of \$2,500 in income tax refunds to be claimed by a decedent's spouse or child without administration of the decedent's estate.<sup>34</sup>
- A maximum of \$1,000 in funds in a qualified account held by a financial institution to be distributed to a family member of a decedent using affidavit procedures.<sup>35</sup>

### **Judicial Management Council Workgroup on Uncontested Probate Proceedings**

On April 30, 2024, the Florida Supreme Court issued Administrative Order No. AOSC24-20. That order established the Workgroup on Uncontested Probate Proceedings (Workgroup) within the Judicial Management Council (Council)<sup>36</sup> to make recommendations to redesign and improve

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<sup>28</sup> Section 735.201(1), F.S. (referencing ch. 733, F.S.).

<sup>29</sup> Section 735.202, F.S.

<sup>30</sup> Section 732.402, F.S.

<sup>31</sup> Section 735.301(1), F.S.

<sup>32</sup> Section 732.402, F.S.

<sup>33</sup> Section 735.304, F.S.

<sup>34</sup> Section 735.302, F.S.

<sup>35</sup> Section 735.303, F.S.

<sup>36</sup> The Judicial Management Council is a focused advisory body that assists the chief justice and the Supreme Court. The Council is charged, among other responsibilities, with identifying and evaluating information that would assist in improving

the efficiency and effectiveness of Florida's processes and procedures for uncontested probate proceedings.<sup>37</sup>

The Workgroup conducted a comprehensive review of Florida's probate procedures, probate laws in other states, and probate data trends. It also requested and received feedback from stakeholders. Based upon that information, the Workgroup prepared and submitted its Final Report and Recommendations to the Judicial Management Council on July 15, 2025 (Final Report). The Final Report was approved by the Council on August 11, 2025, for submission to the Florida Supreme Court.<sup>38</sup>

The Final Report identified numerous recurring challenges in Florida's probate proceedings that contribute to inefficiencies, delays, and inconsistent outcomes statewide. These challenges, which include barriers imposed by financial institutions and outdated statutory small estate values,<sup>39</sup> are discussed in more detail in Section III, Effect of Proposed Changes.

### III. Effect of Proposed Changes:

The bill amends various provisions of state law relating to uncontested probate proceedings, consistent with the recommendations of the Workgroup on Uncontested Probate Proceedings (Workgroup).

#### Barriers Imposed by Financial Institutions

According to the Workgroup, interactions with financial institutions are a significant source of delay in probate proceedings; personal representatives frequently face obstacles when financial institutions refuse to honor valid letters of administration, impose inconsistent or extralegal requirements, or restrict access to account information and safe deposit boxes. These practices delay asset distribution, generate unnecessary court filings, and impose additional burdens on judges, attorneys, and personal representatives.<sup>40</sup>

To address these issues, the Workgroup's Final Report recommended an amendment to s. 655.933, F.S., which regulates access to safe deposit boxes by fiduciaries, to require, rather than permit, financial institutions to grant personal representatives access to a decedent's safe deposit box.<sup>41</sup> **Section 1** of the bill implements this recommendation and specifies that this provision

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the performance and effectiveness of the judicial branch. Florida Courts, Office of the State Courts Administrator, *Judicial Management Council*, <https://www.flcourts.gov/Services/innovations-outreach/judicial-management-council>.

<sup>37</sup> *In re: Workgroup on Uncontested Probate Proceedings*, Fla. Admin. Order No. AOSC24-20 (April 30, 2024), available at <https://flcourts-media.flcourts.gov/content/download/2425605/file/AOSC24-20.pdf>.

<sup>38</sup> Florida Courts, Office of the State Courts Administrator, *Uncontested Probate Proceedings*, 1, undated (on file with the Committee on Judiciary).

<sup>39</sup> *Id.*; The Workgroup on Uncontested Probate Proceedings, *Final Report and Recommendations* (July 15, 2025), <https://www.flcourts.gov/Services/innovations-outreach/workgroups/workgroup-on-uncontested-probate-proceedings2/the-workgroup-on-uncontested-probate-proceedings-report>.

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

<sup>41</sup> Florida Courts, Office of the State Courts Administrator, *Uncontested Probate Proceedings*, 2, undated (on file with the Committee on Judiciary); The Workgroup on Uncontested Probate Proceedings, *Final Report and Recommendations* (July 15, 2025), <https://www.flcourts.gov/Services/innovations-outreach/workgroups/workgroup-on-uncontested-probate-proceedings2/the-workgroup-on-uncontested-probate-proceedings-report>.



only applies when the personal representative provides a copy of the letters of administration to the financial institution.

The Workgroup's Final Report also recommended an amendment to s. 655.936, F.S., which regulates the delivery of safe deposit box contents or property held in safekeeping to personal representatives, to require financial institutions to allow personal representatives or their attorneys to pay accumulated charges for a safe deposit box lease and to terminate the safe deposit box lease.<sup>42</sup> **Section 2** of the bill implements this recommendation.

Regarding the apparent obstacles faced by personal representatives, the Workgroup's Final Report recommended amendments to:

- Section 733.603, F.S., which regulates the duties of personal representatives without court order.
- Section 733.612, F.S., which authorizes personal representatives to undertake certain transactions.
- Section 733.6171, F.S., which regulates the compensation a personal representative's attorney may collect.

The recommended amendments expressly authorize personal representatives to initiate legal proceedings to enforce their authority under the Florida Probate Code and to clarify that that attorney involvement in enforcement proceedings constitutes an extraordinary service for which reasonable compensation is warranted.<sup>43</sup> **Sections 3, 4, and 6** implement these recommendations.

The Workgroup's Final Report also recommended creating s. 733.6125, F.S., entitled "Proceedings to enforce authority," to require the award of taxable costs, including attorney fees, against any person whose actions or inactions necessitate a successful enforcement proceeding by a personal representative.<sup>44</sup> **Section 5** of the bill implements this recommendation.

### **Outdated Statutory Small Estate Values**

Another challenge identified by the Workgroup is the statutory value of small estates eligible for Florida's simplified probate processes. According to the Workgroup, these statutory values have not kept pace with inflation and evolving economic conditions, limiting access to simplified probate processes for small estates and resulting in more cases being directed to formal administration.<sup>45</sup>

The Workgroup's Final Report recommended amending s. 735.201, F.S., which regulates summary administration eligibility, to increase the value of estates eligible for summary administration from \$75,000 to \$150,000.<sup>46</sup> **Section 7** of the bill implements this recommendation.

The Workgroup's Final Report also recommended amending s. 735.302, F.S., which regulates such tax refunds, to increase the maximum income tax refund that may be claimed by a

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

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

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

<sup>45</sup> *Id.*

<sup>46</sup> *Id.*

decedent's spouse or child without administration of the decedent's estate from \$2,500 to \$5,000.<sup>47</sup> **Section 8** of the bill implements this recommendation.

The Workgroup's Final Report also recommended amending s. 735.303, F.S., which regulates the payment of successors without court proceedings, to increase the amount of funds in a qualified account held by a financial institution that may be distributed to a family member of the decedent using affidavit procedures from \$1,000 to \$2,000.<sup>48</sup> **Section 9** of the bill implements this recommendation.

The Workgroup's Final Report also recommended amending s. 735.304, F.S., which provides for the disposition of intestate property in small estates without administration, to increase the value of intestate estates consisting only of certain personal property that may be disposed of without administration from \$10,000 to \$20,000. **Section 10** of the bill implements this recommendation.

### Reenactments

The bill implements the following reenactments:

- **Section 11** of the bill reenacts s. 655.937(1)(b), F.S., for the purpose of incorporating the amendment made by the bill to s. 655.933, F.S.
- **Section 12** of the bill reenacts s. 734.101(4), F.S., for the purpose of incorporating the amendment made by the bill to s. 655.936, F.S.
- **Section 13** of the bill reenacts s. 733.106, F.S., for the purpose of incorporating the amendment made by the bill to s. 733.6171, F.S.

### Effective Date

**Section 14** of the bill provides an effective date of 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.

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<sup>47</sup> *Id.*

<sup>48</sup> *Id.*

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill will increase the number of estates eligible for summary administration or no administration, which means fewer personal representatives will need to incur the legal and other costs to formally administer estates. Additionally, because the bill clarifies the authority of personal representatives to access certain assets held by financial institutions, it is anticipated the bill will result in fewer legal disputes with financial institutions.

C. Government Sector Impact:

The bill will increase the number of estates eligible for summary administration or no administration. It will also increase the number of assets held by financial institutions that may be distributed without further action by the court. Accordingly, it is anticipated that the bill will conserve judicial resources because it will result in fewer probate cases requiring formal administration or other court action.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 655.933, 655.936, 733.603, 733.612, 733.6171, 735.201, 735.302, 735.303, and 735.304.

This bill creates section 733.6125 of the Florida Statutes.

This bill reenacts the following sections of the Florida Statutes: 655.937(1)(b), 734.101(4), and 733.106.

**IX. Additional Information:**

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

**CS by Banking and Insurance on February 4, 2026:**

The CS provides that the bill's requirement that financial institutions must grant personal representatives access to a decedent's safe deposit box only applies if a personal representative provides a copy of the letters of administration to the financial institution.

- B. **Amendments:**

None.

By the Committee on Banking and Insurance; and Senator Bradley

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1 A bill to be entitled  
 2 An act relating to estates; amending ss. 655.933 and  
 3 655.936, F.S.; revising the responsibilities a lessor  
 4 of a safe-deposit box has to certain persons; amending  
 5 s. 733.603, F.S.; revising the issues a court may  
 6 resolve for a personal representative; amending s.  
 7 733.612, F.S.; revising the list of transactions a  
 8 personal representative may make if acting reasonably  
 9 for the benefit of certain persons; creating s.  
 10 733.6125, F.S.; requiring the court to award taxable  
 11 costs and attorney fees in certain proceedings;  
 12 authorizing the court to direct such payment from  
 13 certain persons; providing that such payment may be  
 14 satisfied from certain property; amending s. 733.6171,  
 15 F.S.; revising what constitutes an extraordinary  
 16 service of an attorney; making technical changes;  
 17 amending s. 735.201, F.S.; revising when summary  
 18 administration proceedings may commence for either a  
 19 resident or nonresident decedent's estate; amending s.  
 20 735.302, F.S.; revising the sum at which an  
 21 overpayment of taxes by a decedent may be refunded by  
 22 the United States Treasury Department; amending s.  
 23 735.303, F.S.; revising the sum for funds certain  
 24 financial institutions may make payable to a  
 25 decedent's family member; conforming provisions to  
 26 changes made by the act; amending s. 735.304, F.S.;  
 27 revising the prohibition against certain proceedings  
 28 for a decedent when he or she dies intestate and  
 29 leaves only certain personal property worth a

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30 specified sum; reenacting s. 655.937(1)(b), F.S.,  
 31 relating to access to safe-deposit boxes leased in two  
 32 or more names, to incorporate the amendment made to s.  
 33 655.933, F.S., in a reference thereto; reenacting s.  
 34 734.101(4), F.S., relating to foreign personal  
 35 representatives, to incorporate the amendment made to  
 36 s. 655.936, F.S., in a reference thereto; reenacting  
 37 s. 733.106(4), F.S., relating to costs and attorney  
 38 fees, to incorporate the amendment made to s.  
 39 733.6171, F.S., in a reference thereto; providing an  
 40 effective date.

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

43  
 44 Section 1. Section 655.933, Florida Statutes, is amended to  
 45 read:

46 655.933 Access by fiduciaries.—If a safe-deposit box is  
 47 made available by a lessor to one or more persons acting as  
 48 fiduciaries, the lessor ~~may~~, except as otherwise expressly  
 49 provided in the lease or the writings pursuant to which such  
 50 fiduciaries are acting, ~~allow access thereto as follows:~~

51 (1) Must allow access to the safe-deposit box by any ~~one or~~  
 52 ~~more~~ of the persons acting as personal representatives who  
 53 present the lessor with a copy of the letters of administration;  
 54 and-

55 (2) May allow access to the safe-deposit box by:

56 (a) Any ~~one or more~~ of the persons otherwise acting as  
 57 fiduciaries if authorized in writing, which writing is signed by  
 58 all other persons so acting; or-

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~~(b)(3)~~ By Any agent authorized in writing, which writing is signed by all persons acting as fiduciaries.

Section 2. Subsection (1) of section 655.936, Florida Statutes, is amended to read:

655.936 Delivery of safe-deposit box contents or property held in safekeeping to personal representative.—

(1) Subject to ~~the provisions of~~ subsection (3), the lessor shall:

(a) Immediately deliver to a personal representative appointed by a court in this state, upon presentation of a certified copy of his or her letters of authority, all property deposited with it by the decedent for safekeeping; ~~and shall~~

(b) Grant the personal representative access to any safe-deposit box in the decedent's name and allow ~~permit~~ him or her to remove from such box any part or all of the contents thereof; and

(c) Allow the personal representative or the personal representative's attorney to pay the accumulated charges and terminate the lease.

Section 3. Section 733.603, Florida Statutes, is amended to read:

733.603 Personal representative to proceed without court order.—A personal representative shall proceed expeditiously with the settlement and distribution of a decedent's estate and, except as otherwise specified by this code or ordered by the court, shall do so without adjudication, order, or direction of the court. A personal representative may invoke the jurisdiction of the court to resolve questions concerning the estate or its administration or to enforce the authority of a personal

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representative conferred by this code.

Section 4. Subsection (28) is added to section 733.612, Florida Statutes, to read:

733.612 Transactions authorized for the personal representative; exceptions.—Except as otherwise provided by the will or court order, and subject to the priorities stated in s. 733.805, without court order, a personal representative, acting reasonably for the benefit of the interested persons, may properly:

(28) Institute a proceeding to enforce his or her authority as personal representative as conferred by this code.

Section 5. Section 733.6125, Florida Statutes, is created to read:

733.6125 Proceedings to enforce authority.—In any proceeding to enforce the authority of a personal representative as conferred by this code, the court shall award to a prevailing personal representative taxable costs as in chancery actions, including attorney fees. When awarding taxable costs and attorney fees under this section, the court may direct payment from any person whose action or inaction necessitated the enforcement proceeding or from any person having an interest in the estate and may enter a judgment that may be satisfied from other property.

Section 6. Paragraph (b) of subsection (2) and subsection (6) of section 733.6171, Florida Statutes, are amended, and paragraph (1) is added to subsection (4) of that section, to read:

733.6171 Compensation of attorney for the personal representative.—

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(2)

(b) An attorney representing a personal representative in an estate administration who intends to charge a fee based upon the schedule set forth in subsection (3) shall make the following disclosures in writing to the personal representative:

1. There is not a mandatory statutory attorney fee for estate administration.

2. The attorney fee is not required to be based on the size of the estate, and the presumed reasonable fee provided in subsection (3) may not be appropriate in all estate administrations.

3. The fee is subject to negotiation between the personal representative and the attorney.

4. The selection of the attorney is made at the discretion of the personal representative, who is not required to select the attorney who prepared the will.

5. The personal representative is ~~shall be~~ entitled to a summary of ordinary and extraordinary services rendered for the fees agreed upon at the conclusion of the representation. The summary must ~~shall~~ be provided by counsel and must ~~shall~~ consist of the total hours devoted to the representation or a detailed summary of the services performed during the representation.

(4) Subject to subsection (2), in addition to fees for ordinary services, the attorney for the personal representative shall be allowed further reasonable compensation for any extraordinary service. What is an extraordinary service may vary depending on many factors, including the size and complexity of the estate. Extraordinary services may include, but are not limited to:

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(1) Involvement in any proceeding to enforce the authority of a personal representative as conferred by this code.

(6) If a separate written agreement regarding compensation exists between the attorney and the decedent, the attorney must ~~shall~~ furnish a copy to the personal representative before ~~prior~~ ~~to~~ commencement of employment, and, if employed, must ~~shall~~ promptly file and serve a copy on all interested persons. A separate agreement or a provision in the will suggesting or directing that the personal representative retain a specific attorney does not obligate the personal representative to employ the attorney or obligate the attorney to accept the representation, but if the attorney who is a party to the agreement or who drafted the will is employed, the compensation paid may ~~shall~~ not exceed the compensation provided in the agreement or in the will.

Section 7. Subsection (2) of section 735.201, Florida Statutes, is amended to read:

735.201 Summary administration; nature of proceedings.—  
Summary administration may be had in the administration of either a resident or nonresident decedent's estate, when it appears:

(2) That the value of the entire estate subject to administration in this state, less the value of property exempt from the claims of creditors, does not exceed \$150,000 ~~\$75,000~~ or that the decedent has been dead for more than 2 years.

Section 8. Subsection (1) of section 735.302, Florida Statutes, is amended to read:

735.302 Income tax refunds in certain cases.—

(1) In any case when the United States Treasury Department

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determines that an overpayment of federal income tax exists and the person in whose favor the overpayment is determined is dead at the time the overpayment of tax is to be refunded, and ~~notwithstanding irrespective of~~ whether the decedent had filed a joint and several or separate income tax return, the amount of the overpayment, if not in excess of \$5,000 ~~\$2,500~~, may be refunded as follows:

(a) Directly to the surviving spouse on his or her verified application; or

(b) If there is no surviving spouse, to one of the decedent's children who is designated in a verified application purporting to be executed by all of the decedent's children over the age of 14 years.

In either event, the application must show that the decedent was not indebted, that provision has been made for the payment of the decedent's debts, or that the entire estate is exempt from the claims of creditors under the constitution and statutes of the state, and that no administration of the estate, including summary administration, has been initiated and that none is planned, to the knowledge of the applicant.

Section 9. Subsection (2), paragraph (c) of subsection (3), and subsection (4) of section 735.303, Florida Statutes, are amended to read:

735.303 Payment to successor without court proceedings.—

(2) A financial institution in this state may pay to the family member of a decedent, without any court proceeding, order, or judgment, the funds on deposit in all qualified accounts of the decedent at the financial institution if the

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total amount of the combined funds in the qualified accounts at the financial institution do not exceed an aggregate total of \$2,000 ~~\$1,000~~. The financial institution may not make such payment earlier than 6 months after the date of the decedent's death.

(3) In order to receive the funds described in subsection (2), the family member must provide to the financial institution a certified copy of the decedent's death certificate and a sworn affidavit that includes all of the following:

(c) A statement attesting that the total amount in all qualified accounts held by the decedent in all financial institutions known to the affiant does not exceed an aggregate total of \$2,000 ~~\$1,000~~.

(4) The family member may use an affidavit in substantially the following form to fulfill the requirements of subsection (3):

## AFFIDAVIT UNDER

SECTION 735.303, FLORIDA STATUTES,

TO OBTAIN BANK PROPERTY OF DECEASED

ACCOUNT HOLDER: ...(Name of decedent)...

State of .....

County of .....

Before the undersigned authority personally appeared ...(name of affiant)..., of ...(residential address of affiant)..., who has been sworn and says the following statements are true:

(a) The affiant is (initial one of the following responses):



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233 .... The surviving spouse of the decedent.  
 234 .... A surviving adult child of the decedent, and the  
 235 decedent left no surviving spouse.  
 236 .... A surviving adult descendant of the decedent, and the  
 237 decedent left no surviving spouse and no surviving adult child.  
 238 .... A surviving parent of the decedent, and the decedent  
 239 left no surviving spouse, no surviving adult child, and no  
 240 surviving adult descendant.  
 241 (b) As shown in the certified death certificate, the date  
 242 of death of the decedent was ...(date of death)..., and the  
 243 address of the decedent's last residence was ...(address of last  
 244 residence)....  
 245 (c) The affiant is entitled to payment of the funds in the  
 246 decedent's depository accounts and certificates of deposit held  
 247 by the financial institution ...(name of financial  
 248 institution).... The total amount in all qualified accounts held  
 249 by the decedent in all financial institutions known to the  
 250 affiant does not exceed an aggregate total of \$2,000 ~~\$1,000~~. The  
 251 affiant requests full payment from the financial institution.  
 252 (d) A personal representative has not been appointed to  
 253 administer the decedent's estate, and no probate proceeding or  
 254 summary administration procedure has been commenced with respect  
 255 to the estate.  
 256 (e) The affiant has no knowledge of any last will and  
 257 testament or other document or agreement relating to the  
 258 distribution of the decedent's estate.  
 259 (f) The payment of the funds constitutes a full release and  
 260 discharge of the financial institution regarding the amount  
 261 paid.

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262 (g) The affiant understands that he or she is personally  
 263 liable to the creditors of the decedent and other persons  
 264 rightfully entitled to the funds under the Florida Probate Code,  
 265 to the extent the amount paid exceeds the amount properly  
 266 attributable to the affiant's share.  
 267 (h) The affiant understands that making a false statement  
 268 in this affidavit may be punishable as a criminal offense.  
 269  
 270 By ...(signature of affiant)..  
 271  
 272 Sworn to and subscribed before me this .... day of  
 273 .... by ...(name of affiant)..., who is personally  
 274 known to me or produced .... as identification, and  
 275 did take an oath.  
 276  
 277 ...(Signature of Notary Public - State of Florida)...  
 278 ...(Print, Type, or Stamp Commissioned Name of Notary  
 279 Public)...  
 280 My commission expires: ...(date of expiration of  
 281 commission)..  
 282  
 283 Section 10. Subsection (1) of section 735.304, Florida  
 284 Statutes, is amended to read:  
 285 735.304 Disposition without administration of intestate  
 286 property in small estates.—  
 287 (1) ~~No Administration is not shall be required and or~~  
 288 formal proceedings may not be instituted upon the estate of a  
 289 decedent who has died intestate leaving only personal property  
 290 exempt under ~~the provisions of~~ s. 732.402, personal property

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exempt from the claims of creditors under the State Constitution, and nonexempt personal property the value of which does not exceed the sum of \$20,000 ~~\$10,000~~ and the amount of preferred funeral expenses and reasonable and necessary medical and hospital expenses of the last 60 days of the last illness, provided the decedent has been deceased for more than 1 year and no administration of the decedent's estate is pending in this state.

Section 11. For the purpose of incorporating the amendment made by this act to section 655.933, Florida Statutes, in a reference thereto, paragraph (b) of subsection (1) of section 655.937, Florida Statutes, is reenacted to read:

655.937 Access to safe-deposit boxes leased in two or more names.—

(1) Unless specifically provided in the lease or rental agreement to the contrary, if a safe-deposit box is rented or leased in the names of two or more lessees, access to the safe-deposit box will be granted to:

(b) Subject to s. 655.933, those persons named in s. 655.933.

Section 12. For the purpose of incorporating the amendment made by this act to section 655.936, Florida Statutes, in a reference thereto, subsection (4) of section 734.101, Florida Statutes, is reenacted to read:

734.101 Foreign personal representative.—

(4) Except as provided in s. 655.936, all persons indebted to the estate of a decedent, or having possession of personal property belonging to the estate, who have received no written demand from a personal representative or curator appointed in

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this state for payment of the debt or the delivery of the property are authorized to pay the debt or to deliver the personal property to the foreign personal representative after the expiration of 90 days from the date of appointment of the foreign personal representative.

Section 13. For the purpose of incorporating the amendment made by this act to section 733.6171, Florida Statutes, in a reference thereto, subsection (4) of section 733.106, Florida Statutes, is reenacted to read:

733.106 Costs and attorney fees.—

(4) If costs and attorney fees are to be paid from the estate under this section, s. 733.6171(4), s. 736.1005, or s. 736.1006, the court, in its discretion, may direct from what part of the estate they shall be paid.

(a) If the court directs an assessment against a person's part of the estate and such part is insufficient to fully pay the assessment, the court may direct payment from the person's part of a trust, if any, if a pour-over will is involved and the matter is interrelated with the trust.

(b) All or any part of the costs and attorney fees to be paid from the estate may be assessed against one or more persons' part of the estate in such proportions as the court finds to be just and proper.

(c) In the exercise of its discretion, the court may consider the following factors:

1. The relative impact of an assessment on the estimated value of each person's part of the estate.

2. The amount of costs and attorney fees to be assessed against a person's part of the estate.

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3. The extent to which a person whose part of the estate is to be assessed, individually or through counsel, actively participated in the proceeding.

4. The potential benefit or detriment to a person's part of the estate expected from the outcome of the proceeding.

5. The relative strength or weakness of the merits of the claims, defenses, or objections, if any, asserted by a person whose part of the estate is to be assessed.

6. Whether a person whose part of the estate is to be assessed was a prevailing party with respect to one or more claims, defenses, or objections.

7. Whether a person whose part of the estate is to be assessed unjustly caused an increase in the amount of costs and attorney fees incurred by the personal representative or another interested person in connection with the proceeding.

8. Any other relevant fact, circumstance, or equity.

(d) The court may assess a person's part of the estate without finding that the person engaged in bad faith, wrongdoing, or frivolousness.

Section 14. 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.)

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Prepared By: The Professional Staff of the Committee on Rules

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BILL: SB 1506

INTRODUCER: Senator Yarborough

SUBJECT: Civil Litigation

DATE: February 16, 2026

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

| ANALYST           | STAFF DIRECTOR | REFERENCE | ACTION             |
|-------------------|----------------|-----------|--------------------|
| 1. <u>Collazo</u> | <u>Cibula</u>  | <u>JU</u> | <b>Favorable</b>   |
| 2. <u>Collazo</u> | <u>Kruse</u>   | <u>RC</u> | <b>Pre-meeting</b> |

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**I. Summary:**

SB 1506 amends s. 768.74, F.S., the remittitur and additur statute. This statute allows a court, upon a motion from a party, to evaluate whether an award of money damages to a plaintiff is excessive or inadequate in light of the facts and circumstances presented at trial. If the court determines that the damages awarded are excessive or inadequate, the court must order a remittitur/reduced amount of damages or additur/increased amount of damages, as appropriate, and offer the adversely affected party the option of a new trial on damages.

The changes to the remittitur and additur statute will more clearly authorize courts to find that an award is excessive or inadequate based on the use of unsubstantiated anchoring.

“Unsubstantiated anchoring” occurs when plaintiff or defense trial counsel references arbitrary values or things that have no rational connection to the facts of the case, aiming to influence the jury’s verdict.

Under the bill, in addition to criteria already listed in s. 768.74, F.S., the court must consider:

- Whether there is a rational, nonarbitrary connection grounded in the evidence between the injuries suffered and the amount of an award of noneconomic damages; and
- Whether the amount of an award of noneconomic damages resulted from references to objects or values that did not have a rational connection to the facts of the case.

The bill applies to causes of action pending on or after July 1, 2026.

The bill takes effect July 1, 2026.

## II. Present Situation:

### Florida's Civil Justice System

The main purpose of Florida's civil justice system is to properly and fairly redress civil wrongs caused throughout the state, whether such wrongs are in the form of tortious conduct, breaches of contract, or other non-criminal harm for which the law provides a remedy. The civil justice system accomplishes this goal by providing a neutral court system empowered to decide the amount of monetary damages required to make each wronged person whole again.

A functioning civil justice system, when it operates justly:

- Provides a fair and equitable forum to resolve disputes.
- Discourages persons from resorting to self-help methods to redress wrongs.
- Appropriately compensates legitimately harmed persons.
- Shifts losses to responsible parties.
- Provides incentives to prevent future harm.
- Deters undesirable behavior.<sup>1</sup>

One of the goals of the civil justice system is to redress tortious conduct, or “torts.” A tort is a wrong for which the law provides a remedy. Torts are generally divided into two categories:

- Intentional torts, examples of which include an assault, battery, or false imprisonment.
- Negligence, which is a tort that is unintentionally committed. To prevail in a negligence lawsuit, the party seeking the remedy (the “plaintiff”) must demonstrate that the:
  - Defendant had a legal duty of care requiring the defendant to conform to a certain standard of conduct for the protection of others, including the plaintiff, against unreasonable risks.
  - Defendant breached his or her duty of care by failing to conform to the required standard.
  - Defendant's breach caused the plaintiff to suffer an injury.
  - Plaintiff suffered actual damage or loss resulting from the injury.<sup>2</sup>

### Negligence

#### *Duty of Care*

The first of the four elements a plaintiff must show to prevail in a negligence action is that the defendant owed the plaintiff a “duty of care” to do something or refrain from doing something. The existence of a legal duty is a threshold requirement that, if satisfied, “merely opens the courthouse doors.”<sup>3</sup> Whether a duty sufficient to support a negligence claim exists is a matter of law<sup>4</sup> determined by the court.<sup>5</sup> A duty may arise from various sources, including:

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<sup>1</sup> Cf. 74 AM. JUR. 2D *Torts* s. 2.

<sup>2</sup> See *Barnett v. Dept. of Fin. Serv.*, 303 So. 3d 508, 513-14 (Fla. 2020).

<sup>3</sup> *Kohl v. Kohl*, 149 So. 3d 127, 135 (Fla. 4<sup>th</sup> DCA 2014) (internal citation omitted).

<sup>4</sup> A matter of law is a matter determined by the court, unlike a matter of fact, which must be determined by the jury. Matters of law include issues regarding a law's application or interpretation, issues regarding what the relevant law is, and issues of fact reserved for judges to resolve. Cornell Law School, Legal Information Institute, *Question of Law*, [https://www.law.cornell.edu/wex/question\\_of\\_law](https://www.law.cornell.edu/wex/question_of_law) (last visited Jan. 29, 2026); Cornell Law School, Legal Information Institute, *Question of Fact*, [https://www.law.cornell.edu/wex/Question\\_of\\_fact](https://www.law.cornell.edu/wex/Question_of_fact) (last visited Jan. 29, 2026).

<sup>5</sup> *Kohl*, 149 So. 3d at 135; *Goldberg v. Fla. Power & Light Co.*, 899 So. 2d 1105, 1110 (Fla. 2005).

- Legislative enactments or administrative regulations.
- Judicial interpretations of such enactments or regulations.
- Other judicial precedent.
- The general facts of the case.<sup>6</sup>

In determining whether a duty arises from the general facts of a case, courts look to whether the defendant's conduct foreseeably created a "zone of risk" that posed a general threat of harm to others—that is, whether there was a likelihood that the defendant's conduct would result in the type of injury suffered by the plaintiff.<sup>7</sup> The zone of risk defines the scope of the defendant's legal duty, which is typically to either lessen the risk or ensure that sufficient precautions are taken to protect others from the harm the risk poses.<sup>8</sup> However, it is not enough that a risk merely exists or that a particular risk is foreseeable; rather, the defendant's conduct must create or control the risk before liability may be imposed.<sup>9</sup>

### ***Breach of the Duty of Care***

The second element a plaintiff must prove is that the defendant "breached," or failed to discharge, the duty of care. Whether a breach occurred is generally a matter of fact for the jury to determine.<sup>10</sup>

### ***Causation***

The third element a plaintiff must prove is that the defendant's breach of the duty of care "proximately caused" the plaintiff's injury. Whether or not proximate causation exists is generally a matter of fact for the jury to determine.<sup>11</sup> Florida follows the "more likely than not" standard in proving causation; thus, the inquiry for the factfinder is whether the defendant's negligence probably caused the plaintiff's injury.<sup>12</sup> In making such a determination, the factfinder must analyze whether the injury was a foreseeable consequence of the danger created by the defendant's negligent act or omission.<sup>13</sup> It is not required that the defendant's conduct be the exclusive cause, or even the primary cause, of the plaintiff's injury suffered; instead, the plaintiff must only show that the defendant's conduct substantially caused the injury.<sup>14</sup>

### ***Damages***

The final element a plaintiff must show to prevail in a negligence action is that the plaintiff suffered some harm, or "damages." Actual damages, also called compensatory damages, are damages the plaintiff actually suffered as the result of the injury.<sup>15</sup> Juries award compensatory

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<sup>6</sup> *Goldberg*, 899 So. 2d at 1110 (citing *Clay Elec. Co-op., Inc. v. Johnson*, 873 So. 2d 1182 (Fla. 2003)).

<sup>7</sup> *Kohl*, 149 So. 3d at 135 (citing *McCain v. Fla. Power Corp.*, 593 So. 2d 500 (Fla. 1992); *Whitt v. Silverman*, 788 So. 2d 210 (Fla. 2001)).

<sup>8</sup> *Kohl*, 149 So. 3d at 135; *Whitt*, 788 So. 2d at 216-17.

<sup>9</sup> *Bongiorno v. Americorp, Inc.*, 159 So. 3d 1027, 1029-30 (Fla. 5<sup>th</sup> DCA 2015) (citing *Demelus v. King Motor Co. of Fort Lauderdale*, 24 So. 3d 759 (Fla. 4<sup>th</sup> DCA 2009)).

<sup>10</sup> *Wallace v. Dean*, 3 So. 3d 1035, 1046 fn. 18 (Fla. 2009).

<sup>11</sup> *Sanders v. ERP Operating Ltd. P'ship*, 157 So. 3d 273, 277 (Fla. 2015).

<sup>12</sup> *Ruiz v. Tenent Hialeah Healthsystem, Inc.*, 260 So. 3d 977, 981 (Fla. 2018).

<sup>13</sup> *Id.* at 981-982.

<sup>14</sup> *Id.* at 982.

<sup>15</sup> *Birdsall v. Coolidge*, 93 U.S. 64, 64 (1876).

damages to compensate an injured person for a defendant's negligent acts.<sup>16</sup> Compensatory damages consist of both:

- “Economic damages,” which typically consist of financial losses that can be easily quantified, such as lost wages, the cost to replace damaged property, or the cost of medical treatment; and
- “Non-economic damages,” which typically consist of nonfinancial losses that cannot be easily quantified, such as pain and suffering, inconvenience, physical impairment, mental anguish, disfigurement, and loss of the capacity to enjoy life.<sup>17</sup>

In certain limited situations, a court may also award “punitive damages,” the purpose of which is to punish a defendant for bad behavior and deter future bad conduct, rather than to compensate the plaintiff for a loss.<sup>18</sup>

### **Excessiveness or Inadequacy of Damages Award**

It is the responsibility of the court, on proper motion, to review the amount of a damages award to determine whether the amount is excessive or inadequate in light of the facts and circumstances that were presented to the trier of fact.<sup>19</sup>

Bearing in mind the Legislature's intent that awards of damages be subject to close scrutiny by the courts and that all such awards be adequate and not excessive,<sup>20</sup> the courts must consider the following criteria in determining whether a verdict in an action for damages based on either tort or contract<sup>21</sup> is inadequate or excessive:

- Whether the amount awarded is indicative of prejudice, passion, or corruption on the part of the trier of fact;
- Whether it appears that the trier of fact ignored the evidence in reaching a verdict or misconceived the merits of the case relating to the amount of damages recoverable;
- Whether the trier of fact took improper elements of damages into account or arrived at the amount of damages by speculation and conjecture;
- Whether the amount awarded bears a reasonable relation to the amount of damages proved and the injury suffered; and
- Whether the amount awarded is supported by the evidence and is such that it could be adduced in a logical manner by reasonable persons.<sup>22</sup>

<sup>16</sup> *St. Regis Paper Co. v. Watson*, 428 So. 2d 243, 247 (Fla. 1983).

<sup>17</sup> *Cf.* s. 766.202(3), (8), F.S.

<sup>18</sup> “Exemplary or punitive damages are generally defined as damages which are given as an enhancement of actual or compensatory damages, when the acts complained of have been committed with malice, moral turpitude, wantonness, willfulness, outrageous aggravation, or with reckless indifference to the rights of others. Punitive damages go beyond the actual damages suffered and are imposed as a punishment of the defendant and as a deterrent to others.” 17 FLA. JUR. 2D *Damages* s. 116; *see also* ss. 768.72, 768.725, and 768.73, F.S. (providing standards and requirements for awarding punitive damages).

<sup>19</sup> Section 768.74(1), F.S.

<sup>20</sup> Section 768.74(3), F.S.

<sup>21</sup> Section 768.71(1), F.S.

<sup>22</sup> Section 768.74(5), F.S.

If the court finds that the amount awarded is excessive or inadequate, it must order a remittitur or additur,<sup>23</sup> as the case may be,<sup>24</sup> and if the party adversely affected by the remittitur or additur does not agree, the court must order a new trial in the cause on the issue of damages only.<sup>25</sup> Conclusory justifications for remittitur without articulated factual basis are insufficient. The record must affirmatively show the impropriety of the verdict or there must be an independent determination by the trial judge that the jury was influenced by considerations outside the record.<sup>26</sup> Similarly, an order for a new trial is deficient if it does not contain reference to the record in support of the conclusion that additur of the jury award is necessary to cure the inadequacy of the verdict.<sup>27</sup>

### ***Anchoring Tactics***

The use of anchoring tactics in litigation is a “well-known, much discussed practice among plaintiff- and defense-oriented attorneys and legal organizations.”<sup>28</sup> In most states, courts permit personal injury lawyers to suggest a specific sum or offer a method of calculating damages as part of closing arguments to a jury. These suggested damages, known as “anchors,” are an “arbitrary but psychologically powerful, baseline for jurors who are struggling with assigning a monetary value to pain and suffering.”<sup>29</sup>

In the context of a jury trial, the anchoring effect suggests that the jury’s final award may sometimes be unduly affected by a large initial presentation of damages. Accordingly, a jury may rely on a plaintiff’s initial “anchoring value” to set the award’s range and then reach a final award by “discounting.”<sup>30</sup>

“Unsubstantiated anchoring” occurs when trial counsel references values or things that have no rational connection to the case, aiming to influence the jury’s verdict.<sup>31</sup> In *Gregory v. Chohan*,<sup>32</sup> the Texas Supreme Court discussed and rejected unsubstantiated anchoring for noneconomic damages.

*Chohan* involved a wrongful death action in which plaintiff’s counsel argued in closing that the amount of the plaintiff’s noneconomic damages was analogous to a \$71 million Boeing F-18

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<sup>23</sup> “Remittitur” means “it is remitted” or “sent back” and “additur” means “it is added” in Latin. Remittitur refers to a judge reducing an excessive jury award, whereas additur refers to a judge increasing an inadequate jury award.

<sup>24</sup> Section 768.74(2), F.S.

<sup>25</sup> Section 768.74(4), F.S.

<sup>26</sup> *School Bd. of Broward County v. Pierce Goodwin Alexander & Linville*, 137 So. 3d 1059, 1069-70 (Fla. 4<sup>th</sup> DCA 2014).

<sup>27</sup> *Bluth v. Blake*, 128 So. 3d 242, 246 (Fla. 4<sup>th</sup> DCA 2013).

<sup>28</sup> Eric R. Passeggio and Chris Turney, *Noneconomic Damages: Anchoring a Verdict Without Angering the Court*, FOR THE DEFENSE (Sept. 2023), at 15, available at [https://www.sulloway.com/wp-content/uploads/2023/11/DRI\\_Anchoring-a-Verdict-Without-Angering-the-Court.pdf](https://www.sulloway.com/wp-content/uploads/2023/11/DRI_Anchoring-a-Verdict-Without-Angering-the-Court.pdf).

<sup>29</sup> Mark A. Behrens, Cary Silverman, Christopher E. Appel, *Summation Anchoring: Is It Time to Cast Away Inflated Requests for Noneconomic Damages*, 44 AM. J. TRIAL ADVOC. 321-22 (citing Kathleen Flynn Peterson et al., *Dropping the Anchor*, TRIAL, Apr. 2017, at 34, 34)).

<sup>30</sup> *Hodge v. State Farm Mut. Auto. Ins., Co.*, 84 N.W.2d 238, 56 (Mich. 2016) (Markman, J. Concurring) (citations omitted).

<sup>31</sup> Tort Trial and Insurance Practice Section, American Bar Association, *Unsubstantiated Anchoring as Improper Jury Argument* (Mar. 18, 2025), [https://www.americanbar.org/groups/tort\\_trial\\_insurance\\_practice/resources/brief/2025-winter/unsubstantiated-anchoring-improper-jury-argument/](https://www.americanbar.org/groups/tort_trial_insurance_practice/resources/brief/2025-winter/unsubstantiated-anchoring-improper-jury-argument/) (citing and quoting *Gregory v. Chohan*, 670 S.W. 3d 546, 557 (Tex. 2023)).

<sup>32</sup> 670 S.W. 3d 546 (Tex. 2023).



fighter jet and a \$186 million painting by Mark Rothko.<sup>33</sup> The court held that “[u]nsubstantiated anchors like those employed here have nothing to do with the emotional injuries suffered by the plaintiff and cannot rationally connect the extent of the injuries to the amount awarded.”<sup>34</sup> Because the “only arguments provided to justify an amount of damages were impermissible appeals to irrelevant considerations, such as fighter jets,” the court reversed and remanded the case, concluding that there was no evidence to support the amount of noneconomic damages awarded by the jury.<sup>35</sup>

The court suggested that instead of relying on “unsubstantiated anchors and unexamined ratios,” parties should consider relying on “direct evidence supporting quantification of an amount of damages, such as evidence of the likely financial consequences of severe emotional disruption in the plaintiff’s life” or an amount of money that “would enable plaintiff to better deal with grief or restore his emotional health.”<sup>36</sup> The court explained that the examples it offered were not intended to suggest that “in all cases there must be direct evidence of a quantifiable amount of damages,” but merely to reiterate the “requirement that the amount of damages must have a rational basis grounded in evidence.”<sup>37</sup>

### III. Effect of Proposed Changes:

The bill amends s. 768.74, F.S., the remittitur and additur statute. This statute authorizes a court, upon motion by a party, to review an award of damages for excessiveness or inadequacy. If the court finds that the award is excessive or inadequate based on the facts and circumstances, the statute requires the court to order, as appropriate, a remittitur which is a reduced award or an additur which is an increased award. An adversely effected party, however, must then be given the option of a new trial on damages.

Under the bill, in addition to existing criteria listed in the remittitur and additur statute, the court must consider:

- Whether there is a rational, nonarbitrary connection grounded in the evidence between the injuries suffered and the amount of an award of noneconomic damages; and
- Whether the amount of an award of noneconomic damages resulted from references to objects or values that did not have a rational connection to the facts of the case.

The new criteria make clear that awards of noneconomic damages based on unsubstantiated anchoring by plaintiff or defense counsel at trial may be grounds for remittitur or additur.

The bill applies to causes of action pending on or after July 1, 2026.

For the purpose of incorporating the amendment made by the bill to s. 768.74, F.S., the bill also reenacts ss. 400.0238(1)(d), 429.298(1)(d), 768.73(1)(d), and 768.735(2)(c), F.S.

The bill takes effect July 1, 2026.

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<sup>33</sup> *Id.* at 557.

<sup>34</sup> *Id.* at 558.

<sup>35</sup> *Id.* at 563-65.

<sup>36</sup> *Id.* at 560.

<sup>37</sup> *Id.*

**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

None.

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

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 768.74 of the Florida Statutes.

This bill reenacts the following sections of the Florida Statutes: 400.0238, 429.298, 768.73, and 768.735.

**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.

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

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567718

LEGISLATIVE ACTION

Senate

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House

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The Committee on Rules (Grall) recommended the following:

**Senate Amendment (with title amendment)**

Before line 15

insert:

Section 1. Section 768.18, Florida Statutes, is reordered and amended to read:

768.18 Definitions.—As used in ss. 768.16-768.26:

(5)~~(1)~~ "Survivors" means the decedent's spouse, children, parents, and, when partly or wholly dependent on the decedent for support or services, any blood relatives and adoptive brothers and sisters. The term ~~It~~ includes the child born out of



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wedlock of a mother, but not the child born out of wedlock of the father unless the father has recognized a responsibility for the child's support. The term also includes the parents of an unborn child.

(1)~~(2)~~ "Minor children" means children under 25 years of age, notwithstanding the age of majority.

(4)~~(3)~~ "Support" includes contributions in kind as well as money.

(3)~~(4)~~ "Services" means tasks, usually of a household nature, regularly performed by the decedent that will be a necessary expense to the survivors of the decedent. These services may vary according to the identity of the decedent and survivor and must ~~shall~~ be determined under the particular facts of each case.

(2)~~(5)~~ "Net accumulations" means the part of the decedent's expected net business or salary income, including pension benefits, that the decedent probably would have retained as savings and left as part of her or his estate if the decedent had lived her or his normal life expectancy. "Net business or salary income" is the part of the decedent's probable gross income after taxes, excluding income from investments continuing beyond death, that remains after deducting the decedent's personal expenses and support of survivors, excluding contributions in kind.

(6) "Unborn child" means a member of the species *Homo sapiens*, at any stage of development, who is carried in the womb.

Section 2. Section 768.19, Florida Statutes, is amended to read:



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768.19 Right of action.—

(1) When the death of a person is caused by the wrongful act, negligence, default, or breach of contract or warranty of any person, including those occurring on navigable waters, and the event would have entitled the person injured to maintain an action and recover damages if death had not ensued, the person or watercraft that would have been liable in damages if death had not ensued shall be liable for damages as specified in this act notwithstanding the death of the person injured, although death was caused under circumstances constituting a felony.

(2) Notwithstanding any other provision of this act, a wrongful death action for the death of an unborn child may not be brought against the mother of the unborn child or against a medical provider for lawful medical care provided in compliance with the applicable standard of care, including, but not limited to, care related to assisted reproductive technologies as defined in s. 742.13, provided with the consent of the mother.

Section 3. Subsection (4) and paragraph (a) of subsection (6) of section 768.21, Florida Statutes, are amended to read:

768.21 Damages.—All potential beneficiaries of a recovery for wrongful death, including the decedent's estate, shall be identified in the complaint, and their relationships to the decedent shall be alleged. Damages may be awarded as follows:

(4) Each parent of a deceased minor child or an unborn child may also recover for mental pain and suffering from the date of injury. Each parent of an adult child may also recover for mental pain and suffering if there are no other survivors.

(6) The decedent's personal representative may recover for the decedent's estate the following:



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(a) Loss of earnings of the deceased from the date of injury to the date of death, less lost support of survivors excluding contributions in kind, with interest. Loss of the prospective net accumulations of an estate, which might reasonably have been expected but for the wrongful death, reduced to present money value, may also be recovered:

1. If the decedent's survivors include a surviving spouse or lineal descendants; or

2. If the decedent is not a minor child or an unborn child as those terms are defined in s. 768.18 ~~s. 768.18(2)~~, there are no lost support and services recoverable under subsection (1), and there is a surviving parent.

Evidence of remarriage of the decedent's spouse is admissible.

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

And the title is amended as follows:

Delete line 2

and insert:

An act relating to civil litigation; reordering and amending s. 768.18, F.S.; revising the definition of the term "survivors" to include the parents of an unborn child; defining the term "unborn child"; amending s. 768.19, F.S.; prohibiting a right of action against the mother for the wrongful death of an unborn child or against a medical provider for lawful medical care provided in certain circumstances; amending s. 768.21, F.S.; authorizing parents of an unborn child to recover certain damages; prohibiting



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99           the recovery of certain damages if the decedent is an  
100           unborn child; conforming a cross-reference; amending  
101           s.





674920

LEGISLATIVE ACTION

Senate

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House

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The Committee on Rules (Grall) recommended the following:

**Senate Substitute for Amendment (567718) (with title amendment)**

Before line 15

insert:

Section 1. Section 768.18, Florida Statutes, is reordered and amended to read:

768.18 Definitions.—As used in ss. 768.16-768.26:

(5)~~(1)~~ "Survivors" means the decedent's spouse, children, parents, and, when partly or wholly dependent on the decedent for support or services, any blood relatives and adoptive



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brothers and sisters. It includes the child born out of wedlock of a mother, but not the child born out of wedlock of the father unless the father has recognized a responsibility for the child's support. It also includes the parents of an unborn child.

(1)~~(2)~~ "Minor children" means children under 25 years of age, notwithstanding the age of majority.

(4)~~(3)~~ "Support" includes contributions in kind as well as money.

(3)~~(4)~~ "Services" means tasks, usually of a household nature, regularly performed by the decedent that will be a necessary expense to the survivors of the decedent. These services may vary according to the identity of the decedent and survivor and shall be determined under the particular facts of each case.

(2)~~(5)~~ "Net accumulations" means the part of the decedent's expected net business or salary income, including pension benefits, that the decedent probably would have retained as savings and left as part of her or his estate if the decedent had lived her or his normal life expectancy. "Net business or salary income" is the part of the decedent's probable gross income after taxes, excluding income from investments continuing beyond death, that remains after deducting the decedent's personal expenses and support of survivors, excluding contributions in kind.

(6) "Unborn child" has the same meaning as in s. 775.021(5)(e).

Section 2. Section 768.19, Florida Statutes, is amended to read:



674920

768.19 Right of action.—

(1) When the death of a person is caused by the wrongful act, negligence, default, or breach of contract or warranty of any person, including those occurring on navigable waters, and the event would have entitled the person injured to maintain an action and recover damages if death had not ensued, the person or watercraft that would have been liable in damages if death had not ensued shall be liable for damages as specified in this act notwithstanding the death of the person injured, although death was caused under circumstances constituting a felony.

(2) Notwithstanding any other provision of this act, a wrongful death action for the death of an unborn child may not be brought against the mother of the unborn child, or against a health care provider as defined in s. 766.202, for lawful medical care provided in compliance with the applicable standard of care, including, but not limited to, care related to assisted reproductive technologies as defined in s. 742.13, provided with the consent of the mother.

Section 3. Subsection (4) and paragraph (a) of subsection (6) of section 768.21, Florida Statutes, are amended to read:

768.21 Damages.—All potential beneficiaries of a recovery for wrongful death, including the decedent's estate, shall be identified in the complaint, and their relationships to the decedent shall be alleged. Damages may be awarded as follows:

(4) Each parent of a deceased minor child or an unborn child may also recover for mental pain and suffering from the date of injury. Each parent of an adult child may also recover for mental pain and suffering if there are no other survivors.

(6) The decedent's personal representative may recover for



674920

the decedent's estate the following:

(a) Loss of earnings of the deceased from the date of injury to the date of death, less lost support of survivors excluding contributions in kind, with interest. Loss of the prospective net accumulations of an estate, which might reasonably have been expected but for the wrongful death, reduced to present money value, may also be recovered:

1. If the decedent's survivors include a surviving spouse or lineal descendants; or

2. If the decedent is not a minor child or an unborn child as those terms are defined in s. 768.18 ~~s. 768.18(2)~~, there are no lost support and services recoverable under subsection (1), and there is a surviving parent.

Evidence of remarriage of the decedent's spouse is admissible.

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

And the title is amended as follows:

Delete line 2

and insert:

An act relating to civil litigation; reordering and amending s. 768.18, F.S.; reordering, revising, and defining terms; amending s. 768.19, F.S.; prohibiting a right of action against the mother for the wrongful death of an unborn child or against a health care provider for lawful medical care provided in certain circumstances; amending s. 768.21, F.S.; authorizing parents of an unborn child to recover certain damages; prohibiting the recovery of certain damages if the



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decedent is an unborn child; conforming a cross-  
reference; amending s.

By Senator Yarborough

4-01475A-26

20261506\_\_

A bill to be entitled

An act relating to civil litigation; amending s. 768.74, F.S.; revising the criteria that the court must consider in determining whether an award of money damages is excessive or inadequate; making technical changes; providing applicability; reenacting ss. 400.0238(1)(d), 429.298(1)(d), 768.73(1)(d), and 768.735(2)(c), F.S., relating to punitive damages, respectively, to incorporate the amendment made to s. 768.74, F.S., in references thereto; providing an effective date.

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

Section 1. Section 768.74, Florida Statutes, is amended to read:

768.74 Remittitur and additur.—

(1) In any action to which this part applies in which ~~wherein~~ the trier of fact determines that liability exists on the part of the defendant and a verdict is rendered which awards money damages to the plaintiff, ~~it shall be the responsibility of the court must~~, upon proper motion, ~~to~~ review the amount of ~~the such~~ award to determine whether the if such amount is excessive or inadequate in light of the facts and circumstances that which were presented to the trier of fact.

(2) If the court finds that the amount awarded is excessive or inadequate, it must ~~shall~~ order a remittitur or additur, ~~as the case may be.~~

(3) It is the intent ~~intention~~ of the Legislature that

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20261506\_\_

awards of damages be closely scrutinized ~~subject to close scrutiny~~ by the courts and that all ~~such~~ awards be adequate and not excessive.

(4) If the party adversely affected by such remittitur or additur does not agree, the court must ~~shall~~ order a new trial in the cause on the issue of damages only.

(5) In determining whether an award is excessive or inadequate in light of the facts and circumstances presented to the trier of fact and in determining the amount, if any, that the such award exceeds a reasonable range of damages or is inadequate, the court shall consider the following criteria:

(a) Whether the amount awarded is indicative of prejudice, passion, or corruption on the part of the trier of fact;

(b) Whether it appears that the trier of fact ignored the evidence in reaching a verdict or misconceived the merits of the case relating to the amounts of damages recoverable;

(c) Whether the trier of fact took improper elements of damages into account or arrived at the amount of damages by speculation and conjecture;

(d) Whether the amount awarded bears a reasonable relation to the amount of damages proved and the injury suffered; ~~and~~

(e) Whether the amount awarded is supported by the evidence and is such that it could be adduced in a logical manner by reasonable persons;

(f) Whether there is a rational, nonarbitrary connection grounded in the evidence between the injuries suffered and the amount of an award of noneconomic damages; and

(g) Whether the amount of an award of noneconomic damages resulted from references to objects or values that did not have

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59 a rational connection to the facts of the case.

60 (6) It is the intent of the Legislature to vest the trial  
61 courts of this state with the discretionary authority to review  
62 the amounts of damages awarded by a trier of fact in light of a  
63 standard of excessiveness or inadequacy. The Legislature  
64 recognizes that the reasonable actions of a jury are a  
65 fundamental precept of American jurisprudence and that such  
66 actions should be disturbed or modified with caution and  
67 discretion. However, it is further recognized that a review by  
68 the courts in accordance with the standards set forth in this  
69 section provides an additional element of soundness and logic to  
70 our judicial system and is in the best interests of the citizens  
71 of this state.

72 Section 2. This act applies to causes of action pending on  
73 or after July 1, 2026.

74 Section 3. For the purpose of incorporating the amendment  
75 made by this act to section 768.74, Florida Statutes, in a  
76 reference thereto, paragraph (d) of subsection (1) of section  
77 400.0238, Florida Statutes, is reenacted to read:

78 400.0238 Punitive damages; limitation.—

79 (1)

80 (d) This subsection is not intended to prohibit an  
81 appropriate court from exercising its jurisdiction under s.  
82 768.74 in determining the reasonableness of an award of punitive  
83 damages that is less than three times the amount of compensatory  
84 damages.

85 Section 4. For the purpose of incorporating the amendment  
86 made by this act to section 768.74, Florida Statutes, in a  
87 reference thereto, paragraph (d) of subsection (1) of section

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88 429.298, Florida Statutes, is reenacted to read:

89 429.298 Punitive damages; limitation.—

90 (1)

91 (d) This subsection is not intended to prohibit an  
92 appropriate court from exercising its jurisdiction under s.  
93 768.74 in determining the reasonableness of an award of punitive  
94 damages that is less than three times the amount of compensatory  
95 damages.

96 Section 5. For the purpose of incorporating the amendment  
97 made by this act to section 768.74, Florida Statutes, in a  
98 reference thereto, paragraph (d) of subsection (1) of section  
99 768.73, Florida Statutes, is reenacted to read:

100 768.73 Punitive damages; limitation.—

101 (1)

102 (d) This subsection is not intended to prohibit an  
103 appropriate court from exercising its jurisdiction under s.  
104 768.74 in determining the reasonableness of an award of punitive  
105 damages that is less than three times the amount of compensatory  
106 damages.

107 Section 6. For the purpose of incorporating the amendment  
108 made by this act to section 768.74, Florida Statutes, in a  
109 reference thereto, paragraph (c) of subsection (2) of section  
110 768.735, Florida Statutes, is reenacted to read:

111 768.735 Punitive damages; exceptions; limitation.—

112 (2)

113 (c) This subsection is not intended to prohibit an  
114 appropriate court from exercising its jurisdiction under s.  
115 768.74 in determining the reasonableness of an award of punitive  
116 damages which is less than three times the amount of

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117 compensatory damages.

118 Section 7. 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.)

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Prepared By: The Professional Staff of the Committee on Rules

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BILL: SB 1622

INTRODUCER: Senator Rodriguez

SUBJECT: Penalties for Late-filed Disclosures or Statements of Financial Interests

DATE: February 16, 2026

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

| ANALYST    | STAFF DIRECTOR | REFERENCE | ACTION             |
|------------|----------------|-----------|--------------------|
| 1. Cleary  | Roberts        | EE        | <b>Favorable</b>   |
| 2. Hackett | Fleming        | CA        | <b>Favorable</b>   |
| 3. Cleary  | Kruse          | RC        | <b>Pre-meeting</b> |

## I. Summary:

SB 1622 provides a one-time waiver of the automatic fine levied against a reporting individual for a late-filed financial disclosure, if:

- The reporting individual filed his or her financial disclosure late but before the maximum automatic fine accrues for that filing year;
- The reporting person has not in past years accrued the maximum automatic fine for the late filing of a financial disclosure; and
- The reporting person has not previously received in past years a waiver of an automatic fine relating to the late filing of a financial disclosure.

The bill's provisions apply to fines that begin to accrue after September 1, 2026.

The bill takes effect upon becoming law.

## II. Present Situation:

### Commission on Ethics

The Commission on Ethics (Commission) was created by the Legislature in 1974 “to serve as guardian of the standards of conduct” for state and local public officials and employees.<sup>1</sup> The Florida Constitution and state law designate the Commission as the independent commission provided for in s. 8(g), Art. II of the Florida Constitution.<sup>2</sup> Constitutional duties of the Commission consist of conducting investigations and making public reports on all breach of trust

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<sup>1</sup> Florida Commission on Ethics, *Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees*. P. 1., available at <https://ethics.state.fl.us/Documents/Publications/GuideBookletInternet.pdf?cp=2026112> (last visited Feb. 9, 2026).

<sup>2</sup> Section (8)(j)(3), art. II, Fla. Const.; s. 112.320, F.S.

complaints towards public officers or employees not governed by the judicial qualifications commission.<sup>3</sup> In addition to constitutional duties, the Commission, in part:

- Renders advisory opinions to public officials;<sup>4</sup>
- Makes recommendations to disciplinary officials when appropriate for violations of ethics and disclosure laws;<sup>5</sup>
- Administers the Executive Branch Lobbying Registration and Reporting Law;<sup>6</sup>
- Maintains financial disclosure filing of constitutional officers and state officers and employees;<sup>7</sup> and
- Administers automatic fines for public officers and employees who fail to timely file a required annual financial disclosure.<sup>8</sup>

### **Code of Ethics for Public Officers and Employees**

The Code of Ethics for Public Officers and Employees (Code of Ethics)<sup>9</sup> establishes ethical standards for public officials and is intended to ensure that public officials conduct themselves independently and impartially, not using their offices for private gain other than compensation provided by law.<sup>10</sup> The Code of Ethics addresses various issues, such as ethics trainings, voting conflicts, full and public disclosure of financial interests, standards of conduct, and the Commission on Ethics, among others.<sup>11</sup>

### **Disclosure of Financial Interests**

Conflicts of interest may occur when public officials are in a position to make decisions that affect their personal financial interests. To address this concern, public officers and employees, as well as candidates who run for public office, are required to publicly disclose their financial interests, to remind such officials that their obligation is to put the public interest before personal considerations. The financial disclosure requirement also allows citizens the ability to monitor such public officials to ensure that public officials actions are effectuating the public interest, rather than some personal interest.<sup>12</sup>

Although all public officials and candidates are required to file some sort of financial disclosures, they do not all file the same degree of disclosure, nor do they all file at the same

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<sup>3</sup> Section (8)(g), art. II., Fla Const.

<sup>4</sup> Section 112.322(3)(a), F.S.

<sup>5</sup> Section 112.322(2)(b), F.S.

<sup>6</sup> Sections 112.3215, 112.32155, F.S.

<sup>7</sup> Section 112.3144, F.S.

<sup>8</sup> Section 112.3144, F.S.; s. 112.3145, F.S.; s. 112.31455, F.S.

<sup>9</sup> See pt. III. Ch. 112, F.S.

<sup>10</sup> Florida Commission on Ethics, *Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees*. P. 1., available at <https://ethics.state.fl.us/Documents/Publications/GuideBookletInternet.pdf?cp=2026112> (last visited Feb. 9, 2026).

<sup>11</sup> See pt. III. Ch. 112, F.S.

<sup>12</sup> Florida Commission on Ethics, *Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees*. P.14., available at <https://ethics.state.fl.us/Documents/Publications/GuideBookletInternet.pdf?cp=2026112> (last visited Feb. 9, 2026).

time or place.<sup>13</sup> The type of disclosure required depends on the type of public official or employee and the interests the disclosure is designed to protect.

### ***Full and Public Disclosure (Form 6)***

The Florida Constitution requires all elected constitutional officers, candidates for such offices, and statewide elected officers to file a full and public disclosure of their financial interests.<sup>14</sup> Other public officers, candidates, and public employees may be required to file a full and public disclosure of their financial interests as determined by law.<sup>15</sup>

Individuals holding the following positions must presently file a Form 6: governor; lieutenant governor; cabinet members; legislators; state attorneys; public defenders; clerks of circuit courts; sheriffs; tax collectors; property appraisers; supervisors of elections; county commissioners; elected superintendents of schools; district school board members; Jacksonville City Council members (including the mayor); compensation claims judges; the Duval County superintendent of schools; Florida Housing Finance Corporation Board Members; Florida Prepaid College Board Members; and members of each expressway authority, transportation authority (except Jacksonville Transportation Authority), bridge authority, or toll authority created pursuant to ch. 348 or 343, F.S., or any other general law; Florida Commission on Ethics members; and certain local officers (mayors and elected members of the governing body of a municipality).<sup>16</sup>

Under the Florida Constitution, the term “full and public disclosure of financial interests” means the reporting individual must disclose his or her net worth and the value for each asset and liability in excess of \$1,000.<sup>17</sup>

The disclosure must be accompanied by either a sworn statement that identifies each separate source and amount of income that exceeds \$1,000 or a copy of the reporting individual’s most recent federal income tax return.<sup>18</sup> The Florida Constitution expressly provides that the Legislature can change this definition and requirements.<sup>19</sup>

Pursuant to general law, the Commission has created by rule CE Form 6 (Form 6), which is required for filers to use to make the required full and public financial disclosure.<sup>20</sup> Reporting individuals are required to file a Form 6 annually with the Commission by July 1 through the Commission’s electronic filing system.<sup>21</sup>

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

<sup>14</sup> Section 8(a), art. II, Fla. Const.; *see ss. 112.3144(1), F.S.; R. 34-8.002, F.A.C.*

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

<sup>16</sup> The requirement that certain local officers (mayors and elected members of the governing body of a municipality) be required to file a full and public disclosure (Form 6) is currently being challenged in federal and state litigation. *See President of Town Council Elizabeth A. Loper, elected official of the Town of Briny Breezes, et al. v. Lukis et al.* Case: 1:24-cv-20604-JAL, (United States District Court Southern District of Florida); *Town of Briny Breezes, Florida et al. v. Lukis et al.* Case Number 2024 CA 000283, (Fla. 2nd Circ. Ct., Leon County).

<sup>17</sup> Section (8)(j)(1), art. II, Fla. Const.

<sup>18</sup> *See* 11.3144(6)(c) and 7(a), F.S.

<sup>19</sup> Section 8(j)(1), art. II, Fla. Const. (schedule in effect until changed by law).

<sup>20</sup> Section 112.3144(8), F.S.; *see* R. 34-8.002, F.A.C.

<sup>21</sup> Section (8)(j)(1), art. II, Fla. Const.; *see s. 112.3144(2), F.S.; R. 34-8.002, F.A.C.*

The Form 6 requires filers to report their net worth, assets, and liabilities.<sup>22</sup> The filer must report the specific identification and value of each asset which exceeds \$1,000 in value and provide the name and address of the creditor for each liability which exceeds \$1,000 in amount and its amount, and must submit a statement of the value of the reporting person's net worth as of December 31 of the preceding year or more current date.<sup>23</sup>

### ***Statement of Financial Interests (Form 1)***

In addition to provisions governing Form 6, current law provides for a less detailed disclosure of financial interests using the Commission's CE Form 1 (Form 1).<sup>24</sup> A Form 1 was formerly required to be filed by a large group of local officers, including all officers holding elected positions in any political subdivision of the state, other than counties, and specified appointed officers.<sup>25</sup> Other persons required to file a Form 1 include specified state officers and employees and persons seeking to qualify as candidates for these specified state or local offices.<sup>26</sup>

Form 1 requires filers to disclose specified information related to sources of income, real property, intangible personal property, liabilities, and interests in specified businesses.<sup>27</sup> Although no specific dollar values of incomes, property, or liabilities are required to be reported, the filer must report which assets or liabilities exceed certain dollar thresholds.<sup>28</sup> Form 1 filers must disclose: all sources of income in excess of \$2,500, excluding public salary; all sources of income from a business entity that the filer had a material interest in where their gross income was in excess of \$5,000 and in excess of 10% of the business gross income; any property, except for their residence or vacation home, in which the person owns more than 5% of the value of the property; any intangible personal property in excess of \$10,000; and any liability in excess of \$10,000.<sup>29</sup> A Form 1 must be filed annually with the Commission by July 1.<sup>30</sup>

Currently, a local officer<sup>31</sup> must file a Form 1 within 30 days of appointment or commission but then annually by July 1 of each year.<sup>32</sup> State officers, local officers not required to file a Form 6, and specified state employees must file their statements of financial interests (Form 1) with the Commission.<sup>33</sup> Persons seeking to qualify as candidates for local public office must file their

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<sup>22</sup> See s. (8)(j), art. II, Fla. Const.; s. 112.3144(5),(6), F.S.; r. 34-8.004, F.A.C.

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

<sup>24</sup> See s. 112.3145, F.S.; R. 34-8.202, F.A.C.

<sup>25</sup> *Supra*, footnote 16 (the requirement that certain local officers (mayors and elected members of the governing body of a municipality must now file a Form 6, rather Form 1 is currently being challenged in multiple cases).; See s. 112.3145, F.S.; ss. 99.061(5) and 99.061(7)(a)(5), F.S.; R. 34.8.202, F.A.C.

<sup>26</sup> *Id.*; see Florida Commission on Ethics, *Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees*. P. 16-18., available at <https://ethics.state.fl.us/Documents/Publications/GuideBookletInternet.pdf?cp=2026112> (last visited Feb. 9, 2026).

<sup>27</sup> Section 112.3145, F.S.

<sup>28</sup> See s. 112.3145(3)(a)(b), F.S.

<sup>29</sup> Section 112.3145(3)(b), F.S.

<sup>30</sup> Section 112.3145(2)(b), F.S.

<sup>31</sup> As defined in s. 112.3145(1)(b), F.S.

<sup>32</sup> Section 112.3145(2)(b), F.S.

<sup>33</sup> Section 112.3145(2)(d), F.S.

statements of financial interests with the officer before whom they qualify.<sup>34</sup> Individuals required to file a Form 1 must file by 11:59 p.m. on the due date.<sup>35</sup>

### ***Amendments to Form 6 or Form 1***

Instances where a filer has filed a Form 6 or Form 1 with the Commission and a complaint has been submitted against the filer in regards to the filed Form 6 or Form 1, the Commission is required to treat an amendment to a Form 6 or Form 1 by the filer which is filed before September 1 of the year in which the disclosure is due, as part of the original filing, regardless of whether a complaint has been filed.<sup>36</sup> If a complaint is filed against a filer of the Form 6 or Form 1 which contain allegations the commission finds are immaterial, inconsequential, or a de minimis error or omission, the Commission may not take any action on the complaint other than notifying the filer of the complaint.<sup>37</sup> The filer must be given 30 days to file an amendment to the Form 6 or Form 1 correcting any errors.<sup>38</sup> If the filer does not file an amendment to the Form 6 or Form 1 correcting any errors within 30 days after the Commission sends notice of the complaint, the Commission may continue with the proceedings under the Commission's complaint procedures in s. 112.324, F.S.<sup>39</sup>

### ***Penalties for Late Filing of Form 6 and Form 1***

The Commission, not later than August 1 of each year, must determine which persons required to file a Form 1 have failed to do so and must send delinquency notices to these persons.<sup>40</sup> When a reporting individual<sup>41</sup> fails to timely file Form 1 or Form 6 by the required due date, the Commission staff will send a notice by email notifying the delinquent person of the failure to timely file and send notices weekly by email as long as the person remains delinquent.<sup>42</sup>

Filers are given a grace period until September 1, where no investigatory or disciplinary action based on delinquency will be taken if the filer submits the disclosure by September 1.<sup>43</sup>

Upon the Commission determining that the Form 6 or Form 1 has not been filed on the due date, July 1, and has not been filed by the grace period deadline, September 1, the Commission staff must send a notice by email to the filer who files after September 1, or to the filer who fails to file and accrues the maximum fine amount, notifying the filer of the amount of payment due for

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<sup>34</sup> *Id.*

<sup>35</sup> Section 112.3145(8)(d), F.S.

<sup>36</sup> Section 112.3144(11)(a), F.S.; s. 112.3145(11)(a), F.S.

<sup>37</sup> *Id.*

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

<sup>39</sup> *Id.*

<sup>40</sup> Section 112.3145(8)(c), F.S.

<sup>41</sup> See Section 112.1144(9), F.S.; s. 112.3145(9)(c), F.S. (Specifically, for persons holding public office or public employment who fail or refuse to file a Form 6 or Form 1 for any year in which the person received notice from the Commission regarding the failure to file and has accrued the maximum automatic fine authorized, regardless of whether the fine imposed was paid or collected, the Commission **must** initiate an investigation and conduct a public hearing without receipt of a complaint to determine whether the person's failure to file is willful under the procedures of s. 112.324, F.S. If the Commission determines that the person willful failed to file a Form 6 or Form 1 the Commission **must** enter an order recommending that the officer or employee be removed from his or her public office or public employment").

<sup>42</sup> Rule 34-8.011(1), F.A.C.; Rule 34-8.210, F.A.C.

<sup>43</sup> Section 112.3144(8)(c), F.S.; Section 112.3145(8)(c), F.S.

the accrued fine and the filer's right to appeal.<sup>44</sup> The fine for late filing is \$25 per day for each late day, up to a maximum of \$1,500, determined by when the Form 6 or Form 1 is electronically filed on the Commission's electronic filing system.<sup>45</sup>

The fine must be paid within 30 days after the notice of payment due is transmitted, unless appeal is made to the Commission.<sup>46</sup> All fine money must be deposited into the General Revenue Fund.<sup>47</sup>

When a fine is not appealed, or is appealed but is not waived, the Commission will enter a final order and attempt to determine whether the individual owing such fine currently serves as a public officer or employee.<sup>48</sup> If the individual owing the fine is a public officer or employee, the Commission may notify the Chief Financial Officer or the governing body of the appropriate county, municipality, or special district of the total amount of the fine and request salary withholding to recover the fine.<sup>49</sup> If payment of the fine cannot be obtained through salary withholding and the fine remains unpaid for more than 60 days, the Commission may refer the unpaid fine to the appropriate collection agency, as directed by the Chief Financial Officer, to utilize any collection methods provided by law.<sup>50</sup> If the individual owing the fine is no longer a public officer or employee or if the Commission is unable to determine whether the individual is a public officer or employee, the Commission may, six months after the final order, seek garnishment of any wages to satisfy any unpaid portion of the fine.<sup>51</sup>

### *Appeals of Fines*

Any reporting person may appeal or dispute a fine, based upon "unusual circumstances"<sup>52</sup> surrounding the failure to file on the designated due date, and may request and is entitled to a hearing before the Commission, which may waive the fine in whole or in part for good cause shown.<sup>53</sup> A person who chooses to appeal or dispute a fine imposed for the late filing or failure to file Form 6 or Form 1 must file with the Commission a written notice of appeal within 30 days of the date that notice of payment due is transmitted, setting out with specificity the "unusual circumstances" surrounding the failure to file by the due date.<sup>54</sup> A reporting person may submit with the notice of appeal any documentation or evidence supporting his or her claim, which must be received by the Commission no later than 30 days after the date the notice of payment due is

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<sup>44</sup> Rule 34-8.011(2), F.A.C.; Rule 34-8.210(2), F.A.C.

<sup>45</sup> Rule 34-8.011(3), F.A.C.; Rule 34-8.210(3), F.A.C.

<sup>46</sup> Rule 34-8.011(4), F.A.C.; Rule 34-8.210(4), F.A.C.

<sup>47</sup> *Id.*

<sup>48</sup> Rule 34-8.011(5), F.A.C.; Rule 34-8.210(5), F.A.C.

<sup>49</sup> *Id.*

<sup>50</sup> Rule 34-8.011(6), F.A.C.; Rule 34-8.210(6), F.A.C.

<sup>51</sup> Rule 34-8.011(7), F.A.C.; Rule 34-8.210(6), F.A.C.

<sup>52</sup> See Rule 34-8.015(4), F.A.C.; Rule 34-8.215(4), F.A.C. ("Unusual circumstances" means uncommon, rare or sudden events over which the reporting individual had no control and which directly result in the failure to act in accordance with the filing requirements. Circumstances which allow for time in which to take those steps necessary to assure compliance with the filing requirements shall be deemed not to constitute unusual circumstances."); *But see* s. 112.3144(8)(f)2, F.S.; s. 112.3145(8)(f)2, F.S. ("Unusual circumstances" does not include the failure to monitor an e-mail account or failure to receive notice if the person has not notified the commission of a change in his or her e-mail address").

<sup>53</sup> Rule 34-8.015(1), F.A.C.; Rule 34-8.215(1), F.A.C.

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

transmitted.<sup>55</sup> Failure to timely file a notice of appeal constitutes a waiver.<sup>56</sup> A person who seeks a hearing before the Commission must include in the notice of appeal a separate request for hearing.<sup>57</sup> If no separate request for hearing is filed then the Commission will make its determination based on the notice and any supporting information and this determination shall be final agency action.<sup>58</sup>

### ***Automatic Waiver of Fines***

Currently, there are no automatic one-time waiver of fines for a filer who is late for the first time in filing his or her financial disclosure. In contrast, lobbying firms that are required to file timely compensation reports are eligible under the law to receive a one-time waiver for failing to timely file required compensation reports.<sup>59</sup>

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

SB 1622 provides a one-time waiver of the automatic fine levied against a reporting individual for filing his or her Form 6 or Form 1 financial disclosures late with the Commission on Ethics, if:

- The reporting individual filed his or her Form 6 or Form 1 late but before the maximum automatic fine accrued for that filing year;
- The reporting person has not in past years accrued the maximum automatic fine for the late filing of a Form 6 or Form 1; and
- The reporting person has not previously received in past years a waiver of an automatic fine relating to the late filing of a Form 6 or Form 1.

The bill's provisions apply to fines that begin to accrue after September 1, 2026.

The bill takes effect upon becoming law.

## **IV. Constitutional Issues:**

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

None.

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

None.

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

<sup>56</sup> Rule 34-8.015(2), F.A.C.; Rule 34-8.215(2), F.A.C.

<sup>57</sup> Rule 34-8.015(3), F.A.C.; Rule 34-8.215(3), F.A.C.

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

<sup>59</sup> See s. 112.3215(5)(d)4, F.S. ("A fine shall not be assessed against a lobbying firm the first time any reports for which the lobbying firm is responsible are not timely filed. However, to receive the one-time fine waiver, all reports for which the lobbying firm is responsible must be filed within 30 days after the notice that any reports have not been timely filed is transmitted by the Lobbyist Registration Office. A fine shall be assessed for any subsequent late-filed reports").

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:

There may be an indeterminate impact on the revenue collected by the Commission for the late filing fees that go to the General Revenue Fund if all reporting individuals are given a waiver for their first late financial disclosure filing. Although, this may be offset by the cost of man hours and time spent by the Commission in hearing first time appeals and in the effort to collect fines.<sup>60</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 112.3144 and 112.3145.

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<sup>60</sup> See *Legislative Recommendations for 2026, Commission on Ethics* (September 18, 2025), available at <https://www.flsenate.gov/Committees/DownloadMeetingDocument/7839> (The first-time fine waiver for financial disclosures is a recommendation made by the Commission on Ethics. The Commission believes implementing such waiver would increase efficiency by reducing the number of fine appeals Commission staff will have to process and will also comport with the Commission's ultimate goal of achieving a filing by the filer at issue).



**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.

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

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By Senator Rodriguez

40-00762A-26

20261622

1 A bill to be entitled  
 2 An act relating to penalties for late-filed  
 3 disclosures or statements of financial interests;  
 4 amending ss. 112.3144 and 112.3145, F.S.; prohibiting  
 5 the assessment of a fine for a reporting person's  
 6 first late filing of a disclosure or statement of  
 7 financial interests if certain conditions are met;  
 8 providing applicability; providing an effective date.  
 9  
 10 Be It Enacted by the Legislature of the State of Florida:  
 11  
 12 Section 1. Paragraph (f) of subsection (8) of section  
 13 112.3144, Florida Statutes, is amended to read:  
 14 112.3144 Full and public disclosure of financial  
 15 interests.—  
 16 (8) Forms or fields of information for compliance with the  
 17 full and public disclosure requirements of s. 8, Art. II of the  
 18 State Constitution must be prescribed by the commission. The  
 19 commission shall allow a filer to include attachments or other  
 20 supporting documentation when filing a disclosure. The  
 21 commission shall give notice of disclosure deadlines and  
 22 delinquencies and distribute forms in the following manner:  
 23 (f) Except as provided in subparagraph 3., a Any person who  
 24 is required to file full and public disclosure of financial  
 25 interests and whose name is on the commission's list, and to  
 26 whom notice has been sent, but who fails to timely file is  
 27 assessed a fine of \$25 per day for each day late up to a maximum  
 28 of \$1,500; however this \$1,500 limitation on automatic fines  
 29 does not limit the civil penalty that may be imposed if the

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30 statement is filed more than 60 days after the deadline and a  
 31 complaint is filed, as provided in s. 112.324. The commission  
 32 must provide by rule the grounds for waiving the fine and the  
 33 procedures by which each person whose name is on the list and  
 34 who is determined to have not filed in a timely manner will be  
 35 notified of assessed fines and may appeal. The rule must provide  
 36 for and make specific that the amount of the fine due is based  
 37 upon when the disclosure is filed on the electronic filing  
 38 system created and maintained by the commission as provided in  
 39 s. 112.31446.  
 40 1. Upon receipt of the disclosure statement or upon accrual  
 41 of the maximum penalty, whichever occurs first, the commission  
 42 shall determine the amount of the fine which is due and shall  
 43 notify the delinquent person. The notice must include an  
 44 explanation of the appeal procedure under subparagraph 2. Such  
 45 fine must be paid within 30 days after the notice of payment due  
 46 is transmitted, unless appeal is made to the commission pursuant  
 47 to subparagraph 2. The moneys shall be deposited into the  
 48 General Revenue Fund.  
 49 2. Any reporting person may appeal or dispute a fine, based  
 50 upon unusual circumstances surrounding the failure to file on  
 51 the designated due date, and may request and is entitled to a  
 52 hearing before the commission, which may waive the fine in whole  
 53 or in part for good cause shown. Any such request must be in  
 54 writing and received by the commission within 30 days after the  
 55 notice of payment due is transmitted. In such a case, the  
 56 reporting person must, within the 30-day period, notify the  
 57 person designated to review the timeliness of reports in writing  
 58 of his or her intention to bring the matter before the

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commission. For purposes of this subparagraph, "unusual circumstances" does not include the failure to monitor an e-mail account or failure to receive notice if the person has not notified the commission of a change in his or her e-mail address.

3. A fine may not be assessed against a reporting person the first time a full and public disclosure of financial interests for which he or she is responsible for filing is not timely filed if the full and public disclosure of financial interests was filed before the reporting person accrued the maximum automatic fine for that filing year and the reporting person has not previously received a waiver of an automatic fine pursuant to this subparagraph or s. 112.3145(8)(f)3. The automatic fine shall be assessed, however, if the reporting person has in a previous year accrued the maximum automatic fine pursuant to this subparagraph or s. 112.3145(8)(f), or if he or she has previously received a waiver of an automatic fine pursuant to this subparagraph or s. 112.3145(8)(f)3. This subparagraph applies to fines that began to accrue pursuant to this paragraph after September 1, 2026.

Section 2. Paragraph (f) of subsection (8) of section 112.3145, Florida Statutes, is amended to read:

112.3145 Disclosure of financial interests and clients represented before agencies.—

(8) Beginning January 1, 2024, forms for compliance with the disclosure requirements of this section and a current list of persons subject to disclosure must be created by the commission. The commission shall allow a filer to include attachments or other supporting documentation when filing a

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disclosure. Beginning January 1, 2024, the commission shall give notice of disclosure deadlines, delinquencies, and instructions in the following manner:

(f) Except as provided in subparagraph 3., a ~~any~~ person required to file a statement of financial interests whose name is on the commission's list, and to whom notice has been sent, but who fails to timely file is assessed a fine of \$25 per day for each day late up to a maximum of \$1,500; however, this \$1,500 limitation on automatic fines does not limit the civil penalty that may be imposed if the statement is filed more than 60 days after the deadline and a complaint is filed, as provided in s. 112.324. The commission must provide by rule the grounds for waiving the fine and procedures by which each person whose name is on the list and who is determined to have not filed in a timely manner will be notified of assessed fines and may appeal. The rule must provide for and make specific that the amount of the fine is based upon the date and time that the disclosure is filed on the electronic filing system as provided in s. 112.31446.

1. Beginning January 1, 2024, for a specified state employee, state officer, or local officer, upon receipt of the disclosure statement by the commission or upon accrual of the maximum penalty, whichever occurs first, the commission shall determine the amount of the fine which is due and shall notify the delinquent person. The notice must include an explanation of the appeal procedure under subparagraph 2. The fine must be paid within 30 days after the notice of payment due is transmitted, unless appeal is made to the commission pursuant to subparagraph 2. The moneys are to be deposited into the General Revenue Fund.

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117        2. Any reporting person may appeal or dispute a fine, based  
 118 upon unusual circumstances surrounding the failure to file on  
 119 the designated due date, and may request and is entitled to a  
 120 hearing before the commission, which may waive the fine in whole  
 121 or in part for good cause shown. Any such request must be in  
 122 writing and received by the commission within 30 days after the  
 123 notice of payment due is transmitted. In such a case, the  
 124 reporting person must, within the 30-day period, notify the  
 125 person designated to review the timeliness of reports in writing  
 126 of his or her intention to bring the matter before the  
 127 commission. For purposes of this subparagraph, the term "unusual  
 128 circumstances" does not include the failure to monitor an e-mail  
 129 account or failure to receive notice if the person has not  
 130 notified the commission of a change in his or her e-mail  
 131 address.

132        3. A fine may not be assessed against a reporting person  
 133 the first time a statement of financial interests for which he  
 134 or she is responsible for filing is not timely filed if the  
 135 statement of financial interests was filed before the reporting  
 136 person accrued the maximum automatic fine for that filing year  
 137 and the reporting person has not previously received a waiver of  
 138 an automatic fine pursuant to this subparagraph or s.  
 139 112.3144(8)(f)3. The automatic fine shall be assessed, however,  
 140 if the reporting person has in a previous year accrued the  
 141 maximum automatic fine pursuant to this subparagraph or s.  
 142 112.3144(8)(f), or if he or she previously received a waiver of  
 143 an automatic fine pursuant to this subparagraph or s.  
 144 112.3144(8)(f)3. This subparagraph applies to fines that began  
 145 to accrue pursuant to this paragraph after September 1, 2026.

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

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146        Section 3. This act shall take effect upon becoming a law.

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

**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.)

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Prepared By: The Professional Staff of the Committee on Rules

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BILL: CS/SB 1682

INTRODUCER: Appropriations Committee on Agriculture, Environment and General Government and Senator Trumbull

SUBJECT: Local Administration of Vessel Restrictions

DATE: February 16, 2026

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

| ANALYST    | STAFF DIRECTOR | REFERENCE | ACTION             |
|------------|----------------|-----------|--------------------|
| 1. Carroll | Rogers         | EN        | <b>Favorable</b>   |
| 2. Reagan  | Betta          | AEG       | <b>Fav/CS</b>      |
| 3. Carroll | Kruse          | RC        | <b>Pre-meeting</b> |

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

COMMITTEE SUBSTITUTE - Substantial Changes

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## **I. Summary:**

CS/SB 1682 authorizes counties and municipalities to administer laws relating to vessels at risk of becoming derelict, long-term anchoring permits, and derelict vessels within their jurisdictions. Local governments that elect to administer these laws must adopt ordinances and coordinate with the Florida Fish and Wildlife Conservation Commission (FWC).

Local governments that adopt such ordinances may designate code enforcement officers to:

- Determine whether a vessel meets one or more at-risk conditions;
- Investigate, document, and cite long-term anchoring permit violations; and
- Determine whether a vessel is derelict.

The bill specifies that a code enforcement officer's determination or citation is not a criminal finding. Code enforcement officers may support a law enforcement agency, but they may not make criminal determinations or take any action reserved for law enforcement officers. For specified purposes, a code enforcement officer's determination or citation is equivalent to a law enforcement officer's determination or citation. Additionally, local governments must comply with state law and FWC rules before taking corrective action or issuing a citation.

Regarding at-risk or derelict vessels, local governments are not prohibited from coordinating with law enforcement agencies for criminal investigation or prosecution. Regarding long-term

anchoring permits, administrative enforcement by a local government does not preclude parallel enforcement by law enforcement officers.

The bill authorizes the FWC to adopt rules to implement the authorizations.

The bill revises the exemption within Monroe County for which the owner or occupant has established the vessel as a domicile in accordance with s. 222.17, F.S. The exemption for this anchoring limitation area for vessel relocation is changed until at least 60, rather than 100, new moorings are available for public use within one mile of the Key West Bight City Dock

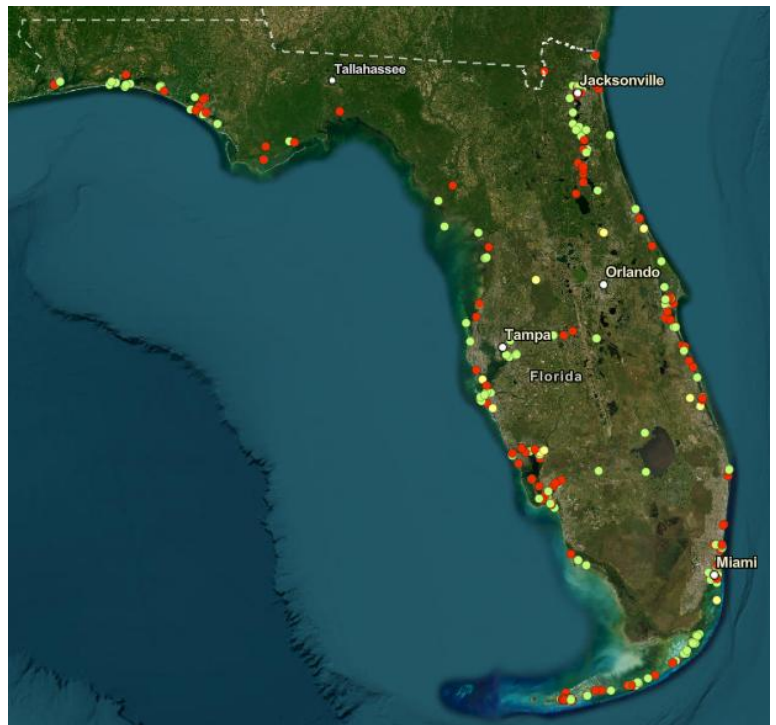
This bill may have a positive fiscal impact because it may hasten the removal process for at risk and derelict vessels. As the condition of a vessel worsens, it becomes more expensive to remove, so removing vessels as early as possible reduces the associated cost. See Section V., Fiscal Impact Statement.

The bill has an effective date of July 1, 2026.

## II. Present Situation:

### Derelict Vessels

Derelict vessels can endanger marine life and habitats, threaten public safety, cause property damage, and create navigational hazards.<sup>1</sup> As of November 2025, there were 365 active cases for derelict vessels.<sup>2</sup>



This map shows the locations of derelict vessels and denotes the status of each vessel. Map courtesy of FWC.

<sup>1</sup> Atkins and Vogel Group, *Florida's Long-Term Stored Vessel Study*, 61 (Sept. 2023), available at <https://myfwc.com/media/longtermstoredvesselstudy.pdf>.

<sup>2</sup> Florida Fish and Wildlife Conservation Commission (FWC), *2025 Boating Legislation Implementation Presentation*, 6 (Oct. 7, 2025), available at <https://www.flsenate.gov/Committees/DownloadMeetingDocument/7816>; The map on this page may be found at the following location: FWC, *Derelict Vessels*, <https://experience.arcgis.com/experience/decfb6b7ca024ac98f6f900d86784d09?views=View-5> (last visited Jan. 21, 2026).

A derelict vessel is a vessel that is in a wrecked,<sup>3</sup> junked,<sup>4</sup> or substantially dismantled<sup>5</sup> condition upon any public waters of this state;<sup>6</sup> at a port in the state without the consent of the agency that has jurisdiction of the port; or docked, grounded, or beached on the property of another without their consent.<sup>7</sup> It is unlawful for a person, firm, or corporation to leave any derelict vessel on waters of this state.<sup>8</sup>

An FWC officer or other law enforcement agency or officer<sup>9</sup> is authorized to relocate, remove, and store a derelict vessel if it obstructs or might obstruct navigation or if it endangers property, persons, or the environment.<sup>10</sup> Law enforcement officers who relocate, remove, and store a derelict vessel are protected from liability for damage to the vessel, unless the damage is the result of gross negligence or willful misconduct.<sup>11</sup>

When a derelict vessel is docked, grounded, or beached on private property without the property owner's consent, the property owner may remove the vessel at the vessel owner's expense 60 days after providing written notice to the vessel owner.<sup>12</sup>

It is a first degree misdemeanor to leave a derelict vessel on waters of the state and a court may order the imposition of a civil penalty in addition to any sentence imposed for the first offense.<sup>13</sup> A conviction will not bar the assessment and collection of a civil penalty.<sup>14</sup> If the owner or responsible party has been convicted of leaving a derelict vessel on waters of the state, they are

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<sup>3</sup> A vessel is wrecked if it is sunken or sinking; aground without the ability to extricate itself absent mechanical assistance; or remaining after a marine casualty, including, but not limited to, a boating accident, extreme weather, or a fire. Section 823.11(1)(b), F.S.

<sup>4</sup> A vessel is junked if it has been substantially stripped of vessel components, if vessel components have substantially degraded or been destroyed, or if the vessel has been discarded by the owner or operator. Attaching an outboard motor to a vessel that is otherwise junked will not cause the vessel to no longer be junked if the motor is not an effective means of propulsion. Section 823.11(1)(b), F.S.

<sup>5</sup> A vessel is substantially dismantled if at least two of the three following vessel systems or components are missing, compromised, incomplete, inoperable, or broken: the steering system, the propulsion system, or the exterior hull integrity. Attaching an outboard motor to a vessel that is otherwise substantially dismantled will not cause the vessel to no longer be substantially dismantled if the motor is not an effective means of propulsion. Section 823.11(1)(b), F.S.

<sup>6</sup> "Waters of this state" are defined as any navigable waters of the United States within the territorial limits of this state, the marginal sea adjacent to this state, and the high seas when navigated as a part of a journey or ride to or from the shore of this state, and all the inland lakes, rivers, and canals under the jurisdiction of this state. Section 327.02(48), F.S.

<sup>7</sup> Section 823.11(1)(b), F.S.

<sup>8</sup> Section 823.11(2), F.S. The term "leave" means to allow a vessel to remain occupied or unoccupied on waters of this state for more than 24 hours.

<sup>9</sup> Law enforcement agencies or officers specified in s. 327.70, F.S., include FWC's Division of Law Enforcement and its officers, sheriffs and their deputies, municipal police officers, and any other law enforcement officer defined in section 943.10, F.S. As defined in section 943.10(1), F.S., a law enforcement officer is any person elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof who is vested with the 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.

<sup>10</sup> Section 823.11(3), F.S.

<sup>11</sup> *Id.*

<sup>12</sup> Section 823.11(5), F.S.

<sup>13</sup> Section 823.11(6), F.S.

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

prohibited from residing or dwelling on the vessel until it is permanently removed.<sup>15</sup> They may reside or dwell on the vessel if it is returned to waters of the state when it is no longer derelict.<sup>16</sup>

### ***Vessels at Risk of Becoming Derelict***

To prevent neglected or deteriorating vessels from reaching a likely and foreseeable state of disrepair, a vessel that is at risk of becoming derelict may not be present on waters of this state.<sup>17</sup>

A vessel may be at risk of becoming derelict if any of the following conditions exist:

- The vessel is taking on or has taken on water without an effective means to dewater;
- Spaces on the vessel that are designed to be enclosed are incapable of being sealed off or remain open to the elements for extended periods of time;
- The vessel has broken loose or is in danger of breaking loose from its anchor;
- The vessel is listing due to water intrusion;
- The vessel does not have an effective means of propulsion and the owner or operator is unable to prove they have ordered the necessary parts for repair;<sup>18</sup> or
- The vessel is tied to an unlawful or unpermitted structure or mooring.<sup>19</sup>

If a vessel does not have an effective means of propulsion, a vessel owner or operator may provide a receipt, proof of purchase, or other documentation showing that the parts necessary to repair the vessel have been ordered.<sup>20</sup>

It is a noncriminal infraction to anchor or moor a vessel at risk of becoming derelict on waters of the state, which is punishable by a civil penalty that increases for subsequent violations.<sup>21</sup> A first offense results in a \$100 fine, a second offense that occurs at least 30 days after the first results in a \$250 fine, and a third or subsequent offense that occurs at least 30 days after the previous offense results in a \$500 fine.<sup>22</sup>

A law enforcement officer may relocate a vessel that is at risk of becoming derelict to a distance greater than 20 feet from mangroves or upland vegetation and is protected from liability for damages caused by relocating the vessel, unless the damage is the result of gross negligence or willful misconduct.<sup>23</sup>

### ***A Vessel Declared a Public Nuisance***

If a vessel is the subject of three or more violations issued because of the same condition of being at risk of becoming derelict within an 24-month period, the vessel may be declared a

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<sup>15</sup> Section 823.11(7), F.S.

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

<sup>17</sup> Section 327.4107(1), F.S.

<sup>18</sup> If the owner or operator is present on the vessel, a law enforcement officer may require a test of the vessel's effective means of propulsion for safe navigation to be conducted immediately. If they are not present on the vessel, they must conduct the test in the presence of law enforcement and within 48 hours after receiving notice. Section 327.4107(2), F.S.

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

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

<sup>21</sup> Section 327.4107(3), F.S.; section 327.73(1)(aa), F.S.

<sup>22</sup> Section 327.73(1)(aa), F.S.

<sup>23</sup> Section 327.4107(4), F.S.



public nuisance.<sup>24</sup> Law enforcement officers may relocate or remove public nuisance vessels from waters of the state and are protected from liability for damage to the vessel, unless the damage is the result of gross negligence or willful misconduct.<sup>25</sup>

### ***Derelict and Public Nuisance Vessel Removal Procedure***

If a law enforcement officer ascertains that a derelict vessel or a vessel declared a public nuisance is present on waters of the state, the officer must place a notice on the vessel stating that the vessel must be removed by the owner within 21 days.<sup>26</sup> The notice must inform the owner or interested parties that they have the right to a hearing to challenge the determination that the vessel is derelict or otherwise in violation of the law. It must also give notice that if the vessel is not removed by the owner, then the owner or responsible party will be liable for the costs of removal, destruction, and disposal.<sup>27</sup>

In addition to posting the notice on the vessel, the law enforcement officer must also mail a copy of the notice to the owner, if the officer is able to determine the owner's name and address after reasonable efforts.<sup>28</sup> If the owner or any interested person has not removed the vessel or requested a hearing within 21 days of the notice being posted and mailed, the law enforcement agency or its designee may:

- Remove, destroy, and dispose of the vessel or authorize another governmental entity or its designee to do so; or
- Authorize the vessel's use as an artificial reef if all necessary authorizations are received.<sup>29</sup>

The owner or responsible party who does not remove the derelict or public nuisance vessel from waters of the state following the receipt of notice will be liable for all costs of removal, storage, destruction, and disposal of the vessel, less any salvage value.<sup>30</sup> The owner or responsible party who refuses to pay these costs will not be issued a certificate of registration for the derelict or public nuisance vessel or any other vessel.<sup>31</sup>

### ***Derelict Vessel Removal Programs***

State law authorizes the FWC to establish a derelict vessel prevention program to address vessels at risk of becoming derelict.<sup>32</sup> The program is not required to, but may include:

- Removing, relocating, and destroying vessels declared a public nuisance, derelict or at risk of becoming derelict, or lost or abandoned;
- Creating a vessel turn-in program that allows the owner of a vessel at risk of becoming derelict to turn over their vessel and title to the FWC to be destroyed without penalty;

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<sup>24</sup> Section 327.73(1), F.S.

<sup>25</sup> *Id.* Gross negligence is defined as "conduct so reckless or wanting in care that it constitutes a conscious disregard or indifference to the safety of the property exposed to such conduct." Willful misconduct is defined as "conduct evidencing carelessness or negligence of such a degree or recurrence as to manifest culpability, wrongful intent, or evil design or to show an intentional and substantial disregard of the interests of the vessel owner." Section 823.11(1)(c) and (d), F.S.

<sup>26</sup> Section 705.103(2)(a)1.b. and 2., F.S.

<sup>27</sup> Section 705.103(2)(a)2., F.S.

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

<sup>29</sup> *Id.*

<sup>30</sup> Section 705.103(4), F.S.

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

<sup>32</sup> Section 327.4107(6), F.S.

- Removing and destroying abandoned vessels;
- Purchasing anchor lines, anchors, and other equipment to secure vessels at risk of becoming derelict; and
- Creating or acquiring moorings designated for securing vessels at risk of becoming derelict.<sup>33</sup>

Pursuant to this authorization, the FWC established the Florida Vessel Turn-In Program, which allows vessel owners who have received a written citation or warning that their vessel is at risk to have the vessel removed, destroyed, and disposed of at no cost to the owner.<sup>34</sup>

Removal of vessels eligible for the Vessel Turn-In Program and local government efforts to remove derelict and public nuisance vessels are funded by grants from the FWC's Derelict Vessel Removal Grant Program.<sup>35</sup>

The Derelict Vessel Removal Grant Program reimburses local governments and other political subdivisions of the state for removing, storing, destroying, and disposing of derelict and at-risk vessels.<sup>36</sup> The grant program allows the FWC to fully reimburse local governments for any eligible vessels in the grant contract.<sup>37</sup>

### **Long-Term Anchoring Permits**

Vessel owners or operators must obtain a long-term, no-cost anchoring permit when engaging in long-term anchoring.<sup>38</sup> Long-term anchoring is anchoring a vessel within one linear nautical mile of a documented anchorage point for 14 days or more within a 30-day period.<sup>39</sup>

FWC-issued permits must include the vessel owner or operator's personal information, as well as information on the vessel itself.<sup>40</sup> The permit also must include where the vessel will be anchored and notice to the owner or operator that the permit may be revoked if the vessel is derelict, at risk of becoming derelict, or in violation of marine sanitation provisions.<sup>41</sup>

A person may obtain more than one permit; each permit is specific to one vessel.<sup>42</sup> A permit must be renewed or updated for each long-term anchoring location and will expire one year from its date of issuance. The bill provides that a permit may be revoked if the permitted vessel is derelict, at risk of becoming derelict, or is operated or occupied on waters of the state in violation of marine sanitation laws.<sup>43</sup>

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

<sup>34</sup> FWC, *Florida Vessel Turn-In Program*, <https://myfwc.com/boating/waterway/vtip/> (last visited Jan. 21, 2026).

<sup>35</sup> *Id.*; FWC, *Derelict Vessel Removal Grant Program*, <https://myfwc.com/boating/grants-programs/derelict-vessel/> (last visited Feb. 20, 2025).

<sup>36</sup> FWC, *Derelict Vessel Removal Grant Program*; FWC, *FWC Derelict Vessel and At-Risk/Public Nuisance Vessel Removal Grant Program Guidelines*, 2 (Sept. 2024), available at <https://myfwc.com/media/nrhfxsj/dv-grant-guidelines.pdf>.

<sup>37</sup> *Id.*

<sup>38</sup> Section 327.4111, F.S.

<sup>39</sup> Section 327.4111(1), F.S.

<sup>40</sup> Section 327.4111(2), F.S.

<sup>41</sup> *Id.*

<sup>42</sup> Section 327.4111(3), F.S.

<sup>43</sup> *Id.* Marine sanitation laws are found in section 327.53, F.S.

A long-term anchoring permit is not required if a vessel is docked at a public or private dock or moored to a permitted mooring buoy.<sup>44</sup> The following vessels are exempt from long-term permitting requirements:

- Vessels owned or operated by a governmental entity for law enforcement, firefighting, military, or rescue purposes;
- Construction or dredging vessels on an active job site;
- Vessels actively engaged in commercial fishing; and
- Vessels engaged in recreational fishing if the persons onboard are actively tending hook-and-line fishing gear or nets.<sup>45</sup>

A person who engages in long-term anchoring without a valid permit commits a noncriminal infraction.<sup>46</sup> The penalty for a first offense is a maximum of \$100.<sup>47</sup> A second offense is a maximum of \$250 and a third or subsequent offense is a maximum of \$500. If a vessel is the subject of three or more violations within a 24-month period that result in dispositions other in acquittal or dismissal, it must be declared a public nuisance.<sup>48</sup>

### **Anchoring Limitation Areas**

State law designates certain densely populated urban areas as anchoring limitation areas.<sup>49</sup> These areas usually have narrow state waterways, residential docking facilities, and significant recreational boating traffic.<sup>50</sup> Counties may create more anchoring limitation areas under certain circumstances.<sup>51</sup> In 2021, Monroe County was designated as an anchoring limitation area within which a vessel on waters of the state may only be anchored in the same location for a maximum of 90 days.<sup>52</sup> This limitation is only effective for Monroe County until the county approves, permits, and opens new moorings for public use, including at least 100 moorings within 1 mile of the Key West Bight City Dock and at least 50 moorings within the Key West Garrison Bight Mooring Field.<sup>53</sup> Until such time, the FWC is required to designate the area within 1 mile of Key West Bright City Dock as a priority for the investigation and removal of derelict vessels.<sup>54</sup>

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

**Section 1** amends s. 327.4107, F.S., to authorize counties and municipalities to identify, provide notice, take corrective action, relocate, remove, store, destroy, or dispose of vessels at risk of becoming derelict within their jurisdictions, pursuant to the amended section, by adopting an ordinance to that effect.

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<sup>44</sup> Section 327.4111(6), F.S.

<sup>45</sup> Section 327.4111(5), F.S.

<sup>46</sup> Section 327.4111(4), F.S.

<sup>47</sup> Section 327.73(1)(gg), F.S.

<sup>48</sup> *Id.*

<sup>49</sup> Section 327.4108, F.S.

<sup>50</sup> *Id.*

<sup>51</sup> *Id.*

<sup>52</sup> Chapter 2021-192, Laws of Fla.

<sup>53</sup> Section 327.4108, F.S.

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

A local government that elects to administer these laws must do so in coordination with the Florida Fish and Wildlife Conservation Commission (FWC).

The bill authorizes a local government that adopts such an ordinance to designate a code enforcement officer<sup>55</sup> to determine whether a vessel meets one or more at-risk conditions.<sup>56</sup>

Regarding the code enforcement officer's determination:

- It is only for administrative abatement purposes;
- It may only be used to initiate notice, corrective action, relocation, storage, disposal, or cost-recovery actions pursuant to laws on vessels at risk of becoming derelict and in accordance with FWC rules; and
- It is not a criminal finding and may not serve as a basis for prosecution under this section or any other criminal violation relating to vessel conditions or derelict vessels.

A local government that adopts an ordinance on vessels at risk of becoming derelict must comply with all notice, documentation, environmental compliance, storage, and recordkeeping requirements established by the FWC and state law before taking corrective action on a vessel. The FWC may provide technical assistance and guidance to the local government.

The authorization does not prohibit a county or municipality from coordinating with law enforcement agencies for criminal investigation or prosecution for violations of vessel safety or public nuisance laws.<sup>57</sup>

Code enforcement officers may support a law enforcement agency by providing documentation, photographs, observations, statements, and other non-law enforcement support, but they may not make criminal determinations or take any action reserved for law enforcement officers in vessel safety laws.<sup>58</sup>

The bill adds that, for any FWC-administered program relating to the prevention, mitigation, removal, relocation, storage, or destruction of at-risk vessels, including the derelict vessel prevention program, a code enforcement officer's designation of a vessel as at risk of becoming derelict must be treated as equivalent to the same designation by a law enforcement officer, provided the county or municipality submits all documentation, photographic evidence, and verification materials required by rule.

The bill authorizes the FWC to adopt rules to implement this authorization. The rules may include procedures for:

- Verifying administrative designations;
- Ensuring statewide consistency in the application of at-risk criteria;
- Maintaining records of corrective actions or removals;
- Providing technical assistance to local governments; and

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<sup>55</sup> A code enforcement officer is defined as “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.” Section 162.21(1), F.S.

<sup>56</sup> See pages 3 and 4 of this analysis.

<sup>57</sup> Specifically, chapters 327 and 823, F.S.

<sup>58</sup> Specifically, chapter 327, F.S.

- Auditing reimbursement or cost-recovery requests.

**Section 2** amends s. 327.4111, F.S., to authorize counties and municipalities to enforce long-term anchoring permits within their jurisdictions by adopting an ordinance to that effect.

A local government that elects to enforce long-term anchoring permits must do so in coordination with the FWC.

The bill authorizes a local government that adopts such an ordinance to designate a code enforcement officer to investigate, document, and cite long-term anchoring permit violations. A citation for permit violations by a code enforcement officer is a noncriminal infraction that:

- May be issued through local code enforcement procedures or the uniform boating citation system, as determined by FWC rule or local ordinance;
- Does not constitute a criminal finding; and
- May only be used for the imposition of civil penalties, corrective actions, or cost recovery authorized under vessel safety laws.

A local government that adopts such an ordinance must comply with all permit verification, documentation, notice, and recordkeeping requirements established by the FWC before a code enforcement officer may issue a citation or take other enforcement action. The FWC may provide technical assistance, training, and guidance to the local government.

The bill provides that administrative enforcement by a local government does not preclude parallel enforcement by law enforcement officers. Additionally, a local government may coordinate with law enforcement agencies for criminal investigation or prosecution for violations of vessel safety or public nuisance laws.

Code enforcement officers may provide documentation, photographs, observations, statements, and other non-law enforcement support to a law enforcement agency, but may not make a criminal determination or take any action reserved for law enforcement officers by vessel safety laws.

The bill further provides that, for any FWC-administered program relating to anchoring regulation, vessel compliance, or public nuisance abatement, a noncriminal infraction citation issued by a code enforcement officer must be treated as equivalent to a uniform boating citation issued by a law enforcement officer, provided the local government submits all documentation, photographic evidence, location data, permit status verification, and other materials required by FWC rule.

The bill authorizes the FWC to adopt rules to implement this authorization. The rules may include procedures for:

- Local designation of code enforcement officers;
- Verifying compliance with permit requirements;
- Ensuring statewide consistency in enforcement criteria;
- Coordinating with the uniform boating citation system;
- Maintaining records of citations and resolutions;

- Providing technical assistance or training to local governments; and
- Auditing any reimbursement or cost-sharing requests.

**Section 3** amends s. 823.11, F.S., to authorize counties and municipalities to identify, remove, store, destroy, or dispose of derelict vessels within their jurisdictions by adopting an ordinance to that effect.

A local government that elects to administer these laws must do so in coordination with the FWC.

The bill authorizes a local government that adopts such an ordinance to designate a code enforcement officer to determine whether a vessel is a derelict vessel. The code enforcement officer's determination is:

- For administrative abatement purposes only and may only be used to initiate notice, removal, disposal, and cost-recovery actions pursuant to the amended section and in accordance with FWC rules; and
- Not a criminal finding and may not serve as a basis for prosecution under the amended section.

A local government that adopts an ordinance must comply with all notice, documentation, storage, and environmental compliance requirements established by the FWC and the amended section before removing or disposing of a vessel. The FWC may provide technical assistance and guidance to the local government.

The bill provides that the authorization does not prohibit a local government from coordinating with law enforcement agencies for criminal investigation or prosecution of violations of vessel safety and public nuisance laws. A code enforcement officer may provide documentation, photographs, observations, statements, and other non-law enforcement support to a law enforcement agency, but may not make criminal determinations or take any action reserved for law enforcement officers.

The bill provides that for purposes of the Derelict Vessel Removal Grant Program administered by the FWC, a designation of a vessel as derelict by a code enforcement officer must be treated as equivalent to the same designation by a law enforcement officer, provided the local government submits all documentation, photographic evidence, location data, permit status verification, and other materials required by FWC rule.

The bill authorizes the FWC to adopt rules to implement this authorization, including procedures for:

- Verifying administrative designations;
- Maintaining records of removals;
- Providing technical assistance to local governments; and
- Auditing reimbursement requests.

The bill makes conforming changes.

**Section 4** amends s. 327.410, F.S., to revise the exemption for vessel relocation from an anchoring limitation area in Monroe County until 60 new moorings are available for public use within one mile of the Key West Bight City Dock. Current law provides that 100 new moorings be available before a vessel is exempt from the vessel relocation requirements.

**Section 5** provides an effective date of 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:

None.

C. Government Sector Impact:

This bill may have a positive fiscal impact because it may hasten the removal process for at risk and derelict vessels. As the condition of a vessel worsens, it becomes more expensive to remove, so removing vessels as early as possible reduces the associated cost.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 327.4107, 327.4111, and 823.11.

**IX. Additional Information:**

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

**CS by Appropriations on Agriculture, Environment and General Government on February 4, 2026:**

The committee substitute revises the exemption of the Monroe County anchoring limitation areas for vessel relocation until at least 60, rather than 100, new moorings are available for public use within one mile of the Key West Bight City Dock.

- B. **Amendments:**

None.



By the Appropriations Committee on Agriculture, Environment, and General Government; and Senator Trumbull

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A bill to be entitled

An act relating to local administration of vessel restrictions; amending ss. 327.4107, 327.4111, and 823.11, F.S.; authorizing counties and municipalities to adopt ordinances to administer, in coordination with the Fish and Wildlife Conservation Commission, certain provisions relating to vessels at risk of becoming derelict, the enforcement of long-term anchoring permit requirements, and derelict and migrant vessels, respectively; authorizing counties and municipalities to designate code enforcement officers for specified purposes; providing that certain determinations made by the code enforcement officers are for administrative purposes only and are not criminal findings; requiring counties and municipalities to comply with specified provisions; authorizing the commission to provide technical assistance and guidance; providing construction; requiring certain designations and actions by code enforcement officers to be treated as equivalent to specified law enforcement actions under certain circumstances; authorizing the commission to adopt rules; amending s. 327.4108, F.S.; revising the exemption from requirements for vessel relocation for certain vessels under certain circumstances; providing an effective date.

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

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

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Section 1. Present subsections (5) and (6) of section 327.4107, Florida Statutes, are redesignated as subsections (6) and (7), respectively, and a new subsection (5) is added to that section, to read:

327.4107 Vessels at risk of becoming derelict on waters of this state.—

(5) A county or municipality may elect to administer, in coordination with the commission, this section relating to the identification, notice, corrective action, relocation, removal, storage, destruction, or disposal of vessels at risk of becoming derelict within its jurisdiction by adopting an ordinance to that effect.

(a) A county or municipality that adopts an ordinance under this subsection:

1. May designate a code enforcement officer as defined in s. 162.21 to determine whether a vessel meets one or more of the at-risk conditions listed in subsection (2). The code enforcement officer's determination is for administrative abatement purposes only and may be used solely to initiate notice, corrective action, relocation, storage, disposal, or cost-recovery actions pursuant to this section and in accordance with rules adopted by the commission. The code enforcement officer's determination is not a criminal finding and may not serve as a basis for prosecution under this section or any other criminal violation relating to vessel conditions or derelict vessels.

2. Shall comply with all notice, documentation, environmental compliance, storage, and recordkeeping requirements established by the commission and this section

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

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before taking corrective action on a vessel. The commission may provide technical assistance and guidance to the county or municipality.

(b) This subsection may not be construed to prohibit a county or municipality from coordinating with law enforcement agencies for purposes of criminal investigation or prosecution relating to violations of this chapter or chapter 823. A code enforcement officer acting pursuant to this subsection may provide documentation, photographs, observations, statements, and other non-law enforcement support to a law enforcement agency, but may not make a criminal determination or take any action reserved for law enforcement officers under this chapter.

(c) For purposes of any commission-administered program relating to the prevention, mitigation, removal, relocation, storage, or destruction of vessels at risk of becoming derelict, including the derelict vessel prevention program authorized under subsection (7), a designation of a vessel as at risk of becoming derelict by a county or municipal code enforcement officer pursuant to this subsection must be treated, if the county or municipality submits all documentation, photographic evidence, and verification materials required by commission rule, as equivalent to such a designation by a law enforcement officer.

(d) The commission may adopt rules to implement this subsection, including procedures for verifying administrative designations, ensuring statewide consistency in the application of at-risk criteria, maintaining records of corrective actions or removals, providing technical assistance to local governments, and auditing reimbursement or cost-recovery

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requests.

Section 2. Present subsections (5) through (9) of section 327.4111, Florida Statutes, are redesignated as subsections (6) through (10), respectively, and a new subsection (5) is added to that section, to read:

327.4111 Long-term anchoring.—

(5) A county or municipality may elect to administer, in coordination with the commission, this section relating to the enforcement of long-term anchoring permit requirements within its jurisdiction by adopting an ordinance to that effect.

(a) A county or municipality that adopts an ordinance under this subsection:

1. May designate a code enforcement officer as defined in s. 162.21 to investigate, document, and cite violations of subsection (4). A citation from a code enforcement officer is a noncriminal infraction punishable as provided in s. 327.73 and may be issued through local code enforcement procedures or the uniform boating citation system under s. 327.74, as determined by commission rule or local ordinance. A citation issued pursuant to this subparagraph does not constitute a criminal finding and may be used solely for the imposition of civil penalties, corrective actions, or cost recovery authorized under this chapter.

2. Shall comply with all permit verification, documentation, notice, and recordkeeping requirements established by the commission before a code enforcement officer may issue a citation or take other enforcement action. The commission may provide technical assistance, training, and guidance to the county or municipality.

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(b) Administrative enforcement under this subsection does not preclude parallel enforcement by law enforcement officers under s. 327.70. This subsection may not be construed to prohibit a county or municipality from coordinating with law enforcement agencies for purposes of criminal investigation or prosecution relating to violations of this chapter or chapter 823. A code enforcement officer acting pursuant to this subsection may provide documentation, photographs, observations, statements, and other non-law enforcement support to a law enforcement agency, but may not make a criminal determination or take any action reserved for law enforcement officers under this chapter.

(c) For purposes of any commission-administered program relating to anchoring regulation, vessel compliance, or public nuisance abatement, a noncriminal infraction citation for a violation of subsection (4) issued by a county or municipal code enforcement officer pursuant to this subsection must be treated, if the county or municipality submits all documentation, photographic evidence, location data, permit status verification, and other materials required by commission rule, as equivalent to a uniform boating citation issued by a law enforcement officer.

(d) The commission may adopt rules to implement this subsection, including procedures for local designation of code enforcement officers, verifying compliance with permit requirements, ensuring statewide consistency in enforcement criteria, coordinating with the uniform boating citation system, maintaining records of citations and resolutions, providing technical assistance or training to counties or municipalities,

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and auditing any reimbursement or cost-sharing requests.

Section 3. Present subsections (6) and (7) of section 823.11, Florida Statutes, are redesignated as subsections (7) and (8), respectively, a new subsection (6) is added to that section, and paragraph (c) of subsection (4) of that section is amended, to read:

823.11 Derelict and migrant vessels; relocation or removal; penalty.—

(4)

(c) The commission may establish a program to provide grants to local governments for the removal, storage, destruction, and disposal of derelict vessels or migrant vessels from the waters of this state. This grant funding may also be used for the removal, storage, destruction, and disposal of vessels declared a public nuisance pursuant to s. 327.73(1)(aa) or the derelict vessel prevention program established pursuant to s. 327.4107(8) ~~s. 327.4107(7)~~. The program must be funded from the Marine Resources Conservation Trust Fund or the Florida Coastal Protection Trust Fund. Notwithstanding s. 216.181(11), funds available for these grants may only be authorized by appropriations acts of the Legislature. In a given fiscal year, if all funds appropriated pursuant to this paragraph are not requested by and granted to local governments for the removal, storage, destruction, and disposal of derelict vessels, migrant vessels, or vessels declared a public nuisance pursuant to s. 327.73(1)(aa) by the end of the third quarter, the Fish and Wildlife Conservation Commission may use the remainder of the funds to remove, store, destroy, and dispose of, or to pay private contractors to remove, store, destroy, and dispose of,

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derelict vessels, migrant vessels, or vessels declared a public nuisance pursuant to s. 327.73(1)(aa). The commission shall adopt by rule procedures for local governments to submit a grant application and criteria for allocating available funds. Such criteria must include, at a minimum, all of the following:

1. The number of derelict vessels and migrant vessels within the jurisdiction of the applicant.

2. The threat posed by such vessels to public health or safety, the environment, navigation, or the aesthetic condition of the general vicinity.

3. The degree of commitment of the local government to maintain waters free of abandoned, derelict, and migrant vessels and to seek legal action against those who abandon vessels in the waters of this state as defined in s. 327.02.

(6) A county or municipality may elect to administer, in coordination with the commission, this section relating to the identification, removal, storage, destruction, or disposal of derelict vessels within its jurisdiction by adopting an ordinance to that effect.

(a) A county or municipality that adopts an ordinance under this subsection:

1. May designate a code enforcement officer as defined in s. 162.21 to determine whether a vessel meets the definition of a derelict vessel as provided in this section for administrative abatement purposes only. The code enforcement officer's determination is not a criminal finding and may not serve as the basis for prosecution under this section. Such determinations may be used solely to initiate notice, removal, disposal, and cost-recovery actions pursuant to this section and in accordance

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with rules adopted by the commission.

2. Shall comply with all notice, documentation, storage, and environmental compliance requirements established by the commission and this section before removing or disposing of a vessel. The commission may provide technical assistance and guidance to the county or municipality.

(b) This subsection may not be construed to prohibit a county or municipality from coordinating with law enforcement agencies for purposes of criminal investigation or prosecution relating to violations of chapter 327 or this chapter. A code enforcement officer acting pursuant to this subsection may provide documentation, photographs, observations, statements, and other non-law enforcement support to a law enforcement agency but may not make a criminal determination or take any action reserved for law enforcement officers under this chapter.

(c) For purposes of the Derelict Vessel Removal Grant Program administered by the commission, a designation of a vessel as derelict by a county or municipal code enforcement officer under this subsection must be treated, if the county or municipality submits the required documentation, photographic evidence, and verification materials in accordance with commission rules, as equivalent to such a designation by a law enforcement officer.

(d) The commission may adopt rules to implement this subsection, including procedures for verifying administrative designations, maintaining records of removals, providing technical assistance to local governments, and auditing reimbursement requests.

Section 4. Paragraph (d) of subsection (3) of section

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233 327.4108, Florida Statutes, is amended to read:  
234 327.4108 Anchoring of vessels in anchoring limitation  
235 areas.—  
236 (3)  
237 (d) A vessel upon the waters of this state and within  
238 Monroe County for which the owner or occupant has established  
239 the vessel as a domicile in accordance with s. 222.17 is exempt  
240 from paragraph (a) until at least 60 ~~100~~ new moorings are  
241 available for public use within 1 mile of the Key West Bight  
242 City Dock. Until such time, the commission shall designate the  
243 area within 1 mile of the Key West Bight City Dock as a priority  
244 for the investigation and removal of derelict vessels.  
245 Section 5. 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.)

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Prepared By: The Professional Staff of the Committee on Rules

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BILL: CS/CS/SB 1724

INTRODUCER: Community Affairs Committee; Regulated Industries Committee; and Senator Martin

SUBJECT: Utility Services

DATE: February 16, 2026

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

|    | ANALYST         | STAFF DIRECTOR | REFERENCE | ACTION             |
|----|-----------------|----------------|-----------|--------------------|
| 1. | <u>Schrader</u> | <u>Imhof</u>   | <u>RI</u> | <u>Fav/CS</u>      |
| 2. | <u>Hackett</u>  | <u>Fleming</u> | <u>CA</u> | <u>Fav/CS</u>      |
| 3. | <u>Schrader</u> | <u>Kruse</u>   | <u>RC</u> | <u>Pre-meeting</u> |

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/CS/SB 1724 revises requirements for municipal utilities that provide water and wastewater, natural gas, or electric services outside their corporate boundaries. The bill amends s. 180.19, F.S., to require, before the agreement becomes effective, that new service agreements be in writing and subject to public input through meetings held within each municipality and unincorporated areas to be served, as well as annual customer meetings thereafter. The section also limits the use of gross utility revenues from such served areas for general government purposes to 10 percent and requires excess revenues, after recovery of actual costs, to be reinvested in the municipal utility or returned to customers.

The bill also amends s. 180.191, F.S., to eliminate, for such served areas, authorized 25 percent surcharges and reduce the allowable rate differential cap from 50 percent to 25 percent above rates charged within the municipality providing service. The bill also requires rate parity under certain circumstances for municipal water and wastewater services.

For such municipal utilities providing services outside of their municipal boundaries, the bill also adds a reporting requirement to the Public Service Commission (PSC), the results of which must be compiled and provided to the Governor, President of the Senate, and the Speaker of the House of Representatives.

The bill has an effective date of July 1, 2026.

## II. Present Situation:

### Florida Public Service Commission

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

### Electric and Gas Utilities

The PSC monitors the safety and reliability of the electric power grid<sup>4</sup> and may order the addition or repair of infrastructure as necessary.<sup>5</sup> The PSC has broad jurisdiction over the rates and service of investor-owned electric and gas utilities<sup>6</sup> (defined as “public utilities” under ch. 366, F.S.).<sup>7</sup> However, the PSC does not fully regulate municipal electric utilities (utilities owned or operated on behalf of a municipality) or rural electric cooperatives. The PSC does have jurisdiction over these types of utilities with regard to rate structure, territorial boundaries, and bulk power supply operations and planning.<sup>8</sup> For municipal gas utilities, the PSC has authority over territorial boundary disputes and agreements.

Municipally-owned utility rates and revenues are regulated by their respective local governments or local utility boards. Rates and revenues for a cooperative utility are regulated by its governing body elected by the cooperative's membership.

### *Municipal Electric and Gas Utilities, and Special Gas Districts, in Florida*

A municipal electric or gas utility is an electric or gas utility owned and operated by a municipality. A “special gas district” is a dependent or independent special district, set up pursuant to ch. 189, F.S., to provide natural gas service.<sup>9</sup> Chapter 366, F.S., provides the majority of electric and gas utility regulations for Florida. While ch. 366, F.S., does not provide a definition, per se, for a “municipal utility,” variations of this terminology and the concept of these types of utilities appear throughout the chapter. Currently, Florida has 33 municipal electric

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<sup>1</sup> Section 350.001, F.S.

<sup>2</sup> See Florida Public Service Commission, *Florida Public Service Commission Homepage*, <http://www.psc.state.fl.us> (last visited Feb. 9, 2026).

<sup>3</sup> Florida Public Service Commission, *About the PSC*, <https://www.psc.state.fl.us/about> (last visited Feb. 9, 2026).

<sup>4</sup> Section 366.04(5) and (6), F.S.

<sup>5</sup> Section 366.05(1) and (8), F.S.

<sup>6</sup> Section 366.05, F.S.

<sup>7</sup> Section 366.02(8), F.S.

<sup>8</sup> Florida Public Service Commission, *About the PSC*, *supra* note 3.

<sup>9</sup> Section 189.012(6), F.S., defines a “special district” as “a unit of local government created for a special purpose, as opposed to a general purpose, which has jurisdiction to operate within a limited geographic boundary and is created by general law, special act, local ordinance, or by rule of the Governor and Cabinet.”

utilities that serve over 14 percent of the state’s electric utility customers.<sup>10</sup> Florida also has 27 municipally-owned gas utilities and four special gas districts.<sup>11</sup>

### **Water and Wastewater Utilities**

Florida’s Water and Wastewater System Regulatory Law, ch. 367, F.S., regulates water and wastewater systems in the state. Section 367.011, F.S., grants the PSC exclusive jurisdiction over each utility with respect to its authority, service, and rates. For the chapter, a “utility” is defined as “a water or wastewater utility and, except as provided in s. 367.022, F.S., includes every person, lessee, trustee, or receiver owning, operating, managing, or controlling a system, or proposing construction of a system, who is providing, or proposes to provide, water or wastewater service to the public for compensation.” In 2024, the PSC had jurisdiction over 153 investor-owned water and/or wastewater utilities in 40 of Florida’s 67 counties.<sup>12</sup>

Section 367.022, F.S., exempts certain types of water and wastewater operations from PSC jurisdiction and the provisions of ch. 367, F.S. (except as expressly provided in the chapter). Such exempt operations include: municipal water and wastewater systems, public lodging systems that only provide service to their guests, systems with a 100-person or less capacity, landlords that include service to their tenants without specific compensation for such service, and mobile home parks operating both as a mobile home park and a mobile home subdivision that provide “service within the park and subdivision to a combination of both tenants and lot owners, provided that the service to tenants is without specific compensation,” and others.<sup>13</sup> The PSC also does not regulate utilities in counties that have exempted themselves from PSC regulation pursuant to s. 367.171, F.S. However, under s. 367.171(7), F.S., the PSC retains exclusive jurisdiction over all utility systems whose service crosses county boundaries, except for utility systems that are subject to interlocal utility agreements.

### ***Municipal Water and Sewer Utilities in Florida***

A municipality<sup>14</sup> may establish a utility by resolution or ordinance under s. 180.03, F.S. A municipality may establish a service area within its municipal boundary or within five miles of its corporate limits of the municipality.<sup>15</sup>

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

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<sup>10</sup> Florida Municipal Electric Association, *About Us*, <https://www.flpublicpower.com/about-us> (last visited Feb. 9, 2026).

<sup>11</sup> Florida Public Service Commission, *2025 Facts and Figures of the Florida Utility Industry*, pg. 14, Apr. 2025 (available at: <https://www.floridapsc.com/pscfiles/website-files/PDF/Publications/Reports/General/FactsAndFigures/April%202025.pdf>).

<sup>12</sup> Florida Public Service Commission, *2025 Facts and Figures of the Florida Utility Industry*, p. 4, <https://www.floridapsc.com/pscfiles/website-files/PDF/Publications/Reports/General/FactsAndFigures/April%202025.pdf> (last visited Feb. 9, 2026).

<sup>13</sup> Section 367.022, F.S.

<sup>14</sup> Defined by s. 180.01, F.S., “as any city, town, or village duly incorporated under the laws of the state.”

<sup>15</sup> Section 180.02, F.S., *see also* s. 180.06, F.S.



The PSC does not have jurisdiction over municipal water and sewer utilities, and as such, has no authority over the rates or territories for such utilities.<sup>16</sup> Municipally-owned water and sewer utility rates and revenues are regulated by their respective local governments, sometimes through a utility board or commission.

### ***Municipal Water and Sewer Utility Rate Setting***

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

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

Section 180.191, F.S., provides limitations on the rates that can be charged to customers outside their municipal boundaries. The first option is that such a municipality may charge the same rates outside as inside its municipal boundaries, but may add a surcharge of not more than 25 percent to those outside the boundaries (s. 180.191(1)(a), F.S., rate design).<sup>17</sup> The fixing of rates, fees, or charges for customers outside of the municipal boundaries, in this manner, does not require a public hearing.

Alternatively, a municipality may charge rates that are just and equitable and based upon the same factors used in fixing the rates for the customers within the boundaries of the municipality. In addition, the municipality may add a 25 percent surcharge (s. 180.191(1)(b), F.S., rate design). When a municipality uses this methodology, the total of all rates, fees, and charges for the services charged to customers outside the municipal boundaries may not be more than 50 percent in excess of the total amount the municipality charges consumers within its municipal boundaries, for corresponding service.<sup>18</sup> Under this scenario, the rates, fees, and charges may not be set until a public hearing is held and the users, owners, tenants, occupants of the property served or to be served, and all other interested parties have an opportunity to be heard on the rates, fees, and charges. Any change in the rates, fees, and charges must also have a public hearing unless the change is applied pro rata to all classes of service, both inside and outside of the municipality.<sup>19</sup>

The provisions of s. 180.191, F.S., may be enforced by civil action. Whenever any municipality violates, or if reasonable grounds exist to believe that a municipality is about to violate, s. 180.191, F.S., an aggrieved party may seek preventive relief, including an application for a

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<sup>16</sup> The PSC can, however, consider municipal water or wastewater utility territory when it is granting or amending a certificate of authority for an investor-owned water or wastewater utility to operate within a county under the PSC's jurisdiction (but it is not bound by such decisions of local government). Section 367.045(5)(b), F.S., provides that, "when granting or amending a certificate of authorization, the commission need not consider whether the issuance or amendment of the certificate of authorization is inconsistent with the local comprehensive plan of a county or municipality unless a timely objection to the notice required by this section has been made by an appropriate motion or application. If such an objection has been timely made, the commission shall consider, but is not bound by, the local comprehensive plan of the county or municipality."

<sup>17</sup> Section 180.191(1)(a), F.S.

<sup>18</sup> Section 180.191(1)(b), F.S.

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

permanent or temporary injunction, restraining order, or other order.<sup>20</sup> A prevailing party under such an action may seek treble damages and, in addition, a reasonable attorney's fee as part of the cost.<sup>21</sup>

***City of Miami Gardens v. City of North Miami Beach***

The Norwood Water Treatment Plant (Norwood Plant), operated by the City of North Miami Beach (NMB), treats and distributes water for North Miami Beach's municipal water and wastewater utility which provides service to customers in NMB and the City of Miami Gardens. Though owned by NMB, the plant is physically located outside of the geographic boundaries of that municipality in what is now, since May 13, 2003,<sup>22</sup> within the geographic boundaries of Miami Gardens.<sup>23</sup>

On January 7, 2003, NMB adopted an ordinance, pursuant to s. 180.191, F.S., increasing the surcharge on its water and wastewater customers residing outside of its municipal boundaries. On May 22, 2017, NMB entered into an agreement for a private entity to maintain, repair and manage the Norwood Plant; however, NMB retained ownership of the plant.<sup>24</sup>

In December of 2018, Miami Gardens brought a class action lawsuit, which sought to represent not only itself, but also its residents who purchase water from the Norwood Plant. In part, Miami Gardens sought a declaratory judgment seeking the answers to three questions:

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

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

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

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<sup>20</sup> Section 180.191(2), F.S.

<sup>21</sup> Section 180.191(4), F.S.

<sup>22</sup> Miami Gardens was incorporated on May 13, 2003.

<sup>23</sup> *City of Miami Gardens v. City of N. Miami Beach*, 346 So. 3d 648, 650–51 (Fla. 3d DCA 2022). The City of North Miami Beach operated the Norwood Plant before the City of Miami Gardens was incorporated.

<sup>24</sup> *Id.* at 651.

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

- Sovereign immunity.<sup>26</sup>

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

- Sovereign immunity did not bar the claims of Miami Gardens. The court found that sovereign immunity did not apply in this matter since s. 180.191(4), F.S., clearly provides a financial damages remedy for actions pursuant to s. 180.191, F.S. In addition, the court found that sovereign immunity did not apply to refunds of previously paid illegal fees;
- Miami Gardens' allegation that an NMB-owned water treatment plant, contracted to be operated by a private party, was not entitled to assess a 25 percent surcharge on non-NMB residents, was sufficient to state a claim under s. 180.191, F.S.; and
- The matter was not moot, even though, since October 30, 2019, NMB had removed the surcharges for the services supplied to the City of Miami Gardens itself (but not for other residential and business customers) and, as of August 6, 2020, NMB had terminated its contract with the private entity operating the plant. The court found that Miami Gardens and its class still had a case and controversy as to whether it, and its residents, were due a refund and that the cessation of the surcharge was not permanent.<sup>27</sup>

On January 16, 2025, the trial court issued a final order approving a settlement that pays \$9 million to Miami Gardens and its class from NMB.<sup>28</sup>

### III. Effect of Proposed Changes:

**Section 1** of the bill amends s. 180.19, F.S., to place additional requirements on when municipal water and wastewater, natural gas, and electric utilities may permit any other municipality and the owners or association of owners of lots or lands outside of its corporate limits or within the limits of any other municipality, to connect with or use such utilities. The section requires new agreements to provide such service be in writing.<sup>29</sup> In addition, the agreement may not become effective until an appointed representative<sup>30</sup> of the municipality providing or intending to provide the utility service (serving municipality), has participated in a public meeting in conjunction with the governing body<sup>31</sup> of each municipality and unincorporated area to be served (receiving entities). Such meeting:

- Need not be a separate public meeting;
- Must be held within each receiving entity;
- Is to be held for the purposes of providing information and soliciting public input on:
  - The nature of the services to be provided or changes to the services being provided;

<sup>26</sup> *Id* at 653.

<sup>27</sup> *Id* at 653-58.

<sup>28</sup> *City of Miami Gardens v. City of North Miami Beach*, No. 2018-042450-CA-01 (Fla. 11th Cir. Ct. Jan. 16, 2025)(final order and judgment approving settlement agreement).

<sup>29</sup> The section applies to any “new agreement, or an extension, renewal, or material amendment of an existing agreement, to provide electric, water, or sewer utility service at retail.”

<sup>30</sup> The section defines “appointed representative” as “an executive-level leadership employee of a municipality, or of such municipality’s related and separate utility authority, board, or commission, specifically appointed by the governing body to serve as its representative for the purposes of this subsection.”

<sup>31</sup> The section defines “governing body” as the “governing body of a municipality in which services are provided or proposed to be extended; or the board of county commissioners of a county in which services are provided or proposed to be extended, if services are provided or proposed to be extended in an unincorporated area within the county.”

- The rates, fees, and charges to be imposed for the services provided or intended to be provided, including any differential with the rates, fees, and charges imposed for the same services on customers located within the boundaries of the serving municipality, the basis for the differential, and the length of time that the differential is expected to exist;
- The extent to which revenues generated from the provision of the services will be used to fund or finance nonutility government functions or services; and
- Any other matter deemed relevant by the serving municipality and receiving entities.

For municipal water and wastewater utilities, the rates charged by the serving municipality to the receiving entities must comply with the requirements of s. 180.191, F.S.

In addition to the initial meeting specified above, the section also requires an annual customer meeting to be conducted by a representative of the serving municipality, in conjunction with the receiving entities, within each receiving entity. The purpose of this meeting is to solicit public input on utility-related matters—including fees, rates, charges, and services.

**Section 2** of the bill amends s. 180.191(1)(a), F.S., limiting, for municipal water and wastewater utilities, surcharges assessed from serving municipalities to receiving entities. For s. 180.191(1)(a), F.S., rate design, the section eliminates the authorized 25 percent surcharge on rates, fees, and charges. For s. 180.191(1)(b), F.S., rate design, the section also eliminates the authorized 25 percent surcharge. However, a municipal water or wastewater utility may continue to impose the surcharge on consumers outside the municipal boundaries to the extent necessary to comply with the terms of any bond covenants in effect as of July 1, 2024. Such surcharges must be phased out upon the retirement, expiration, or refinancing of such applicable debt obligations.

In addition, the section amends the provision establishing a cap on the total of all rates, fees, and charges assessed to customers of a receiving entity. The amendment reduces the cap from no more than 50 percent in excess of the total rates, fees, and charges assessed to consumers within the boundaries of the receiving municipality for corresponding services, to no more than 25 percent in excess of those amounts.

**Section 3** creates s. 180.192, F.S., initiating a reporting requirement for serving municipalities providing electric, natural gas, water, or wastewater service to receiving entities. The section requires serving municipalities to provide a report for each type of utility service it provides, to the PSC, disclosing:

- The number and percentage of customers that receive utility services provided by the serving municipality at a location outside the boundaries of the municipality;
- The volume and percentage of sales made to such customers, and the gross revenues generated from such sales; and
- Whether the rates, fees, and charges imposed on customers that receive services at a location outside the municipality's boundaries are different than the rates, fees, and charges imposed on customers within the boundaries of the municipality, and, if so, the amount and percentage of the differential.

The report is due to the PSC by January 1, 2028, and then annually thereafter. After receipt of said reports, the PSC, by March 31, 2028 (and annually thereafter), must compile this

information and submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

The section clarifies that the PSC's authority provided in the bill to require annual reports from municipal electric, water, and wastewater utilities is limited solely to that reporting requirement. In addition, it provides that the section does not modify or extend the authority of the PSC otherwise provided by law with respect to any municipal utility that is required to comply pursuant to the reporting requirement provided in the section.

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

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

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

Subsection (b) of Art. VII, s. 18 of the Florida Constitution provides that except upon approval of each house of the Legislature by two-thirds vote of the membership, the Legislature may not enact, amend, or repeal any general law if the anticipated effect of doing so would be to reduce the authority that municipalities or counties have to raise revenue in the aggregate, as such authority existed on February 1, 1989. However, the mandates requirements do not apply to laws having an insignificant impact,<sup>32</sup> which is \$2.4 million or less for Fiscal Year 2026-2027.<sup>33</sup>

The bill eliminates, for municipal water and wastewater utilities providing services outside of its corresponding municipal boundaries, a 25 percent surcharge it may charge to such customers. In addition, the bill, under certain circumstances, reduces the amount such utilities may charge such persons over-and-above what it charges customers located within its corresponding municipal boundaries. If the anticipated effect of this provision is a significant reduction in a municipality's ability to raise revenue, the bill requires approval by two-thirds vote of the membership of both chambers of the legislature.

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

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

None.

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<sup>32</sup> 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 Feb. 9, 2026).

<sup>33</sup> 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 Feb. 9, 2026).

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Municipal utility customers that are located outside the municipality that operates the utility may see utility rate, fee, and charge reductions for such services.

C. Government Sector Impact:

Municipal governments that operate a municipal utility that serves customers that are located outside of the municipality other than the municipality that operates the utility, may see a reduction in utility revenue under the provisions of the bill. In addition, such governments may see an increase in regulatory and administrative costs in complying with the meeting and reporting requirements of the bill.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 180.19 and 180.191.  
This bill creates the following sections of the Florida Statutes: 180.192.

**IX. Additional Information:**

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

**CS/CS by Community Affairs on February 10, 2026:**

The CS returns municipal natural gas utilities to fall under the bill's provisions.

**CS by Regulated Industries on February 3, 2026:**

The committee substitute amended SB 1724 in the following ways:

- Removed municipal natural gas utilities from the bill's provisions.
- Removed a provision that limited the amount of gross municipal utility revenues that may be used for general government purposes.
- Removed a provision requiring rate, fee, and charge parity when a municipal water or wastewater utility provides service to another municipality using a facility or water or sewer plant located within the second municipality.
- Provided that a municipal water or wastewater utility may continue to impose a surcharge on consumers outside the municipal boundaries only to the extent necessary to comply with the terms of bond covenants in effect as of July 1, 2024. Such surcharges must be phased out upon retirement, expiration, or refinancing of the applicable debt obligation.
- Clarified that the PSC's authority provided in the bill to require annual reports from municipal electric, water, and wastewater utilities is limited solely to that reporting requirement.
- Made technical revisions.

- B. **Amendments:**

None.

By the Committees on Community Affairs; and Regulated Industries; and Senator Martin

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1 A bill to be entitled  
 2 An act relating to utility services; amending s.  
 3 180.19, F.S.; requiring that a new agreement, or an  
 4 extension, renewal, or material amendment of an  
 5 existing agreement, to provide certain utility  
 6 services at retail be in writing; requiring that  
 7 certain public meetings be held as a condition  
 8 precedent to the effectiveness of a new or extended  
 9 agreement under which a municipality will provide  
 10 specified utility services in other municipalities or  
 11 unincorporated areas; specifying requirements for such  
 12 public meetings; requiring rates, fees, and charges  
 13 imposed for water or sewer utility services to comply  
 14 with specified provisions; requiring a representative  
 15 from certain municipalities to annually conduct public  
 16 customer meetings; providing requirements for such  
 17 meetings; defining the terms "appointed  
 18 representative" and "governing body"; amending s.  
 19 180.191, F.S.; revising provisions relating to  
 20 permissible rates, fees, and charges imposed by  
 21 municipal water and sewer utilities on consumers  
 22 located outside the municipal boundaries; authorizing  
 23 a municipality to continue to impose a surcharge on  
 24 certain consumers for a specified purpose; requiring  
 25 the phase-out of such surcharges upon retirement,  
 26 expiration, or refinancing of the applicable debt  
 27 obligation; creating s. 180.192, F.S.; requiring  
 28 municipalities that provide specified utility services  
 29 to report certain information by a specified date, and

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30 annually thereafter, to the Florida Public Service  
 31 Commission; requiring the commission to compile such  
 32 information and submit a report by a specified date,  
 33 and annually thereafter, to the Governor and the  
 34 Legislature; authorizing commission jurisdiction over  
 35 specified utilities; providing construction; providing  
 36 effective dates.

37  
 38 Be It Enacted by the Legislature of the State of Florida:

39  
 40 Section 1. Subsection (3) is added to section 180.19,  
 41 Florida Statutes, to read:

42 180.19 Use by other municipalities and by individuals  
 43 outside corporate limits.—

44 (3) (a) A new agreement, or an extension, renewal, or  
 45 material amendment of an existing agreement, to provide  
 46 electric, water, natural gas, or sewer utility service at retail  
 47 pursuant to subsection (1) must be in writing. Such agreement  
 48 may not become effective before an appointed representative of  
 49 the municipality that provides the service or intends to provide  
 50 the service, in conjunction with the governing body of each  
 51 municipality and unincorporated area served or to be served, has  
 52 participated in a public meeting. Such meeting is not required  
 53 to be a separate public meeting, but it must be held within each  
 54 municipality and unincorporated area served or to be served for  
 55 purposes of providing information and soliciting public input  
 56 on:

57 1. The nature of the services to be provided or changes to  
 58 the services being provided;

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2. The rates, fees, and charges to be imposed for the services provided or intended to be provided, including any differential with the rates, fees, and charges imposed for the same services on customers located within the boundaries of the serving municipality, the basis for the differential, and the length of time that the differential is expected to exist;

3. The extent to which revenues generated from the provision of the services will be used to fund or finance nonutility government functions or services; and

4. Any other matter deemed relevant by the parties to the agreement.

(b) Rates, fees, and charges imposed for water or sewer utility services provided pursuant to subsection (1) must comply with s. 180.191.

(c) A representative of each municipality that provides electric, water, natural gas, or sewer utility services pursuant to subsection (1), in conjunction with the governing body of each municipality and unincorporated area in which it provides services, shall annually conduct a public customer meeting. Such meeting is not required to be a separate public meeting, but must be held within each municipality and unincorporated area for purposes of soliciting public input on utility-related matters, including fees, rates, charges, and services.

(d) As used in this subsection, the term:

1. "Appointed representative" means an executive-level leadership employee of a municipality, or of such municipality's related and separate utility authority, board, or commission, specifically appointed by the governing body to serve as its representative for the purposes of this subsection.

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2. "Governing body" means a:

a. Governing body of a municipality in which services are provided or proposed to be extended; or

b. Board of county commissioners of a county in which services are provided or proposed to be extended, if services are provided or proposed to be extended in an unincorporated area within the county.

Section 2. Subsection (1) of section 180.191, Florida Statutes, is amended to read:

180.191 Limitation on rates charged consumer outside city limits.—

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

(a) It may charge the same rates, fees, and charges as consumers inside the municipal boundaries. ~~However, in addition thereto, the municipality may add a surcharge of not more than 25 percent of such rates, fees, and charges to consumers outside the boundaries.~~ Fixing of such rates, fees, and charges in this manner ~~may shall~~ not require a public hearing except as may be provided for service to consumers inside the municipality.

(b) It may charge rates, fees, and charges that are just and equitable and which are based on the same factors used in fixing the rates, fees, and charges for consumers inside the municipal boundaries. ~~In addition thereto, the municipality may add a surcharge not to exceed 25 percent of such rates, fees, and charges for said services to consumers outside the~~

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boundaries. ~~However, the total of all~~ Such rates, fees, and charges for the services to consumers outside the boundaries may ~~shall~~ not be more than ~~25 50~~ percent in excess of the rates, fees, and charges total amount the municipality charges consumers served within the municipality for corresponding service. ~~No~~ Such rates, fees, and charges may not ~~shall~~ be fixed until after a public hearing at which all of the users of the water or sewer systems; owners, tenants, or occupants of property served or to be served thereby; and all others interested shall have an opportunity to be heard concerning the proposed rates, fees, and charges. Any change or revision of such rates, fees, or charges may be made in the same manner as such rates, fees, or charges were originally established, but if such change or revision is to be made substantially pro rata as to all classes of service, both inside and outside the municipality, no hearing or notice shall be required.

(c) Notwithstanding paragraphs (a) and (b), a municipality may continue to impose a surcharge on consumers outside the municipal boundaries only to the extent necessary to comply with the terms of bond covenants in effect as of July 1, 2024. Such surcharges must be phased out upon retirement, expiration, or refinancing of the applicable debt obligation.

Section 3. Effective July 1, 2027, section 180.192, Florida Statutes, is created to read:

180.192 Reporting requirements related to municipal utility service.—

(1) By January 1, 2028, and annually thereafter, each municipality that provides electric, water, natural gas, or sewer utility services outside of its municipal boundaries shall

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provide a report to the Florida Public Service Commission which identifies, for each type of utility service provided by the municipality:

(a) The number and percentage of customers that receive utility services provided by the municipality at a location outside the boundaries of the municipality;

(b) The volume and percentage of sales made to such customers, and the gross revenues generated from such sales; and

(c) Whether the rates, fees, and charges imposed on customers that receive services at a location outside the municipality's boundaries are different than the rates, fees, and charges imposed on customers within the boundaries of the municipality, and, if so, the amount and percentage of the differential.

(2) By March 31, 2028, and annually thereafter, the commission shall compile the information provided pursuant to subsection (1) and submit a report containing that information to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(3) Notwithstanding s. 367.171, the commission shall have jurisdiction over all utilities identified in subsection (1) for the limited purpose of enforcing the requirements of this section. This section does not otherwise modify or extend the authority of the commission provided by law with respect to any municipal utility that is required to comply with subsection (1).

Section 4. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2026.